



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
REGULAR MEETING
LOCATION: TICE CENTER – 411 CHESTNUT RIDGE ROAD
November 7, 2013
8:00 PM**

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
Councilwoman Donna Abene
Councilman Jeffrey Bader
Councilwoman Jean Bae
Councilman Eric Bloom
Councilwoman Jacqueline Gadaleta
Council President Robert Rosenblatt

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

MAYOR'S APPOINTMENT

(MAYOR) I appoint Kevin Zink for the position of laborer/driver for the Department of Public Works.

ORDINANCES

1. Introduction of Ordinance 13-09

"ORDINANCE AMENDING CHAPTER 12 OF THE WOODCLIFF LAKE CODE TO SET FORTH MUNICIPAL DISCOVERY FEE SCHEDULE"

2. Introduction of Ordinance 13-10

"ORDINANCE AMENDING CHAPTER 349-4(3) OF THE WOODCLIFF LAKE CODE (towing)"

3. Introduction of Ordinance 13-11

**“ORDINANCE AMENDING CHAPTER 178 OF THE WOODCLIFF LAKE CODE TO
INCLUDE MITIGATION RATES FOR EMERGENCY AND FIRE SERVICE”**

4. Introduction of Ordinance 13-12

**“ORDINANCE AMENDING CHAPTER 178 OF THE WOODCLIFF LAKE CODE TO
CREATE A FIRE WATCH PROGRAM”**

OLD BUSINESS

- Discussion of Proposal from Neglia Engineering regarding the Old Mill Recreation Bleachers & Walkway, led by Thomas Richards
- 2014 Open Space Grant – Pool and Ballfield, led by Thomas Richards
- Discussion of Purchase Orders, led by Thomas Richards
- Discussion of the Generator, led by Thomas Richards

NEW BUSINESS

- Discussion of hiring a technical assistant for the Building Department, led by Mayor Jeffrey Goldsmith
- Letter to Mayor & Ms. Barbelet regarding election location, led by Mayor Jeffrey Goldsmith
- Planning Board Update, led by Councilwoman Donna Abene
- Board of Health, led by Councilman Jeff Bader

ENGINEER’S REPORT

PUBLIC COMMENT

(limited to 5 minutes per speaker)

CONSENT AGENDA

- Resolution No. 13-162 - Authorizing payment of Payroll
- Resolution No. 13-163 - Authorizing payment of Claims
- Resolution No. 13-164 - Authorizing Settlement of Tax Appeal in the Matter of
Newman vs. Borough of Woodcliff Lake
- Resolution No. 13-165 – Authorizing 2013 Budget Transfers
- Resolution No. 13-166 - Amending Interim Administrator’s Contract to Permit Dental

Coverage

Resolution No. 13-167 - Authorizing the Borough of Woodcliff Lake to Contract for
Professional Services of an Appraiser for Condemnation Proceedings

Resolution No. 13-168 - Permitting Retention of Borough issued Laptops

Resolution No. 13-169 – Authorizing Appointment of Qualified Purchasing Agent

ADJOURNMENT

Introduction of Ordinance 13-09

"ORDINANCE AMENDING CHAPTER 12 OF THE WOODCLIFF LAKE CODE TO SET FORTH MUNICIPAL DISCOVERY FEE SCHEDULE"

Section 1: Purpose & Authority. Pursuant to N.J.S.A. 2B:12-1, 40:48-1,40:49-2, and 2012 New Jersey Supreme Court Order 0019, the Borough of Woodcliff Lake hereby amends Chapter 12 of its Code to set forth a municipal discovery fee schedule consistent with that promulgated by the New Jersey Supreme Court.

Section 2: New Section to Chapter 12. Chapter 12 of the Borough Code shall now include new Section 12-19, titled "Municipal Court Discovery Fees," which shall state as follows:

(A) *Standard Fees.* The municipal prosecutor, or a private prosecutor in a cross-complaint case, may charge a fee for a copy or copies of discovery. The fee assessed for discovery embodied in the form of printed matter shall be \$0.05 per letter size page or smaller, and \$0.07 per legal size page or larger. From time to time, as necessary, these rates may be revised pursuant to a schedule promulgated by the Administrative Director of the Courts and this chapter shall be amended accordingly. If the prosecutor can demonstrate that the actual costs for copying discovery exceed the foregoing rates, the prosecutor shall be permitted to charge a reasonable amount equal to the actual costs of copying. The actual copying costs shall be the costs of materials and supplies used to copy the discovery, but shall not include the costs of labor or other overhead expenses associated with making the copies, except as provided for in paragraph (i)(2) of this rule. Electronic records and non-printed materials shall be provided free of charge, but the prosecutor may charge for the actual costs of any needed supplies such as computer discs.

