

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
September 7, 2010**

CALL TO ORDER.

This meeting, in accordance with the Open Public Meetings Law, P. L. 1975, C. 231, was announced at the Reorganization Meeting held on January 4, 2010 in the Municipal Building. Notice of this meeting has been posted, and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL.

Mayor LaPaglia was present on Roll Call. Council members Bader, Camella, Glaser, Hoffman and Rosenblatt were present. Attorney Madio, Administrator Sandve and Borough Clerk Sciara, returning from a 4 month sick leave, 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 a **regular Meeting of the Mayor and Council on August 9, 2010** copies of which have been received by all Councilpersons, are hereby approved as amended.

ROLL CALL:

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

RESOLVED, that the Minutes of a **Special Meeting of the Mayor and Council on August 17, 2010** copies of which have been received by all Councilpersons, are hereby approved as presented.

ROLL CALL:

Introduce: Mr. Bader
Second: Mr. Camella
Ayes: Mr. Glaser, Mr. Hoffman, Mr. Camella, Mr. Bader
Nays: None
Abstain: None
Ineligible: Mr. Rosenblatt

INTRODUCTION OF ORDINANCE #10-05

Administrator Sandve stated that the first goes dates back to 2004. He stated that the State has requested proof from municipalities receiving funds to show forward progress with this project. Mr. Bader has asked that a meeting with the Building and Grounds Committee be held before this Ordinance adoption.

**Be it Resolved, that the Ordinance entitled
"Capital Ordinance of the Borough of Woodcliff Lake, in the County of Bergen, New Jersey
Authorizing the Construction of a Passive Park at the Westervelt-Lydecker Property in, by and for
the Borough, appropriating therefore the sum of \$400,000 and providing that such sum so
appropriated shall be raised from Open Space Funds of the Borough."**

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 20th day of September, 2010 , 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. Bader
Second: Mr. Rosenblatt
Ayes: Mr. Camella, Mr. Glaser, Mr. Hoffman, Mr. Rosenblatt, Mr. Bader
Nays: None
Abstain: None
Absent: None

ORDINANCE - PUBLIC HEARING

- A. Clerk offers Proof of Publication.
- B. Ordinance is read by title only:

Ordinance #10-04 "An Ordinance to Fix the Compensations of Certain Officers and Employees of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey."

Mr. Bader stated that he has consistent opposed any raises to non-union municipal employees in 2010. He stated that many residents of Woodcliff Lake are out of work.

- C. Motion to open to the public was made by Mr. Camella, second by Mr. Bader and approved unanimously by voice call vote.

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

- D. Adoption.

Be it Resolved, that the Ordinance entitled "An Ordinance to Fix the Compensations of Certain Officers and Employees of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey."

introduced at a Regular Meeting of the Mayor and Council held on August 9, 2010 and published in the form presented to and read at this Meeting, shall be appended to the Minutes of this Meeting, and made

part of this Resolution and shall be passed on second and final reading, and the Borough Clerk is authorized to advertise the same according to law.

ROLL CALL:

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

MAYOR'S REPORT

The Mayor's Report dated September 7, 2010 will be attached to these Minutes and will become a permanent part of these minutes.

ADMINISTRATOR'S REPORT

Draft Ordinance – Mid-Block Crosswalk Tice Boulevard.

If there are no comments this Ordinance will be on for introduction at the September 20, 2010 meeting.

Leasing of Municipal Property.

Attorney Madaio stated that the lease has previously been distributed to Mayor and Council. If there are no further comments, the lease and front end documents will be in next week's packet for review. It was the consensus of the Council to lease the property for one year. The rental process will be by municipal bid. The bid will go out in October or November with a probable lease beginning in December or January 2011. The Council agreed that if the recreation project is not going to go forward at this time due to the economy, renting the property is a win-win situation.

Motion to move forward with the leasing of the Freedman Property was made by Mr. Rosenblatt, second by Mr. Bader.

ROLL CALL:

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

2010 CDBG Grant Applications – due October 8th

A grant application has been sent for Senior Activities in the amount of \$6,000. Last year's grant was \$4,900.00. Administrator Sandve asked if the Council wanted to consider the dais to accommodate it for handicapped accessibility.

2010 Bergen County Open Space Funding – due October 8th

Administrator Sandve anticipates applying for a considerable amount of grant funding next year for the

Hatheway House renovations.

ENGINEER'S REPORT

Intersection Improvements at Woodcliff Avenue and Werimus Road

The Borough Administrator attended a meeting on July 1, 2010 with the resident at the intersection of Werimus Road and Woodcliff Avenue to discuss possible driveway modifications in order to accommodate this project. The resident is in the process of reviewing the information that was presented and will respond to the Borough as soon as possible.

Intersection Improvements at Kinderkamack Road and Prospect Avenue

The County Engineer's Office is still reviewing the concept plan based on the reduced traffic counts on record with the County to determine if dedicated left turn lanes are really required. Last discussion with the county is that they have performed another site visit and are in the process of drafting another concept plan

2010 NJDOT Pascack Valley Cooperative Pricing System for Road Paving Program

The design of this project is substantially complete with the exception of Oradell's position. Boswell was also requested by the Borough to expand its scope of work to include curbing along Broadway, parallel to the railroad tracks in the vicinity of the train station, and curbing along Clairmont Drive (if and where directed).

