



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
REGULAR MEETING – Tice Center, 411 Chestnut Ridge Road
May 20, 2013
8:00 PM**

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "23I", 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

RESOLVED, that the Minutes of a Mayor and Council Meeting on May 6, 2013, copies of which have been received by all Councilpersons, are hereby approved.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

PROCLAMATION

Peace Officers Memorial Day, May 15, 2013 and May 12 through May 18, 2013 as Police Week – read by Mayor Jeffrey R. Goldsmith

PRESENTATION(S)

- Pascack Pi-oneers – led by Mayor Jeffrey R. Goldsmith

STANDING COMMITTEE REPORTS

Administration/Finance	DONNA ABENE/Eric Bloom
DPW & Roads/Sewers & Sanitation, Ecology	DONNA ABENE/Jeffrey Bader
Parks & Recreation	ERIC BLOOM/Jacqueline Gadaleta
Public Safety/Police/OEM/TriBoro	ROBERT ROSENBLATT/Eric Bloom
Buildings & Grounds/Building Dept.	ROBERT ROSENBLATT/Jacqueline Gadaleta
Board of Health, Mental Health & Welfare	JEFFREY BADER/Jean Bae
Education (elementary) (high)	JEAN BAE/Donna Abene JACQUELINE GADALETA/Jean Bae
Public Information, Newsletters, Ordinances	JEAN BAE/Robert Rosenblatt
Fire – Volunteer/Fire Prevention	JACQUELINE GADALETA/Jeffrey Bader
Library	ERIC BLOOM/Robert Rosenblatt
Senior Citizens' Program	DONNA ABENE/Jacqueline Gadaleta

OLD BUSINESS

- Conference of Mayors – led by Mayor Jeffrey Goldsmith
- Broadway Corridor & Complete Streets discussion/presentation – led by Borough Planner Darlene Green, P.P., AICP

NEW BUSINESS

- 15th Anniversary of Korean War Veterans Memorial Roadway – recap by Mayor Jeffrey Goldsmith
- Four Seasons Municipal Services – led by Borough Administrator and Borough Attorney
- Rezoning Proposal Discussion for Pickwick & County Road – led by Borough Planner Darlene Green, P.P., AICP

INTRODUCTION OF ORDINANCE NO. 13-02

**Be it Resolved that the Ordinance Entitled,
“Ordinance of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, To Revise
Chapter 227-2.H To Amend the Hours Permitting Use of Lawn Mowers/Blowers”**

WHEREAS, the General Code of the Borough of Woodcliff Lake, Chapter 227 addresses Noise;
and

WHEREAS, Section 227-2 relates to Prohibited Acts in the Borough; and

WHEREAS, the Borough would like to amend said Ordinance at Section H regarding hours permitted for the use of Lawn Mowers and Blowers,

**BE IT ORDAINED, BY THE MAYOR AND COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE AS
FOLLOWS:**

Chapter 227-2H shall be amended and shall read as follows:

CURRENT:

227-2H Lawn Mowers/Blowers. The use of powered lawn mowers and/or blowers between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday;
7:00 p.m. Friday to 8:00 a.m. Saturday;
7:00 p.m. Saturday through 9:00 a.m. Sunday;
Sunday 7:00 p.m. through Monday 7:00 a.m.

PROPOSED:

227-2H Lawn Mowers/Blowers. The use of powered lawn mowers and/or blowers between the hours of 7:00 p.m. and 7:00 a.m. Monday through Friday;
6:00 p.m. Friday to **9:00 a.m.** Saturday;
5:00 p.m. Saturday through 9:00 a.m. Sunday;
Sunday **5:00 p.m.** through Monday **8:00 a.m.**

All Ordinances of 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.

