

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA**

October 3, 2011

8:00 p.m.

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 LaPaglia
Councilman Bader
Councilman Baum
Councilman Camella
Councilman Glaser
Councilman Hoffman
Councilman Struk

PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES.

RESOLVED, that the Minutes of the **Mayor and Council Meeting on September 19, 2011 Mayor and Council Meeting** copies of which have been received by all Councilpersons, are hereby approved as presented.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

ENGINEER'S REPORT.

- Intersection Improvements at Woodcliff Avenue and Werimus Road
- Intersection Improvements at Kinderkamack Road and Prospect
- 2010 NJDOT Pascack Valley Cooperative Pricing System for Road Paving Program
- 2011 Municipal Road Improvement Program – Glen Road (from Woodland Road to its intersection with Spring Valley Road), Blueberry Driver (from Overlook Drive to Municipal Boundary), Debra Court, Apple Ridge Road and the Remainder of Tice Boulevard From the 2011 NJDOT Project (Transferred to NJDOT Project)
- Intersection Improvements to Chestnut Ridge Road and Saddle River Road (Bergen County Project)
- United Water Woodcliff Lake Dam Project

MAYOR'S REPORT.

ADMINISTRATOR'S REPORT.

OLD BUSINESS

Cost Recovery Ordinance - Attorney Madaio to discuss

NEW BUSINESS.

Mayor LaPaglia to discuss request from Pascack Valley Mayor's Association

PUBLIC FORUM

Motion to open to the public

Bader Baum
Camella Glaser
Hoffman Struk
 LaPaglia

Motion to close to the public

Bader Baum
Camella Glaser
Hoffman Struk
 LaPaglia

CONSENT AGENDA DISCUSSION.

CONSENT AGENDA VOTE.

ADJOURNMENT.

CONSENT AGENDA – October 3, 2011

1. Authority to Pay Claims, **page 4**
2. Payroll, **page 4**
3. Resolution Authorizing a Refund of Overpayment of Taxes, **page 4**
4. Resolution Authorizing a Refund of Overpaid Taxes Caused by Tax Court Judgment Docket #015935-2010, **page 5**
5. Resolution Authorizing Estimate No. 2 and Final, Change Order No. 1, Change Order No. 2 and Final, **page 5,6**
6. Resolution Authorizing a Stipulation of Settlement Between Michelle S. Sobel, Block 2101, Lot 6.01, 100 Van riper Lane and the Borough of Woodcliff Lake, Docket No. 001082-2011, **page 6,7**
7. Resolution Cancelling the Approval of Items of Revenue and Appropriate – Chapter 159 – NJSА 40A:4-87 Recycling Tonnage Grant (Resolution #R)11-115), **page 7**
8. Resolution Authorizing Approval of Items of Revenue and Appropriation – Chapter 159 – NJSА 40A:4-87 Recycling Tonnage Grant, **page 7,8**
9. Resolution Approving the Engineering for the Pascack Valley Cooperative Pricing System 2011 NJDOT Road Resurfacing Program, **page 8, 9**
10. Resolution Authorizing the Acceptance of a Quote to Perform Work on the Windows at the Tice Senior Community Center, **page 9**

RESOLVED, that the Consent Agenda is hereby approved as presented.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

CLAIMS AND BILLS.

Authority to Pay Claims.

(Consent Agenda - 1)

RESOLVED, that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current	\$1,134,595.33
Animal Control	\$ 785.00
Trust Other	\$ 478.94
Capital	\$ 75,756.20

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Payroll

(Consent Agenda-2)

RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll released	\$ 173,774.21
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Bader Baum Camella Glaser Hoffman Struk LaPaglia

RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF TAXES

(Consent Agenda-3)

WHEREAS. The property tax on the following parcel were paid by the mortgage company and property owners,

WHEREAS, this has resulted in the overpayment of property tax on this parcel by \$3080.11 and,

WHEREAS, the mortgage company listed have requested a refund of overpayment,

NOW, THEREFORE, BE IT RESOLVED, BY THE Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of \$3080.11 to the mortgage company listed below:

<u>B/L</u>	<u>OWNER</u>	<u>AMT.</u>	<u>REASON</u>
1704/19	Gordon, Peter	\$3080.11	DUPLICATE PAYMENT

PAYMENT MAILED TO:

Wells Fargo Home Mortgage
1 Home Campus
X2301-03B/ARU
Des Moines, IA 50328-001
On refund check please reference:
CLAIM # 223482
Peter Gordon/Woodcliff Lake

