

MINUTES OF THE RE-ORGANIZATION MEETING OF THE MAYOR & COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON JANUARY 4, 2016 AT BOROUGH HALL, 26 ROCKLEIGH RD., ROCKLEIGH NJ AT 8 PM

Mayor Robert Schaffer called the meeting to order 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*, and that notice of same was also posted on the Borough Hall bulletin board as required.

STATEMENT OF ELECTION READ/ADMINISTRATION OF OATH OF OFFICE:

Robert T. Regan, an Attorney in the State of New Jersey administered the Oath of Office to Councilman Mender and Councilwoman Bresnak. Congratulations were offered.

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

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

Also Present: Robert T. Regan, Esq., Borough Attorney, Marcella Giampiccolo, Borough Clerk, and Kunjesh Trivedi, CFO/Tax Collector.

Absent: Councilwoman Ewald and Borough Administrator William McGuire.

The Mayor called for a Motion to appoint the Borough Professionals (Resolution No. 2016-1) as follows:

RESOLUTION OF THE BOROUGH OF ROCKLEIGH AUTHORIZING THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES PURSUANT TO N.J.S.A. 19:44A-20.5

WHEREAS, the Borough has a need for professional services from various professionals as set forth below to be provided in accordance with contracts pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough's Chief Financial Officer has determined and certified in writing that the value of the services to be provided by each of the professionals may exceed \$17,500.00 for each professional; and

WHEREAS, the anticipated term of each professional's contract is one year; and

WHEREAS, Robert T. Regan, Esq., Rogut McCarthy LLC, Neglia Engineering Associates, Lerch, Vinci & Higgins and Gregory G. Dietrich have submitted proposals setting forth that each will provide its services at a cost as set forth in each one's proposal previously forwarded to the Clerk of the Borough:

Robert T. Regan, Esq., as Borough Counsel
Rogut McCarthy LLC, as Bond Counsel
Neglia Engineering as Borough Engineer

Neglia Engineering Associates as Planner on an as-needed basis
Lerch, Vinci & Higgins as Auditor
Gregory G. Dietrich as Historian on an as-needed basis

WHEREAS, each of said professionals has completed and submitted a Business Entity Disclosure Certification which certifies that it has not made any reportable contributions to a political or candidate committee or to an elected official in the Borough of Rockleigh in the previous one year, and that each contract will prohibit it from making any reportable contributions through the term of the contract; and

WHEREAS, as set forth in the Certification of Funds from the Borough's Chief Financial Officer, funds are available for this purpose.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Rockleigh as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Borough of Rockleigh hereby authorizes the Mayor to enter into a contract with each of the following professionals as described herein.

Robert T. Regan, Esq., as Borough Counsel
Rogut McCarthy LLC, as Bond Counsel
Neglia Engineering as Borough Engineer
Neglia Engineering Associates as Planner on an as-needed basis
Lerch, Vinci & Higgins as Auditor
Gregory G. Dietrich as Historian on an as-needed basis

3. The Business Disclosure Entity Certification and the Determination of Value for each professional be placed on file with this Resolution.

4. A copy of this Resolution shall be available for public inspection at the offices of the Borough of Rockleigh.

5. This resolution shall take effect immediately.

Following no discussion, a Motion was offered by Councilman Cumiskey, seconded by Councilman Mender and approved by all Councilmembers by Roll Call vote:

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed

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Mayor Schaffer opened the floor for nominations for the position of Council President 2016. Councilwoman Bresnak offered a nomination of Frank Cumiskey. Councilman Mender seconded that nomination for Councilman Frank Cumiskey as Council President and without further discussion, the floor was closed to nominations for Council President and a Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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The Consent Agenda Resolutions were presented for consideration: Designation of Official Depositories, Interest on Delinquent Taxes, Official Publications, Continuance of Petty Cash Fund and the 2016 Borough Holiday Schedule.

