

**BOROUGH OF WOODCLIFF LAKE
PUBLIC SESSION AGENDA
MAYOR AND COUNCIL
November 17, 2008**

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 7, 2008 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 Joseph LaPaglia

Councilmembers Jeffrey Bader
Paul Camella
John Glaser
Josephine Higgins
Joanne Howley
Robert Rosenblatt

PLEDGE OF ALLEGIANCE.

APPROVAL OF MINUTES.

RESOLVED, that the Minutes of a **Closed Executive Meeting I on November 5, 2008 of the Mayor and Council**, copies of which have been received by all Councilpersons, are hereby approved as presented, but not ready for release to the public at this time.

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

RESOLVED, that the Minutes of a **Mayor and Council Meeting on November 5, 2008 of the Mayor and Council**, copies of which have been received by all Councilpersons, are hereby approved as presented.

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

RESOLVED, that the Minutes of a **Closed Executive Meeting II on November 5, 2008 of the Mayor and Council**, copies of which have been received by all Councilpersons, are hereby approved as presented, but not ready for release to the public at this time.

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

STANDING COMMITTEES. (CAPITALS indicate committee chair).

John Glaser	ADMINISTRATION/FINANCE PLANNING BOARD EDUCATION (High School) Public Information, Newsletters, Ordinances Building & Grounds/Building Dept. Senior Citizen's Program
Paul Camella	DPW & ROADS/SEWERS & SANITATION, ECOLOGY LIBRARY FIRE (VOLUNTEER) Education (elementary) Board of Health, Mental Health & Welfare
Jeffrey Bader	PUBLIC SAFETY/POLICE/OEM/TRIBORO EDUCATION (ELEMENTARY)
Josephine Higgins	BOARD OF HEALTH, MENTAL HEALTH & WELFARE Fire (Volunteer), Fire Prevention
Joanne Howley	PARKS AND RECREATION PUBLIC INFORMATION, NEWSLETTERS, ORDINANCES SENIOR CITIZENS' PROGRAM Administration/Finance Education (High) Shade Tree Committee Library
Robert Rosenblatt	DPW & Roads/Sewers & Sanitation, Ecology Parks & Recreation Public Safety/Police/OEM/TriBoro

OLD BUSINESS.

NEW BUSINESS.

Introduction of Ordinance 08-08

AN ORDINANCE TO AUTHORIZE, RATIFY AND APPROVE THE EXECUTION BY THE BOROUGH OF WOODCLIFF LAKE OF A CONTRACT TO PURCHASE REAL PROPERTY IDENTIFIED AS LOTS 1 AND 2 IN BLOCK 2602 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF WOODCLIFF LAKE, AND AUTHORIZE EXPENDITURE FOR SAME IN THE AMOUNT OF \$1,018,000.00.

BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

WHEREAS, the Borough of Woodcliff Lake is desirous of purchasing real property identified as Lots 1 and 2 in Block 2602 on the Tax Map of the Borough of Woodcliff Lake, and more commonly known as 230 and 230A Broadway, comprising approximately two (2) acres, (hereinafter the “Property”), for the construction of Affordable Housing and authorizing the expenditure of funds in the amount of \$965,000.00 from Borough Affordable Housing Funds and \$53,000.00 from General Borough Funds.

WHEREAS, the Borough of Woodcliff Lake (the “Borough”) negotiated with John Fischer and Kevin Fischer, (the “Sellers”) for the purchase of the Property; and

WHEREAS, the negotiations resulted in a Contract which is subject to the formal authorization, approval and ratification of the Governing Body of the Borough of Woodcliff Lake, which Contract for Sale of Real Estate (the “Contract”) has been reviewed, revised and approved by the Borough Attorney and the Governing Body, and which Contract sets forth the terms and conditions of the Borough’s purchase of the Property, along with certain contingencies which must be satisfied prior to closing of title along with the Contract price of One Million, eighteen Thousand (\$1,018,000.00) Dollars; and

WHEREAS, the Borough Council desires hereby to approve the contract, and to ratify the execution of the Contract by the Borough Mayor and the Clerk and to authorize the Borough Administrator and Borough Attorney to take all required actions to satisfy all contingencies contained in the Contract, and to arrange to close this transaction on behalf of the Borough at the earliest possible time.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodcliff Lake, in the County of Bergen and State of New Jersey, as follows:

