

**MINUTES OF THE REGULAR MEETING OF THE MAYOR &
COUNCIL OF THE BOROUGH OF ROCKLEIGH, HELD ON DECEMBER 5,
2011 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 *Press Journal* and *The Record*, 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 Ewald, Councilman Johnsen, Councilman Mender, Councilman Pontone and Councilman Cumiskey.

Also Present: Robert T. Regan, Esq., Borough Attorney, Marcella Giampiccolo, Borough Clerk, William J. McGuire, Borough Administrator, and Anne E. Murphy, CFO/Tax Collector.

Absent: Councilman Agresta.

MINUTE APPROVAL: Minutes of the November 7, 2011 Regular Meeting were presented. A Motion was offered by Councilman Cumiskey, seconded by Councilman Pontone, who noted a typo on page two (2), approved the November 7, 2011 Regular Meeting minutes as presented and amended. The Roll Call resulted in the following vote:

AYES: Ewald, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: Johnsen and Mender

The Motion passed.

Minutes of the November 7, 2011 Executive Session were presented. A Motion was offered by Councilman Cumiskey, seconded by Councilman Pontone and approved by all Councilmembers voting in the affirmative, except Councilmen Mender and Johnsen, who abstained from vote, approved the November 7, 2011 Executive Session minutes as presented.

COMMITTEE REPORTS:

The Public Works committee will be discussing the contract the renewal of the DPW contract in Closed Session later this evening. Chipping services will be performed this coming week by Ken's Tree Care. No other Committees provided a report.

OLD BUSINESS:

Ordinance 2011-9 entitled, "An Ordinance Establishing Regulations Governing The Towing and Storage of Vehicles" was presented for its Second Reading and Public Hearing at this time. A Motion to open the meeting to the public as to Ordinance 2011-9 was offered by Councilman Pontone, seconded by

Councilman Mender. All Councilmembers voted in the affirmative. No members of the public came forward. A Motion was offered by Councilman Pontone, seconded by Councilman Cumiskey to close the meeting to the public as to Ordinance 2011-9. All Councilmembers voted in the affirmative. At this time a Motion was offered by Councilwoman Ewald, seconded by Councilman Pontone to adopt Ordinance 2011-9. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone, Cumiskey

NAYS: None.

ABSENT: Agresta

ABSTAIN: None.

The Motion passed.

NEW BUSINESS:

Ordinance 2011-10 entitled, "An Ordinance to Amend Chapter V of the Code of the Borough of Rockleigh Entitled, "Animal Control." was presented for its First Reading and Introduction. Discussion ensued regarding some suggested language changes in Section 2, subsection 5-3.3 and Section 4, subsection 5-3.10 to reflect non-neutered dogs and cats. Mr. Regan briefly explained the general penalty clause now inserted for those who do not license dogs and/or cats. Following a consensus of the Councilmembers present, a Motion was offered by Councilman Cumiskey, seconded by Councilman Pontone to approve the Introduction and First Reading of Ordinance 2011-10, with the amended changes noted. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

The agreement for Public Health Shared-Services for the Borough of Rockleigh with the County of Bergen for Health Services for 2012 was presented for discussion. Mr. McGuire explained the increase in the contract from the 2011 contract was approximately \$970 due to the increase in the number of cases reported to the Communicable Electronic System by the County. These cases arise from Spectra East labs located at 8 King Road. Following some discussion, it was the consensus of the Council to investigate how the Borough can seek reimbursement from Spectra East for costs not associated with Rockleigh residents for blood testing in their labs, but charged to the Borough since the lab is located in the Borough. A Motion was offered by Councilman Pontone, seconded by Councilman Mender to approve the 2012 Agreement for Public Health Shared-Services with the County of Bergen. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

Following the discussion above, a Motion was offered by Councilman Mender, seconded by Councilman Johnsen to authorize the Borough Attorney to prepare a resolution for the Sine-Die meeting which would allow Rockleigh Borough to seek reimbursement from Spectra East labs at 8 Kind Road for their blood testing cases not affecting Rockleigh residents.

Mayor Schaffer presented Resolution 2011-46 regarding the opposition of United Water's rate increase for 2012. Without discussion a Motion was offered by Councilman Pontone, seconded by Councilwoman Ewald to adopt Resolution 2011-46 as presented. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

Discussion moved to the 2012 Snow Plow Agreement between the Borough of Northvale and Borough of Rockleigh. Following some discussion and suggested changes regarding the notification of need for snow plowing, it was agreed that the Borough Administrator in addition to the Superintendent of the DPW, have the authority to request snow removal services of Northvale. A Motion was offered by Councilman Pontone, seconded by Councilman Cumiskey to approve the 2012 Snow Plow Agreement which shall include the agreed upon changes. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

The Borough Administrator discussed a proposal regarding fire alarm connection to the Borough Hall sprinkler system with the Governing Body. Following discussion, the Council agreed to authorize Mr. McGuire to seek a few other proposals and deem if the proposal previously submitted by North East Fire & Safety Equipment Co.,Inc. was the best price to engage in a contract with them. A motion was offered by Councilman Pontone, seconded by Councilman Mender to approve up to \$1325.00 for connections of the sprinkler system with alarm monitoring. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

Mr. McGuire advised the Governing Body and the Borough office copier's lease agreement was expiring in January, 2012. He is collecting proposals from new vendors and additional information will be available for consideration at the Sine-Die meeting.