The Oradell Borough Administrator has advised Boswell McClave Engineering that the County (Joe Ferria and Tom Connolly) verbally approved the additional engineering fee required to complete the design of New Milford Avenue. Boswell is now proceeding with the design. Therefore, based upon the required time for specific agency reviews (Bergen County and NJDOT), the project could be bid in October/November 2010, while the award of the project will be no later than December 19, 2010, with the paving occurring in the Spring of 2011.

The road that will be paved in Woodcliff Lake is Highview Avenue from Broadway to Kinderkamack Road.

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

Boswell has prepared the required final plans and specifications and submitted them to Bergen County on May 20, 2010. Boswell has requested a status update from the County as to the status for bidding the project. We await the County's response. The Borough of Woodcliff Lake was to have a meeting with the County in August 2010.

2010 Pascack Valley Municipal Road Paving Program

The construction of this project is substantially complete. Various portions of bituminous curbing were blown out during the last major rain storm and must be replaced at an additional cost to the Borough. Boswell McClave Engineering recommends to the borough that concrete or Belgian Block curbing be installed in the area between Winding Way and Carnot Avenue on the north side of Glen Road (approximately 1,000 LF; \$34,000) to prevent this from happening in the future. Boswell was advised by the Borough that a curb improvement program could possibly be performed next year. The Borough paved Glen Road from Pascack Avenue to Woodland Road.

OLD BUSINESS.

Authorization of Contract for Borough wide Revaluation.

Clarification documents were given to council members in their packets. A resolution authorizing the contract for the Borough wide revaluation will be on the September 20, 2010 agenda.

Discussion of Establishment of Joint Municipal Court in the Tri-Boro

Mr. Hoffman reported that the Tri-Boro Committee on the Joint Municipal Court venture have met to begin drafting an initial shared service agreement between the three towns. The committee has agreed to meet 2x a month to continue discussing this issue. The next scheduled meeting is September 21, 2010.

Mr. Bader informed the Council that the next meeting of the Tri-Boro Shared Services Committee is scheduled for September 15, 2010, 7:00 p.m. in Montvale.

Mr. Camella stated that Borough should send out an informational piece to explain the school referendum question on the ballot at the special election on September 28, 2010. A mailing to all residents will be sent before the September 20, 2010 meeting.

A special Mayor and Council meeting will be held at 7:00 p.m. on September 21, 2010 will be held for residents and interested parties to ask questions on the upcoming school board referendum question to petition the State to change the school funding formula currently in use. The regular scheduled Mayor and Council meeting will begin at 8:00 p.m.

The OEM Coordinator and the Deputy Coordinator will be trained on the use of the electronic bulletin board in the absence of the Borough Administrator.

NEW BUSINESS.

Discussion of concerns related to "Kyleigh's Law".

Assemblyman Schroeder asked if Woodcliff Lake would prepare a Resolution in support of revisions he proposed to the assembly. Mr. Bader explained Kyleigh's Law to the Mayor and Council. This law impacts drivers with provisional licenses. A red sticker is affixed to the license plate, identifying drivers under the age of 18. Assemblyman Schroeder feels that this is "profiling" young drivers, potentially identifying them for harm. All agreed that this Resolution will be put on the September 20, 2010 consent agenda.

Mr. Hoffman stated that due to the number of e-mails that have been circulating for the past week, he is making a motion for an investigation on the number of hours worked by the borough clerk over the summer. He wants an accounting on "what has actually happened and what was done".

Mr. Camella stated that he spoke with Administrator Sandve this morning. He suggested that Harold Laufeld, III give the Council a summary of the borough clerk's hours worked over the summer. This way the Council can see what was paid to her, what wasn't paid to her, if there was comp time etc. Once the Council has the facts, they can decide what/if anything further needs to be done.

Mr. Bader asked if this spreadsheet is something CFO Laufeld has ever done before. Mr. Camella stated he was sure CFO Laufeld could do this task. He continued that we could ask Lerch, Vinci, Higgins to perform the investigation but he would like to keep the investigation internal.

Mayor LaPaglia asked for clarification of this investigation. Borough Clerk Sciara asked what exactly the Council is looking to investigate. Borough Clerk Sciara asked "who is keeping track of my hours?" as she did not keep track of her own hours except for the elections. Mr. Hoffman stated that the Council wish to investigate the number of hours the borough clerk worked as compared to how many hours the Administrator has stated the borough clerk actually worked. The borough clerk stated that she was not told that anything was even being discussed. For the record, the Council had contacted several attorneys to see if the Borough Clerk could even work on temporary pre -approved dates due to her disability. She was pre-approved to run the election on June 8, 2010 for 20 hours. Any other time the borough clerk came in was because she knew she was going to have to come back to work eventually and did not want the work to pile up. Borough Clerk Sciara stated that she was asked by Mayor LaPaglia to cover the August 9, 2010 meeting due to Administrator Sandve's vacation. This would account for approximately 10 additional hours worked by the borough clerk that were not reflected on any time card nor paid for.

