

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

November 9, 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.

Due to a conflict, Mayor LaPaglia was absent due to his attendance at a Pascack Valley Mayor's Meeting. Council President Bader called for the roll call. Council members Bader, Baum, Camella, Glaser, Hoffman and Struk were present.

Council President Bader congratulated Mayor-Elect Jeffrey Goldsmith on his recent victory. Council President Bader also wished much success to Councilwoman Elect Donna Abene and former and present Councilman-Elect Rosenblatt. Council President Bader thanked Councilman Hoffman for his service over the past three years and hope he will continue. At this time, Council President Bader asked Mayor Elect Jeffrey Goldsmith to recite the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE.

All present recited the Pledge of Allegiance led by Mayor Elect Jeffrey Goldsmith.

APPROVAL OF MINUTES.

RESOLVED, that the Minutes of a Regular Mayor and Council Meeting on October 18, 2011 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. Bader, Mr. Camella, Mr. Baum, Mr. Glaser
Nays: None
Abstain: None
Absent: None

RESOLVED, that the Minutes of an Emergency Mayor and Council Meeting on October 28, 2011 have been received by all Councilpersons, are hereby approved as presented.

ROLL CALL:

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

ENGINEER'S REPORT.

Intersection Improvements at Woodcliff Avenue and Wartimes Road

The County is in the process of responding to a letter received by the affected resident located at said intersection.

Intersection Improvements at Kinderkamack Road and Prospect Avenue

The County has just advised that the bus stop pad will be installed as part of the Broadway Road Widening Project.

2010 NJDOT Pascack Valley Cooperative Pricing System for Road Paving Program

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

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

United Water Dam Project

Gary Ascolese, Assistant Bergen County Engineer has advised that the Broadway road widening and intersection improvements are proceeding and it is anticipated that road construction will be completed by Thanksgiving. The County is presently waiting for NJ Transit to give final approval for the signal conduits to be placed beneath the track bed.

Council President Bader stated that there had been resident concern as to the lack of parking due to construction. Mr. Hoffman was able to secure five temporary parking spaces at Wallenuis Wilhelmsen.

MAYOR'S REPORT.

Due to the absence of the Mayor, there was no report.

ADMINISTRATOR'S REPORT.

Change in Drug Prescription

The Borough Clerk was advised by our current prescription drug vendor, Bollinger Inc., that the rates for 2012 would increase by 43%. The borough clerk and I contacted State Health Benefits to investigate their rates for 2012. By switching back to State Health for prescription benefits, the Borough would save approximately \$30,000.00 annually.

An emergency Mayor and Council meeting was called on October 28, 2011. To enroll in the State Health Prescription Plan, the State would have to receive our enrollment application by October 31, 2011. All necessary advertisements for the special meeting were done. Resolutions were passed to terminate participation in Bollinger, Inc. prescription plan and to enroll into the State Health Benefit Prescription Plan. This "seamless" change will be take effect in 1/1/2012. I want to thank our Borough Clerk for her assistance in this important matter.

Bid Authorization

There are several Resolutions authorizing the borough clerk to go out to bid for items needed at the DPW. They are specifically a brush bandit chipper, a Ford F450 4wd pickup, a 17 cubic yard chassis roll off manual leaf collector. These items will be go out to bid by the end of the month and awarded in early December.

Flooding due to Hurricane Irene We have been completing our paperwork for FEMA reimbursement from Hurricane Irene over the last few weeks.

Pre-Halloween Nor'easter storm

The Mayor and I were out immediately after this emergency. The Mayor declared a storm emergency in order to authorize our OEM Coordinator and Police Department to take all steps necessary to provide for the safety and protection of our residents and their property.

There has been Borough wide damage to our tree inventory, on both municipal and private property which caused significant power outages in Woodcliff Lake and throughout the entire Pascack Valley. As of this report, most of Woodcliff Lake residents have their power back, and the entire Borough is in the process of cleaning up tree branches, limbs etc. I would personally like to thank the OEM Coordinator, the police department, the fire department, the DPW, and Borough employees who helped through this emergency; "Team Woodcliff Lake" is to be commended!

