

**MINUTES OF THE REGULAR MEETING OF THE MAYOR & COUNCIL OF  
THE BOROUGH OF ROCKLEIGH, HELD ON FEBRUARY 5, 2024 AT 26  
ROCKLEIGH ROAD, ROCKLEIGH, NJ AT 7:00PM**

Council President Frank Cumiskey called the meeting to order at 7:03 pm.

**OPENING STATEMENT:** Councilman Cumiskey 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 and Website as required.

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

**Present:** Councilman Cumiskey, Councilman Hansen, Councilman Mender, Councilwoman Antine, and Councilwoman Altman.

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

**Absent:** Mayor Pontone and Councilwoman Bresnak

**MINUTE APPROVAL:**

Minutes of the Sine Die meeting held January 8, 2024 were presented for approval as presented. Motion offered by Councilwoman Altman seconded by Councilman Mender to approve the Sine Die meeting minutes of January 8, 2024 as presented. All Councilmembers present voted in the affirmative, except Councilman Hansen, who abstained from the vote. The Motion passed.

Minutes of the Re-Organization meeting held January 8, 2024 were presented for approval as presented. Motion offered by Councilwoman Antine, seconded by Councilman Mender to approve the Re-Organization meeting minutes of January 8, 2024 as presented. All Councilmembers present voted in the affirmative, except Councilman Hansen, who abstained from the vote. The Motion passed.

**COMMITTEE REPORTS:**

No reports presented.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

Resolution 2024-22 was presented for consideration as follows:

**BOROUGH OF ROCKLEIGH**  
**County of Bergen**  
**State of New Jersey**

**#2024-22**

**Re:** RESOLUTION AUTHORIZING A SETTLEMENT OF TAX APPEALS FOR THE YEARS 2021, 2022, AND 2023 PERTAINING TO BLOCK 201, LOT 16, 32 ROCKLEIGH ROAD.

**WHEREAS**, there is presently pending in the Tax Court of New Jersey the following matters contesting the assessment of property known as Block 201, Lot 16, being more commonly known as 32 Rockleigh Road: Cohen v. Borough of Rockleigh, Docket No. 004473-2021 and Cohen v. Borough of Rockleigh, Docket No. 005442-2022 which appeals relate to the 2021 and 2022 tax years, and 32 Rockleigh Road LLC v. Borough of Rockleigh, Docket No. 005871-2023 which appeal relates to the 2023 tax year; and

**WHEREAS**, the property under appeal is a vacant parcel of land which sold in October of 2022 for the sum of \$500,000.00; and

**WHEREAS**, the property is assessed for the sum of \$1,362,800.00; and

**WHEREAS**, representatives of the Borough have been in discussion with the attorneys for plaintiffs pertaining to a settlement of the appeals.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Rockleigh that it does hereby authorize the settlement of the above appeals as follows:

1. The assessment on the property for the 2021 tax year shall be established at \$800,000.00.
2. The assessment on the property for the 2022 tax year shall be established at \$700,000.00.
3. The assessment on the property for the 2023 tax year shall be established at \$500,000.00.

**BE IT FURTHER RESOLVED** that payment of refunds due the respective property owners shall be without interest, with the refunds paid in connection with the 2021 and 2022 tax years made payable to "Blau & Blau, Trust Account" as attorneys for Mark Cohen, and for the 2023 tax year made payable to "Matthew G. Capizzi, Trust Account" as attorney for 32 Rockleigh Road LLC; and

**BE IT FURTHER RESOLVED** that the Tax Assessor and Borough Attorney be and are hereby authorized to execute and file with the Tax Court of New Jersey any required documents to effectuate the terms of the within settlement.

**Dated: February 5, 2024**

| Councilmember | Motion | Second | Yes | No | Absent | Abstain |
|---------------|--------|--------|-----|----|--------|---------|
| Cumiskey      |        |        |     |    |        |         |
| Mender        |        |        |     |    |        |         |
| Hansen        |        |        |     |    |        |         |
| Bresnak       |        |        |     |    |        |         |
| Antine        |        |        |     |    |        |         |
| Altman        |        |        |     |    |        |         |

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at its meeting held on February 5, 2024.