Mr. Bader stated to Mrs. Sciara that she is taking this out of context. Mrs. Sciara stated that she did not know what the context is. Mr. Bader stated that the issue is that a compensation package was made to the Borough Administrator to act as the acting borough clerk. That is what the issue is. Mr. Bader continued that the Council wishes to clarify how many hours the acting borough clerk actually spent working as the acting clerk when the "injured" borough clerk was at Borough Hall.

Mayor LaPaglia stated that this sounds like a witch hunt. Mr. Rosenblatt agreed and added that this conversation is so inappropriate at a public meeting. Why weren't the employees notified in private of this issue? Mr. Rosenblatt continued that discussions of employees should be closed session. Mr. Madaio stated that terms of employment can be discussed in closed or open session, whichever the Council chooses.

Motion made by Mr. Camella to authorize Harold Laufeld, III, CFO to compile a spreadsheet of the hours worked by the borough clerk over the summer and verify what her compensation for those hours were, seconded by Mr. Hoffman.

Mayor LaPaglia asked , "what is the real issue going on here?"

Mr. Bader stated that the acting clerk was being compensated to do the job of the borough clerk. We are now finding out, that the borough clerk came in many times because she is passionate about her job. Mr. Bader stated that he thanked her publicly and privately for this. Mr. Bader continued that if the Borough is paying the acting borough clerk but the "disabled" borough clerk is doing the job, something is not right. Mr. Bader would like to see the numbers to show Administrator Sandve did x amount of hours and the borough clerk worked 60 hours. Mayor LaPaglia asked how this will be calculated.

Mr. Rosenblatt stated that this was discussed and rehearsed among Council members in violation of the Open Public Meetings Act.

Mr. Sandve stated that he did all the clerk work when the borough clerk was out. The borough clerk came in for a raffle license, a limousine matter that could not be taken care. The borough clerk came in to scan documents so that it would not be so cumbersome when she came back in September. Mr. Sandve spent an average of 10-12 hours per week on borough clerk work.

Mr. Hoffman stated that Borough Administrator Sandve stated to him that the borough clerk came in only 6-8 hours during her absence to do borough clerk duties. Borough Clerk Sciara stated that she covered

the August 9, 2010 meeting due to the vacation of the Administrator. That would add an additional 10 hours to the hours she worked over the summer for the pre-approved election duties.

Mr. Camella stated that he wanted the CFO to investigate if the borough clerk was compensated by the Borough for an excessive amount of hours while Administrator Sandve was being compensated for clerk work. "6-8 hours over 4 months is not a big deal. 60 + hours are", stated Mr. Camella.

Mayor LaPaglia stated that this seems like a disingenuous act. He questioned the motive of this investigation. Mr. Hoffman stated that Administrator Sandve missed an OPRA deadline. Borough Administrator Sandve stated that he was on vacation and that the borough clerk missed the OPRA deadline.

ROLL CALL:

Introduce: Mr. Camella
Second: Mr. Hoffman
Ayes: Mr. Bader, Mr. Hoffman, Mr. Camella
Nays: Mr. Rosenblatt
Abstain: Mr. Glaser

Motion made by Mr. Rosenblatt to investigate if this Council has discussed and rehearsed this motion in advance of this meeting in violation of the Open Public Meetings Act. There was no second to this motion.

Mr. Camella stated that he heard there was a problem with the Open Space Referendum question. Due to paperwork, the Borough was late in filing the question to the County Clerk. When Administrator Sandve realized the late filing, he immediately called Attorney Madaio, who then called Attorney Paul Kaufman. The County was then contacted and the ballots for Woodcliff Lake will not be printed without the Open Space Referendum question.

Mr. Camella stated he understands missing deadlines. He does not understand however why he or any members of the Council was never informed of this late filing. Mr. Camella stated that he heard the Borough was in violation from the County; Mr. Glaser and Mr. Bader stated that they learned of the late filing from Mr. Camella. Mr. Rosenblatt asked why he was not notified of this late filing until this evening. Mr. Madaio informed the Council that upon his notification by Administrator Sandve on August 26, 2010, he immediately called Attorney Paul Kaufman who was told a formal legal filing was required. With Attorney Madaio going on vacation, Attorney Kaufman was handling this issue.

Mr. Rosenblatt asked how he and the Mayor were not informed of this issue. Mr. Camella "wanted to know why the Council, from Bob to Jeff and everyone in-between were not notified of this mistake". Mr. Bader wants to know, "who is responsible?" Administrator Sandve answered that it was "miscommunication" between the borough clerk and himself. Mr. Bader wants to know how much this faux pas will cost the Borough and who is to blame. As the acting borough clerk, Administrator Sandve is to blame stated Mr. Bader. This mistake could potentially cost the Borough to lose the Open Space Funding for the year 2010.