(B) *Special Service Charge for Printed Copies.* Whenever the nature, format, manner of collation, or volume of discovery embodied in the form of printed matter to be copied is such that the discovery cannot be reproduced by ordinary document copying equipment in ordinary business size, or is such that it would involve an extraordinary expenditure of time and effort to copy, the prosecutor may charge, in addition to the actual copying costs, a special service charge that shall be reasonable and shall be based upon the actual direct costs of providing the copy or copies. The defendant shall have the opportunity to review and object to the charge prior to it being incurred.

(C) *Special Service Charge for Electronic Records.* If the defendant requests an electronic record: (1) in a medium or format not routinely used by the prosecutor; (2) not routinely developed or maintained by the prosecutor; or (3) requiring a substantial amount of manipulation or programming of information technology, the prosecutor may charge, in addition to the actual cost of duplication, a special

charge that shall be reasonable and shall be based on (1) the cost for any extensive use of information technology, or (2) the labor cost of personnel providing the service that is actually incurred by the prosecutor or attributable to the prosecutor for the programming, clerical and supervisory assistance required, or (3) both. The defendant shall have the opportunity to review and object to the charge prior to it being incurred.

Section 4: Special Service Charges. As referenced in Sections 2(B) and (C) of this ordinance, the following special service charges apply (non-exhaustive):

A. Large-sized paper documents and maps. Fees shall be for actual costs incurred; a deposit of \$5 per page shall be required:

- (1) Zoning Map.
- (2) Street Map.
- (3) Drug-Free School Zone Map.
- (4) Soils Survey Map.
- (5) Site plan.
- (6) Subdivision plat.
- (7) Tax maps.
- (8) Engineering plans.

B. Preprinted documents:

- (1) Copy of the Code book: \$300.
- (2) Zoning/land use pamphlet: \$25.
- (3) Master Plan: actual cost to copy.

C. The furnishing of any information on a CD-ROM, including of any Mayor and Council, board or commission meeting recorded in the Borough of Montvale's Council Chambers on the recording system, shall be at the cost of \$0.36 per CD and \$0.32 per CD case.

D. Police reports:

- (1) Police accident reports: same as in Section 2(A) above, if requested and picked up in person;
- (2) Police accident reports, when copies are requested other than in person: \$5 for the first three pages and \$1 per page for each additional page, as established by N.J.S.A. 39:4-131.

F. Applicable postage shall be added for any and all records requested by mail. The cost of standard-sized envelopes shall be \$0.25.

G. A deposit shall be paid prior to filling any anonymous or out-of-state request where it is estimated that the information requested will cost in excess of \$5 to reproduce. The amount of the deposit shall equal the total estimated cost of filling the request.

Section 5: Implied Repeal. All provisions of the Borough Code that are inconsistent with this ordinance, either on their face or in effect, are hereby repealed.

Section 6: Savings Clause. Any portion of this ordinance that is declared to be invalid by a court of competent jurisdiction shall be excised from the ordinance, but the remainder of the ordinance shall survive. The excision shall be as limited as possible. To the extent possible, everything that can be saved shall be saved consistent with the purpose of this ordinance.

Section 7: Effective Date. This ordinance shall take effect immediately upon final publication.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to be held on November 25, 2013 at 8:00 PM or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given any opportunity to be heard concerning said Ordinance, and that the Acting Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and or the time and place when and where said Ordinance be further considered for final passage.

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

Introduction of Ordinance 13-10

**BOROUGH OF WOODCLIFF LAKE
ORDINANCE AMENDING CHAPTER 349-4(3) OF THE WOODCLIFF LAKE CODE**

Section 1: Purpose & Authority. Pursuant to 40:48-1 and 40:49-2, the Borough of Woodcliff Lake hereby amends Chapter 349-4(3) of its Code.