The Police Report was discussed noting the number of ambulance calls. Mr. McGuire reported on the status of the County's check for \$6,000.00 payable to Northvale Ambulance Corp. At the conclusion of that discussion the Council was made aware that Northvale Ambulance Corp. is seeking direct assistance from their direct contacts within the County but will continue to have assistance from Rockleigh. No formal contract outlining the contributions to the Northvale Ambulance Corp. exists.

The Rockleigh Fire Department received an application from Bill Gillooly, who is a 30 year fireman originally from Long Island, NY who currently resides in Norwood, NJ. Mr. Gillooly would be available during the datetime hours to assist the Rockleigh Volunteer Fire Department. At this time a Motion was offered by Councilman Pontone, seconded by Councilman Johnsen. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

FINANCIAL BUSINESS/PAYMENT OF CLAIMS:

Ms. Murphy reported on the Open Balances. All property owners have been notified as to outstanding balances. A resolution regarding Budget Transfers was presented to the Governing Body for consideration. Monies needed to be transferred from other line items (legal, fire clothing allowance, and dog regulation) and placed into the Roads/OE line item. Without further discussion a Motion was offered by Councilman Cumiskey, seconded by Councilman Pontone. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

At this time the current Budget Status Report was distributed for review and the Bill List was presented for approval. Ms. Murphy noted that since the Bill List contained payments for fire clothing allowances, Councilman Pontone would abstain from vote as to the December 5, 2011 Bill List. A Motion was offered by Councilman Cumiskey, seconded by Councilwoman Ewald to approve the Bill List noting the claims and accounts amounting to \$140,621.12, as specified on the voucher summaries dated December 5, 2011, be 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. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender and Cumiskey.

NAYS: None

ABSENT: Agresta,

ABSTAIN: Pontone

The Motion passed.

Mayor Schaffer asked Ms. Murphy to determine a timeline for work on the 2012 budget. In addition, discussion ensued regarding the outstanding invoices as to the codification project. The Council agreed the balance of payment nos. four and five should be cleared up prior to year end. The 2012 Budget will include the line item for codification maintenance at the suggested amount of \$2,500 per year.

Ms. Murphy asked the Council to consider appointment of Choice Strategies as the flexible spending account management company to administer this flexible spending account for Rockleigh's one full time employee. Ms. Murphy recommended this Company since the Borough's insurance company MJM Global needs at least 25 employees to participate in such a plan. Discussion ensued regarding questions to be answered if the Borough's employee declines participation in the flexible spending account, if the Borough is required to still pay the \$250.00 account set up fee. Ms. Murphy will get answers and inform the Council at the Sine-Die meeting. A Motion was offered by Councilman Cumiskey, seconded by Councilman Johnsen authorizing the Borough Attorney to prepare the necessary Resolution for the Sine-Die meeting to appoint Choice Strategies. The Roll Call resulted in the following vote:

AYES: Ewald, Johnsen, Mender, Pontone and Cumiskey.

NAYS: None

ABSENT: Agresta

ABSTAIN: None

The Motion passed.

Ms. Murphy exited the meeting at this time.

A Motion was offered by Councilman Mender, seconded by Councilman Johnsen to open the meeting to the public. All Members voted in the affirmative and the meeting was opened. Mrs. Bresnak came forward to comment on the flexible spending accounts in general and at the conclusion of her comments, she suggested the CFO look into the Borough's payroll company, ADP as an administrator of such a plan. A Motion was offered by Councilman Cumiskey, seconded by Councilman Pontone to close the meeting to the public. All Members voted in the affirmative and the meeting was closed.

At this time the Borough Attorney announced the Governing Body would enter into Executive Session for the purposes for tax appeal litigation. A Motion was offered by Councilman Cumiskey, seconded by Councilwoman Mender and approved by all Councilmembers voting in the affirmative to enter into Executive Session.

Upon returning to the Regular Meeting a Motion was offered by Councilman Pontone, seconded by Councilman Cumiskey and approved with all Councilmembers voting in the affirmative to adjourn the meeting of this date. The Motion passed.

Respectfully submitted,

Marcella Giampiccolo, Borough Clerk