Administrator Sandve would not place the blame on either the borough clerk or himself. When the borough clerk left the office on August 13, 2010, she placed the Open Space Referendum in a pile of papers on his desk. Administrator Sandve did not see the ballot question in the pile of papers until after the deadline had passed.

Mayor LaPaglia asked if the purpose was to assign blame. Mr. Camella stated that if there are any mistakes of this nature in the future, the Council should be informed.

PUBLIC FORUM.

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

Gerry Meisel, 108 Brookview Drive stated that it has been one year since his road was to be repaved. Administrator Sandve stated the paving would be complete by the end of next week. Mr. Rosenblatt told Mr. Meisel he would follow up with the contractor to assure that the road would be repaved by the stated time. Mr. Meisel stated that this Council spends too much time on inconsequential items and not enough time tending to the needs of the residents who elected them. The town of Woodcliff Lake has been disgraced, embarrassed and the Council has become immobilized. None of the goals set for this year have been obtained. Mr. Meisel stated that he is against any raises for employees. He asked that the Mayor and Council look into furloughs, staff reduction and closing of Borough Hall on Fridays.

Kevin O'Brien, 227 Pascack Road commented on the expansion being done by Westwood and River vale to their recreational facilities. Mr. O'Brien commented on the late OPRA request filed by himself to the acting clerk/borough clerk. He stated that whether 2 days late or 22 days late, the Borough did not supply the information he requested.

Bob Nathin, 17 Hunter Ridge stated that 7-8 years ago, he and Jeff Schneider came before the Council at the time to discuss redoing all the fields in Woodcliff Lake. The Council at that time stated there was a Master Plan and no renovations would be done at that time. Since then, properties have been added; however now there is no funding available.

Mr. Nathin commented that he finds it offensive that it is responsibility to repair/replace the curbing in front of his house as there is not curbing throughout the town.

Gerry Meisel, 108 Brookview Drive commented that the Mayor and Council need to educate the residents about this upcoming school board referendum. Mr. Meisel suggested that the Borough include a repainting clause in any lease signed as to the rental of the municipal properties.

Jeff Goldsmith, 66 Old Farms Road thanked the Mayor for his report tonight. Mr. Goldsmith stated that the conduct of this Council tonight made it clear why Woodcliff Lake has been in the news lately. He wished all a Happy New Year and hoped that all employees, elected officials and paid professionals will be able to work together in the future.

CONSENT AGENDA DISCUSSION.

Mr. Bader requested that Consent Agenda Items 5,6,8 and 10 be removed for a separate vote.

CONSENT AGENDA VOTE.

Motion to approve Consent Agenda as presented minus #5,6,8, and 10 was made by Mr. Camella, second by Mr. Hoffman.

ROLL CALL:

Introduce: Mr. Bader
Second: Mr. Camella
Ayes: Mr. Rosenblatt, Mr. Glaser, Mr. Hoffman, Mr. Camella, Mr. Bader
Nays: None

Abstain: None
Absent: None

Resolution Authorizing the Award of a Contract to Bever Brothers Corp. for the purchase of 2010 6 yard side loader sanitation truck (Consent Agenda -5)

ROLL CALL:

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

Resolution Authorizing the Award of a Contract to Cambria Automotive Company, Inc. for the purchase of a 2009 Roll-Off Truck (Consent Agenda -6)

ROLL CALL:

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

Resolution appointing Edward Sandve the Certified Public Works Manager License Holder effective October 1, 2010 (Consent Agenda -8)

This Resolution was pulled. The Council voted on C-Sewer Collection License Holder separate from the Certified Public Works Manager License.

Administrator Sandve commented on his memorandum given to the Personnel Committee on his proposal for holding the licenses required due to the retirement of Ed Barboni. Administrator Sandve stated that he would hold the sewer license for the Borough for \$2,500.00.

Resolution appointing Edward Sandve the C-2 Sewer Collection License Holder effective October 1, 2010

WHEREAS, due to the retirement of Edward Barboni as the C-2 Sewer Collection License Holder as of September 30, 2010 there is a desire to appoint a C-2 Sewer Collection License Holder, and

WHEREAS, Borough Administrator Edward Sandve possesses this State mandated license; and

WHEREAS, Borough Administrator Edward Sandve will maintain the C-2 Sewer Collection License for the Borough until such time any DPW employees that are interested in pursuing this license is trained and State certified.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey that Edward Sandve is appointed the C-2 Sewer Collection

License Holder for the Borough of Woodcliff Lake.

BE IT FURTHER RESOLVED, that Edward Sandve receive a yearly stipend of \$ 2,500 while he works with the DPW employees to attain these licenses and certifications effective October 1, 2010

ROLL CALL:

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

Mr. Camella distributed a section from New Jersey Statutes outlining procedure and law as to the appointment of a Department of Works Superintendent. It was the consensus of the Council that a DPW Superintendent did not have to be appointed at this time.

Resolution Authorizing Revision to the Personnel Policy Manual (Consent Agenda – 10)

This Resolution outlined the procedures for employees and elected officials attending the League of Municipalities Convention.