RESOLUTION (2016-2)

Re: DESIGNATION OF OFFICIAL DEPOSITORIES:

The following banking institutions be designated as official depositories for the monies of the Borough of Rockleigh during the year 2016, and that the Mayor, Borough Clerk and Treasurer/CFO be authorized as signatories for the accounts therein, and that the Council President be designated to sign checks in the absence of any one of the above signatories, and further that the signatories for the Borough Payroll Account be designated as the Borough Treasurer/CFO, or in his absence the Borough Clerk:

- The Bank of New Jersey, Harrington Park, New Jersey
- PNC Bank, Northvale to be the depository for the Municipal Court of Rockleigh Fine Account; Municipal Court of Rockleigh Bail Account and the Municipal Court of Rockleigh Park Offense Adjudication Act Account (POAAA)

RESOLUTION (2016-3)

Re: Interest On Delinquent Taxes

- WHEREAS, the Mayor and Council of the Borough of Rockleigh set the rate of interest on delinquent taxes at 8% per annum for the first \$1,500.00 of the delinquency, and 18% per annum on any amount in excess of \$1,500.00, with the interest for ten days after the due date at the daily rate of .0000021%, and;
- BE IT FURTHER RESOLVED, that after the ten day grace period, interest reverts back to the due date at the rate of 8%, on the first \$1,500.00, and;
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- BE IT FURTHER RESOLVED, that the Tax Collector is hereby authorized to assess a penalty in the amount of \$50.00 for checks received for which there are insufficient funds.

RESOLUTION (2016-4)

Re: Official Publication

WHEREAS, *The Record*, published in Rockaway, New Jersey and serving Bergen County be designated as the official newspaper of the Borough to receive all notices of meetings as required under the Open Public Meetings Act of the State of New Jersey, and to publish legal notices of the Borough, and that *The Star Ledger* also be designated to receive all notice of meetings so required by law to publish legal ads when it is deemed expedient.

RESOLUTION (2016-5)

Re: **Continuance of Petty Cash Fund**

WHEREAS, Title 40A of the New Jersey Statutes requires remittance of all petty cash funds be returned to the office of the Treasurer at the end of each year; and

WHEREAS, Title 40A:5-21 established petty cash funds upon approval by the Director of Local Government; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Treasurer be and he is directed and authorized to issue warrants to the following to establish the 2016 Petty Cash Fund:

BOROUGH CLERK – Marcella Giampiccolo

\$250.00

RESOLUTION (2016-6)

BOROUGH OF ROCKLEIGH

2016 HOLIDAYS-BOROUGH HALL CLOSED

<u>HOLIDAY</u>	<u>DAY OBSERVED</u>
New Year's Day	Friday, January 1, 2016
Martin Luther King Jr. Day	Monday, January 18, 2016
President's Day	Monday, February 15, 2016
Good Friday	March 25, 2016
Memorial Day	Monday, May 30, 2016
Independence Day	Monday, July 4, 2016
Labor Day	Monday, September 5, 2016
Columbus Day	Monday, October 10, 2016
Veteran's Day	Friday, November 11, 2016
Thanksgiving Day	Thursday, November 24, 2016
Day after Thanksgiving Day	Friday, November 25, 2016
Christmas Day (In Observance)	Monday, December 26, 2016

A Motion was offered by Councilman Pontone, seconded by Councilman Johnsen and approved by all Councilmembers voting in the affirmative by Roll Call vote as follows:

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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Mayor Schaffer called for a Motion as to the appointment of Council Committees, 2016 as follows:

• ***Public Works*** –

Chair: Councilman MENDER; Members: Johnsen & Cumiskey

• ***Building/Historic Liaison***–

Chair: Councilman JOHNSEN, Members: Bresnak & Ewald

• ***Public Safety***–

Chair: Councilman JOHNSEN, Members: Pontone & Cumiskey

Finance–

Chair: Councilman PONTONE; Members: Mender & Cumiskey

A Motion was offered by Councilman Johnsen, seconded by Councilman Pontone and approved without discussion by all Councilmembers present. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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Resolutions 2016-7 and 2016-8 regarding the Municipal Court Services and the Appointment of the Municipal Court Judge as per the Shared Services Agreement with the Borough of Northvale were presented for consideration.

BOROUGH OF ROCKLEIGH RESOLUTION (2016-7)

RE: 2016 Rockleigh Court

WHEREAS, inasmuch as the Borough of Rockleigh will share court services with the Borough of Northvale, as part of the Agreement regarding sharing Northvale's police services, the following court-related appointments be approved, each for a one-year appointment, at compensation provided for by Northvale under the Agreement with Rockleigh:

- Maria T. Doerr Certified Municipal Court Admin.
- Diane Frohlich Deputy Court Admin. & Violations Clerk
- Mark P. Fierro Prosecutor
- Jordan D. Yuelys Public Defender

BOROUGH OF ROCKLEIGH (2016-8)