Investigate NJSEA – I am recommending our participation in the NJSEM Program. The New Jersey Sustainable Energy Joint Meeting (NJSEM) is an energy purchasing group of 130 New Jersey governmental entities who have joined together to provide its membership, many of which have multiple small volume accounts, equal footing with large energy users. The ultimate goal of the NJSEM is to pool the resources of its large group of municipal entities to collectively purchase natural gas and electricity. The end objectives are price stability with resulting budgetary certainty for all NJSEM members, secured through a competitive bid process and, the opportunity to realize savings which might not otherwise be available to this customer class.

Recent Bid: The NJSEM held the 2011 Natural Gas Bid Opening on February 10, 2011. Requests for Bids for 12 and 24 month terms were requested from NJBPU-approved Third Party Suppliers.

The SEM received three bids, each offering 12 and 24 month options. The successful bidder, Hudson Energy of Suffern, New York, bid \$7.139 per dekatherm (\$7.14/Dth) on an overall quantity of 345,277/Dth. The fixed price of \$7.14/Dth includes applicable Sales and Use tax and represents the cost to purchase natural gas from its source and, interstate transportation to the appropriate City Gate locations of the four New Jersey natural gas distribution utilities. The gas commodity and interstate pipeline transportation are the only unregulated cost components of gas service which a public entity can control and potentially reduce through the public bidding process.

There are 144 municipalities participating in the NJSEM and my experience with the NJSEM has been positive and beneficial to the municipality. I am preparing a report for the governing body

and will forward a resolution for your consideration at the November 21st meeting or December meeting.

Hybrid Vehicles

In an effort to go "green", I will be investigating the cost, pros and cons of purchasing hybrid vehicles as each department requests new vehicles. Several sister municipalities, including my previous municipal position, have already added hybrid vehicles to their fleets. I will be speaking with the officials from these towns and report back to the Mayor and Council with my findings.

Requisition System (memo issued early this month) – We will be implementing the new requisition program at the end of this month following our department head meeting.

Water – On your agenda is a resolution opposing the 23% rate increase sought by United Water. I am recommending joining our sister municipalities in the Pascack Valley opposing this increase.

Broadway Work

Concerned with the safety of our resident, the Mayor and Council have been petitioning the County of Bergen to rehabilitate the intersection of Broadway and Woodcliff Avenue. The County of Bergen agreed and has begun road widening and the installation of a permanent traffic signal at the intersections. The Mayor and Council thank the residents for their patience during work and asked that all residents obey the temporary no left turn signage posted by the police department.

Easement at Broadway

In order to widen the road, it was necessary for the Borough of Woodcliff Lake to obtain an easement from a property owner on Broadway. The Mayor, borough attorney and I had successfully executed the documents and work has begun.

Additional Parking at Wallenius Wilhelmsen – Due the construction equipment and supplies for the construction project, we have temporarily lost 4-5 commuter parking spaces at the train station. At the suggestion of Mr. Hoffman, I spoke with W & W and have received permission to utilize 5 space at their lot for temporary commuter parking.

Recycling Certification I am pleased to report that our Borough Clerk has received her Recycling Certification. The clerk was able to participate in the "alternate route" program and will continue to support our Recycling Coordinator Ed Barboni.

Recycled Waste Vegetable Oil Pilot Project

Our Recycled Waste Vegetable Oil Pilot Project is progressing very well. Under separate cover, I shared with the governing body the recent correspondence from DEP acknowledging our program and providing their approval.

OLD BUSINESS

None

NEW BUSINESS.

Introduction of Ordinance 11-13

**ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE,
COUNTY OF BERGEN, STATE OF NEW JERSEY, TO REVISE
ORDINANCE 250-10 ENTITLED TRAFFIC CONTROL SIGNALS.**

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 the 5th day of December, 2011, at 8:00 o'clock P.M., 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 an opportunity to be heard concerning said Ordinance, and that the 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 of the time and place when and where said Ordinance be further considered for final passage.