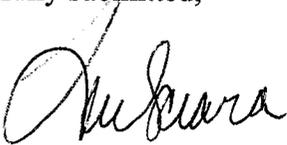
ROLL CALL:

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

ADJOURNMENT.

On a motion made y Mr. Glaser, second by Mr. Camella and approved unanimously by voice call vote, the meeting was adjourned. The time is 11:15 p.m.

Respectfully submitted,



Lori Sciara, RMC/CMC
Borough Clerk

Payroll.

(Consent Agenda - 1)

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

| | | |
|---------------------------|----|------------|
| Payroll released 08/15/10 | \$ | 205,636.61 |
| Payroll released 08/31/10 | \$ | 196,590.95 |

Authority to Pay Claims.

(Consent Agenda - 2)

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 | \$ | 1,174,149.98 |
| Animal Control Fund | \$ | 712.40 |
| Police Private Duty Fund | \$ | 2,071.81 |

Resolution Authorizing Raffle License for Paskack Valley Woman's Club

(Consent Agenda - 3)

WHEREAS, application has been made by Paskack Junior Woman's Club, Park Ridge, NJ, for one on-premise raffle on October 10, 2010; 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 Paskack Valley Woman's Club, Woodcliff Lake, NJ is approved and the Borough Clerk is hereby authorized to issue Raffle License No. 10-397.

Resolution Authorizing Raffle License for Paskack Valley Woman's Club

(Consent Agenda - 4)

WHEREAS, application has been made by Paskack Junior Woman's Club, Park Ridge, NJ, for one on-premise 50/50 raffle on October 10, 2010; 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 Paskack Valley Woman's Club, Woodcliff Lake, NJ is approved and the Borough Clerk is hereby authorized to issue Raffle License No. 10-398.

Resolution Authorizing the Award of a Contract to Beyer Brothers Corp. for the purchase of 2010 6 yard side loader sanitation truck

(Consent Agenda - 5)

WHEREAS, the Borough has advertised for the receipt of bids for a 2010 6 yard side loader

sanitation truck August 25, 2010; and

WHEREAS, the following two (2) bids were received:

| Contractor Name/Address | Base Bid |
|--|----------------------------------|
| Beyer Brothers Corp. Fairview, NJ | \$91,394.34 Trade-in \$4,200 |
| Gabrielli Kenworth of NJ Dayton, NJ | \$104,790.00 Trade-in \$2,000 |

WHEREAS, upon consultation with the DPW Superintendent the Borough Administrator has reviewed all bids and recommended that the Borough award the contract to the Beyer Brothers Corp., the low bidder; and

WHEREAS, the DPW Superintendent has recommended that the Borough maintain the existing sanitation truck in its current fleet as a spare unit and therefore do not recommend accepting the trade-in, and

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake to accept the bid of Beyer Brothers Corp, of Fairview, New Jersey for the purchase of a 2010 6 yard side loader sanitation truck for the low bid of \$91,394.34.

Resolution Authorizing the Award of a Contract to Cambria Automotive Company, Inc. for the purchase of a 2009 Roll-Off Truck (Consent Agenda – 6)

WHEREAS, the Borough has advertised for the receipt of bids for a 2009 Roll-Off truck on August 25, 2010; and

WHEREAS, one (1) bid was received from Cambria Automotive Company, Inc. of Elizabeth, New Jersey for a base bid of \$139,500 with a trade-in on the existing 1983 Mack Roll-Off truck of \$3,500, and

WHEREAS, upon consultation with the DPW Superintendent the Borough Administrator has reviewed all bids and recommended that the Borough award the contract to the Cambria Automotive Company, Inc., the low bidder; and

WHEREAS, the DPW Superintendent has recommended that the Borough takes advantage of the trade-in of the existing 1983 Mack Roll-Off Truck, and

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake to accept the bid of Cambria Automotive Company, Inc. of Elizabeth, New Jersey for the purchase of a 2009 Roll-Off Truck for the low bid (including the trade-in) of \$136,000.

Resolution appointing David Antoine Acting Department of Public Works Superintendent effective October 1, 2010 (Consent Agenda – 7)

WHEREAS, due to the retirement of Edward Barboni as the DPW Superintendent as of September 30, 2010 there is a need to appoint an Acting Superintendent of Public Works, and

WHEREAS, upon interviews with the Borough Administrator and the DPW Committee, consisting of Councilman Robert Rosenblatt and Councilman Paul Camella it was recommended to the Personnel Committee that the Borough name David Antoine the Acting Department of Public Works Superintendent, and

WHEREAS, the Personnel Committee agreed with the recommendation of the DPW Committee and recommend that David Antoine be appointed Acting Department of Public Works Superintendent effective October 1, 2010,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey that David Antoine is appointed the Acting Department of Public Works Superintendent, and

BE IT FURTHER RESOLVED, that David Antoine receive a salary increase of \$10,000 on his base pay effective October 1, 2010

Resolution appointing Edward Sandve the Certified Public Works Manager License Holder effective October 1, 2010 (Consent Agenda – 8)

WHEREAS, due to the retirement of Edward Barboni as the DPW Superintendent as of September 30, 2010 there is a desire to appoint a Certified Public Works Manager License Holder, and