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**MARCELLA GIAMPICCOLO, RMC**  
**Borough Clerk**

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Mr. Regan advised the Councilmembers that if there were to be any discussion regarding this resolution, the Council should enter into Closed Session. No discussion took place. Mr. Regan also commented that Councilman Hansen should recuse himself from the vote due to his familial connection to the tax appeal applicant. Motion offered by Councilman Mender, seconded by Councilwoman Antine to approve Resolution 2024-22 as presented. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Mender, Antine, Altman

NAYS: None

ABSENT: Bresnak

ABSTAIN: Hansen

The Motion passed.

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Resolution 2024-23 was next presented for consideration as follows:

**MOTION:**

**SECOND:**

**BOROUGH OF ROCKLEIGH  
County of Bergen  
State of New Jersey**

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**#2024-23**

**Re:** RESOLUTION OPPOSING THE ADOPTION OF ASSEMBLY BILL 4 WHICH WILL BE FINANCIALLY PAINFUL TO MUNICIPALITIES AND RESULT IN HUGE INCREASES IN MUNICIPAL AFFORDABLE HOUSING OBLIGATIONS.

**WHEREAS**, there is presently pending in the New Jersey Legislature Assembly Bill 4 (“the Bill”) which was introduced on January 9, 2024, the first day of the 221<sup>st</sup> Legislature; and

**WHEREAS**, upon information and belief, the Bill is being “fast-tracked” and is intended to codify a slanted, inefficient, and expensive court process to skew the balance of power dramatically in favor of the affordable housing group, Fair Share Housing Center (“FSHC”).

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Rockleigh that it does hereby urge members of the Legislature to withdraw this Bill or make substantial changes to its provisions. The decision of the Mayor and Council to oppose this Bill is based in part on the following:

1. The Borough of Rockleigh received a Judgment of Compliance and Repose (“JOR”) by Order of the Superior Court of New Jersey on December 20, 2016. Under this law as presently constituted, a municipality such as Rockleigh would have immunity from builder’s remedy and other exclusionary

lawsuits to July 1, 2025. Under the Bill as proposed, a municipality could suffer a loss of immunity of six (6) months prior to this July 1, 2025 date (see paragraph 2 below).

2. The Bill establishes multiple unrealistic deadlines which trigger an automatic loss of immunity from exclusionary zoning suits. The Bill provides that the Department of Community Affairs will provide a report determining the calculations and regional need and municipal obligations on or before August 1, 2024. A municipality is required to adopt a resolution by January 31, 2025 detailing its present and prospective fair share housing obligation. Failure to comply with this deadline results in an automatic loss of immunity from builder's remedy lawsuits and exclusionary litigation. There are numerous other time deadlines in the Bill whereby a municipality, if a deadline is missed, loses immunity.

3. Under the law as presently exists, municipalities that have received court approval of their Housing Plan receive what is called a Judgment of Compliance and Repose which protects a municipality from all exclusionary zoning lawsuits, which could include objections from an interested party such as Fair Share Housing Center ("FSHC") to a municipality's Housing Plan. In contrast, the Compliance Certification as proposed only protects a municipality from a builder's remedy lawsuit. As a result, the issuance of a Compliance Certification would continue to expose a municipality to litigation objecting to its Housing Plan by any party other than a plaintiff seeking a builder's remedy.

4. As noted in paragraph 2 above, municipalities will be required to adopt a resolution detailing its housing obligation by January 31, 2025 or lose immunity. The Bill provides that the Department of Community Affairs will determine regional municipal need. Even if a municipality adopts such a resolution accepting the DCA's number, such action would still be subject to attack by the FSHC or any other group. Under the current system, municipalities can be determined to be compliant by adopting Ordinances providing for inclusionary development and if developers choose not to build, the municipality would suffer no adverse consequences. The Bill would make municipalities responsible if its affordable Housing Plan does not generate the affordable housing units detailed in the Plan.