Re: RESOLUTION APPOINTING THE JUDGE OF THE MUNICIPAL COURT

WHEREAS, N.J.S.A. 2B:12-4 provides for the appointment of a judge of the municipal court for a term of three (3) years; and

WHEREAS, pursuant to an Agreement entered into with the Borough of Northvale dated November 10, 2010, the Borough of Northvale provides municipal court services to the Borough of Rockleigh; and

WHEREAS, the Rockleigh Municipal Court offices are located at the Borough of Northvale Municipal Court; and

WHEREAS, pursuant to paragraph 3c of the aforesaid Agreement, the respective municipalities are required to appoint the same individual as municipal court judge; and

WHEREAS, the Borough of Northvale has reappointed Judge Roger A. Hauser as Municipal Court Judge for a three (3) year term from January 1, 2016 to December 31, 2018.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby reappoint Roger A. Hauser as Municipal Court Judge for the identical three (3) year term from January 1, 2016 to December 31, 2018; and

BE IT FURTHER RESOLVED that a copy of the within resolution shall be forwarded to Judge Roger A. Hauser and to the Borough Clerk of the Borough of Northvale.

Without discussion a Motion offered by Councilman Pontone, seconded by Councilman Mender and approved by all Councilmembers present voting by Roll Call vote to adopt resolutions 2016-7 and 2016-8.

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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Mayor Schaffer called for a Motion regarding the appointment of the Borough Officials for 2016:

RESOLUTION 2016-9

RE: 2016 APPOINTMENT/BOROUGH OFFICIALS:

RESOLUTION to confirm appointment of the following individuals as Borough Officials for the year 2016:

Borough Administrator (annual)	William J. McGuire
Deputy Borough Administrator (annual)	Marcella Giampiccolo
Deputy Borough Clerk (annual)	William J. McGuire
Administrative Assistant	Linda Grove
Municipal Housing Liaison	William J. McGuire
Deputy Registrar (annual)	William J. McGuire
Borough Historian	Douglas Johnsen
Fire Chief, on recommendation by Rockleigh Fire Department (annual)	Michael Malhame
Fire Inspector (annual)	William J. McGuire
Alternate Fire Inspector (annual)	Kenneth Shepard
Zoning Official (annual)	William J. McGuire

A Motion approving Resolution 2016-9 was offered by Councilman Mender, seconded by Councilwoman Bresnak and approved by all Councilmembers present. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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A Motion was offered by Councilman Johnsen, seconded by Councilman Mender to approve the appointment of Frank Cumiskey as Class III Member to the Rockleigh Planning Board until December 31, 2016 and approved by all Councilmembers by Roll Call vote as follows:

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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Mayor Schaffer made the following appointments to the Rockleigh Planning Board:

Planning Board appointments by Mayor Schaffer:

- **Class II** Member (from the Historical Preservation Commission) for One Year Term expiring on December 31, 2016 (**Ted Brack**)
- Planning Board **Class IV** Member for a four year term to expire on December 31, 2019. (**Paul Van Dyke**)
- Planning Board **Alternate I Class IV** Member (reappointment) for a two year term to expire on December 31, 2017. (**Dimitrios Venetsanos**)
- Planning Board **Alternate II Class IV** Member for a one year term to expire on December 31, 2016 (**Ellie Mender**)

Mayor Schaffer called for a Motion regarding the Appointments to Rockleigh Boards and Commissions.

RESOLUTION 2016-10

Re: Rockleigh Borough Board and Commission Appointments

BE IT RESOLVED the following appointments by the Mayor and ratified by the Council of the following town residents to the following Boards and Commissions:

- Planning Board Class II Member from the Historic Preservation Commission for a one year term to expire on December 31, 2016 (Ted Brack)
- Planning Board Class III Member from the Borough Council for a one year term to expire on December 31, 2016. (Frank Cumiskey)
- Planning Board Class IV Member (reappointment) for a four year term to expire on December 31, 2019. (Paul Van Dyke)
- Planning Board Alternate Class IV Member (reappointment) for a two year term to expire on December 31, 2017 (Dimitrios Venetsanos)
- Planning Board Alternate Class IV Member (reappointment) for a one year term to expire on December 31, 2016 (Ellie Mender)
- Historic Preservation Commission, Alt. Member No. 1, Class "C" Member (reappointment) for a for a two year term to expire on December 31, 2017 (Virginia Day)
- Board of Health Member (reappointment) to a three year term to expire on December 31, 2018 (Zen Schaller)
- Board of School Estimate Member Robert R. Schaffer (reappointment) for a one year term to expire on December 31, 2016.
- Board of School Estimate Member James Pontone (reappointment) for a one year term to expire on December 31, 2016.
- Board of School Estimate Member (reappointment) Shirl Ewald for a one year term to expire on December 31, 2016.
- Rockleigh Sewerage Authority Member (reappointment) for a five year term to expire on January 31, 2020 (Frank Cumiskey)
- Rockleigh Sewerage Authority Member for a five year term to expire on January 31, 2020 (Claire Feulner), effective February 1, 2016.
- Bergen County Division of Community Development Representatives: Mayor, Robert Schaffer and Administrator, William J. McGuire.
- Board of School Estimate: Robert R. Schaffer, James Pontone and Shirl Ewald, each for a one year term to expire on December 31, 2016.