WHEREAS, in addition to the above referenced positions Edward Barboni was also the Borough Joint Insurance Fund Safety Coordinator, Clean Communities Coordinator and Right to Know Trainer, and

WHEREAS, upon review of the alternatives presented to the DPW Committee, consisting of Councilman Robert Rosenblatt and Councilman Paul Camella it was recommended to the Personnel Committee that the Borough name Edward Sandve to these positions until such time as he can train other DPW employees to hold these positions, and

WHEREAS, Edward Sandve has proposed that he work with any DPW employees that are interested in these positions to get them trained and certified as soon as practical and to work with the Acting Superintendent through the 2011 budget process and assist him as necessary in his course work necessary to qualify for the CPWM examination, and

WHEREAS, the Personnel Committee agreed with the recommendation of the DPW Committee and recommend that Edward Sandve be appointed to the above referenced positions effective October 1, 2010,

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey that Edward Sandve is appointed the Certified Public Works

Manager License Holder, and

BE IT FURTHER RESOLVED, that Edward Sandve receive a monthly stipend of \$ 500 while he works with the DPW employees to attain these licenses and certifications effective October 1, 2010

Resolution appointing Robert Ludwig, Fire Sub-Code Official for the period of October 1, 2010 through October 31, 2010 (Consent Agenda – 9)

WHEREAS, due to the retirement of Edward Barboni it is necessary to appoint an Interim Fire Sub-Code Official for the period of October 1, 2010 through October 31, 2010, and

WHEREAS, upon recommendation of Nick Saluzzi, Construction Code Official Robert Ludwig be appointed to that position, and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey that Robert Ludwig is appointed the Fire Sub-Code Official for the period of October 1, 2010 through October 31, 2010, and

Resolution Authorizing Revision to the Personnel Policy Manual (Consent Agenda – 10)

WHEREAS, the Borough reserves the right to add a new policy, change, revise, eliminate, or deviate on a case-by-case basis from any of the policies and/or benefits described herein, subject to the requirements of collective negotiation agreements and/or State and Federal laws or regulations; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake have determined that the existing policy pertaining to attendance at the League of Municipalities Convention needs to be modified,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake hereby revise the Borough policy pertaining to attendance at the League of Municipalities Convention effective for the 2010 Convention in November.

Resolution to Approve the Corrective Action Plan for the Fiscal Year 2009 Audit Report of the Borough of Woodcliff Lake (Consent Agenda – 11)

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a “Corrective Action Plan” outlining the actions to be taken by the Borough relative to the findings and recommendations in the annual audit report; and

WHEREAS, the “Corrective Action Plan” shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the governing body is required by resolution, to approve said “Corrective Action Plan”, as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the Borough Clerk’s office;

NOW, THEREFORE, BE RESOLVED, that the Borough Council of the Borough of Woodcliff Lake hereby approves the "Corrective Action Plan" for the Fiscal Year 2009 Audit Report submitted by the Chief Financial Officer.

Resolution to enter into a Grant Agreement with the County of Bergen for the purposes of utilizing Community Development Block Grant – Senior Citizens Activities (Consent Agenda – 12)

BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake wishes to enter into a grant agreement with the County of Bergen for the purpose of using \$4,950 in 2010-2011 Community Development Block Grant funds for Senior Activities, 411 Chestnut Ridge Road in the Borough of Woodcliff Lake,

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Borough Administrator Edward Sandve to be a signatory for the aforesaid mentioned grant agreement, and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Borough Administrator Edward Sandve to sign all County vouchers submitted in connection with the aforesaid mentioned project, and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Woodcliff Lake is liable for any funds not spent in accordance with the Grant Agreement, and that liability of the Mayor and Council is in accordance with HUD requirements.

This resolution was adopted by the Mayor and Council of the Borough of Woodcliff Lake at a meeting on September 7, 2010

BY: _____
Lorinda Sciara, Borough Clerk

ATTEST: _____

Resolution Requesting Approval of Items of Revenue and Appropriation – Chapter 159 – NJSA 40A:4-87 – Community Development Block Grant - Senior Citizens Activities (Consent Agenda - 13)

WHEREAS, NJSA 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 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, New Jersey hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget year 2010 in the sum of \$1,950.00 from the Community Development Block Grant.

BE IT FURTHER RESOLVED that the like sum of \$1,950.00 is hereby appropriated under the caption of Community Development Block Grant (0-01-41-724-099).

BE IT FURTHER RESOLVED that the above is the result of funds from the Community Development Block Grant program.

Resolution Requesting Approval of Items of Revenue and Appropriation – Chapter 159 – NJSA 40A:4-87 – Municipal Alliance to Prevent Alcoholism and Drug Abuse

(Consent Agenda - 14)

WHEREAS, NJSA 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 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, New Jersey hereby requests the Director of Local Government Services to approve the insertion of an item of revenue in the budget year 2010 in the sum of \$10,356.00 from the Governor's Council on Alcoholism and Drug Abuse.

