

**MINUTES OF THE REGULAR MEETING OF THE MAYOR & COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON APRIL 3, 2017 AT BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM**

Mayor Robert Schaffer called the meeting to order at 8:07 p.m. and led the meeting with a flag salute.

**OPENING STATEMENT:**

Mayor Schaffer announced that the meeting of this date is being held in compliance with the Open Public Meetings Act of the State of New Jersey and that adequate notice of same was given in writing to *The Record*, *The Star Ledger*, and that notice of same was also posted on the Borough Hall bulletin board as required.

The Borough Clerk called the Roll Call of the Mayor and Council:

**Present:** Mayor Schaffer, Councilwoman Bresnak, Councilman Johnsen, Councilman Mender, Councilman Cumiskey and Councilman Pontone

**Also Present:** Robert T. Regan, Esq., Borough Attorney; Marcella Giampiccolo, Borough Clerk, William J. McGuire, Administrator, Kunjesh Trivedi, CFO and Gary Higgins, Borough Auditor.

**Absent:** Councilman Hansen

The Mayor stated he would go out of order on the agenda to accommodate the Borough Auditor.

**OLD BUSINESS:**

Resolution 2017-26 was presented.

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BOROUGH OF ROCKLEIGH  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 2017-26

Resolution Re: Waiver of Reading in Full of the 2017 Budget

WHEREAS, N.J.S. 40A:4-8 permits that the Budget as advertised may be read by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

a) be posted in a public place where public notices are customarily posted and at the free public library, and

b) is made available to each person requesting the same during said week and during the public hearing, and

WHEREAS, the Borough of Rockleigh has complied with the aforesaid requirements.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body, the reading in full of the 2017 Budget be dispensed with.

Introduced by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Approved: April 3, 2017

ATTEST:

\_\_\_\_\_  
Borough Clerk

Motion offered by Councilman Cumiskey, seconded by Councilman Pontone to accept Resolution 2017-26 as presented. The Roll Call vote was recorded as follows:  
AYES: Bresnak, Johnsen, Mender, Cumiskey, Pontone  
NAYS: None  
ABSENT: Hansen  
ABSTAIN: None  
The Motion passed.

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Resolution 2017-27 was presented.

**BOROUGH OF ROCKLEIGH  
BERGEN COUNTY, NEW JERSEY  
RESOLUTION NO. 2017-27**

Resolution Re: Self Examination of Budget Resolution

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Rockleigh has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2017 budget year.

**NOW, THEREFORE, BE IT RESOLVED**, by the governing body of the Borough of Rockleigh that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget.
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated;
  - b. Items of appropriations are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Introduced by \_\_\_\_\_

Seconded by \_\_\_\_\_

Approved: April 3, 2017

ATTEST

\_\_\_\_\_  
Borough Clerk

\_\_\_\_\_  
Mayor

Motion offered by Councilman Mender, seconded by Councilman Pontone to accept Resolution 2017-27 as presented. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Cumiskey, Pontone

NAYS: None

ABSENT: Hansen

ABSTAIN: None

The Motion passed.

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The Mayor announced the second reading and public hearing on the 2017 Municipal Budget. Mr. Higgins provided a synopsis of the budget document. An average home should be going down about \$500.00 on the municipal side and the town is now without debt. The Mayor also commented that the school budget also is down approximately 8%. Mr. Higgins stated Rockleigh conducted self-examination of the budget. A Motion to open the meeting to the public as to the 2017 Municipal Budget was offered by Councilman Pontone, seconded by Councilman Cumiskey. All Councilmembers present voted in the affirmative. The Motion passed. The Mayor announced for the Record that no one in the public came forward. Motion to close the meeting to the public was offered by Councilman Cumiskey, seconded by Councilman Pontone. All Councilmembers present voted in the affirmative. The Motion passed. Resolution 2017-28 to adopt the 2017 Municipal Budget was presented. A Motion was offered by Councilman Pontone, seconded by Councilman Mender to approve the 2017 Municipal Budget. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Hansen

ABSTAIN: None

The Motion passed.

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Mr. Higgins briefly summarized the purpose of adopting the CAP Ordinance. The Second Reading and Public Hearing for the Borough of Rockleigh Calendar Year 2017 Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish a CAP Bank was presented for discussion.