ROLL CALL:

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

PUBLIC FORUM

Motion to open the meeting to the public was made by Mr. Baum, second by Mr. Camella.

Clay Bosch, Rose Avenue stated that he hopes that on any new development or repair work that all utilities would be buried underground. Mr. Bosch asked if the utilities at Church Road will be put underground. Council President Bader asked Engineer Sachs to look into the proposed location of the utilities at Church Road. Mr. Bosch stated that he feels there should be sidewalks placed on Pascack Road in front of the new Powder Hill development. Engineer Sachs stated that the developer paid into the sidewalk fund in lieu of. Council President Bader stated that if the Planning Board took money for sidewalks in lieu of the developer constructing them, Mr. Bosch should speak to the Planning Board.

Tim Cummins, 23 Stonewall Court stated that the response time from the Borough on the tree clean up on his street was terrific. He understands that it will take time to replace the tree inventory that was destroyed last week. Council President Bader stated that the trees damaged or destroyed were all in the town's right of way. The trees will be replaced and the neighborhood will be brought back to its original beauty. It will take time however, The Borough has tree

experts that will help in the decision as well as input from our volunteer Shade Tree Committee. It is agreed that the Borough will not be planting any Bartlett Pear Trees in the future.

Bert Taylor, Stratford Court stated that Mr. Bosch already has a list of areas where trees are needed. He also has a list of possible tree types for the replacement. He agrees that pear trees should not be planted as street trees in the Borough of Woodcliff Lake.

Brian Donaldson, Stonewall Court, Woodcliff Lake stated that residents on Stonewall Court had always been told that the trees must be maintained by the residents, although they are Borough trees. New trees will be planted as soon as possible. Education will be given to the residents on the maintenance of these new trees.

Mayor-Elect Goldsmith thanked Councilman Hoffman and candidate Joe Langschultz for their hard work during the campaign. Mayor Elect Goldsmith thanked the voters of Woodcliff Lake for their vote of confidence and that he looked forward to working with the rest of the Council.

CONSENT AGENDA DISCUSSION.

There was a typo on Consent Agenda item #6.
Page numbers were incorrect.

CONSENT AGENDA VOTE.

Motion to approve the Consent Agenda 1-17 minus 7,8,9,10 was made by Mr. Bader, second by Mr. Glaser.

ROLLCALL:

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

Resolution Authorizing the Indemnification Request of Councilman Michael Struk as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name
(Consent Agenda - 7)

ROLL CALL:

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

Resolution Authorizing the Indemnification Request of Councilman Kenneth Baum as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name
(Consent Agenda – 8)

ROLL CALL:

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

Resolution Authorizing the Indemnification Request of Councilman John Glaser as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name
(Consent Agenda – 9)

ROLL CALL:

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

Resolution Authorizing the Indemnification Request of Councilman Jeffrey Bader as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name
(Consent Agenda – 10)

ROLL CALL:

Introduce: Mr. Glaser
Second: Mr. Baum
Ayes: Mr. Hoffman, Mr. Struk, Mr. Camella, Mr. Baum, Mr. Glaser
Nays: None
Abstain: Mr. Bader
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 8:32 p.m.

Respectfully submitted,

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 Fund | \$ 2,241,719.96 |
| Capital Fund | \$ 5,090.00 |

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 | \$ 167,415.10 |
|------------------|---------------|

RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF TAXES

(Consent Agenda - 3)

WHEREAS, the property tax on the following parcel were overpaid by property owners,

WHEREAS, this has resulted in the overpayment of property tax on this parcel by \$2679.93 and,

WHEREAS, the owners of the property 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 \$2679.93 to the owner listed below:

| <u>B/L</u> | <u>OWNER</u> | <u>AMT.</u> | <u>REASON</u> |
|------------|----------------------|-------------|---------------|
| 1002/5 | HINES, DANIEL & LISA | \$2679.93 | OVERPAYMENT |