BE IT FURTHER RESOLVED that the like sum of \$10,356.00 is hereby appropriated under the caption of Municipal Alliance Grant (0-01-41-703-099).

BE IT FURTHER RESOLVED that the above is the result of funds from the Governor's Council on Alcoholism and Drug Abuse.

Resolution Authorizing the execution of an Agreement with Organic Recycling, Inc. for the disposal of leaves for the 2010 collection season

(Consent Agenda –15)

WHEREAS, the Borough of Woodcliff Lake is in need of recycling of the Borough's organic material from October 2010 to January 2011; and

WHEREAS, the DPW Superintendent has received quotes for this service and recommends the Borough authorize Organic Recycling, Inc. in Tappan, NY provide this service to the Borough for a price of \$11.45 per cubic yard.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Woodcliff Lake authorize the execution of an Agreement for the DPW to drop off compacted leaves to Organic Recycling Inc., Tappan NY from October 2010 to January 2011.

Resolution for Renewal of Membership in the Bergen County Municipal Joint Insurance Fund

(Consent Agenda – 16)

WHEREAS, the Borough of Woodcliff Lake is a member of the Bergen County Municipal Joint Insurance Fund; and

WHEREAS, said renewed membership terminates as of December 31, 2010 unless earlier renewed by agreement between the Municipality and the Fund; and

WHEREAS, the Municipality desires to renew said membership;

NOW THEREFORE, be it resolved as follows:

1. The Borough of Woodcliff Lake agrees to renew its membership in the Bergen County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made part hereof and to deliver same to the Bergen County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

This resolution agreed to this 7th day of September, 2010 by a vote of: _____ Affirmative
_____ Negative

Attest

Joseph T. LaPaglia, Mayor

Date

Resolution to Execute Agreement to Renew Membership in the Bergen County Municipal Joint Insurance Fund

(Consent Agenda – 17)

WHEREAS, the Bergen County Municipal Joint Insurance Fund (hereinafter the Fund) is a duly chartered Municipal Insurance Fund as authorized by NJSA 40A:10-36 et seq., and;

WHEREAS, the Borough of Woodcliff Lake is currently a member of said Fund, and;

WHEREAS, effective December 31, 2010, said membership will expire unless earlier renewed, and;

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has resolved to renew said membership;

NOW THEREFORE, it is agreed as follows:

1. The Borough of Woodcliff Lake hereby renews its membership in the Bergen County Municipal Joint Insurance Fund for a three (3) year period, beginning January 1, 2011 and ending January 1, 2014*.
2. The Borough of Woodcliff Lake hereby ratifies and reaffirms the Indemnity and Trust Agreement, Bylaws, and other organizational and operational documents of the Bergen County Municipal Joint Insurance Fund as from time to time amended and altered by the Department of Insurance in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The Borough of Woodcliff Lake agrees to be a participating member of the Fund for the period herein provided for and to comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of the Borough of Woodcliff Lake in the Bergen County Municipal Joint Insurance Fund, the Fund agrees, subject to the continuing approval of the Commissioner of Insurance, to accept the renewal application of the Borough of Woodcliff Lake.
5. Executed the 7th day of September 2010 as the lawful and binding act and deed of the Borough of Woodcliff Lake, which execution has been duly authorized by public vote of the governing body.

*12:01am

Joseph T. LaPaglia, Mayor

ATTEST

Executive Director
Bergen County Municipal Joint Insurance Fund

Resolution Authorizing Correction of Taxes Due based on Assessors Correction of Assessment
(Consent Agenda – 18)

WHEREAS, the property taxes on the following parcel were over assessed by the Borough of Woodcliff Lake, and

WHEREAS, this has resulted in the taxes due on this parcel to be overstated, and

WHEREAS, the tax collector will adjust taxes due for the 3rd & 4th Qtrs. 2010 and the 1st & 2nd Qtrs. Of 2011,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake authorize the tax collector to adjust the tax bill for 2010/2011

| B/L | OWNER | | AMOUNT | REASON |
|---------------|---------|---------|----------|----------------------|
| Bl. 507 Lot 1 | Shapsis | 2010 Q3 | \$170.57 | Assessors Correction |
| | | 2010 Q4 | \$170.56 | Assessors Correction |
| | | 2011 Q1 | \$ 85.28 | Assessors Correction |
| | | 2011 Q2 | \$ 85.28 | Assessors Correction |

Resolution Authorizing a Refund of Overpaid Taxes caused by Tax Court Judgment Docket #000537-2009 (Consent Agenda – 19)

WHEREAS, the owners of Block 1111 Lot 9, 57 Maria 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:

| <u>2009 Assessment from Tax Duplicate</u> | <u>Tax Court Judgment</u> |
|---|--------------------------------------|
| 285,100.00 LAND | 285,100.00 LAND |
| 1,314,900.00 IMPROVEMENTS | 1,214,900.00 IMPROVEMENTS |
| <u>278,200.00 ADDED ASSESSMENT</u> | <u>1,500,000.00 TOTAL ASSESSMENT</u> |
| \$36,762.77 taxes paid | \$30,885.00 tax court judgment taxes |