**BOROUGH OF ROCKLEIGH  
BERGEN COUNTY, NEW JERSEY  
CALENDAR YEAR 2017 ORDINANCE TO EXCEED  
THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A-4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5%

unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Rockleigh in the County of Bergen finds its advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 3.5% increase in the budget of said year, amount to \$20,266 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW, THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Rockleigh, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2017 budget year, the final appropriations of the Borough of Rockleigh shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$20,266, and that the 2017 municipal budget for the Borough of Rockleigh be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

\* \* \* \* \*

Without further discussion, a Motion was offered by Councilman Pontone, seconded by Councilman Cumiskey to open the meeting to the public as to the CAP Ordinance only. All Councilmembers present voted in the affirmative. The Motion passed. No public came forward. A Motion was offered by Councilman Pontone, seconded by Councilman Cumiskey to close the meeting to the public. All Councilmembers present voted in the affirmative to close the meeting to the public. Motion offered by Councilman Pontone, seconded by Councilman Cumiskey to approve the CAP Ordinance as presented. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Pontone, Cumiskey  
NAYS: None

ABSENT: Hansen  
ABSTAIN: None  
The Motion passed.

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**NEW BUSINESS:**

Mr. Higgins presented the Report of the 2016 Audit. Mr. Higgins summarized the Audit for the Governing Body and outlined three (3) audit recommendations. Discussion took place regarding those recommendations, specifically regarding old grant reserves and what the Borough could spend those funds on in the future. Mr. Higgins noted the General Comments were not significant and not extreme. In addition, a prior recommendation to review old escrow trust funds was discussed and the Auditor asked that additional attempts to return those funds be made. The CFO will review the recommendations and prepare the necessary resolution to cancel old balances. At this time a Motion was offered by Councilman Pontone, seconded by Councilman Mender to adopt Resolution 2017-31 regarding the Governing Body Certification Of The Annual Audit:

**BOROUGH OF ROCKLEIGH, BERGEN COUNTY, NEW JERSEY  
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
FORM OF RESOLUTION**

MOTION:

SECOND:

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2016 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, and in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Rockleigh, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON \_\_\_\_\_.

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Clerk

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Motion offered by Councilman Pontone, seconded by Councilman Mender to accept the Certification of the Annual Audit for 2016. The Roll Call Vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Pontone, Cumiskey

NAYS: None

ABSENT: Hansen

ABSTAIN: None

The Motion passed.

The Group Affidavit was distributed for signatures of the Governing Body. Mr. Higgins reported all of the statutory budget items for 2017 for the Borough were complete. The Mayor and Council thanked Mr. Higgins who then exited the meeting.

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**MINUTE APPROVAL:**

Minutes from the March 6, 2017 Regular Meeting were presented for approval. No discussion took place. A Motion was offered by Councilman Cumiskey, seconded by Councilman Mender to accept the March 6, 2017 Regular Meeting Minutes as presented. All Councilmembers present voted in the affirmative, except Councilman Pontone, who abstained from the vote, to accept the Minutes as presented. The Motion passed.

Minutes from the March 6, 2017 Closed Session Meeting were handed out by the Clerk and presented for approval. Following review of the Closed Session minutes and no discussion, a Motion was offered by Councilman Cumiskey, seconded by Councilman Johnsen to approve the March 6, 2017 Closed Session minutes. All Councilmembers present voted in the affirmative, except Councilman Pontone and Councilwoman Bresnak, who did not read the Closed Session minutes and abstained from the vote, to accept the Minutes as presented. The Motion passed.

**COMMITTEE REPORTS:**

Discussion continued from the March 6th Mayor and Council meeting regarding the request for the installation of new "No Littering" signs. Mr. McGuire distributed designs of several types of signs consistent with the Code. The Council agreed to language that read "No littering-Max.Fine \$2,000-Sec.1.5 Borough Code". Signs will be placed at each entrance into town. Councilwoman Bresnak asked to have the DPW straighten out several bent town signs. No other Committee Reports were presented.

**CONTINUATION OF NEW BUSINESS:**

Resolution 2017-30 was presented for consideration.

MOTION:

SECOND:

**RESOLUTION (2017-30)**

**Approve the Tonnage Grant Report and Application for 2017**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing the municipality to apply for such tonnage grants (for calendar year 2016) will memorialize the commitment of the municipality to recycling and to indicate the assent of the Rockleigh Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates



William J. McGuire, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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Motion offered by Councilman Cumiskey, seconded by Councilman Mender to approve Resolution 2017-30 as presented. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Pontone, Cumiskey

NAYS: None

ABSENT: Hansen

ABSTAIN: None

The Motion passed.