5. The Bill reduces bonus credits (currently on a two for one basis) that a municipality may receive for certain kinds of housing. For example, for each age-restricted housing unit, a municipality would only receive one unit of credit and one-half bonus credit for such a unit. Age-restricted housing is limited to fifteen (15%) percent of a municipality's affordable housing obligation in a ten-year period. No more than twenty-five (25%) percent of the affordable units, exclusive of any bonus credits, may apply to age-restricted units. A minimum of twenty-five (25%) percent of the affordable housing units, exclusive of bonus credits, must be rental housing including at least half of that number available to families and children.

6. The Bill requires timelines by which municipalities must extend development fees collected. More particularly, fees must be expended within

four (4) years from the date of collection, and failure to do so will result in forfeiture of such funds to the State.

7. The foregoing represents just a sample of the onerous, burdensome and oppressive provisions in the Bill which will negatively affect municipalities, their character, and fiscal conditions. For these reasons, the Governing Body strenuously opposes Assembly Bill 4 and urges all Legislators to defeat this radical new affordable housing Legislation.

**BE IT FURTHER RESOLVED** that the Borough Clerk be and is hereby directed to forward a copy of the resolution to those Legislators representing the Borough of Rockleigh and to such other officials as the Mayor and Council may deem to be appropriate.

**Dated: February 5, 2024**

| Councilmember | Motion | Second | Yes | No | Absent | Abstain |
|---------------|--------|--------|-----|----|--------|---------|
| Altman        |        |        |     |    |        |         |
| Antine        |        |        |     |    |        |         |
| Bresnak       |        |        |     |    |        |         |
| Cumiskey      |        |        |     |    |        |         |
| Hansen        |        |        |     |    |        |         |
| Mender        |        |        |     |    |        |         |

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at its meeting held on February 5, 2024.

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**MARCELLA GIAMPICCOLO,**  
**Borough Clerk**

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Discussion ensued regarding Assembly Bill 4. Mr. Regan provided a summary of Assembly Bill 4 which he commented on during the January 8<sup>th</sup> Mayor & Council meeting. Mr. Regan asked the Councilmembers to consider contacting their town Legislators and letting them know their thoughts as to Assembly Bill 4. The Borough Clerk confirmed she would email the Council in the morning with a link to a form that would be forwarded to their Legislators expressing their opinions. The vote for this Bill 4 is likely to take place by February 12<sup>th</sup>.

The timeline for which the DCA will announce municipalities affordable housing numbers has been moved from November 2024 up to August of 2024 with mandatory Resolution adoption date by January 2025. This round of new obligations would be effective for the next ten (10) years.

Discussion concluded. Motion offered by Councilwoman Antine, seconded by Councilman Mender to approve Resolution 2024-23 as presented. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Mender, Hansen, Antine, Altman

NAYS: None

ABSENT: Bresnak

ABSTAIN: None

The Motion passed.

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Resolution 2024-24 was presented next for consideration as follows:

**RESOLUTION (2024-24)**

**RESOLUTION AUTHORIZING TEMPORARY APPOINTMENT OF CHRISTOPHER MARTONE AS TEMPORARY JUDGE FOR THE ROCKLEIGH MUNICIPAL COURT**

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**WHEREAS**, pursuant to N.J.S.A. 2B:12-5, a temporary judge may be appointed to meet a special need of limited duration; and

**WHEREAS**, with the written consent of the Assignment Judge of the vicinage, a municipality may appoint one or more temporary municipal judges; and

**WHEREAS**, Rockleigh previously appointed Roger Hauser to serve as the Municipal Judge for the Borough of Rockleigh; and

**WHEREAS**, Judge Hauser has, at times, been unable to serve due to temporary personal reason necessitating the appointment of a temporary municipal Judge in his stead; and



**WHEREAS**, request was made to the Bergen County Assignment Judge, Judge Catuogno, requesting authorization to appoint a Temporary Judge for the Borough of Rockleigh; and

**WHEREAS**, by notice dated January 24, 2024 attached to this Resolution, the Borough has received authorization to appoint by resolution one temporary Judge for the Rockleigh Municipal Court for a period not to exceed one (1) year; and

**WHEREAS**, Christopher Martone is a member of the New Jersey Bar in good standing and has applied to serve as the Temporary Judge of the Municipal Court of the Borough of Rockleigh; and

**WHEREAS**, it is in the best interest of the Borough to appoint Christopher Martone as the Temporary Municipal Judge of the Borough of Rockleigh.