This Ordinance shall take effect upon passage and publication as provided by Law.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

RESOLUTION OF THE BOROUGH OF WOODCLIFF LAKE SEEKING REFERENDUM ON ITS WITHDRAWAL FROM PASCACK VALLEY

WHEREAS, the Pascack Valley Regional School District ("Pascack Valley") educates students in grades 9-12 from the Borough of Woodcliff Lake ("Woodcliff Lake"), Borough of Montvale ("Montvale"), Township of River Vale ("River Vale"), and Borough of Hillsdale ("Hillsdale"); and

WHEREAS, in an effort to explore appropriate cost-effective alternatives for educating the students from Woodcliff Lake, Statistical Forecasting, LLC and James L. Kirtland, CPA were retained for the purpose of analyzing several alternatives and preparing a feasibility study on the possible reconfigurations of the various school districts; and

WHEREAS, Statistical Forecasting, LLC, and James L. Kirtland, CPA issued a feasibility study that identified several alternatives for the education of students from Woodcliff Lake; and

WHEREAS, as a result of the analysis contained within the aforementioned feasibility study, in March 2012, Woodcliff Lake requested that the Executive County Superintendent of Schools conduct an investigation into the withdrawal of Woodcliff Lake and Montvale from Pascack Valley and issue an advisability report as required by *N.J.S.A. 18A:13-52*; and

WHEREAS, in January 2013, at the request of the Executive County Superintendent, Statistical Forecasting, LLC, and James L. Kirtland, CPA issued a revised feasibility study; and

WHEREAS, the consultants have concluded that, if Woodcliff Lake were to withdraw from Pascack Valley, it could provide an equal or better educational opportunity to the students of its community at a substantial savings per year to the taxpayers of Woodcliff Lake; and

WHEREAS, in May 2013, the Executive County Superintendent completed his investigation and released his advisability report, which report was filed on May 15, 2013; and

WHEREAS, Woodcliff Lake has reviewed and considered the Executive County Superintendent's advisability report; and

WHEREAS, after due consideration, Woodcliff Lake has determined that its students can receive a thorough and efficient education if it is permitted to withdraw from Pascack Valley; and

WHEREAS, Woodcliff Lake has determined that there exists good cause to pursue a referendum on the withdrawal of Woodcliff Lake so as to provide the voters with the ability to decide how their tax dollars are spent and how their children are educated,

NOW THEREFORE BE IT RESOLVED that Woodcliff Lake seeks to have a referendum on the withdrawal of Woodcliff Lake from Pascack Valley; and

BE IT FURTHER RESOLVED that Woodcliff Lake retains and authorizes special counsel, Porzio, Bromberg, & Newman, P.C., to prepare and submit a petition, pursuant to N.J.S.A. 18A:13-54, to the Commissioner of Education seeking authorization to hold a referendum on the issue of the withdrawal of Woodcliff Lake from Pascack Valley; and

BE IT FURTHER RESOLVED that Woodcliff Lake authorizes special counsel, Porzio, Bromberg, & Newman, P.C., to take any and all appropriate action to obtain the aforementioned required authorization from the Commissioner of Education and implement same.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

PUBLIC FORUM

Motion to open to the public

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Motion to close to the public

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

CONSENT AGENDA DISCUSSION

CONSENT AGENDA VOTE

ADJOURNMENT

CONSENT AGENDA – May 20, 2013

1. Payroll, page 7
2. Authority to Pay Claims, page 7
3. Resolution Authorizing Solicitor License to Ahmad Yasin (ice cream vendor), page 7
4. Emergency Temporary Budget Appropriation, page 8
5. Resolution Authorizing a Refund of Overpaid Taxes Caused By Tax Court Judgment Docket 006517-2011 For the Year 2011, page 8
6. Resolution Authorizing License as a Dealer of Second-Hand Gold, Silver, Gems and Precious Metals, page 8
7. Resolution Authorizing Hiring of Temporary Construction Official, page 9
8. Resolution Renewing Liquor Licenses, 2013-2014, page 10
9. Resolution Recognizing Korean War Veterans Memorial Roadway 14th Anniversary, page 11
10. Resolution Authorizing Release of Escrow Balance, page 12

RESOLVED, that the Consent Agenda is approved as presented.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

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 Fund:	\$88,451.01
Animal Control:	\$ 812.00
Escrow:	\$ 2,242.31

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

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: \$178,996.40

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Resolution Authorizing Solicitor License to Ahmad Yasin