A Motion to approve the 2016 Board and Commission members was offered by Councilman Pontone, seconded by Councilman Johnsen and approved by all Councilmembers voting in the affirmative upon Roll Call vote as follows:

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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FINANCIAL REPORT:

The CFO reported the income the Borough received from the State from recycling collection. This income pays the recycling coordinator salary. In addition, the Council commented that all new residents should be issued new garbage cans. The 2016 Temporary Budget was presented and discussed with the Governing Body.

Acc#	Account Name	Temp 2016 Budget
1201-01	Administration SW	\$ 25,500.00
1202-01	Administration OE	\$ 12,240.00
1203-112	Municipal Clerk OE	\$ 459.00
1301-01	Financial SW	\$ 4,056.34
1302-01	Financial OE	\$ 703.80
1352-01	Financial Audit	\$ 6,181.20
1451-01	Tax Collector SW	\$ 3,060.00
1452-01	Tax Collector OE	\$ 1,392.30
1501-01	Tax Assessment SW	\$ 3,060.00
1502-01	Tax Assessment OE	\$ 6,426.00
1562-01	Legal Services	\$ 10,200.00
1652-01	Engineering Service	\$ 3,060.00
1752-01	Historic Commission	\$ 1,530.00
1802-01	Planning Board OE	\$ 10,200.00
1951-01	Construction SW	\$ 9,180.00
2001-01	Construction OE	\$ 153.00
2001-01	Plumbing Subcode OE	\$ 1,020.00
2011-01	Fire Subcode SW	\$ 1,632.00
2021-01	Zoning Official SW	\$ 1,224.00
2031-01	Electrical Subcode SW	\$ 1,530.00
2102-01	Liability Insurance	\$ 11,220.00
2152-01	Worker's Comp Insurance	\$ 5,100.00
2153-01	Employee Health Insurance	\$ 7,140.00
2252-01	Unemployment Disability	\$ 500.00
2402-01	Police Northvale	\$ 75,000.00
2522-01	Emergency Medical	\$ 153.00
2602-01	Volunteer Ambulance	\$ 1,836.00
2632-01	Fire Hydrant Services	\$ 7,140.00
2651-01	Fire SW	\$ 2,800.00
2662-01	Uniform Safety Act	\$ 3,250.00
2682-01	Fire OE	\$ 3,700.00
2902-01	Streets and Roads OE	\$ 15,000.00
3011-01	Building & Grounds SW	\$ 1,351.30
3012-01	Building & Grounds OE	\$ 8,160.00
3052-01	Garbage Trash Removal	\$ 5,550.00
3301-01	Board of Health SW	\$ 1,500.00
3302-01	Board of Health OE	\$ 2,700.00
3402-01	Dog Regulation	\$ 150.00
3702-01	Parkland Maint	\$ 150.00
3902-01	Aid to public library	\$ 300.00
4202-050	Celebration of Public Events	\$ -

4352-01	street lighting	\$ 4,100.00
4650-20	Recycling Tax	\$ -
4712-020	Pension PERS	\$ 23,457.96
4722-01	Social Security	\$ 6,000.00
4730-00	Reserve for Tax Appeals	\$ 15,300.00
1200-01	Rockleigh Sewer Clerk	\$ 4,100.00
1300-02	Rockleigh Sewer Finance	\$ 4,100.00
9202-01	debt services	\$ 41,000.00
9302-02	debt services interest	\$ 2,040.00
9402-00	Green Trust Loan	\$ 75,000.00
		\$ -
		\$ -
		\$430,605.89

A Motion was offered by Councilman Johnsen, seconded by Councilman Cumiskey to adopt the 2016 Temporary Budget (resolution 2016-11). The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Mender, Johnsen, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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The Mayor asked the Council for a meeting date to discuss the 2016 Municipal Budget. The introduction of the 2016 Municipal budget will be March 7, 2016 and the public hearing and adoption is scheduled for April 4, 2016. It was the consensus of the Mayor and Council to advertise a Special Meeting for budget discussion on February 9, 2016 at 7:00.