PAYMENT TO:
HINES, DANIEL & LISA
12 GREENWAY COURT
WOODCLIFF LAKE, NJ 07677

Resolution Requesting Approval of items of Revenue and Appropriation – Chap 159 – NJSA40A 4-87 – NJ Division of Highway Safety - Over the Limit Under Arrest 2011 Statewide Crackdown

(Consent Agenda - 4)

WHEREAS, N.J.S.A 40A:4-87 provides that the Director 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 available by law and the amount thereof was not determined at the time of the adoption of the budget: and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts;

NOW, THEREFOR BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake requests the Director of Division of Local Government Services to approve the insertion of an item of revenue in the 2011 Budget in the sum of \$ 4,400.00 which is now available from NJ Division of Highway Safety – Over the Limit Under Arrest 2011 Statewide Crackdown

BE IT FURTHER RESOLVED, that a like sum of \$ 4,400.00 is hereby appropriated under the caption

General Appropriations
 Operations Excluded from CAPS
 State and Federal Programs Offset by Revenues
 NJ Division of Highway Safety – Over the Limit Under Arrest 2011
 Statewide Crackdown

2011 Budget Transfers for November 9, 2011 meeting (Consent Agenda - 5)

| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>FROM</u> | <u>TO</u> |
|---|-----------------------|-------------|-----------|
| Administration - Salaries and Wages | 1-01-20-100-010 | 2,000.00 | |
| Municipal Clerk - Salaries and Wages | 1-01-20-120-010 | | 2,000.00 |
| Administration - Salaries and Wages | 1-01-20-100-010 | 40,000.00 | |
| Social Security | 1-01-36-472-000 | 10,000.00 | |
| Group Insurance Plans for Employees | 1-01-23-220-020 | | 50,000.00 |
| Administration - Salaries and Wages | 1-01-20-100-010 | 500.00 | |
| Collection of Taxes - Salaries and Wages | 1-01-20-145-010 | | 500.00 |
| Administration - Other Expenses | 1-01-20-100-020 | 1,000.00 | |
| Financial Administration - Other Expenses | 1-01-20-130-020 | | 1,000.00 |
| Administration - Other Expenses | 1-01-20-100-020 | 10,000.00 | |
| Audit - Other Expenses | 1-01-20-135-020 | | 10,000.00 |
| Administration - Salaries and Wages | 1-01-20-100-010 | 10,500.00 | |
| Volunteer Ambulance - Other Expenses | 1-01-25-260-020 | | 10,500.00 |
| Library - Other Expenses | 1-01-29-390-020 | 500.00 | |
| Board of Health - Salaries and Wages | 1-01-27-330-010 | | 500.00 |
| Library - Other Expenses | 1-01-29-390-020 | 500.00 | |
| Board of Health - Other Expenses | 1-01-27-330-020 | | 500.00 |

| | | | |
|--|-----------------|------------------|------------------|
| Legal - Other Expenses | 1-01-20-155-020 | 10,000.00 | |
| Buildings and Grounds - Other Expenses | 1-01-26-310-020 | | 10,000.00 |
| Borough of Hillsdale - Sewer | 1-01-31-458-020 | 100.00 | |
| Borough of Montvale - Sewer | 1-01-31-457-020 | | 100.00 |
| Parks and Recreation - Other expenses | 1-01-28-370-020 | 2,000.00 | |
| Maintenance of Parks - Other Expenses | 1-01-28-375-020 | | 2,000.00 |
| Landfill Disposal Costs | 1-01-32-465-020 | 10,000.00 | |
| Gasoline | 1-01-31-460-020 | | 10,000.00 |
| TOTAL | | 97,100.00 | 97,100.00 |

Resolution Authorizing Raffle License for Pascack Hills High School

(Consent Agenda – 6)

WHEREAS, application has been made by Pascack Hills High School of Montvale, NJ for one (1) off premise 50/50 raffle on April 19, 2012 at the Woodcliff Lake Hilton, Woodcliff Lake, NJ; 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 Our Lady Mother of the Church, Woodcliff Lake, NJ is approved and the Borough Clerk is hereby authorized to issue Raffle License No. 11-410.