(Consent Agenda - 3)

WHEREAS, Ahmad Yasin has applied for a Solicitor License to the Borough Clerk's office specifically to sell ice cream within the municipality of Woodcliff Lake; and

WHEREAS, the Police Department has stated that there is no reason to deny this applicant a license; and

WHEREAS; the applicant has been advised of the rules and guidelines established in the Borough of Woodcliff Lake and the strict adherence to this policy must be followed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the Acting Borough Clerk to issue a solicitor's license to Ahmad Yasin to sell ice cream within the municipality of Woodcliff Lake pending a Board of Health inspection.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Emergency Temporary Budget Appropriation

(Consent Agenda - 4)

WHEREAS, an emergent condition has arisen with respect to various Appropriations listed below and no adequate provision has been made in the 2013 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, said total emergency temporary resolutions adopted in the year 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$ 1,467,244.00 and

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

- 1. The following temporary appropriations be and the same are hereby made for:

Administration – Salary and Wages	\$ 6,000.00
Administration – Other Expenses	\$5,000.00
Financial Administration -I Other Expenses	\$2,000.00
Planning – Salaries and Wages	\$7,000.00
Buildings and Grounds – Salaries and Wages	\$5,000.00
Total	\$ 25,000.00

- 2. That said emergency temporary appropriations will be provided for in the 2013 budget under the various titles listed above.
- 3. That one certified copy of this resolution be filed with the Director of Local Government Services.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET 006517-2011 FOR THE YEAR 2011
(Consent Agenda – 5)

WHEREAS, the former owners of Block 1701, Lot 5, 302 Werimus Road, 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:

2011 Assessment from Tax Duplicate Tax Court Judgment

303,300.00 LAND	303,300.00 LAND
1,124,400.00 IMPROVEMENTS	896,700.00 IMPROVEMENTS
<u>1,427,700.00 TOTAL ASSESSMENT</u>	<u>1,200,000.00 TOTAL ASSESSMENT</u>
31,937.65 taxes paid	26,844.00 taxes

WHEREAS, this has resulted in their overpaying their property tax for the year 2011 in the amount of \$5,093.65 and,

TOTAL REFUND FOR 2011= \$5,093.65

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 \$5,093.65 for the year 2011 to the former owner of record TOTERA, JOHN & LOIS c/o JACOBUS & ASSOCIATES, LLC.

MAIL VOUCHER TO:

JACOBUS & ASSOCIATES, LLC
301 S. LIVINGSTON AVE
SUITE 105
LIVINGSTON, NJ 07039

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Resolution Authorizing License as a Dealer of Second-Hand Gold, Silver, Gems, and Precious Metals
(Consent Agenda – 6)

WHEREAS, application has been made by Philip Goodman, dba Gold Buyers Group, Inc.; and

WHEREAS, said application has been submitted to the Woodcliff Lake Police Department for investigation and have been found to be in good order.

NOW, THEREFORE, BE IT RESOLVED that the application of Philip Goodman, dba Gold Buyers Group, Inc. is approved by the Acting Borough Clerk is hereby authorized to issue License.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Resolution Authorizing to Hire a Temporary Hourly Code Official (Consent Agenda – 7)

WHEREAS, the WCL Construction Official is on medical leave; and

WHEREAS, there exists an immediate need to hire a temporary code official in the Building Department; and

WHEREAS, the Code Official shall have various building and zoning licenses, including but not limited to Construction Official, Building Sub-Code, Zoning Officer; and

WHEREAS, the Borough Administrator and Technical Assistant to the Construction Official have interviewed and are satisfied with the experience and qualifications of Mr. John Wittekind; and

WHEREAS, Woodcliff Lake wishes to engage Mr. John Wittekind, 37 Westmoreland Avenue, Montvale, New Jersey on a part-time hourly basis, at \$50.00 per hour, as Construction Official, Building Sub-Code Official and Zoning Officer for 10 hours a week for a minimum of 6 weeks or until such time the incumbent Construction Official returns to work;