Section 2: Amendment to Chapter 349-4(3). Chapter 349-4(3) of the Code shall be amended as follows [deletions in strikethrough; additions highlighted]:

(3) Rotating list. The Borough shall accept and place on its rotating list of towing operators ~~the first~~ four towing operators who submit completed application forms, who comply with all of the requirements of this chapter, and have been approved by the Chief of Police and in accordance with all applicable laws.

Section 3: Implied Repeal. All provisions of the Borough Code that are inconsistent with this ordinance, either on their face or in effect, are hereby repealed.

Section 4: Savings Clause. Any portion of this ordinance that is declared to be invalid by a court of competent jurisdiction shall be excised from the ordinance, but the remainder of the ordinance shall survive. The excision shall be as limited as possible. To the extent possible, everything that can be saved shall be saved consistent with the purpose of this ordinance.

Section 5: Effective Date. This ordinance shall take effect immediately upon final publication. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to be held on November 25, 2013 at 8:00 PM or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given any opportunity to be heard concerning said Ordinance, and that the Acting Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and or the time and place when and where said Ordinance be further considered for final passage.

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

**BOROUGH OF WOODCLIFF LAKE
COUNTY OF BERGEN
ORDINANCE 13-11
ORDINANCE AMENDING CHAPTER 178 OF THE WOODCLIFF LAKE CODE TO INCLUDE
MITIGATION RATES FOR EMERGENCY AND FIRE SERVICES**

Section 1. Purpose & Authority. Pursuant to N.J.S.A. 40:48-1 and 40:49-2, the Borough of Woodcliff Lake hereby amends Chapter 178 of the Woodcliff Lake Code to add Article VI, "Mitigation Rates." The purpose of the amendment is for the Woodcliff Lake Fire Department to implement a fair and equitable procedure by which to collect mitigation rates in certain circumstances.

Section 2. Findings. The emergency services response activity to incidents continues to increase each year. The United States Department of Environmental Protection and Homeland Security requirements for equipment and training create additional demands on all operational aspects of the services of the Fire Department.

The Fire Department has investigated different methods to maintain a high level of quality of emergency and non-emergency service capability throughout times of constantly increasing service demands. Maintaining an effective response by the fire department decreases the costs of incidents to insurance carriers, businesses, and individuals through timely and effective management of emergency situations, saving lives and reducing property and environmental damage.

Raising real property tax to meet the increase in service demands would not be fair when the responsible parties should be held accountable for their actions.

The Fire Department desires to implement a fair and equitable procedure by which to collect mitigation rates in certain defined circumstances and shall establish a billing system in accordance with applicable laws, regulations, and guidelines.

Section 3. Mitigation Rates. Chapter 178 of the Woodcliff Lake Code is amended to add Article VI, "Mitigation Rates," with Section 38 to read as follows:

- (a) The Fire Department shall initiate mitigation rates for the delivery of emergency and non-emergency services by the fire department for personnel, supplies, and equipment to the scene of emergency and non-emergency incidents as listed in the Mitigation Appendix adopted with this ordinance. The Mitigation Appendix shall be kept on file with the Borough Clerk. The mitigation rates shall be based on actual costs of services and that which is usual, customary, and reasonable, which may include any services, personnel, supplies, and equipment and with

baselines established by necessary addendums to the Mitigation Appendix.

(b) A claim for mitigation rates shall be served on the responsible party through their insurance carrier, if any. In some circumstances, the responsible party will be billed directly. Responsible party means the party responsible for the accident/incident giving rise for Fire Department services; if there is more than one responsible party, mitigation rates may be proportioned accordingly. If there is a dispute over whether someone or something is a responsible party, that party may raise any purported lack of responsibility as a defense to the bill. In addition, if there is litigation (broadly construed) arising from the accident/incident, the Fire Department may await the outcome of the litigation to bill the responsible party, as determined by the litigation.

(c) The Fire Department Board may from time to time amend, revoke, or add rules and regulations to the Mitigation Appendix to the extent consistent with this ordinance. Any such rules or amendments shall be filed with the Borough Clerk, who shall notify the Woodcliff Lake Governing Body.

(d) Mitigation rates will generally only apply to persons and companies who are not residents of Woodcliff Lake. Residents within Woodcliff Lake currently subsidize these emergency service costs through their property taxes. However, responses involving intoxicated drivers, hazmat clean-up, intentional and negligent acts, or any act that violates any ordinance, local, state or federal statute may be subject to all applicable rates regardless of residency. For purposes of this section a resident is defined as: (a) any person who maintains his or her full time residence within the Woodcliff Lake; or (b) is the majority owner of a business that operates from real property owned by the business located within the Woodcliff Lake. (For purposes of this section, a business includes any type of business no matter the character of its formation.)