**NOW THEREFORE BE IT RESOLVED**, that Christopher Martone is hereby appointed as the Temporary Municipal Judge effective immediately, at a rate of \$250.00 per Court Session for a term not to exceed one (1) year.

**CERTIFICATION**

I, Marcella Giampiccolo, Municipal Clerk of the Borough of Rockleigh, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the Regular meeting held February 5, 2024.

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**MARCELLA GIAMPICCOLO,  
BOROUGH CLERK**

| Councilmember | Motion | Second | Yes | No | Abstain | Absent |
|---------------|--------|--------|-----|----|---------|--------|
| Mender        |        |        |     |    |         |        |
| Cumiskey      |        |        |     |    |         |        |
| Bresnak       |        |        |     |    |         |        |
| Hansen        |        |        |     |    |         |        |
| Antine        |        |        |     |    |         |        |
| Altman        |        |        |     |    |         |        |

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Motion offered by Councilman Hansen seconded by Councilman Mender to approve Resolution 2024-24 as presented. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Mender, Hansen, Antine, Altman

NAYS: None

ABSENT: Bresnak

ABSTAIN: None

The Motion passed.

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Resolution 2024-25 was presented for consideration as follows:

**MOTION:**

**SECOND:**

**BOROUGH OF ROCKLEIGH**  
**County of Bergen**  
**State of New Jersey**

**#2024-25**

**Re:** RESOLUTION AWARDED CONTRACT TO NEGLIA ENGINEERING ASSOCIATES FOR THE YEAR 2023 ANNUAL REPORT TO THE NJDEP BUREAU OF NONPOINT SOURCE POLLUTION CONTROL

**WHEREAS**, the Borough requires services to address the year 2023 Annual Report to the NJDEP Bureau of Nonpoint Source Pollution Control pursuant to NJDEP Municipal Stormwater Management Program requirements; and

**WHEREAS**, the Borough is in receipt of a proposal dated January 16, 2024 from Neglia Engineering Associates to provide services in connection with the year 2023 Annual Report as described aforesaid for a total cost of \$3,895.00; and

**WHEREAS**, such services constitute professional services, thereby permitting award by the Governing Body without public advertising for bids pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

**WHEREAS** that the Chief Financial Officer has certified that funds are available for this project under line-item 01-2010-20-1652-01 Engineering Services/OE.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Rockleigh that it does hereby award a contract to Neglia Engineering Associates for the year 2023 Annual Report to the NJDEP Bureau Of Nonpoint Source Pollution Control in accordance with an Agreement For Professional Services dated January 16, 2024, with such firm to be compensated in the amount of \$3,895.00; and

**BE IT FURTHER RESOLVED** that notice of the award of this Agreement shall be published in accordance with the provisions of the aforesaid statute, which notice shall indicate that this resolution and the Agreement for Professional Services are on file and available for inspection in the Office of the Borough Clerk; and

**BE IT FURTHER RESOLVED** that Mayor James G. Pontone and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the Agreement For Professional Services for this project.

**Dated:** \_\_\_\_\_, **2024**

|          | Yes                      | No                       | Absent                   | Abstain                  |
|----------|--------------------------|--------------------------|--------------------------|--------------------------|
| Cumiskey | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Mender   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Hansen   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Bresnak  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Antine   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Altman   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their meeting held on February 5, 2024.

**MARCELLA GIAMPICCOLO, RMC**  
**Borough Clerk**

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No discussion took place. Motion offered by Councilman Mender seconded by Councilman Hansen to approve Resolution 2024-25 as presented. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Mender, Hansen, Antine, Altman

NAYS: None

ABSENT: Bresnak

ABSTAIN: None

The Motion passed.

The Court Fines for December 2023 and Police Reports for December 2023 and January 2024 were acknowledged. No discussion took place.