MUNICIPAL TAX RATE FOR YEAR 2009=\$2.059 PER 100 OF ASSESSED VALUE
 2009 TAX REFUND= \$5877.77

WHEREAS, this has resulted in their overpaying their property tax for the year 2009 in the amount of \$5877.77 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 \$5877.77 for the year 2009 to the owner of record Keith Horn c/o Beattie Padovano

Mail Voucher to:
 K. Horn c/o Beattie Padovano
 50 Chestnut Ridge Road
 P.O. Box 244
 Montvale, N.J. 07645

Resolution Authorizing a Refund of Overpaid Taxes caused by Tax Court Judgment Docket #004299-2007 For the Years 2007, 2008 & For the Year 2009 Freeze Act Years (Consent Agenda – 20)

WHEREAS, the owners of Block 301 Lot 3.01, 50 Tice Blvd., 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>2007 Assessment from Tax Duplicate</u> | <u>Tax Court Judgment</u> |
|---|---------------------------------------|
| 15,000,000.00 LAND | 15,000,000.00 LAND |
| 27,477,800.00 IMPROVEMENTS | 22,000,000.00 IMPROVEMENTS |
| <u>42,477,800.00 TOTAL ASSESSMENT</u> | <u>37,000,000.00 TOTAL ASSESSMENT</u> |
| \$841,060.44 taxes paid | \$732,600.00 tax court judgment taxes |

MUNICIPAL TAX RATE FOR YEAR 2007=\$1.98 PER 100 OF ASSESSED VALUE
 2007 TAX REFUND= \$108,460.44

2008 Assessment from Tax Duplicate Tax Court Judgment

15,000,000.00 LAND
27,477,800.00 IMPROVEMENTS
42,477,800.00 TOTAL ASSESSMENT
\$870,370.12 taxes paid

15,000,000.00 LAND
22,000,000.00 IMPROVEMENTS
37,000,000.00 TOTAL ASSESSMENT
\$758,130.00 tax court judgment taxes

MUNICIPAL TAX RATE FOR YEAR 2008=\$2.049 PER 100 OF ASSESSED VALUE
2008 TAX REFUND= \$112,240.12

2009 Assessment from Tax Duplicate
15,000,000.00 LAND
27,477,800.00 IMPROVEMENTS
42,477,800.00 TOTAL ASSESSMENT
\$874,617.90 taxes paid

Tax Court Judgment
15,000,000.00 LAND
22,000,000.00 IMPROVEMENTS
37,000,000.00 TOTAL ASSESSMENT
\$761,830.00 tax court judgment taxes

MUNICIPAL TAX RATE FOR YEAR 2009=\$2.059 PER 100 OF ASSESSED VALUE
2009 TAX REFUND= \$112,787.90

WHEREAS, this has resulted in their overpaying their property tax for the years 2007, 2008 and 2009 in the amount of \$333,488.46 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 \$333,488.46 for the years 2007, 2008 and 2009 to the owner of record MACK-CALI, C/O IRWIN LAW FIRM

CHECK MAILED TO
THE IRWIN LAW FIRM, P.A.
80 MAIN STREET, SUITE 410
WEST ORANGE, NJ 07052

Mayor's Report

September 7, 2010

For many Labor Day marks the end of Summer and the beginning of the Fall season. Fall is the final season of the year so it is fitting that I report on the resignation of four-term Council member Joanne Howley effective August 31, 2010. Over the past twelve months the Mayor and Council, the Borough Attorney, Borough Administrator and others have been caught up with Mrs. Howley's problems with the Bergen County's Prosecutor's office. Hopefully, we will now have closure to these matters and the Council and the Borough Administrator can refocus on the important challenges facing our town. I am sad to see Joanne leave public service after more than twenty years of volunteer work as a coach, part-time Park and Recreation Secretary and Council member, and I wish her and her family good health and much future happiness.

I also want to acknowledge the upcoming retirement of long-time DPW Superintendent Ed Barboni, effective September 30, 2010, after years of service. Ed is a life-long resident of Woodcliff Lake and he will be honored by the Mayor and Council and his co-workers at the Firehouse on September 30, 2010 at 4 P.M. (Read Ed Barboni Retirement Proclamation)

Labor Day also marks the official closing date of the Woodcliff Lake pool. 2010 was another great pool year, the hottest summer on record. We want to thank Jay Esposito, Park and Recreation Director, and the entire pool staff for another safe and effective pool season.

Traditionally local campaigning for the municipal elections begins this month. This year we will be electing officials for two three-year Council terms and one unexpired term of two years. I am hopeful that the political campaigns will attract meaningful debate of the issues facing the

Borough and that all candidates will conduct themselves professionally and avoid personal attacks. The municipal elections will be held on Tuesday, November 2, 2010.

Lastly, there is an important Special Election on Tuesday, September 28, 2010 for a request made by the Boroughs of Montvale and Woodcliff Lake to change the funding formula to make it more equitable for all four sending towns. There is more detailed information of the Borough's website at www.wclnj.com

Thank you.