Bader Baum Camella Glaser Hoffman Struk LaPaglia

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET #015935-2010 (Consent Agenda-4)

WHEREAS, the owners of Block 1111 Lot 7, 17 Ginny Drive, Woodcliff Lake N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:

<u>2011 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
283,900.00 LAND	283,900.00 LAND
583,700.00 IMPROVEMENTS	487,100.00 IMPROVEMENTS
<u>867,600.00 TOTAL ASSESSMENT</u>	<u>771,000.00 TOTAL ASSESSMENT</u>
\$18,731.48 taxes paid	\$16,645.89 tax court judgment taxes

MUNICIPAL TAX RATE FOR YEAR 2010=\$2.159 PER 100 OF ASSESSED VALUE

2010 TAX REFUND= \$2085.59

WHEREAS, this has resulted in their overpaying their property tax for the year 2010 in the amount of **\$2085.59** and,

WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of **\$2085.59** for the year **2010** to the owner of record Adam & Lisa Friend

Mail Voucher to:

Friend, Adam & Lisa
17 Ginny Drive
Woodcliff Lake, NJ 07677

Refund by October 3, 2011

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Authorizing Estimate No. 2 and Final, Change Order No. 1, Change Order No. 1, Change Order No. 2 and Final (Consent Agenda-5)

WHEREAS, the Borough of Woodcliff Lake has previously awarded a contract to D&L Paving Contractors, Inc. for the 2010 Pascack Valley NJDOT Project; and

WHEREAS, the work performed by D&L Paving Contractors, Inc. is complete and final payment of \$3,459.60 is due; and

WHEREAS, D&L Paving, Inc. has posted a two (2) year maintenance bond for 15% of the final amount (\$12,165.77) to the Borough Clerk to retain on file;

WHEREAS, the Borough Engineer takes no exception to this payment and the Chief Financial Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes Estimate No. 2 and Final, Change Order No. 1, Change Order No. 2 and Final.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Authorizing a Stipulation of Settlement Between Michelle S. Sobel, Block 2101, Lot 6.01, 100 Van Riper Lane and the Borough of Woodcliff Lake, Docket No. 001082-2011
(Consent Agenda-6)

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a Judgment entered as follows:

Block: 2101

Lot: 6.01

Street Address: 100 Van Riper Lane

Municipality: Borough of Woodcliff Lake, County of Bergen, NJ

YEAR 2011

	Original Assessment	County Tax Board Assessment	Requested Tax Judgment
Land	\$ 226,400	\$	\$ 226,400
Improvements	\$ 1,310,700	\$ direct appeal	\$ 1,108,900
Total	\$ 1,537,100	\$	\$ 1,335,300

2. The undersigned have made such an examination of a value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposes of enabling them to enter this Stipulation. The Assessor of the Taxing District has been consulted by the Attorney for the Taxing District with respect to the settlement and has concurred.
3. The refund due to the Plaintiff/Taxpayer, as a result of this Stipulation of Settlement, for the 2011 tax year shall be in the form of a monetary refund. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within sixty (60) days of the date of entry of the Tax Court judgment.

(a) Any and all refunds due as a result of this Stipulation shall be made payable to “Beattie Padovano, LLC Trust Account” and mailed directly to Antimo A. DelVecchio, Esq., Beattie Padovano, LLC, 50 Chestnut Ridge Road, P.O. Box 244, Montvale, New Jersey 07645-0244.

4. The Taxing District and the Taxpayer hereby recognize, agree and otherwise consent to the terms and conditions of this paragraph of the Stipulation of Settlement not becoming part of the Judgment to be issued by the Tax Court pursuant to this Stipulation. Unless an event occurs which would allow the Taxing District to avoid the application of the Freeze Act, the Taxing District agrees that the Freeze Act (N.J.S.A. 54:51A-8) shall apply in all respects to the assessment(s) and therefore, the Freeze Act shall cover the 2012 and 2013 tax years in the same amount as stipulated for the 2011 assessment set forth in Paragraph 1 herein. No Freeze Act year(s) shall be the basis for the application of the Freeze Act for any subsequent year. The Taxing District agrees to timely (within ten (10) days of receipt of a request) execute all documents which may be necessary to apply for, file, and/or obtain an “Application for Judgment” pursuant to N.J.S.A. 54:51A-8.
5. Based upon the foregoing, the undersigned stipulate and represent to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally required by law and applicable in the Taxing District.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Cancelling the Approval of Items of Revenue and Appropriation – Chapter 159 – NJSA 40A:4-87 Recycling Tonnage Grant (Resolution # R011-115) (Consent Agenda-7)