Section 4. Mitigation Fund. Any mitigation rates paid under this ordinance shall be paid to the Borough of Woodcliff Lake for approved use by the Fire Department. The Woodcliff Lake Chief Financial Officer shall set up a "mitigation rate fund" for any mitigation rates paid under this ordinance. The purpose of the "fund," as set forth in this ordinance, will be to offset the cost of certain Fire Department services. The Fire Department shall request use of the "fund" for such purpose, which request shall be subject to the Chief Financial Officer's approval. Copies of all requests must be sent to the Borough Clerk and the Woodcliff Lake Governing Body.

Section 5. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 6. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Borough Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Borough Code.

Section 7. Codification. This ordinance shall be codified as Article VI, "Mitigation Rates," Chapter 178-38 of the Woodcliff Lake Code.

Section 8. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

EXHIBIT A

MITIGATION RATES BASED ON PER HOUR

MOTOR VEHICLE INCIDENTS

Level 1 - \$435.00

Provide hazardous materials assessment and scene stabilization. This will be the most common "billing level". This occurs almost every time the fire department responds to an accident/incident.

Level 2 - \$495.00

Includes Level 1 services as well as clean up and material used (sorbents) for hazardous fluid clean up and disposal. We will bill at this level if the fire department has to clean up any gasoline or other automotive fluids that are spilled as a result of the accident/incident.

Level 3 - \$1,800.00

Includes Level 1 & 2 services as well as extrication (heavy rescue tools, ropes, airbags, cribbing etc.). We will bill at this level if the fire department has to free/remove anyone from the vehicle(s) using any equipment. We will not bill at this level if the patient is

simply unconscious and fire department is able to open the door to access the patient. This level is to be billed only if equipment is deployed.

Level 4 - \$2,200.00

Includes Levels 1, 2, & 4 services as well as Air Care (multi-engine company response, mutual aid, helicopter). We will bill at this level any time a helicopter is utilized to transport the patient(s).

Level 5

Itemized Response: We have the option to bill each incident as an independent event with custom mitigation rates, for each incident using, itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus, per personnel, plus products and equipment used.

HAZMAT

Level 1 - \$700.00

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, set-up and command.

Level 2 - \$2,500.00

Intermediate Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, set-up and command, Level A or B suit donning, breathing air and detection equipment. Set-up and removal of decon center.

Level 3 – \$5,900.00

Advanced Response: Claim will include engine response, first responder assignment, hazmat certified team and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command, Level A or B suit donning, breathing air and detection equipment and robot deployment. Set-up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene. Includes 3 hours of on scene time - each additional hour @ \$300.00 per HAZMAT team.

PIPELINE INCIDENTS / POWER LINE INCIDENTS

(Includes, but not limited to: Gas, Sewer, Septic to Sewer, and Water Pipelines)

Level 1 - \$400.00

Basic Response: Claim will include engine response and first responder assignment, perimeter establishment, evacuations, first responder set-up and command. Includes inspection without damage or breakage.

Level 2 - \$1,000.00

Intermediate Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. May include HAZMAT team, Level A or B suit donning, breathing air and detection equipment. Supervise and/or assist pipeline repair.

Level 3 – Itemized Claim Charges

Advanced Response: Claim will include engine response, first responder assignment, and appropriate equipment, perimeter establishment, evacuations, first responder set-up and command. May include HAZMAT team, Level A or B suit donning, breathing air and detection equipment. Supervise and/or assist pipeline repair of intermediate to major pipeline damage. May include set-up and removal of decon center, detection, recovery and identification of material. Disposal and environment clean up.

FIRES

Assignment - \$400.00 per hour, per engine / \$500.00 per hour, per truck

Includes:

- Scene Safety
- Investigation
- Fire / Hazard Control

This will be the most common “billing level”. This occurs almost every time the fire department responds to an incident.

OPTIONAL: We have the option to bill each fire as an independent event with custom mitigation rates.

Itemized, per person, at various pay levels and for itemized products use.

WATER INCIDENTS

Level 1

Basic Response: Claim will include engine response, first responder assignment, perimeter establishment, evacuations, first responder set-up and command, scene safety and investigation (including possible patient contact, hazard control). This will be the most common "billing level". This occurs almost every time the fire department responds to a water incident.

Billed at \$400 plus \$50 per hour, per rescue person.

Level 2

Intermediate Response: Includes Level 1 services as well as clean up and material used (sorbents), minor hazardous clean up and disposal. We will bill at this level if the fire department has to clean up small amounts of gasoline or other fluids that are spilled as a result of the incident.

Billed at \$800 plus \$50 per hour, per rescue person.

Level 3

Advanced Response: Includes Level 1 and Level 2 services as well as D.A.R.T. activation, donning breathing apparatus and detection equipment. Set up and removal of decon center, detection equipment, recovery and identification of material. Disposal and environment clean up. Includes above in addition to any disposal rates of material and contaminated equipment and material used at scene.

Billed at \$2,000 plus \$50 per hour per rescue person, plus \$100 per hour per HAZMAT team member.

Level 4

Itemized Response: You have the option to bill each incident as an independent event with custom mitigation rates for each incident using itemized rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized, per trained rescue person, plus rescue products used.

BACK COUNTRY OR SPECIAL RESCUE

Itemized Response: Each incident will be billed with custom mitigation rates deemed usual, customary and reasonable (UCR). These incidents will be billed, itemized per apparatus per hour, per trained rescue person per hour, plus rescue products used.

Minimum billed \$400 for the first response vehicle plus \$50 per rescue person. Additional rates of \$400 per hour per response vehicle and \$50 per hour per rescue person.

MITIGATION RATE NOTES

The mitigation rates above are average "billing levels", and are typical for the incident responses listed; however, when a claim is submitted, it will be itemized and based on the actual services provided.

These average mitigation rates were determined by itemizing costs for a typical run (from the time a fire apparatus leaves the station until it returns to the station) and are based on the actual costs, using amortized schedules for apparatus (including useful life, equipment, repairs, and maintenance) and labor rates (an average department's "actual personnel expense" and not just a firefighter's basic wage). The actual personnel expense includes costs such as wages, retirement, benefits, workers comp, insurance, etc.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to be held on November 25, 2013 at 8:00 PM or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given any opportunity to be heard concerning said Ordinance, and that the Acting Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and or the time and place when and where said Ordinance be further considered for final passage.

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

**BOROUGH OF WOODCLIFF LAKE
COUNTY OF BERGEN
ORDINANCE 13-12
ORDINANCE AMENDING CHAPTER 178 OF THE WOODCLIFF LAKE CODE TO CREATE A FIRE
WATCH PROGRAM**

Section 1. Purpose & Authority. Pursuant to N.J.S.A. 40:48-1 and 40:49-2, the Borough of Woodcliff Lake hereby amends Chapter 178 of the Woodcliff Lake Code to add Article VII, "Fire Watch Program." The purpose of the amendment is to create a fire watch program where, for example, a fire protection system is temporarily out of service.

Section 2. Fire Watch Program. Article VII, "Fire Watch Program," is added to Chapter 178 of the Woodcliff Lake Code:

(a) "Fire watch" is defined as a temporary measure ordered by the Woodcliff Lake Bureau of Fire Prevention intended to insure continuous and systematic surveillance of and response to the Borough or a portion thereof, or a building or portion thereof, by one or more qualified individuals, for the purpose of identifying and controlling fire and other life/property hazards, detecting early signs of an unwanted fire, raising an alarm of fire to the occupants, notifying the Woodcliff Lake Fire Department and engaging in firefighting or other emergency response.

(b) A fire watch may be ordered by the Fire Official with the preapproval of the Borough Administrator or his/her designee, except that in an emergency the Fire Official, or in his/her absence the ranking Fire Department officer present, may act on his/her own. A fire watch may be posted in any portion of the Borough and also in public and privately owned buildings and/or properties. As the Borough may direct, a fire watch shall be paid for by the Borough, or by a building owner, tenant, lessee, or organization under the following circumstances: required fire protection systems are out of service; a fire watch is directed by the Borough or is requested by the building owner, tenant, or lessee; public and private events where 100 people or more are in attendance; events where with the approval of the Fire Official or his assigned designee the posted occupancy load is exceeded; all other situations deemed necessary by the Fire Official or his assigned designee.

(c) A fire watch may include firefighting, rescue, recovery, and other emergency responses; the maintaining of posted fire lanes, means of egress, and posted occupancy loads; enforcement of no smoking in posted areas; area and building surveillance; checking for proper permits; inspecting for proper safety

precautions of cooking equipment; and such other functions as required by the Fire Official or his assigned designee.

(d) Fire Prevention shall create a list of individuals authorized by law to perform a fire watch and available to the Borough of Woodcliff Lake for a fire watch, should one be deemed necessary. Any qualified individuals used for the purposes of a fire watch shall report directly to the Fire Official or his/her assigned designee, who will, in turn, report to and be subject to the direction of the Borough Administrator. Persons on the fire watch list shall be independent contractors who shall indemnify the Borough of Woodcliff Lake for their performance of a fire watch. They shall be paid by Fire Prevention, which shall bill the subject building owner for the fire watch. Whenever possible, the subject building owner shall be given notice of the cost for the fire watch prior to the watch and shall have the option to utilize its own private personnel to perform the fire watch, so long as the personnel is authorized by law to perform a fire watch.

(e) All fire watch services incurred and paid on behalf of the Borough directly shall be at the rate of \$17 per hour per person. All fire watch services ordered for the benefit/protection of private property shall be paid at the rate of \$40 per hour per person, and there shall be a minimum payment of four hours per worker plus an administration fee of 15% applied for the individual and the vehicle used. Additionally, there will be a fee of \$10 per hour for the use of a regular Borough motor vehicle and a fee of \$25 per hour for the use of each Borough fire apparatus. All payments shall be made within 10 days after service is provided. Payments shall be made payable to Fire Prevention, except that Borough-incurred payments shall be made to individual fire watchers directly.

(d) Fire Prevention, in conjunction with the Woodcliff Lake Chief Financial Officer, shall establish a "fire watch fund" for payments under this ordinance.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Borough Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Borough Code.

Section 5. Codification. This ordinance shall be codified as Article VII, "Fire Watch Program," Chapter 178-39 of the Woodcliff Lake Code.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistencies only.

In the event that any word, phrase, clause, section or provision of this Ordinance is found by any Court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect.

Heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to be held on November 25, 2013 at 8:00 PM or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given any opportunity to be heard concerning said Ordinance, and that the Acting Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and or the time and place when and where said Ordinance be further considered for final passage.

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

**BOROUGH OF WOODCLIFF LAKE
RESOLUTION NO. 13-162
November 7, 2013**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL

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

Payroll Released 10/31/2013: \$173,765.10

Approved: November 7, 2013 by roll call vote.

CERTIFICATION

I, Joyce Larena, RMC, Municipal Clerk of the Borough of Woodcliff Lake 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 Mayor and Council at the meeting of November 7, 2013.

JOYCE LARENA, BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
RESOLUTION NO. 13-163
November 7, 2013**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

RESOLUTION AUTHORIZING PAYMENT OF CLAIMS

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 Fund:	\$ 61,990.00
Animal Control:	\$ 785.00
Capital Fund:	\$ 2,979.61

Approved: November 7, 2013 by roll call vote.

CERTIFICATION

I, Joyce Larena, RMC, Municipal Clerk of the Borough of Woodcliff Lake 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 Mayor and Council at the meeting of November 7, 2013.

JOYCE LARENA, BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
RESOLUTION NO. 13-164
November 7, 2013**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

**RESOLUTION AUTHORIZING SETTLEMENT OF TAX APPEAL IN THE MATTER OF NEWMAN VS.
BOROUGH OF WOODCLIFF LAKE**

WHEREAS, Gary and Sari Newman are the owners and taxpayers of property located at 18 Winding Way, also known as Block 1084, Lot 11, Woodcliff Lake, New Jersey; and

WHEREAS, the taxpayers have filed a tax appeal for the years 2012 and 2013 against the Borough of Woodcliff Lake in a matter entitled Gary and Sari Newman vs. Borough of Woodcliff Lake, which are presently pending in Tax Court; and

WHEREAS, it has been recommended by the Tax Appeal Attorney, the Borough Appraiser and the Borough Assessor that the matter be settled at this time, and that such settlement is in the best interest of the Borough;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that the Tax Appeal Attorney be and he is hereby authorized and directed to execute any and all documents necessary in order to finalize the settlement of litigation entitled Gary and Sari Newman vs. Borough of Woodcliff Lake, so that for tax years 2012 and 2013, the assessment of \$1,049,800 will be reduced to \$1,000,000 for the tax year 2014; and

BE IT FURTHER RESOLVED that the aforesaid settlement is predicted upon a waiver of any and all pre-judgment interest by the taxpayer, as long as the refunds are paid within 60 days of the Tax Court Judgments.