Resolution Authorizing the Indemnification Request of Councilman Michael Struk as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name

(Consent Agenda – 7)

WHEREAS, Subject to the limitations and exceptions set forth in the subsequent sections of this chapter (CHAPTER 18, DEFENSE AND INDEMNIFICATION) Borough Code of Woodcliff Lake), the Borough shall provide for the defense of any action brought against a municipal official on account of any act or omission arising out of or incidental to performance of their duties and shall save harmless and protect such persons from any financial loss resulting from the litigation subject to the limitations and exceptions as set forth in the subsequent actions of this chapter and;

WHEREAS, the Borough Attorney may provide any defense required of it under this chapter through the attorney from its own staff or, if there exists a conflict of interest or if the Borough so desires, by employing other counsel. The Borough in no event shall be responsible for the cost of the attorneys' fees incurred by anyone unless the Mayor and Council shall agree in writing to the terms of the representation and;

WHEREAS, Councilman Michael Struk has requested in writing and said request is on file in the Borough Clerk's office, for defense and indemnification in the civil action filed in the Superior Court of Bergen County, Docket No. L7825-11, Joanne Howley Plaintiff, v. Borough of Woodcliff Lake, Jeffrey Bader, John Glaser, Kenneth Baum and Michael Struk, Defendants and;

WHEREAS, The municipal official shall be under a continual obligation and duty to cooperate with the Borough in the conduct of his defense.

WHEREAS, Every municipal official, in order to make a request for indemnification as provided in this chapter, shall establish that they have followed to the best of their abilities all required procedures and practices in the Borough and, where applicable, have followed any legal opinions, court decisions, civil service directives or other laws and regulations in the performance of their duties which gave rise to the claim which is the basis for the indemnification. The Mayor and Council may deny any request for indemnification if it finds that the official or employee has not complied with this section.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake accepts the written request from Councilman Michael Struk for indemnification from the Borough of Woodcliff Lake.

Resolution Authorizing the Indemnification Request of Councilman Kenneth Baum as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name
(Consent Agenda – 8)

WHEREAS, Subject to the limitations and exceptions set forth in the subsequent sections of this chapter (CHAPTER 18, DEFENSE AND INDEMNIFICATION) Borough Code of Woodcliff Lake), the Borough shall provide for the defense of any action brought against a municipal official on account of any act or omission arising out of or incidental to performance of their duties and shall save harmless and protect such persons from any financial loss resulting from the litigation subject to the limitations and exceptions as set forth in the subsequent actions of this chapter and;

WHEREAS, the Borough Attorney may provide any defense required of it under this chapter through the attorney from its own staff or, if there exists a conflict of interest or if the Borough so desires, by employing other counsel. The Borough in no event shall be responsible for the cost of the attorneys' fees incurred by anyone unless the Mayor and Council shall agree in writing to the terms of the representation and;

WHEREAS, Councilman Kenneth Baum has requested in writing and said request is on file in the Borough Clerk's office, for defense and indemnification in the civil action filed in the Superior Court of Bergen County, Docket No. L7825-11, Joanne Howley Plaintiff, v. Borough of Woodcliff Lake, Jeffrey Bader, John Glaser, Kenneth Baum and Michael Struk, Defendants and;

WHEREAS, The municipal official shall be under a continual obligation and duty to cooperate with the Borough in the conduct of his defense.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake accepts the written request from Councilman Kenneth Baum for indemnification from the Borough of Woodcliff Lake.

Resolution Authorizing the Indemnification Request of Councilman John Glaser as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name
(Consent Agenda – 9)

WHEREAS, Subject to the limitations and exceptions set forth in the subsequent sections of this chapter (CHAPTER 18, DEFENSE AND INDEMNIFICATION) Borough Code of Woodcliff Lake), the Borough shall provide for the defense of any action brought against a municipal official on account of any act or omission arising out of or incidental to performance of their duties and shall save harmless and protect such persons from any financial loss resulting from the litigation subject to the limitations and exceptions as set forth in the subsequent actions of this chapter and;

WHEREAS, the Borough Attorney may provide any defense required of it under this chapter through the attorney from its own staff or, if there exists a conflict of interest or if the Borough so desires, by employing other counsel. The Borough in no event shall be responsible for the cost of the attorneys' fees incurred by anyone unless the Mayor and Council shall agree in writing to the terms of the representation and;

WHEREAS, Councilman John Glaser has requested in writing and said request is on file in the Borough Clerk's office, for defense and indemnification in the civil action filed in the Superior Court of Bergen County, Docket No. L7825-11, Joanne Howley Plaintiff, v. Borough of Woodcliff Lake, Jeffrey Bader, John Glaser, Kenneth Baum and Michael Struk, Defendants and;

WHEREAS, The municipal official shall be under a continual obligation and duty to cooperate with the Borough in the conduct of his defense.

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NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake accepts the written request from Councilman John Glaser for indemnification from the Borough of Woodcliff Lake.

Resolution Authorizing the Indemnification Request of Councilman Jeffrey Bader as per Borough Ordinances Chapter 18 entitled, Defense and Indemnification in a Civil Action Suit Filed in Superior Court of Bergen County against the Borough of Woodcliff Lake and the Councilman By Name
(Consent Agenda – 10)

WHEREAS, Subject to the limitations and exceptions set forth in the subsequent sections of this chapter (CHAPTER 18, DEFENSE AND INDEMNIFICATION) Borough Code of Woodcliff Lake), the Borough shall provide for the defense of any action brought against a municipal official on account of any act or omission arising out of or incidental to performance of their duties and shall save harmless and protect such persons from any financial loss resulting from the litigation subject to the limitations and exceptions as set forth in the subsequent actions of this chapter and;

WHEREAS, the Borough Attorney may provide any defense required of it under this chapter through the attorney from its own staff or, if there exists a conflict of interest or if the Borough so desires, by employing other counsel. The Borough in no event shall be responsible for the cost of the attorneys' fees incurred by anyone unless the Mayor and Council shall agree in writing to the terms of the representation and;

WHEREAS, Councilman Jeffrey Bader has requested in writing and said request is on file in the Borough Clerk's office, for defense and indemnification in the civil action filed in the Superior Court of Bergen County, Docket No. L7825-11, Joanne Howley Plaintiff, v. Borough of Woodcliff Lake, Jeffrey Bader, John Glaser, Kenneth Baum and Michael Struk, Defendants and;

WHEREAS, The municipal official shall be under a continual obligation and duty to cooperate with the Borough in the conduct of his defense.

WHEREAS, Every municipal official, in order to make a request for indemnification as provided in this chapter, shall establish that they have followed to the best of their abilities all required procedures and practices in the Borough and, where applicable, have followed any legal opinions, court decisions, civil service directives or other laws and regulations in the performance of their duties which gave rise to the claim which is the basis for the indemnification. The Mayor and Council may deny any request for indemnification if it finds that the official or employee has not complied with this section.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake accepts the written request from Councilman Jeffrey Bader for indemnification from the Borough of Woodcliff Lake.

Resolution Authorizing the Woodcliff Lake Police Department to Enforce Temporary “No Left Turns” Signage at the Intersection of Broadway and Woodcliff Avenue

(Consent Agenda – 11)

WHEREAS, concerned with the safety of their residents, the Mayor and Council of Woodcliff Lake urged the County to rehabilitate the intersection of Woodcliff Avenue and Broadway; and

WHEREAS, at no cost to the Borough, the County has begun enhancements to the intersection, specifically the widening of the roadway and the installation of a permanent traffic signal; and

WHEREAS, in order to assist the police department with enforcement of the temporary signage restricting left hand turns at the intersection of Broadway and Woodcliff Avenue as per Title 39 Statutes, the Mayor and Council must, by Resolution, authorize the police department to enforce the temporary restrictions.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorize the police department to enforce the temporary signage restricting left hand turns at the intersection of Broadway and Woodcliff Avenue.