At this time the Mayor commented it was necessary for the Governing Body to enter into Closed Session to discuss contractual coverage issues. Mr. Regan read aloud the resolution as follows:

RESOLUTION TO ENTER INTO CLOSED SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss item relating to contractual coverage issues, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that at 8:20 p.m. on Monday, January 4, 2016 the Governing Body determined to exclude members of the public to discuss the aforesaid items; and

BE IT FURTHER RESOLVED that the proceedings relative to the Closed Session may be made public as such time as the Governing Body determines the Borough's interests may not be adversely affected.

Motion offered by Councilman Cumiskey, seconded by Councilman Pontone to enter into Closed Session. All Councilmembers present voted in the affirmative. The Motion passed.

Upon returning to the regular session of the Re-Organization meeting, the Mayor continued with the New Business listed on the meeting agenda. Ordinance 2016-1 was presented. Discussion ensued regarding Ordinance 2016-1. At the conclusion of that discussion, the Councilmembers present agreed to change permitted work hours from 7 a.m. to 8 a.m. on weekdays and also agreed to later hours on the weekends. Mr. Regan stated for the record the following amendment to the draft ordinance to read as follows:

a. Construction and Maintenance. The excavation, construction, grading, paving, demolition, alteration or repair of or on any property, premises, street or building and the operation or use of any power lawnmower or other internal landscaping equipment, including but not limited to leaf blowers, vacuums, golf course maintenance equipment or chainsaws shall be permitted to occur on weekdays between 8:00 a.m. and 6:00 p.m., on Saturdays from 8:00 a.m. to 5:00 p.m., and on Sundays and legal holidays from 10:00 a.m. to 5:00 p.m. In case of urgent public necessity in the interest of public safety, work may be permitted at such other hours as may be determined by the Mayor or other delegated authority.

**BOROUGH OF ROCKLEIGH
ORDINANCE NO. 2016-1**

AN ORDINANCE TO AMEND CHAPTER IX OF THE CODE OF THE BOROUGH OF ROCKLEIGH ENTITLED, "BUILDING AND CONSTRUCTION".

BE IT ORDAINED by the Mayor and Council of the Borough of Rockleigh, in the County of Bergen, and State of New Jersey as follows:

SECTION 1.

Chapter IX of the Code of the Borough of Rockleigh, Building and Construction, be and is hereby amended to add the following new Section and the Subsections hereinafter set forth:

9-4. PERMITTED HOURS CONSTRUCTION AND MAINTENANCE.

9-4.1 Purpose.

The purpose of this section is to establish limitations on the making and creation of loud noise incident to construction and maintenance activities to normal business hours. It is hereby determined that it is in the public interest for the provisions and regulations hereinafter set forth to be enacted for the purpose of promoting and securing the public health, safety, comfort, convenience, welfare and the peace and quiet of the Borough of Rockleigh and its inhabitants.

9-4.2 Hours of Operation.

- a. Construction and Maintenance.** The excavation, construction, grading, paving, demolition, alteration or repair of or on any property, premises, street or building and the operation or use of any power lawnmower or other internal landscaping equipment, including but not limited to leaf blowers, vacuums, golf course maintenance equipment or chainsaws shall be permitted to occur on weekdays between 8:00 a.m. and 6:00 p.m., on Saturdays from 8:00 a.m. to 5:00 p.m., and on Sundays and legal holidays from 10:00 a.m. to 5:00 p.m. In case of urgent public necessity in the interest of public safety, work may be permitted at such other hours as may be determined by the Mayor or other delegated authority.
- b.** The provisions of paragraph a of this section shall not be deemed applicable to activities incident to the plowing and removal of snow and ice from streets and properties in the Borough.

9-4.3 Penalties.

Any person who is convicted of violating any provision of this section shall be subject to such fine and general penalty as set forth in §1-5, General Penalty, of the Code of the Borough of Rockleigh, within the discretion of the Municipal Court Judge.

SECTION 2. Severability.

