

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
May 6, 2013 – Tice Center, 411 Chestnut Ridge Road**

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Jeffrey R. Goldsmith asked for a roll call. Council members Abene, Bae, Bader, Bloom, and Gadaleta were present. Council President Robert Rosenblatt was absent. For the Borough Attorney, partner Marc Leibman, Administrator/Acting Borough Clerk Albrecht and Deputy Borough Clerk Dakin were also present. Also in attendance Borough Engineer Michael Neglia, PE, and associate Joe Vuich, PE, of Neglia Engineering.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance led by Mr. Treitler.

Moment of Silence Offered by Mayor Jeffrey Goldsmith for Dr. Haas

PRESENTATIONS

- Mr. Christian Treitler, Completion of Boston Marathon
- Presentation to Bronze Award Winners – Junior Girl Scouts
- Pascack Valley Regional High School District Funding Formula Equity – Update, Vito Gagliardi, Esq., Special Counsel

APPROVAL OF MINUTES

RESOLVED, that the Minutes of a Mayor and Council Meeting on April 16, 2013, copies of which have been received by all Councilpersons, are hereby approved.

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Bloom
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

ENGINEER'S REPORT

The Borough Engineer's report was presented by Mr. Michael Neglia, P.E. of Neglia Engineering and Joe Vuich, P.E. of Neglia Engineering.

ADMINISTRATOR'S REPORT

The Borough Administrator's report was accepted as presented with no discussion.

OLD BUSINESS

Noise Ordinance was listed and although not discussed it will be listed for introduction on May 20, 2013.

NEW BUSINESS

Mayor Goldsmith commented about his attendance at the recent New Jersey Mayors' Conference in Atlantic City and would go into more detail at upcoming Council meetings.

Borough Administrator Albrecht introduced Michael Adler of GridSmart Energy out of Boston, MA. BA Albrecht and Mr. Adler discussed how in New Jersey and other states, local governments can enter into energy contracts , called Community Choice Aggregation or CCA, on behalf of its' residents to reduce costs for everyone. Mr. Adler has been hired by Bergen County Government as its' consultant on energy initiatives. CCA's are implemented on an opt-out basis, i.e. all electric customers within the jurisdiction are automatically enrolled unless they take action to opt-out. The Bergen County Cooperative is also exploring this type of initiative and indicated that since Woodcliff Lake is at the forefront of exploring CCA's as well, the County may partner with Woodcliff Lake as a pilot project.

Introduction of Ordinance 13-02

**BOROUGH OF WOODCLIFF LAKE
BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2013 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

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

WHEREAS, the Borough Council of the Borough of Woodcliff Lake in the County of Bergen finds its advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.5% increase in the budget of said year, amount to \$128,903 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Woodcliff Lake, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2013 budget year, the final appropriations of the Borough of Woodcliff Lake shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 1.5%, amounting to \$128,903, and that the 2013 municipal budget for the Borough of Woodcliff Lake be approved and adopted in accordance with this ordinance; and,

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

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

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

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Bloom
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

RESOLUTION AUTHORIZING SELF EXAMINATION OF 2013 BUDGET

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

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

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Woodcliff Lake has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2013 budget year.

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

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures

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

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

ROLL CALL:

Introduce: Mrs. Abene
Second: Mrs. Gadaleta
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

RESOLUTION AUTHORIZING THE WAIVER OF READING IN FULL OF THE 2013 BUDGET

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

- a) Be posted in a public space where public notices are customarily posted; and
- b) Is made available to each person requesting the same during said week and during the public hearing; and

WHEREAS, the Borough of Woodcliff Lake has complied with the aforesaid requirements;

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2013.

ROLL CALL:

Introduce: Mrs. Gadaleta
Second: Mrs. Abene
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

INTRODUCTION OF 2013 BUDGET

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Woodcliff Lake, Bergen County, New Jersey for the year 2013.

BET IT FURTHER RESOLVED, that the said budget be published in the Record Newspaper in the issue of May 17, 2013 and that a hearing on the Budget will be held at the Municipal Building on June 3, 2013 at 8:00 PM or as soon thereafter as the matter may be reached.