WHEREAS, Mr. Wittekind has agreed to accept such position and perform such services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that John Wittekind is hired as a temporary Construction Official, Building Sub-code and Zoning Officer, retroactive to May 15, 2013 at \$50.00 per hour.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

RESOLUTION RENEWING LIQUOR LICENSES, 2013-2014

(Consent Agenda - 8)

WHEREAS, BLUE MOON WOODCLIFF LAKE LLC, has applied for renewal of their respective Plenary Retail Consumption License; and

WHEREAS, WOODCLIFF LAKE LIQUORS, CORP., has applied for a renewal of its Plenary Retail Distribution License; and

WHEREAS, PASCACK VALLEY MEMORIAL POST #8946 V.F.W. has applied for a renewal of its Club License; and

WHEREAS, each of said applicants has, in the opinion of the Mayor and Council, complied with the requirements of the Alcoholic Beverage Control Commission, and the Ordinance of the Borough of Woodcliff Lake.

NOW, THEREFORE, BE IT RESOLVED, that Plenary Retail Consumption License No. 0268-33-003-005 is hereby granted to BLUE MOON WOODCLIFF LAKE LLC, for the sale of alcoholic beverages for the period of July 1, 2013 to June 30, 2014, in accordance with the requirements of said Act and said Ordinance, on premises located at 42 Kinderkamack Road; and

RESOLVED, that Plenary Retail Consumption License No. 0268-33-001-008 to GOOD MARKET CORPORATION, T/A MATSU JAPANESE RESTAURANT has been "inactive" for SIX full license periods and

MAY NOT be renewed unless the Director issues a special Ruling allowing the issuing authority to consider renewal.

RESOLVED, that Plenary Retail Distribution License No. 0268-44-002-007 is hereby granted to **WOODCLIFF LAKE LIQUORS, CORP.**, for the sale of alcoholic beverages for the period of July 1, 2013 to June 30, 2014, in accordance with the requirements of said Act and said Ordinance, on premises located at 500 Chestnut Ridge Road; and

RESOLVED, that Club License No. 0268-31-005-001 is hereby granted to **PASCACK VALLEY MEMORIAL POST #8946 V.F.W.**, for the period of July 1, 2013 to June 30, 2014, in accordance with the requirements of said Act and said Ordinance, for premises located at 281 Broadway.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Resolution Commemorating 15th Anniversary of Korean War Veterans Memorial Roadway
(Consent Agenda - 9)

WHEREAS, the Korean War was fought from June 1950 to July 1953, and

WHEREAS, in 1998 the County of Bergen renamed Kinderkamack Road to Korean War Veterans Memorial Roadway; and

WHEREAS, Kinderkamack Road traverses through several Pascack Valley municipalities in Bergen County including Woodcliff Lake; and

WHEREAS, Woodcliff Lake, as well as other municipalities embraced this idea and supported former County Executive Schuber in changing the highly travelled County roadway's name; and

WHEREAS, on May 15, 2013, the Borough of Woodcliff Lake during the 15th year Anniversary of the name change, Woodcliff Lake Mayor Jeffrey R. Goldsmith, on behalf of the good people of Woodcliff Lake and the County of Bergen, planned a ceremony to recognize and remember the significance of the contributions and ultimate sacrifice of our veterans during the Korean War; and

WHEREAS, as stated by Mayor Goldsmith on May 15, 2013, "we honor today, the service of our men and women who are currently serving in the military and those that have previously served this great nation and too many who have made the ultimate sacrifice, we will never forget you!";

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that as we prepare for upcoming Memorial Day activities and parades, today's solemn event reminds us all to never forget the great, and ultimate sacrifices made by so many to allow us all today to enjoy our freedom.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Resolution Authorizing Release of Escrow Balance

(Consent Agenda - 10)

WHEREAS, A request has been made for the release of the escrow balances with respect to the following in the Borough of Woodcliff Lake:

**SDL LLC
Chestnut Ridge Road
Escrow Release
\$75.06**

WHEREAS, the Borough Construction Official has confirmed that all is satisfactory and has recommended that the escrow balance be released;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of the escrow balance in the amount of **\$75.06** in connection with the aforementioned.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith