

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

**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 called for a roll call. Council members Bader, Baum, Camella, Glaser, Hoffman and Struk were present. Attorney Madaio, Administrator Albrecht and Borough Clerk Sciara were also present.

**PLEDGE OF ALLEGIANCE.**

All present recited the Pledge of Allegiance led by Mayor LaPaglia.

**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.

**ROLL CALL:**

Introduce: Mr. Glaser

Second: Mr. Baum

Ayes: Mr. Hoffman, Mr. Struk, Mr. Baum, Mr. Glaser

Nays: None

Abstain: None

Absent: None

Not eligible: Mr. Camella, Mr. Bader

**ENGINEER'S REPORT.**

**Intersection Improvements at Woodcliff Avenue and Werimus Road**

Boswell attended a meeting with Councilman Camella and the affected resident located at the above referenced intersection to review the drawing on September 22, 2011. The resident advised that she wants to review the drawing herself and would contact Councilman Camella in a reasonable amount of time regarding her decision.

**Intersection Improvements at Kinderkamack Road and Prospect**

Boswell has completed the design and has submitted a copy to Gary Ascolese for review and comments. Upon receipt of Mr. Ascolese's comments, Boswell will incorporate said comments into the documents.

**2010 NJDOT Pascack Valley Cooperative Pricing System for Road Paving Program**

This project is substantially complete. Final paperwork is being processed. Waiting for NJDOT to perform their final inspections.

**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)**

This project is complete.

**Intersection Improvements to Chestnut Ridge Road and Saddle River Road (Bergen County Project)**

Boswell submitted a set of check prints to the County and was advised by the County of September 28, 2011 to now submit the mylars. The design is now complete and Boswell is waiting for the County to bid the project.

**United Water Woodcliff Lake Dam Project**

Boswell has substantially completed the design and submitted it to the County. Boswell has received comments from the County regarding a new road alignment and additional requirements that were imposed upon the design by the outcome of the NJ Transit Diagnostic Team Meeting which was performed subsequent to the execution of the Boswell proposal with United Water. Boswell has recently submitted a supplemental cost proposal to United Water for additional funds to complete the design. The additional items include:

Determining the right-of-way locations on the east and west sides of Broadway, as well as right-of-way takings, easements and associated legal descriptions to accommodate sidewalk and wall installation on the east side and work within the NJ Transit right-of-way on the west side.

Revisions to the Construction and Grading Plans based upon new alignment; installation of curbing on the west side of Broadway; preparation of a Handicap Ramp Plan for the intersection of Broadway and Highview Avenue; and updating all quantities.

**MAYOR'S REPORT.**

I am pleased to report that on September 20, 2011, we attended a Tri-Boro Transit Update Meeting in Montvale and learned that the commuter bus service between the Ridgewood Train Station and Woodcliff Lake, Park Ridge and Montvale is back on track and scheduled to begin early next year. The Bergen County Freeholders approved the funding for this service last month. A special thank-you to State Assemblywoman Charlotte Vandervalk and Montvale Councilwoman Leah Lamonica for their continuing efforts in making this service a reality for the Tri-Boro.

The repaving of Tice Boulevard funded by the New Jersey Department of Transportation is scheduled for later this month. This will complete our 2011 road re-paving program.

We plan to hold our annual Halloween Costume contest at the Old Mill Toddler Park on Friday, October 28, 2011. The contest is open to children ages 4-12. This is always a nice event to attend.

Our borough engineer is actively working with United Water Company on the widening of Broadway at the Woodcliff Lake train station to permit a left hand turn lane on Broadway and Woodcliff Avenue. We are hoping to get this work done before Winter begins.

Lastly, October is always an interesting month for town politics before the General Election in November. There will be a Candidate's Night in Woodcliff Lake at the Senior Center from 7:00 – 9:00 PM on Tuesday, October 18, 2011. All are welcome to this civic minded event.

That's about it for now.

### **ADMINISTRATOR'S REPORT.**

Administrator Albrecht gave the following report.

#### **Professional Development:**

On Wednesday, September 28, 2011 I attended a seminar given by The New Jersey Division on Civil Rights and The United States Equal Employment Opportunity Commission entitled Know Your Rights: "A Primer on State and Federal Discrimination Laws". The seminar provides the Borough with important information and training and affords us valuable credits/points under the JIF (Joint Insurance Fund) Program. The program topics included: What constitutes workplace discrimination, disparate treatment, disparate impact, hostile work environment, violation of NJ Family Leave Act and Federal Family Medical Leave Act, Best Practices for Discrimination Prevention and Diversity Management.

#### **Hurricane Irene:**

The follow-up information and reporting required by FEMA for reimbursement of damage and/or costs incurred related to Hurricane Irene was completed by our OEM Coordinator, my office with the help of borough staff. On September 12<sup>th</sup> our OEM Coordinator and I attended the required FEMA meeting at the Bergen County Law & public Safety Institute in Mahwah.

#### **CDBG (Community Development Block Grant) Program Application:**

The Community Development Block Grant applications for FY2012 are due by October 7, 2011. We will make an application again for a Senior Activities Grant in the amount of \$6,000.00. An additional application for the replacement of windows at the Tice Senior Center will be submitted.

The windows at the Tice Senior Center are in need of repair and/or replacement. The second story windows have outlived their usefulness and must be replaced at a cost of approximately \$15,000.00. Community Development staff have indicated that this is a viable grant proposal.