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Bloom
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO APPEAR BEFORE THE MONTVALE PLANNING BOARD TO PROTECT THE INTERESTS OF THE CITIZENS OF WOODCLIFF LAKE, NEW JERSEY

WHEREAS, on April 30, 2013, the Mayor and Council of the Borough of Montvale adopted Ordinance No. 2013-1374, amending and supplementing Chapter 128, Zoning, of the Borough of Montvale Code to establish a new AH-PUD Zone, to establish the standards thereof and to implement changes and revisions consistent with the Master Plan; and

WHEREAS, the adoption of Ordinance No. 2013-1374 by the Mayor and Council of the Borough of Montvale rezones property located at the corner of West Grand Avenue and Mercedes Drive in the Borough of Montvale, commonly known as "DePiero Farm"; and

WHEREAS, it has been published in newspapers serving the local geographic area, including the Borough of Woodcliff Lake, that the purpose of the rezoning of the DePiero Farm property is to allow for the development of that property, which development is anticipated to include 240,000 square feet of retail which is to include a 140,000 square foot Wegmans; and

WHEREAS, it has been published in newspapers serving the local geographic area, including the Borough of Woodcliff Lake, that the proposed development of the DePiero Farm property will result in additional traffic on already congested local roads as well as increased noise and air pollution; and

WHEREAS, the Borough of Woodcliff Lake borders the Borough of Montvale and as a result due to the proximity of the development of the DePiero Farm property to the Borough of Woodcliff Lake, any and all negative impacts of that development will directly impact the citizens of the Borough of Woodcliff Lake; and

WHEREAS, the Governing Body of the Borough of Woodcliff Lake believes it is in the best interests of the citizens of the Borough of Woodcliff Lake that the Woodcliff Lake Borough Attorney appear before the Planning Board of the Borough of Montvale in connection with any applications relating to the development of the DePiero Farm property to represent and protect the interests of the citizens of the Borough of Woodcliff Lake.

NOW THEREFORE BE IT RESOLVED that the Governing Body hereby authorizes and directs the Woodcliff Lake Borough Attorney to appear before the Planning Board of the Borough of Montvale in connection with any applications relating to the development of the DePiero Farm property and otherwise protect the interests of the citizens of the Borough of Woodcliff Lake in connection with the development of the DePiero Farm property.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Following a brief explanation of the purpose of the Resolution by Mayor Goldsmith it was unanimously agreed to postpone consideration of the resolution.

RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO ADDRESS ALL ISSUES RELATING TO THE COUNCIL ON AFFORDABLE HOUSING'S MAY 1, 2013 RESOLUTION AND TAKE ALL APPROPRIATE ACTION TO PROTECT THE INTERESTS OF THE BOROUGH OF WOODCLIFF LAKE

WHEREAS, on May 1, 2013, the Council on Affordable Housing ("COAH") adopted a resolution requiring (among other things) that all municipalities to submit to COAH any "affordable housing trust fund moneys" collected before July 17, 2008 and not "spent or committ[ed] to be spent" by July 17, 2012; and

WHEREAS, the Governing Body seeks to promptly address all issues related to COAH's May 1, 2013 resolution and take all appropriate action to protect the interests of the Borough of Woodcliff Lake; and

NOW THEREFORE BE IT RESOLVED that the Governing Body hereby authorizes and directs the Woodcliff Lake Borough Attorney to address any and all issues related to COAH's May 1, 2013 resolution and take all appropriate action to protect the interests of the Borough of Woodcliff Lake.

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Bader
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

The above resolution was amended to include a cap of 10 hours of legal review at which time an update would be provided to the Mayor and Council.

Comments made by Councilman Bader –

"Two months ago this Council made a change with respect to our non-union borough employee health benefits at the time of their retirement.

Under the previous program, the employee, when they accrued twenty five years of participation in the pension system, would be guaranteed the health benefits for their family for the remainder of their lives.

Under the new program, that benefit simply disappeared. I further understand that under the new program, this governing body has the right and option to add or delete or to modify the new plan as to lifetime benefits, or not or something in between.

The change of plan did not take into account any issues which have come to light over the past two months. Employees have voiced their concerns and displeasure as to the way these changes were implemented.

During my investigation, I have found that there are many solutions which could mitigate this problem to be less ugly to our employees and still achieving our goal for the years to come.

The program which jumped out at me was the one which Governor Christie in concert with Bi partisan leadership put into affect in June 2011 where any employee with 20 years or more in the pension system, would be grandfathered into the old plan, giving them the lifetime health benefits when they hit the 25 year mark.