At this time Councilman Hansen inquired about the Rockleigh school board. Councilwoman Antine clarified the Rockleigh school board Administrator, Dr. Jason Roer, was hired by the Board of Education and Board of Education members are appointed by the Mayor and Council each year as terms expire. In addition, Rockleigh is a sending school Type 1 district. The Borough pays for each school age and/or high school age student to attend either Northvale Public School or Northern Valley Old Tappan. Residents of Rockleigh are not permitted to select which Northern Valley high school they wish for their child to attend because there are not reciprocal charges between high schools. Each high school of the Northern Valley holds their own contracts. Following that discussion, Councilman Hansen stated he was asked questions about the school board from a Rockleigh resident who wished for their child to attend Northern Valley Demarest. Discussion ended.

**FINANCE:**

Resolution 2024-26 was presented for consideration as follows:

**MOTION:**

**SECOND:**

**BOROUGH OF ROCKLEIGH  
COUNTY OF BERGEN  
STATE OF NEW JERSEY**

**RESOLUTION 2024-26**

**WHEREAS**, claims have been submitted to the Borough of Rockleigh in the following amounts under various funds of the town:

|                               |    |            |
|-------------------------------|----|------------|
| Current Appropriations (2023) | \$ | 167,945.01 |
| Current Appropriations (2022) | \$ | 5,490.95   |
| General Capital Fund          | \$ | 1,817.00   |
| Animal Trust                  | \$ |            |
| Miscellaneous Trust           | \$ |            |

**Total** **\$** **175,252.96**

**WHEREAS**, above claims have been listed and summarized in the attached Bills List Report, and the corresponding vouchers have been reviewed and approved by the department head, Borough Council, and the chief financial officer; and

**WHEREAS**, the Chief Financial Officer has determined that the funds have been properly appropriated for such purposes and are available in the Borough of Rockleigh and that the claims specified on the schedule attached hereto, following examination and approval by the Council and Chief Financial Officer and Department Head be paid and checks issued accordingly; and

**WHEREAS**, claims have already been paid in the following amounts for the purpose specified below:

|                                  |              |                     |
|----------------------------------|--------------|---------------------|
| Payroll- Salaries/Wages          | 01/31/2024   | \$ 25,749.80        |
| Local School-<br>Health Benefits |              | \$                  |
| Capital Improvement Fund         |              | \$                  |
| Debt Services                    | Payment      |                     |
|                                  | <b>TOTAL</b> | <b>\$ 25,749.80</b> |

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Rockleigh that the claims totaling \$201,002.76 be approved and ratified respectively.

Dated: February 5, 2024

I hereby certify that this is a true copy of the Resolution passed by the Governing Body at their meeting held on **February 5, 2024**

**MARCELLA GIAMPICCOLO, RMC  
BOROUGH CLERK**

|          | Yes | No | Absent | Abstain |
|----------|-----|----|--------|---------|
| Cumiskey |     |    |        |         |
| Mender   |     |    |        |         |
| Hansen   |     |    |        |         |
| Bresnak  |     |    |        |         |
| Antine   |     |    |        |         |
| Altman   |     |    |        |         |

Motion offered by Councilman Hansen seconded by Councilwoman Altman to approve Resolution 2024-26 as presented. No discussion took place. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Mender, Hansen, Antine, Altman

NAYS: None  
ABSENT: Bresnak  
ABSTAIN: None  
The Motion passed.

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Councilman Cumiskey stated for the record that no public were in attendance at this meeting.

**BOROUGH ATTORNEY REPORT:** None.

**CORRESPONDENCE:**

Councilman Cumiskey acknowledged the letter from Neglia Engineering to Rockland Electric regarding Year 2023 and Year 2024 roadway projects. No discussion took place regarding this correspondence.

The Borough Clerk announced that the March Mayor & Council meeting date was being moved to either March 11 or 12<sup>th</sup> due to the Mayor's scheduling conflict. Once a date is finalized an email will be sent to the Governing Body confirming the new date.

**ADJOURNMENT:**

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

Respectfully submitted,



Marcella Giampiccolo, RMC  
Borough Clerk