If any section, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its effect to the section, sentence or other part of this Ordinance directly involved in the controversy which such judgment shall be rendered.

SECTION 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed, but only to the extent of such inconsistencies.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

At this time the Governing Body opened the meeting to the public as to Ordinance 2016-1. Motion offered by Councilman Pontone, seconded by Councilman Cumiskey to open

the meeting to the public. All Councilmembers present voted in the affirmative. The Motion passed.

Katie Jacobsen, 49 Piermont Road, Rockleigh, came forward with suggestions as to the hours of work and maintenance as it related to Ordinance 2016-1. In addition, Martin Jacobsen, 49 Piermont Road, Rockleigh, Joe Spacevento, 31 Piermont Road, Rockleigh and Michael Malhame, 5 Haring Farm Lane, Rockleigh, came forward to offer suggestions as to the hours of work and maintenance. The public was again advised that the second reading and public hearing for this ordinance will be February 1, 2016 and thanked the public for their input into the language of the ordinance.

Motion to close the meeting to the public was offered by Councilman Pontone, seconded by Councilwoman Bresnak. All Councilmembers present voted in the affirmative. The Motion passed.

Following that discussion, a Motion was offered by Councilman Cumiskey, seconded by Councilman Mender to introduce Ordinance 2016-1 as amended by Mr. Regan with the new hours as stated in 9-4.2 (a). The Roll Call vote was recorded as follows:

AYES: Bresnak, Mender, Pontone, Cumiskey

NAYS: None

ABSENT: Ewald

ABSTAIN: Johnsen

The Motion passed.

Mr. Regan indicated that this Ordinance will be presented for its Second Reading and Public Hearing at the February 1, 2016 meeting of the Mayor and Council.

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The Mayor presented resolution 2016-12. Discussion took place regarding the terms of payment schedule. Upon conclusion of that the discussion, the Council agreed to amend Resolution 2016-12 to reflect the terms of the salary payment to be in 12 monthly payments totaling \$1,500.00.

RE: Resolution Appointing A Recycling Coordinator

WHEREAS, municipalities in New Jersey are required by the Recycling Enhancement Act to submit mandatory Annual Recycling Tonnage Reports to the New Jersey Department of Environmental Protection; and

WHEREAS, in 2016 the Borough appointed William J. McGuire to serve as the Borough's Recycling Coordinator for the purpose of filing the aforesaid reports; and

WHEREAS, the agreed upon compensation for acting as the Borough's Recycling Coordinator, William J. McGuire shall be compensated an annual salary of \$1,500.00 payable in 12 monthly payments; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh that it does hereby approve the appointment of William J. McGuire to serve as the Borough of Rockleigh's Recycling Coordinator for the period retroactive from January 1, 2016 to December 31, 2016.

Motion offered by Councilman Pontone, seconded by Councilman Mender to approve Resolution 2016-12 as amended. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

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Resolution 2016-13 regarding the Interboro Mutual Aid Group Agreement was presented. No discussion took place.

RESOLUTION (2016-13)

Re: **INTERBORO MUTUAL AID GROUP AGREEMENT**

WHEREAS, it is the intent of the undersigned municipalities, its fire departments and respective fire companies to enter into a mutual aid and assistance program pursuant to and required by law as set forth in NJAC 5:75A-2.2, and

WHEREAS, this agreement is intended to supersede any earlier agreements which may have been signed between the parties hereto, and

WHEREAS, this agreement shall be by and between the following boroughs, towns, municipalities, fire departments and fire companies and the parties agree to be bound thereby,

Alpine	Dumont	Norwood
Bergenfield	Harrington Park	Old Tappan
Closter	Haworth	Rockleigh
Cresskill	New Milford	Tenafly
Demarest	Northvale	

WHEREAS, it is necessary to have an agreement to define the obligations and duties of the parties of the Interboro Mutual Aid Group;

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties covenant and agree as follows:

- (1) Call for assistance: All calls for assistance among the Mutual Aid members shall be made through the dispatch facility of the department or municipality

requiring assistance to the dispatch facility for the town from which assistance is requested. The request for assistance shall come from the Fire Chief or other ranking officer in charge of the fire or emergency incident. The town(s) requesting the assistance shall give the following information: location of the fire or emergency incident, route to be taken, and type of equipment requested. Towns requesting assistance shall have a police radio car on the town boundary line to meet the apparatus and escort them to the location of the fire or emergency incident if needed.