**Drainage/Water Run-off Issue at 10 Balsam Road :**

Staff met at the owners property at 10 Balsam Road to survey property and discuss water run-off from D’Ambrosi Athletic Complex parking lot onto property owners backyard. We have instituted appropriate measures to eliminate the run-off issue.

**Tice Senior Center :**

To maintain the character and beauty of the first floor windows including the porch, we recommend that they be scraped, deglazed and repainted to preserve their historic value. The total cost is estimated at approximately \$3,000.00 dollars. The Senior Citizens Association has generously offered to financially assist the Borough in this endeavor so this work can be started and completed by the end of October. Please note the *repair* of these windows is not a viable grant proposal for CDBG funds.

**Catch Basin Improvement @ Colonial Court & Brookview:**

Installation of Catch Basin at Colonial Court and Brookview has been completed; ahead of schedule and under budgeted amount.

**Solar Garbage Receptacle Pilot Project:**

In the last few weeks we have placed the solar powered garbage receptacle at the new Toddler Playground. A special “thank you” to the reporters of the Pascack Press (Jessica) and Community Life (Stephanie) newspapers for the coverage received.

**Waste Vegetable Oil Bio-Diesel Pilot Project:**

We are excited about starting our Waste Vegetable Oil Bio-Diesel Pilot project in mid-October. A detailed memo has been distributed to the Governing Body regarding this “green” initiative. Additionally, after meeting with the new WCL Schools Superintendent, Lauren Barbelet, we anticipate students from the Ecology Club to be involved with our initiative.

**Balance Point Program: Time & Attendance and Payroll:**

I have recently been provided with an overview session of Balance Point, the Time & Attendance and Payroll Program the Borough adopted this year. We have also visited the Borough of Allendale who purchased the same system last year. The Time & Attendance system went on line in June. The importing of this data is scheduled for January 1<sup>st</sup>.

**OLD BUSINESS**

**Cost Recovery Ordinance**

Attorney Madaio reported to the Mayor and Council that he is still drafting the cost recovery ordinance. Mr. Bader stated that the Borough of Paramus had recently posted a copy of their ordinance in The Record. Attorney Madaio stated he would get a copy of the ordinance from Paramus.

**NEW BUSINESS.**

Mayor LaPaglia discussed a request recently made at the September Pascack Valley Mayor's Association (PVMA) meeting. The Mayor of Oradell proposed that the PVMA consider sharing the cost of a study authorized by the Borough of Westwood in regard to flooding. The study will be prepared by Boswell Engineering with a cost of \$7,000.00. Mayor LaPaglia stated that he has mixed feelings about this.

All agreed that although Woodcliff Lake is not affected by flooding, the substation which provides electric to Woodcliff Lake is in a flood prone location in Hillsdale. All agreed with Mr. Glaser's suggestion that Woodcliff Lake get a copy of the scope of work prepared by the Borough of Westwood to Boswell Engineering before the Council commits to joining the endeavors of Westwood and Oradell on this subject.

**PUBLIC FORUM**

Motion to open the meeting to the public was made by Mr. Bader, second by Mr. Baum and approved unanimously by voice call vote.

**Joseph Langschultz, 20 Pascack Road** stated that the sensor on the parking lot light will be installed this week. Mr. Langschultz stated that although flooding does not directly affect Woodcliff Lake, the Hillsdale substation does provide Woodcliff Lake with electric.

Hearing no further comment from the public, motion to close the meeting to the public was made by Mr. Bader, second by Mr. Glaser and approved unanimously by voice call vote.

**CONSENT AGENDA VOTE.**

Motion to approve the Consent Agenda as amended was made by Mr. Bader second by Mr. Hoffman.

**ROLL CALL:**

Introduce: Mr. Bader  
Second: Mr. Hoffman  
Ayes: Mr. Struk, Mr. Baum, Mr. Camella, Mr. Glaser, Mr. Hoffman, Mr. Bader  
Nays: None  
Abstain: None  
Absent: None

**ADJOURNMENT.**

Motion to adjourn was made by Mr. Bader, second by Mr. Baum and approved unanimously by voice call vote. The time is 8:45 p.m.

Respectfully submitted,

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Lori Sciara, RMC/CMC  
Borough Clerk

**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

**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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**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**

**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

**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.

**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**

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

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.

**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)

**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.

**Resolution Approving the Engineering for the Pascack Valley Cooperative Pricing System 2011 NJDOT Road Resurfacing Program**

**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 20110 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.

**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**

**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

<b>WHEREAS</b> , 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.

**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.

**Resolution Authorizing the Expenditure of Funds to Purchase Various Equipment for the Woodcliff Lake Volunteer Department**

**WHEREAS**, the Woodcliff Lake Volunteer Fire Department has requisitioned the purchase of carbon cylinder assemblies in the amount of \$33,860.05 (NJ State Contract #A76370), and fire turnout gear in the amount of \$29,885.19 (NJ State Contract #A76357) for a total amount of \$63,855.24; and

**WHEREAS**, the total of the expenditure(s) is over the bid threshold; and

**WHEREAS**, it is required that these expenditures, although under NJ State Contract(s) be authorized by resolution; and

**WHEREAS**, the CFO has stated that funds are available.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council authorize payment to AAA Emergency Supply Co., Inc. in the amount of \$63,855.24 for the aforementioned items.