The Mayor returned to OLD BUSINESS. Resolution 2017-19 was presented for consideration. Mayor Schaffer reported on his conversation with the Borough Engineer regarding the issue of installing Belgium block curbing along Rockleigh Road. The Mayor reported that the law is ambiguous and that the NJDOT does not recommend laying block on a 45 degree angle. Discussion took place regarding the pros and cons about laying Belgium block on an angle. The CFO stated that since the Change Order was already at 20%, no additional funds could be added to this project. The Council agreed that since there was a probability of increased cost to lay block on an angle, the original design of the project would stand. The following resolution was now before the Council:

2017 R 2017-29

CHANGE ORDER #1 RESOLUTION -  
+19.99%, \$19,502.50 INCREASE FOR THE  
ROCKLEIGH ROAD IMPROVEMENTS, MA-2015

By: Councilmember \_\_\_\_\_ Second: \_\_\_\_\_

Be it resolved by the Mayor and Council of the Borough of Rockleigh, Bergen County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

**TITLE OF JOB:** Rockleigh Road Improvements Project (Section 3) – MA-2015

**CONTRACTOR:** D&L Paving Contractors, Inc., 681 Franklin Avenue, Nutley, N.J. 07110

**CHANGE ORDER N°:** 1

**AMOUNT OF CHANGE THIS RESOLUTION:** Increase: +19.99%, \$19,502.50

AMOUNT OF CHANGE TO DATE: Increase: +19.99%, \$19,502.50

REASON FOR CHANGE: Supplemental – Negotiated prices for the installation of additional curb within project limits.

Extra – Adjustment of Quantities to install additional curb within project limits (Item 16).

Reduction – None.

NEA FILE: RKLGMUN16.014

This Resolution to take effect upon certification of this Resolution by the Town Treasurer that sufficient funds are available.

ADOPTED:

I certify that the Council adopted the foregoing Resolution on: (Date) \_\_\_\_\_

\_\_\_\_\_  
Marcella Giampiccolo, Borough Clerk

I hereby certify that funds are available in the line item 06-0215-55-2017-002, fund code Capital Fund.

Certified: \_\_\_\_\_  
Treasurer

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Motion offered by Councilman Pontone, seconded by Councilman Cumiskey to approve Resolution 2017-29, Change Order #1 approving +19.99% \$19,502.50 Increase for the Rockleigh Road Improvements, MA-2015. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Pontone, Cumiskey

NAYS: None

ABSENT: Hansen

ABSTAIN: None

The Motion passed.

**CONTINUATION OF NEW BUSINESS:**

Mayor Schaffer asked the Council to consider a request made by the Jewish Home at Rockleigh for a Waiver of Application Fees in connection with their current applications being heard by the Planning Board. Discussion followed. Discussion

took place. It was made clear that the fees being waived are not associated with any building department fees or construction related fees, nor escrow deposits. The Application fees amount to \$1,300.00 that would be waived. At the end of that discussion, a Motion was offered by Councilman Pontone, seconded by Councilman Mender to agree to waive the Application fees applicable to the Rockleigh Planning Board applications being filed on behalf of the Jewish Home. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Hansen

ABSTAIN: None

The Motion passed.

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Municipal Court fines were acknowledged. No Police Report for March 2017 was available. No discussion took place.

**FINANCIAL BUSINESS/PAYMENT OF CLAIMS:**

The Bill List dated April 3, 2017 was presented for approval. Brief discussion took place regarding an entry on the Bill List. A Motion was offered by Councilman Mender, seconded by Councilman Johnsen, to approve the Bill List dated April 3, 2017, noting the total claims and accounts amounting to \$44,265.59 is paid and that checks be issued therefore, in accordance with established procedure, upon confirmation from the Borough Treasurer/CFO that sufficient monies are available to pay said obligations. No further discussion took place. The Roll Call vote was recorded as follows:

AYES: Bresnak, Johnsen, Mender, Pontone, Cumiskey

NAYS: None

ABSENT: Hansen

ABSTAIN: None

The Motion passed.

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At this time a Motion was offered by Councilman Pontone, seconded by Councilman Mender to open the meeting to the public. All Councilmembers present voted in the affirmative to open the meeting to the public. The Motion passed. Katie and Martin Jacobsen came forward presenting a recent property survey of their property (located at 49 Piermont Road). The Jacobsen's restated their request from a few months ago, to install a fence on their property as well as a portion of Borough owned property nearby. Mr. Regan stated that additional legal research was needed regarding this request and suggested that appropriate escrow funds be submitted for legal and possible engineering fees.

**ATTORNEY REPORT:** None.

**CORRESPONDENCE:** Mayor Schaffer commented on the correspondence distributed this evening regarding the 2017 Bergen County Open Space Trust Fund applications. It was the consensus of the Councilmembers present not to pursue this matter.

No further business came before the Governing Body. A Motion was offered by Councilman Pontone seconded by Councilwoman Cumiskey to adjourn the meeting. All Councilmembers present voted in the affirmative and the meeting was adjourned. The Motion passed.

Respectfully submitted,

A handwritten signature in blue ink that reads "Marcella Giampiccolo". The signature is written in a cursive style with a large initial 'M' and 'G'.

Marcella Giampiccolo, RMC  
Borough Clerk