WHEREAS, Resolution 011-115 has been found to have an error in it; and

WHEREAS, the Chief Financial Officer has authorized the cancellation of the Chapter 159 – NJSA 40A:4-87 titled Recycling Tonnage Grant.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council authorize the cancellation of the aforementioned Chapter 159 entitled Recycling Tonnage Grant Resolution (R011-115)

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Authorizing Approval of Items of Revenue and Appropriation – Chapter 159 – NJSA 40A:4-87 Recycling Tonnage Grant (Consent Agenda-8)

WHEREAS, NJSA 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake in the County of Bergen, NJ, hereby requests the Director of the Division of Local Government to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$21,572.40 from the State of NJ 2009 Recycling Tonnage Grants.

BE IT FURTHER RESOLVED that the sum of \$21,572.40 is hereby appropriated under the caption of State of NJ Recycling Tonnage Grant.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Approving the Engineering for the Pascack Valley Cooperative Pricing System 2011 NJDOT Road Resurfacing Program (Consent Agenda-9)

WHEREAS, the municipalities of Emerson, Oradell, Westwood and Woodcliff Lake have received NJDOT grants for 2011 road projects in the amount of \$600,000; and

WHEREAS, in order to save on the cost of preparing plans and specifications for these grant funded projects and ensure consistent oversight and inspection, the Pascack Valley Cooperative Pricing System #107-PVCPS issued an RFP on May 18, 2011; and

WHEREAS, four (4) engineering firms responded with proposals for these grant funded projects on or before the deadline of June 9, 2011; and

WHEREAS, after review and analysis by the Administrators of Ramsey and Westwood, it has been determined that Christopher Statile, P.A. has submitted the most cost effective proposal.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake hereby approves the Christopher Statile, P.A. proposal for the engineering oversight of the 2011 NJDOT project in an amount not to exceed \$56,650.00.

BE IT FURTHER RESOLVED, that the Borough of Woodcliff Lake's portion is not to exceed \$14,162.50. subject to certification of funds by the CFO.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Awarding Contract for Pascack Valley Cooperating Pricing System (#107-PVCPS) 2011 NJDOT Project and Authorization for D&L Paving to Perform Work in Woodcliff Lake as Outlined in Master Contract (Consent Agenda-10)

WHEREAS, on June 9, 2011 the Borough of Westwood, acting as Lead Agency for the Pascack Valley Cooperative Pricing System (#107-PVCPS), received bids for the 2011 NJDOT Project; and

WHEREAS, two (2) bids were received

D&L Paving Contractors, Inc.	\$522,379.11
English Paving Co., Inc.	\$564,016.07

WHEREAS, although D&L Paving Contractors, Inc. is the low bidder, it has been determined that D&L Paving Contractors failed to submit a Public Contractor's Registration Certificate as required by N.J.S.A 34:11-56.51; and

WHEREAS, pursuant to both the express language of the Borough's bid instructions and the above referenced statutes, the bid of D&L Paving, Inc. must be disallowed; and

WHEREAS, it appears that the bid for English Paving, Inc. is fully compliant.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake hereby awards the paving contract hereinabove described to English Paving Co., Inc. of Clifton, New Jersey for contract price of \$564,016.07. The award is subject to the approval of the bid award by the New Jersey DOT.

BE IT FURTHER RESOLVED that the Borough of Woodcliff Lake's portion is not to exceed \$170,532.21, subject to certification of funds by the CFO.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Authorizing the Acceptance of a Quote to Perform Work on the Windows at the Tice Senior Community Center

WHEREAS, the Borough of Woodcliff Lake has deemed that repair work needs to be performed on the windows in the basement and on the first floor of the Tice Senior Community Center; and

WHEREAS, two (2) quotes were received for the aforementioned repair project from Frank Izzo Painting and Peter J. Jorgensen; and

WHEREAS, Peter J. Jorgensen was deemed to have submitted the lowest qualified proposal; and

WHEREAS, the Chief Financial Officer has certified that funds are available.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the acceptance of the proposal from Peter J. Jorgensen to repair the windows in the basement and first floor of the Tice Senior Community Center.

Bader Baum Camella Glaser Hoffman Struk LaPaglia