1. This Ordinance shall, upon final adoption, authorize the Borough of Woodcliff Lake to execute a Contract and to expend monies for the purpose of purchasing the properties identified as Lots 1 and 2 in Block 2602 on the Tax Map of the Borough of Woodcliff Lake, located at 230 and 230A Broadway, comprising approximately two (2) acres, (the "Property").
2. The Mayor and Borough Clerk of the Borough of Woodcliff Lake are hereby authorized and directed to utilize monies for the purchase of the Property.
3. The execution by the Mayor and Clerk of the Contract with the Sellers for the purchase of the Property with the total purchase price of One Million, Eighteen Thousand (\$1,018,000.00) Dollars, which Contract has been reviewed by the Borough Council, and is hereby authorized, approved and ratified.
4. The Borough of Woodcliff Lake is to proceed to closing of title to the Property and pay the entire purchase price, plus necessary costs and fees. Should the Borough apply for and receive any grant monies for purchase of the Property, those funds will either be applied to direct payment of the cost of the improvement, or deposited in the Trust Fund and applied against the outstanding indebtedness.
5. The Borough Administrator and Borough Attorney are hereby directed to take all required actions to satisfy all contingencies contained in the Agreement and to arrange to close this transaction and acquire title on behalf of the Borough at the earliest possible time.
6. An appropriation in the amount of Nine Hundred Sixty Five Thousand, (\$965,000.00) Dollars from the Borough Affordable Housing Fund is hereby authorized for the purchase of the Property and the payment of Fifty Three Thousand (\$53,000.00) Dollars from General Borough Funds is similarly authorized. The Borough Chief Financial Officer shall, prior to the effective date of this Ordinance, file with the Borough Clerk, a statement certifying that sufficient funds are available to make this appropriation. The original certification shall be attached to the original of this Ordinance and shall be kept in the files of the Borough Clerk
7. This Ordinance shall take effect immediately upon final passage and publication according to law.

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

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

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

PUBLIC FORUM.

Open to Public
Bader Camella
Glaser Higgins
Howley Rosenblatt
La Paglia

Close to Public
Bader Camella
Glaser Higgins
Howley Rosenblatt
La Paglia

CONSENT AGENDA DISCUSSION.

CONSENT AGENDA VOTE.

ADJOURNMENT.

CONSENT AGENDA – November 17, 2008

1. Payroll Authorization, page 7
2. Authority to Pay Claims, page 7
3. 2008 Budget Transfers for November 17, 2008, page 7
4. Resolution Authorizing 2009 Animal Contract, page 8
5. Resolution Authorizing Contract to County of Bergen Department of Health Services for Bloodborne Pathogen Program Professional Services, page 9
6. Resolution Supporting Assembly Bill A3085, page 9
7. Resolution Supporting Assembly Concurrent Resolution No. 193, page 10

RESOLVED, that the Consent Agenda is approved as presented.

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

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 11-15-08 \$195,874.46

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

CLAIMS AND BILLS.

Authority to Pay Claims.

(Consent Agenda - 2)

Current	\$	171,185.47
Animal	\$	2,111.00
Unemployment	\$	7,618.31

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

2008 Budget Transfers for November 17, 2008 meeting

(Consent Agenda – 3)

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>FROM</u>	<u>TO</u>
FINANCIAL ADMINISTRATION - SALARIES	8-01-20-130-011	1,000.00	
AUDIT SERVICES - OTHER EXPENSES	8-01-20-135-028		1,000.00
TAX ASSESSMENT - SALARIES	8-01-20-150-012	15,000.00	
TAX ASSESSMENT - OTHER EXPENSES	8-01-20-150-105		15,000.00
LIBRARY - OTHER EXPENSES	8-01-29-390-225	20,000.00	
GROUP INSURANCE FOR EMPLOYEES	8-01-23-220-190	10,000.00	
LEGAL - OTHER EXPENSES	8-01-20-155-029		30,000.00
FIRE PREVENTION - SALARIES	8-01-25-265-012	1,000.00	
FIRE PREVENTION BUREAU - OTHER EXPENSES	8-01-25-265-033		1,000.00
BOARD OF HEALTH - SALARIES	8-01-27-330-011	3,000.00	
BOARD OF HEALTH - OTHER EXPENSES	8-01-27-330-136		3,000.00
RECREATION - SALARIES	8-01-28-370-013	4,000.00	
CELEBRATION OF PUBLIC EVENTS - OTHER EXPENSES	8-01-30-420-170		4,000.00