Resolution Acknowledging and the Acceptance of the Installation of a Traffic Signal by the County of Bergen at the Intersection of Broadway and Woodcliff Avenue

(Consent Agenda – 12)

WHEREAS, the County of Bergen has begun the rehabilitation project at the intersection of Broadway and Woodcliff Avenue; and

WHEREAS, the County of Bergen has widened the roadway and installed a traffic signal at this intersection for the safety of it’s residents.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake acknowledge the installation of the traffic signal and accept it as a permanent structure in the Borough of Woodcliff Lake.

Resolution Authorizing the Borough Clerk to Advertise for Submission of Bids for one (1) New Brush Bandit Chipper

(Consent Agenda – 13)

WHEREAS, the Borough of Woodcliff Lake Department of Public Works is in need of one (1) new Brush Bandit Chipper; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Clerk to advertise for submission of bids for one (1) new Brush Bandit Chipper.

Resolution Authorizing the Borough Clerk to Advertise for Submission of Bids for a 2011 Ford Pick-up F450 4 wd cab 141" WB 60" CAXL or Equal (Consent Agenda – 14)

WHEREAS, the Borough of Woodcliff Lake Department of Public Works is in need of one (1) 2011 Ford pick-up F450 4 wd cab 141" WB 60" CAXL or Equal; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Clerk to advertise for submission of bids for one (1) new 2011 Ford Pick-up F450 4 wd cab 141" WB 60" CAXL or equal.

Resolution Authorizing the Borough Clerk to Advertise for Submission of Bids for One (1) 17 Cubic Yard Chassis Roll Off Manual Leaf Collector (Consent Agenda – 15)

WHEREAS, the Borough of Woodcliff Lake Department of Public Works is in need of One (1) 17 Cubic Yard Chassis Roll Off Manual Leaf Collector and;

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Clerk to advertise for submission of bids for one (1) 17 Cubic Yard Chassis Roll Off Manual Leaf Collector.

Resolution Authorizing the Purchase of a Capital Item for the Department of Public Works (Consent Agenda – 16)

WHEREAS, the Department of Public Works had previously budgeted in their capital budget for the purchase of a welder; and

WHEREAS, the Superintendent of Public Works has secured three (3) quotes for the purchase of this equipment;

WHEREAS, the Chief Financial Officer has confirmed that funds are available

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorizes the purchase of a welder for the Department of Public Works from the Capital Improvement Fund.

Bader Baum Camella Glaser Hoffman Struk LaPaglia

Resolution Opposing United Water Rate Increase (Consent Agenda – 17)

WHEREAS, Untied Water has petitioned the Board of Public Utilities (BPI) for a rate increase for water service to its residential customers effective May 1, 2012; and

WHEREAS, the Borough received a letter from United Water dated October 25, 2011,

outlining the rate increase; and

WHEREAS, the estimated average increase per quarter is 23.91%; and

WHEREAS, this is an exorbitant increase that will adversely affect every resident in the Borough through direct billing by United Water; and

WHEREAS, the proposed rate increase will have a direct impact on the 2012 Borough budget; and

WHEREAS, the residents will be forced to pay the proposed rate increase for their home and municipal water rates.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of Woodcliff Lake are adamantly opposed to this dramatic and exorbitant rate increase; and

BE IT FURTHER RESOLVED that the Borough of Woodcliff Lake requests its sister municipalities in the United Water Service Area to oppose this rate increase and contact the BPU to register their opposition on behalf of all residents and rate payers; and

BE IT FURTHER RESOLVED that copies of this Resolution be sent to the BPU, Governor Christie, our State Legislators, all Bergen County municipalities, and the Bergen County Flood Task Force.