

MINUTES OF THE REGULAR MEETING OF THE MAYOR & COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON AUGUST 5, 2024 AT 26 ROCKLEIGH ROAD, ROCKLEIGH, NJ AT 5:30 PM

Mayor James Pontone called the meeting to order at 5:30 pm.

OPENING STATEMENT: Mayor Pontone 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, Councilwoman Bresnak, Councilwoman Antine, and Councilwoman Altman.

Also Present: Marcella Giampiccolo, Borough Clerk, William J. McGuire, Borough Administrator, Robert T. Regan, Borough Attorney, and Gregory J. Polyniak, Borough Planner.

Absent: Councilman Hansen and Councilman Mender.

At this time Mr. Regan read aloud the Resolution to enter into Closed Session 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 an item relating to Anticipation of a Declaratory Judgment Action re: Affordable Housing; and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council that at **5:30p.m.** on **August 5, 2024** the Governing Body determined to exclude members of the public to discuss the aforesaid item; 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 Councilwoman Bresnak, seconded by Councilwoman Altman to approve resolution to enter into Closed Session. All Councilmembers present voted in the affirmative. The Motion passed.

Returning to Regular session, the Regular Meeting of the Mayor and Council was called to order at 7:00 PM.

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

Present: Councilman Cumiskey, Councilwoman Bresnak, Councilwoman Antine, and Councilwoman Altman.

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

Absent: Councilman Hansen and Councilman Mender.

MINUTE APPROVAL:

Minutes of the Regular meeting held July 1, 2024 were presented. Motion offered by Councilwoman Bresnak, seconded by Councilwoman Altman to approve the Regular meeting minutes of July 1, 2024 as presented. All Councilmembers present voted in the affirmative. The Motion passed.

COMMITTEE REPORTS:

No Committee Reports were presented.

OLD BUSINESS: None.

FINANCIAL BUSINESS:

Ordinance 2024-5 was presented for its Second Reading and Public Hearing as follows:

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

ORDINANCE 2024-5

ORDINANCE OF THE BOROUGH OF ROCKLEIGH, IN THE COUNTY OF BERGEN, NEW JERSEY AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION IN THE AMOUNT OF \$32,000 FOR THE PREPARATION OF AN APPROVED TAX MAP.

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

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum of \$32,000 is hereby appropriated for the preparation of an approved tax map and shall be deemed a special emergency

appropriation as defined and provided for in N.J.S.A. 40A:4-53 and 40A:4-55.

Section 2. The amount to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized, pursuant to N.J.S.A. 40A:4-55.

Section 3. A certified copy of this ordinance shall be filed with the Director of the Division of Local Government Services.

Section 4. This ordinance shall take effect at the time and in the manner provided by law.

At this time Mayor Pontone asked for a motion to open the meeting to the public as to Ordinance 2024-5. Motion offered by Councilman Cumiskey, seconded by Councilwoman Bresnak to open the meeting to the public as to Ordinance 2024-5 only. All Councilmembers present voted in the affirmative to open the meeting to the public. The Motion passed. No public came forward. Motion offered by Councilman Cumiskey, seconded by Councilwoman Antine to close the meeting to the public. All Councilmembers present voted to close the meeting to the public. The Motion passed. Brief discussion took place regarding the use of these funds and difference between a bond and a Note. The CFO provided those responses and commented that this Note is for next year with nothing needed for the remainder of this year. Discussion ended. Motion offered by Councilwoman Antine, seconded by Councilwoman Altman to adopt Ordinance 2024-5 as presented. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Bresnak, Antine, Altman

NAYS: None

ABSENT: Hansen, Mender

ABSTAIN: None

The Motion Passed.

Resolution 2024-59 was presented for consideration as follows:

Councilmember _____ introduced and moved the adoption of the following resolution and Councilmember _____ seconded the motion:

RESOLUTION AUTHORIZING THE SALE OF
\$32,000 SPECIAL EMERGENCY NOTES OF
THE BOROUGH OF ROCKLEIGH,
IN THE COUNTY OF BERGEN, NEW JERSEY
AND PROVIDING FOR OTHER MATTERS
IN CONNECTION THEREWITH.

BE IT RESOLVED by the Borough Council of the Borough of Rockleigh, in the County of Bergen, New Jersey (the "Borough") (not less than two-thirds of all members thereof affirmatively concurring), as follows:

Section 1. Pursuant to the Local Budget Law and an ordinance adopted by the Borough Council of the Borough on August 5, 2024 (the "Ordinance"), the Borough appropriated \$32,000 as a special emergency appropriation pursuant to N.J.S.A. 40A:4-53 for the preparation of an approved tax map. Pursuant to N.J.S.A. 40A:4-55, \$32,000 principal amount of Special Emergency Notes are hereby authorized to be issued.

Section 2. Such notes are hereby authorized to be issued pursuant to the Ordinance and this resolution and shall be negotiable notes payable to bearer, and shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law, and such interest shall be payable at the maturity of such notes. The notes shall be dated on or about the date of their issuance and may be renewed from time to time, but at least 1/5 of the total amount of notes hereby authorized, and the renewals thereof, shall mature and be paid in each year, so that all notes and renewals shall have matured and have been paid not later than the last day of the fifth year following the date of this resolution. The issuing officers are authorized to provide that the notes may be redeemable at the option of the Borough.

Section 3. The Mayor and the Chief Financial Officer are hereby authorized to execute said notes, and the Borough Clerk is hereby authorized to affix the seal of the Borough to such notes and to attest such seal and said notes, and said officers are hereby authorized to issue said notes in such form as they may adopt in conformity with law and to recite therein that all requirements and conditions of law have been complied with in the issuance of said notes, and that said notes are within every debt and other limit prescribed by the Constitution or statutes of New Jersey.

Section 4. The Chief Financial Officer is hereby authorized to sell said notes and any renewals thereof from time to time, at not less than par and accrued interest and to determine within the limitations prescribed by this resolution, the date, principal amount, maturity date, and denomination of said notes, and the rate of interest said notes shall bear and to deliver such notes upon receiving the purchase price to be paid therefor.

Section 5. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Special Emergency Notes) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the "Code").

Section 6. The Borough Council hereby designates the Special Emergency Notes as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code. It is hereby determined and stated that the Special Emergency Notes (1) are not "private activity bonds" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2024. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, the Borough does not covenant to do so, and expressly states that a covenant is not made hereby.

Section 7. A certified copy of this resolution shall be filed with the Director of the Division of Local Government Services.

Section 8. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the following roll call vote:

Ayes:

Nays:

[SEAL]

ATTEST: _____
Borough Clerk

Motion offered by Councilman Cumiskey, seconded by Councilwoman Altman to approve Resolution 2024-59 as presented. No discussion took place. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Bresnak, Antine, Altman

NAYS: None

ABSENT: Hansen, Mender

ABSTAIN: None

The Motion Passed.

Resolution 2024-60 was presented for consideration as follows:

MOTION:

SECOND:

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

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

**MARCELLA GIAMPICCOLO, RMC
BOROUGH CLERK**

	Yes	No	Absent	Abstain
Cumiskey				
Mender				
Hansen				
Bresnak				
Antine				
Altman				

Motion offered by Councilwoman Bresnak, seconded by Councilman Cumiskey to approve Resolution 2024-60 as presented. No discussion took place. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Bresnak, Antine, Altman

NAYS: None

ABSENT: Hansen, Mender

ABSTAIN: None

The Motion passed

NEW BUSINESS:

Resolution 2024-61 was presented for consideration as follows:

MOTION:

SECOND:

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

#2024-61

Re: RESOLUTION APPROVING AN AGREEMENT FOR PROFESSIONAL SERVICES FOR SURVEYING SERVICES TO PREPARE NEW GEO-REFERENCED DIGITAL TAX MAPS.

WHEREAS, the Borough of Rockleigh requires surveying services for tax map revaluation mapping, including the updating of municipal tax maps; and

WHEREAS, in connection with the revaluation, the Borough is required to update current tax maps to meet State standards necessary to perform a revaluation of all real property within the Borough; and

WHEREAS, the Borough is in receipt of a proposal from Neglia Engineering (“Neglia”) dated April 29, 2024 which details two options for the preparation of tax maps; and

WHEREAS, the Borough has determined that OPTION 2 should be selected for the preparation of new geo-referenced tax maps at a cost of \$29,500.00; and

WHEREAS, the Chief Financial Officer has certified that funds are available for the Borough to enter into a Contract for this proposal from Line Item 01-2010-46-8800-02.

NOW THEREFORE BE IT RESOLVED that the Borough hereby authorizes an Agreement For Professional Services with Neglia for new geo-referenced tax maps in the amount of \$29,500.00 in accordance with the Neglia proposal of April 29, 2024; and

BE IT FURTHER RESOLVED that the within resolution is contingent upon Neglia removing from the Agreement For Professional Services Article XI pertaining to arbitration; and

BE IT FURTHER RESOLVED that Mayor James Pontone and Borough Clerk Marcella Giampiccolo be and are hereby authorized to execute the aforesaid Agreement For Professional Services consistent with the within resolution and aforesaid proposal.

Dated: August 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 their meeting held on August 5, 2024

MARCELLA GIAMPICCOLO, RMC
Borough Clerk

Mayor Pontone reminded the Council about the necessity of updating the Borough's tax maps was due to the mandatory revaluation process. In addition, the Council agreed that having the tax maps digitized now rather than when that option becomes mandatory in a few years, made for a better option. Discussion ended. Motion offered by Councilman Cumiskey, seconded by Councilwoman Altman. The Roll Call vote was recorded as follows:

AYES: Cumiskey, Bresnak, Antine, Altman

NAYS: None

ABSENT: Hansen, Mender

ABSTAIN: None

The Motion Passed.

Mayor Pontone stated for the Record that no public was present at the August 5, 2024 meeting.

CORRESPONDENCE:

Mayor Pontone discussed with the Councilmembers the correspondence the Borough received from the Mayor of Montvale regarding the Fourth Round of Affordable Housing new legislation. At the conclusion of that discussion, Councilman Cumiskey volunteered to spearhead this task by contacting the Mayor of Montvale to answer some of the Councilmember's questions, specifically relating to the accounting of all funds collected and questioned if there would be detailed reports of all accountings. The CFO commented that the Borough does not have funds appropriated for this purpose in the 2024 municipal budget. Councilman Cumiskey will report back to the Governing Body after he speaks with Mayor Ghassali. Discussion moved on.

Mayor Pontone commented on a recent meeting held with Mr. Puccio, Jr. regarding the DPW building. No discussion took place.

Mayor Pontone commented that a member of the Rockleigh volunteer fire department is assisting the Fire Department with acquiring a 501c3 status to allow for future fundraising for the Rockleigh Fire Department and/or a Rockleigh Women's Auxiliary. Discussion moved on regarding the option of outsourcing the Rockleigh Fire Department. Mayor Pontone commented that there have been some preliminary discussions about the possibility of entering into a Shared Service agreement with the Borough of Norwood for fire department services. There was a consensus among the

Councilmembers present to have Mayor Pontone speak with the Mayor of Norwood about this possibility. Discussion ended.

Mayor Pontone ended his comments with asking the Council to put together a list of all outstanding items/projects that need addressing prior to the end of the year for the next meeting.

BOROUGH ATTORNEY REPORT:

No Report.

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in blue ink that reads "Marcella Giampiccolo". The signature is written in a cursive style.

Marcella Giampiccolo, RMC
Borough Clerk