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

Resolution Authorizing 2009 Animal Control Contract. (Consent Agenda – 4)

WHEREAS, there exists a need for the Borough of Woodcliff Lake Health Department to provide state mandated animal control services of a professional nature; and

WHEREAS, Tyco Animal Control Services can provide duly qualified personnel to carry out these services; and

WHEREAS, Tyco Animal Control Services has agreed to provide animal control services through a contract agreement with the Borough of Woodcliff Lake, Department of Health for the calendar year 2009; and

WHEREAS, the maximum amount of the contract is \$8,400.00 annually to be paid monthly and funds will be available for this purpose; and

WHEREAS, it has been certified that this meets the statutes and regulations concerning the award of said contract;

WHEREAS, the Animal Center will be responsible for those services delineated in the their proposal; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake as follows:

1. That Mayor Joseph LaPaglia is hereby authorized and directed to execute an agreement with Tyco Animal Control Services to perform animal control services of a professional nature for the period January 1, 2009 through December 31, 2009 at a cost not to exceed \$ 8,400.00
2. This contract is awarded without competitive bidding in accordance with N.J.S.A.40A:11-(5)2; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer has certified, in accordance with N.J.A.C. 4:30 14.5 that sufficient legal appropriated funds will be available for this purpose subject to appropriation of funds in the 2009 temporary and/or adopted budget.

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

Resolution Authorizing Contract to County of Bergen Department of Health Services for Bloodborne Pathogen Program Professional Services

(Consent Agenda – 5)

WHEREAS, there exists a need for a Bloodborne Pathogen Program; and

WHEREAS, the County of Bergen Department of Health Services has submitted a proposal to perform such services for the term of January 1, 2009 to December 31, 2009 at a sum not to exceed \$2,425.00; and

WHEREAS, the contract is a valid contract for Professional Services which may be awarded without competitive bidding in accordance with NJSA 40A:11(a) of the Local Public Contracts Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Woodcliff Lake that the Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with the County of Bergen Department of Health Services for the term of January 1, 2009 to December 31, 2009 at a sum not to exceed \$2,425.00.

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

Resolution Supporting Assembly Bill A3085

(Consent Agenda –6)

WHEAREAS, currently under the provisions of N.J.S.A.2B:12-1, two or more municipalities may agree to establish a single joint municipal court or agree by Ordinance or Resolution to provide jointly for courtrooms, chambers, equipment, supplies and employees for their municipal courts without establishing a joint municipal court; and

WHEREAS, Bill A3085 amends the current statute to clarify and provide that if two or more contiguous municipalities in different vicinages agree to share facilities, each municipality may make appointments for judges and administrator; and

WHEREAS, Bill A3085 also amends termination agreements or aforesaid shared facilities.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of Woodcliff Lake support Assembly Bill A3085 and that a copy of this Resolution be sent to the NJ State League of Municipalities.

Bader Camella Glaser Higgins Howley Rosenblatt LaPaglia

**RESOLUTION SUPPORTING ASSEMBLY CONCURRENT RESOLUTION
NO. 193** (Consent Agenda – 7)

WHEREAS, this concurrent Resolution expresses the finding of the Legislature that certain regulations of the Council of Affordable Housing are outside of the scope of the “Fair Housing Act” which is to assist municipalities in meeting a constitutional obligation to provide, through land use regulations, a realistic opportunity for a fair share of its region’s present and prospective need for housing for low and moderate income families; and

WHEREAS, the rules foster the collection of fees rather than fostering proper zoning ordinances; and

WHEREAS, by characterizing the municipal obligation as a financial one, the rules are not consistent with the legislative intent of the “Fair Housing Act” which states that a municipality shall not be required to utilize its own funds or raise revenues in order to comply the act.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of Woodcliff Lake support Assembly Bill 193 and that a copy of this Resolution be sent to the NJ State League of Municipalities.

Bader Camella Glaser Higgins Howley Rosenblatt L:aPaglia