Approved: November 7, 2013 by roll call vote.

CERTIFICATION

I, Joyce Larena, RMC, Municipal Clerk of the Borough of Woodcliff Lake 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 Mayor and Council at the meeting of November 7, 2013.

JOYCE LARENA, BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
RESOLUTION NO. 13-165
November 7, 2013**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

RESOLUTION AUTHORIZING 2013 BUDGET TRANSFERS

2013 Budget Transfers

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Municipal Clerk – Salaries and Wages	3-01-20-120-010	25,000.00	
Legal – Other Expenses	3-01-20-155-020		25,000.00
Landfill Disposal Costs	3-01-32-465-230	15,000.00	
Sewer – Other Expenses	3-01-31-455-020		15,000.00
Landfill Disposal Costs – Recycling Tax	3-01-32-465-230	600.00	
Borough of Hillsdale – Sewer Charges	3-01-31-458-020		600.00
Library – Other Expenses	3-01-29-390-020	3,000.00	
Board of Health – Other Expenses	3-01-27-330-020		3,000.00
Parks and Recreation – Other Expenses	3-01-28-375-010	6,000.00	

Parks and Recreation – Other Expenses	3-01-28-375-020	6,000.00	
TOTAL		49,600.00	49,600.00

Approved: November 7, 2013 by roll call vote.

CERTIFICATION

I, Joyce Larena, RMC, Municipal Clerk of the Borough of Woodcliff Lake 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 Mayor and Council at the meeting of November 7, 2013.

JOYCE LARENA, BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
RESOLUTION NO. 13-166
November 7, 2013**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

**RESOLUTION AMENDING INTERIM ADMINISTRATOR'S
CONTRACT TO PERMIT DENTAL COVERAGE**

WHEREAS, on August 12, 2013, the Borough of Woodcliff Lake accepted a 60-day leave of absence of its Administrator, Wolfgang Albrecht; and

WHEREAS, on the same date, the Borough of Woodcliff Lake appointed Thomas Richards as Interim Administrator, subject to further discussion or negotiation of his salary and benefits;

WHEREAS, after such discussion or negotiation, the Borough of Woodcliff Lake agreed to pay Thomas Richards \$2,000 per week as salary with no other compensation or benefits; and

WHEREAS, the Borough of Woodcliff Lake would like to permit Thomas Richards to utilize the dental coverage provided to other Woodcliff Lake employees (non-police), provided that Mr. Richards pays for the coverage himself; and

NOW THEREFORE BE IT RESOLVED that the terms and conditions of the Mr. Richards' appointment as Interim Administrator are amended to permit Mr. Richards to utilize the dental coverage set forth above, provided that Mr. Richards pays for the coverage.

Approved: November 7, 2013 by roll call vote.

CERTIFICATION

I, Joyce Larena, RMC, Municipal Clerk of the Borough of Woodcliff Lake 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 Mayor and Council at the meeting of November 7, 2013.

JOYCE LARENA, BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
RESOLUTION NO. 13-167
November 7, 2013**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

RESOLUTION AUTHORIZING THE BOROUGH OF WOODCLIFF LAKE TO CONTRACT FOR PROFESSIONAL SERVICES FOR AN APPRAISER FOR CONDEMNATION PROCEEDINGS

WHEREAS, N.J.S.A. 20:3-1 et. seq., the Eminent Domain Act of 1971 (the "Act"), was enacted to confer authority upon a public entity to acquire property for a public use;

WHEREAS, pursuant to N.J.S.A. 20:3-1 et. seq. the Governing Body of the Borough of Woodcliff Lake has identified a property which the Governing Body believes is appropriate for acquisition pursuant to the Act; and

WHEREAS, such qualifying property is identified on the Tax Map of the Borough of Woodcliff Lake as Block 1402, Lot 7 and known as "Galaxy Gardens,"; and