To put this into numbers, Woodcliff Lake currently has 37 full time employees. Eleven of them already qualify for the full health benefits, which cannot be changed. An additional 14 employees are Police Officers and are covered by a separate collective bargaining agreement. This leaves a remaining 9 who falls within the following categories:

- 2 years - 1 employee
- 5 years - 1 employee
- 9 years - 1 employee
- 10 years - 1 employee
- 11 years - 2 employees
- 12 years - 2 employees
- 19 years - 2 employees

This leaves a net number of 3 employees who have over 20 years which would qualify under the Governor's bi Partisan scenario.

After reviewing all of the data and thinking about all the options available to this Governing Body, I would feel comfortable recommending that we adjust our new policy to a threshold of 19 years. This would eliminate any employee less than 19 years from the lifetime health benefits. This would also eliminate any new employees which the Borough hires in the future.

Therefore I want to make a motion to adopt the following to amend our current policies to include any employee in excess of 19 years in the Pension plan to be eligible for lifetime health insurance upon the completion of their 25th year of service."

Councilman Bader made a motion for further discussion, Councilwoman Donna Abene motioned to table, seconded by Councilman Bloom.

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Bloom
Ayes: Mrs. Abene, Mr. Bloom, Mrs. Gadaleta
Nays: Mr. Bader, Mrs. Bae
Abstain: None
Absent: Mr. Rosenblatt

PUBLIC FORUM

Motion to open the meeting to the public was made by Mrs. Gadaleta, second by Mrs. Abene, and approved unanimously by voice call vote with the exception of Mr. Rosenblatt who was absent.

Mr. Tom Ivanich, Denville resident, rose to comment on the elimination of Chapter 88 Employee Lifetime Health Benefits.

Mrs. Kathy Rizza, Emerson resident, rose to comment on the elimination of Chapter 88 Employee Lifetime Health Benefits.

Mr. John Glaser, Woodcliff Lake resident rose to comment on his OPRA request. Administrator addressed his comments.

Motion to extend the meeting made by Councilwoman Donna Abene and seconded by Councilwoman Gadaleta. Unanimous approval by all in attendance.

Motion to close the meeting to the public was made by Mrs. Abene, second by Mr. Bloom, and approved unanimously by voice call vote with the exception of Mr. Rosenblatt who was absent.

CONSENT AGENDA APPROVED AS AMENDED

ROLL CALL:

Introduce: Mrs. Abene
Second: Mr. Bloom
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

ADJOURNMENT

Regular meeting was adjourned at 11:10 p.m. and the Mayor and Council authorized entering into Closed Session as described in the below resolution.

RESOLUTION TO AUTHORIZE ENTERING INTO EXECUTIVE 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;

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

WHEREAS, the Governing Body wishes to discuss: (1) Potential Litigation Involving Health Coverage, and (2) Personnel Matter: Conclusion of Investigative Report Sciara Complaint; and

WHEREAS, this session is anticipated to last approximately 15 minutes; and

WHEREAS, these Minutes will be kept and once the matter involving the confidentiality of the aforementioned no longer requires that confidentiality, then the minutes can be made public.

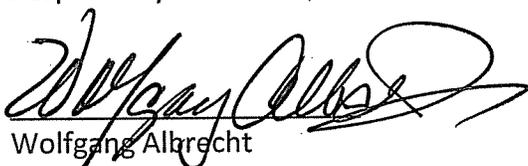
NOW, THEREFORE, BE IT RESOLVED that the public be excluded from this portion of the meeting.

ROLL CALL:

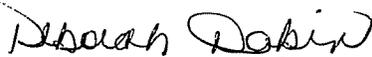
Introduce: Mr. Bader
Second: Mrs. Gadaleta
Ayes: Mrs. Abene, Mr. Bader, Mrs. Bae, Mr. Bloom, Mrs. Gadaleta
Nays: None
Abstain: None
Absent: Mr. Rosenblatt

Closed session adjourned at 11:45 p.m.

Respectfully submitted,



Wolfgang Albrecht
Acting Borough Clerk



Deborah Dakin
Deputy Borough Clerk

CONSENT AGENDA – May 6, 2013

1. Payroll, page 9
2. Authority to Pay Claims, page 9
3. Resolution Authorizing Refund for Overpayment of Taxes Caused by Tax Court Judgment, 17
Hunter Ridge, page 9
4. Resolution Authorizing Refund for Overpayment of Taxes Caused by Tax Court Judgment, 15
Woodcrest Drive, page 10
5. Emergency Temporary Budget Appropriation, page 11
6. Resolution Authorizing New Title Within Public Works Department, page 12
7. Resolution Endorsing Floor Cleaning Partnership Between Borough and WCL School District, page
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