- (2) The Fire Chief, Deputy Fire Chief, Assistant Fire Chief or ranking officer in charge of the fire department that called for assistance shall be in charge of the fire or emergency incident in accordance with NJAC 5:75 et. seq.. Apparatus reporting in from other towns shall report to the Staging Officer or other appropriate Commander at the scene prior to placing apparatus and personnel to work.
- (3) There shall be no charge imposed against any member municipality or department receiving personnel, apparatus or equipment.
- (4) Cost recovery may only be imposed where permitted by the New Jersey Uniform Fire Code; federal, state and local laws allowing for cost recovery involving hazardous material incidents; or cost recovery that is considered recoverable under law from responsible parties.
- (5) Each of the undersigned municipalities agrees to assume the cost of loss or damage to its own equipment.
- (6) It is understood and agreed that in the event of the failure of any of the departments to respond to the call for assistance, the department and municipality failing to respond shall in no way be liable.
- (7) It is understood that the Agreement will take effect and be operative by all municipalities and departments that sign same until such time as any municipality or department provides notice of their intent to withdraw from the mutual aid group. A 30-day written notice shall be given by any party to this Agreement of their intention to withdraw from this Agreement. The agreement shall remain in full force thereafter as regards the remaining signators.

Motion offered by Councilman Cumiskey, seconded by Councilman Pontone to approve Resolution 2016-13. The Roll Call vote was recorded as follows: AYES: Bresnak, Cumiskey, Johnsen, Mender, Pontone
NAYS: None
ABSENT: Ewald
ABSTAIN: None
The Motion passed.

* * * * *

Resolution 2016-14 regarding Public Agency Compliance Officer-Affirmative Action was presented for consideration.

RESOLUTION (2016-14) – APPOINTMENT OF PUBLIC AGENCY COMPLIANCE OFFICER –AFFIRMATIVE ACTION

WHEREAS, N.J.A.C. 17:27-1.1 provides that no public work contracts can be awarded nor any monies paid until the prospective contractor has agreed to contract performance which complies with an approved affirmative action program; and

WHEREAS, N.J.A.C. 17:27-3.5 provides that each public agency shall annually designate an officer or employee to serve as its public agency compliance officer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Rockleigh, County of Bergen, State of New Jersey that Marcella Giampiccolo, Borough Clerk, be appointed as the Public Agency Compliance Officer for a one-year term ending December 31, 2016.

Motion offered by Councilwoman Bresnak, seconded by Councilman Cumiskey to approve resolution 2016-14. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiksey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

* * * * *

Brief discussion took place regarding the Business Insurance Summary 2016-2017 for the Borough regarding its renewal for insurance.

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, the **Borough of Rockleigh** (hereinafter “Local Unit”) has joined the Statewide Insurance Fund (hereinafter “Fund”), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the “Fund”; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the “Fund” has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of “Local Unit”, in the County of Bergen and State of New Jersey, as follows:

1. Borough of Rockleigh hereby appoints Michael Malhame of MJM Global, Insurance Brokerage Group, Inc. its local Risk Management Consultant.
2. Robert R. Schaffer, Mayor of the Borough of Rockleigh and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2016 in the form attached hereto.

Name of Entity: **Borough of Rockleigh**

Attest:

Robert R. Schaffer, Mayor

* * * * *

**STATEWIDE INSURANCE FUND
RESOLUTION TO JOIN (RENEW) THE FUND**

WHEREAS, a number of local units have joined together to form the Statewide Insurance Fund ("FUND"), a joint insurance fund, as permitted by N.J.S.A. 40A:10-36, *et seq.*; and

WHEREAS, **BOROUGH OF ROCKLEIGH** ("LOCAL UNIT") has complied with relevant law with regard to the acquisition of insurance; and

WHEREAS, the statutes and regulations governing the creation and operation of joint insurance funds contain elaborate restrictions and safeguards concerning the safe and efficient administration of such funds; and

WHEREAS, the LOCAL UNIT has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

WHEREAS, the LOCAL UNIT agrees to be a member of the FUND for a period of three (3) years, effective from **January 1, 2016** terminating on **January 1, 2019** at 12:01 a.m. standard time; and

WHEREAS, the LOCAL UNIT has never defaulted on claims, if self-insured, and has not been canceled for non-payment of insurance premiums for two (2) years prior to the date of this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the LOCAL UNIT does hereby agree to join the Statewide Insurance Fund; and