WHEREAS, pursuant to N.J.S.A. 20:3-6, the Governing Body must first appraise any property it seeks to acquire through eminent domain and then enter into good faith negotiations for the acquisition of the property with the property owner, which shall include presenting the property owner with a copy of all appraisals; and

WHEREAS, the Governing Body has previously qualified McNerny & Associates to perform the appraisals in the Borough; and

WHEREAS, it is in the best interest of the Borough of Woodcliff Lake to qualify and appoint McNearny & Associates to perform an appraisal of the property identified on the Tax Map of the Borough of Woodcliff Lake as Block 1402, Lot 7 and known as "Galaxy Gardens"; and

WHEREAS, the Governing Body has determined funds to pay for the appraisal are available by way of budget.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake hereby authorize the retention of McNearny & Associates to perform an appraisal of property identified on the Tax Map of the borough of Woodcliff Lake as Block 1402, Lot 7 and known as Galaxy Gardens for a fee not to exceed the sum of \$5,000.00.

Approved: November 7, 2013 by roll call vote.

CERTIFICATION

I, Joyce Larena, RMC, Municipal Clerk of the Borough of Woodcliff Lake 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 Mayor and Council at the meeting of November 7, 2013.

JOYCE LARENA, BOROUGH CLERK

**BOROUGH OF WOODCLIFF LAKE
RESOLUTION NO. 13-168
November 7, 2013**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

RESOLUTION PERMITTING RETENTION OF BOROUGH ISSUED LAPTOPS

WHEREAS, in furtherance of performing their duties as Members of the Council for the Borough of Woodcliff Lake and consistent with its general practice, Councilman Bader and Councilwoman Bae were previously issued certain laptop computers; and

WHEREAS, Councilman Bader and Councilwoman Bae have represented to the Woodcliff Lake Governing Body that the Borough issued laptop computers contain personal, confidential and privileged communications which have no bearing on the Borough of Woodcliff Lake or its business; and

WHEREAS, the Woodcliff Lake Governing Body recognizes that no restrictions have been placed on the use of the Borough issued laptop computers and has further determined that that laptop computers have no retained value to the Borough of Woodcliff Lake; and

WHEREAS, Councilman Bader and Councilwoman Bae have agreed to make available and produce their respective laptop computers to the Woodcliff Lake Governing Body in the event the Governing Body is served with a subpoena or discovery demand requiring the production of emails or content contained therein in a litigation.

NOW THEREFORE BE IT RESOLVED that Councilman Bader and Councilwoman Bae be and the same are hereby permitted to retain the Borough issued laptop computers, at no cost but subject to the above condition.

CERTIFICATION

I, Joyce Larena, RMC, Municipal Clerk of the Borough of Woodcliff Lake 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 Mayor and Council at the meeting of November 7, 2013.

JOYCE LARENA, BOROUGH CLERK

BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 13-169

November 7, 2013

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Rosenblatt						
Abene						
Bae						
Bader						
Bloom						
Gadaleta						
Mayor Goldsmith						

RESOLUTION AUTHORIZING APPOINTMENT OF A QUALIFIED PURCHASING AGENT AT A RATE \$1,200 PER MONTH

WHEREAS, the Borough of Woodcliff Lake wants to hire a Qualified Purchasing Agent (“QPA”) pursuant to New Jersey Local Finance Notice 2011-15 and the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, pursuant to the Local Public Contracts Law, “the governing body of any contracting unit, may by ordinance, in the case of a municipality...designate an individual to serve as the contracting unit’s purchasing agent”; and

WHEREAS, the Borough of Woodcliff Lake has previously created the title of QPA by ordinance; and

WHEREAS, pursuant to the Local Public Contracts Law, “the individual designated as [QPA]...may be a part-time or full-time employee of the contracting unit, an independent contractor, or an individual employed by another contracting unit through a shared services agreement”;

WHEREAS, the Borough of Woodcliff Lake wants to appoint Matthew Lynaugh as an independent contractor QPA at the rate of \$1,200 per month, with a purchasing threshold of \$36,000; and

NOW THEREFORE BE IT RESOLVED THAT: (1) Matthew Lynaugh is appointed as QPA at a rate of \$1,200 per month; (2) the purchasing threshold for the QPA shall be \$36,000; and (3) any other terms and conditions of Lynaugh's appointment shall be set forth in a contract to prepared by the Borough Attorney consistent with this resolution and any further terms and conditions imposed by the Borough of Woodcliff Lake.