BE IT FURTHER RESOLVED that to the extent required by law, the Local Unit shall provide notice of the Indemnity and Trust Agreement to the Office of the State Comptroller; and

BE IT FURTHER RESOLVED that the LOCAL UNIT will be afforded the following coverage(s) as marked "Yes":

	<u>YES</u>	<u>NO</u>
Workers' Compensation & Employer's Liability	X	<input type="checkbox"/>
Liability, Property, Crime-Faithful Performance and Fidelity, Inland Marine, Boiler and Machinery, Comprehensive General Liability, Auto Liability, Auto Physical Damages and Professional Liability	X	<input type="checkbox"/>
Pollution Liability	X	<input type="checkbox"/>

BE IT FURTHER RESOLVED that **ROBERT R. SCHAFFER, MAYOR** (*name of member employee*) is hereby appointed as the LOCAL UNIT's Fund Commissioner and is authorized to execute the application for membership and the accompanying certification on behalf of the LOCAL UNIT; and

BE IT FURTHER RESOLVED that the LOCAL UNIT's Fund Commissioner is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying the membership in the FUND as required by the FUND's Bylaws

and to deliver same to the Administrator of the FUND with the express reservation that said documents shall become effective only upon the LOCAL UNIT's admissions to the FUND following approval of the FUND by the New Jersey Department of Banking and Insurance.

The Resolution Appointing Risk Management Consultant and Resolution to Join (Renew) the Fund were presented by a Motion offered by Councilman Pontone, seconded by Councilman Cumiskey. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

* * * * *

Motion to open the meeting to the public was offered by Councilman Mender, seconded by Councilman Cumiskey. All Councilmembers present voted in the affirmative. The Motion passed.

At this time Mr. Joe Spaccavento of 31 Piermont Road, Rockleigh, came forward and distributed a handout to all of the Governing Body. Mr. Spaccavento read aloud from that handout in part and summarized other parts which dealt with a neighbor property line dispute with 29 Piermont Road. Following Mr. Spaccavento's comments, Mrs. Spaccavento came forward to also reiterate her concerns regarding water drainage issues caused by her neighbor at 29 Piermont Road. Following these comments, Mr. Regan provided some advice to the Spaccavento's commenting that this is not an issue for the Mayor and Council; however, he suggested a proper survey be taken of the properties that is sealed and seek their own legal advice.

Motion to close the meeting to the public was offered by Councilman Pontone, seconded by Councilwoman Bresnak to close the meeting. All Councilmembers voted in the affirmative. The Motion passed.

Mayor Schaffer stated to the Council that the Rockleigh Road survey project was completed by Neglia Engineering Associates and the plans and options will be discussed in an upcoming work session of the Governing Body. Mr. Polyniak, seated in the audience, commented to the Council that an award of the contract for this project should be in early 2017; with bidding documents submitted in late Fall, 2016.

At this time the CFO announced a correction was needed to Resolution 2016-3 regarding the interest on delinquent taxes. The resolution was amended to read as follows:

RESOLUTION (2016-3)

Re: Interest On Delinquent Taxes

WHEREAS, the Mayor and Council of the Borough of Rockleigh set the rate of interest on delinquent taxes at 8% per annum for the first \$1,500.00 of the delinquency, and 18% per annum on any amount in excess of \$1,500.00, with the interest for ten days after the due date.

BE IT FURTHER RESOLVED, that after the ten day grace period, interest reverts back to the due date at the rate of 8%, on the first \$1,500.00, and 18% on the balance, and;

BE IT FURTHER RESOLVED that the Tax Collector is hereby authorized to assess a penalty in the amount of \$50.00 for checks received for which there are insufficient funds.

Motion offered by Councilman Cumiskey, seconded by Councilman Pontone to approve the amendment to resolution 2016-3 regarding the Interest on Delinquent Taxes. The Roll Call vote was recorded as follows:

AYES: Bresnak, Cumiskey, Johnsen, Mender, Pontone

NAYS: None

ABSENT: Ewald

ABSTAIN: None

The Motion passed.

* * * * *

There were no Committee reports provided, or a Borough Attorney's report.

No correspondence was listed on the agenda to discuss.

With no further business to come before the Governing Body a Motion was offered to adjourn the Re-Organization meeting by Councilman Pontone, seconded by Councilwoman Bresnak and approved by all Councilmembers voting in the affirmative to adjourn the Re-Organization meeting of this date. The Motion passed.

Respectfully submitted,


Marcella Giampiccolo, RMC
Borough Clerk

