

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council December 3, 2001

Present: Mayor Higgins
Councilmembers Bader, Denbeaux, Glaser, Howley and Rosenblatt were present on roll call.

Absent: Councilmember Cappello

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Councilmember-elect Peter Van Riper
Councilmember-elect Jon Vogel

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Closed Session Minutes
2. Negotiations
3. Personnel
4. Personnel
5. Purchase of Property / Contract

DISCUSSION

1. Closed Session Minutes of October 15, 2001 –The Mayor and Council approved revised Minutes as submitted.

2. Cell Tower Status Report – Engineering Firms – Tabled until the Governing Body has time to review three engineering proposals.

3. Personnel – Chief of Police Jannicelli – The Governing Body approved the Chief taking one day for a school field trip. The Chief will be attending the Closed Session meeting of December 17, 2001.

4. Authorizing Terminal Pay / sick Pay Draw-Down Program – The Administrator was requested to give the amount that is in reserve for the aforementioned and to distribute the Personnel Manual to the Mayor and Council. It would be taken up at the Closed Session of December 17th.

5. Driscoll Property – Contract for Purchase – The cost of acquiring the Driscoll Property would be \$1,120,000. The State Green Acres Program would be providing \$522,500. The County would also be providing \$522,500 or possibly more, and the balance of the funds would come

from the Municipal Open Space Fund.

Meeting closed at 8:00 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
November 19, 2001

Present: Mayor Higgins
Councilmembers Bader, Glaser, Howley and Rosenblatt were present on roll call.
Councilmember Marcia Denbeaux arrived at 7:20 p.m.

Absent: Councilmember Cappello
Councilmember-elect Jon Vogel

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Councilmember-elect Peter Van Riper
Special Counsel Bruce Whitaker was present for the Cell Tower Status Report.

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Litigation
2. Closed Session Minutes
3. Settlement of Potential Litigation

DISCUSSION

1. Cell Tower Status Report – Special Counsel Bruce Whitaker gave a status report concerning cell towers. He advised that there was a site plan for the Overlook Drive site which provided for an 85-foot cell tower. This requires an engineer to review the site plan for the Borough. Borough Engineer Boswell McClave has performed work for cell towers site plan and Planning Board Engineer Tom Skrable has testified before the Board of Adjustment on this issue. Therefore, it is advisable to have another firm do the site plan review. Special Counsel Bruce Whitaker recommended that Azzolina, Feury & Raimondi Engineering do the aforementioned review on behalf of the Borough. The Mayor and Council concurred. In addition to the Overlook Drive site, there would be a cell tower on the Garden State Parkway site. The Mayor and Council agreed that there should be a public hearing on the aforementioned proposals early next year for public input prior to making a decision.

2. Closed Session Minutes of October 15, 2001 – There was a revision in Police Promotions from “Mayor Higgins advised” to “Mayor Higgins objected”. This change was agreed to by the Mayor and Council. See attached. The Mayor requested that this be discussed at the next Closed Session.

3. Marjo Court Settlement – Borough Attorney Randall advised that the Marjo Court Settlement had been drafted and was being forwarded to Mr. Goldfaden.

11/19/01

Meeting closed at 8:10 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
November 7, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Glaser, Howley and Rosenblatt were present on roll call.

Absent: Councilmember Marcia Denbeaux

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Councilmember-elect Peter Van Riper
Attorney Harry Randall arrived at 7:40 p.m.

Meeting opened at 7:10 p.m.

Purpose of Meeting:

1. Litigation
2. Negotiations – Acquisition of Property
3. Personnel
4. Negotiations – Re-Valuation Proposals
5. Litigation

DISCUSSION

1. Steven Hall v. Borough of Woodcliff Lake – It was agreed that JIF attorney Mr. Hanrahan of Hanrihan & Robertelli would represent Patrolman Foley.

2. Acquisition of Driscoll Property – Council President Cappello advised that there was another meeting with Mr. and Mrs. Driscoll. The Borough had offered \$950,000 initially and the Driscolls were asking \$1,300,000. The Borough increased its offer to \$1,040,000 as per the updated appraisals and the Driscolls lowered their asking price to \$1,200,000. It was agreed that the Borough would acquire the property at \$1,120,000. This was the unanimous recommendation of the Finance Committee. The Borough will be submitting the updated appraisals for Green Acres approval. Green Acres has advised that, if the appraisals are certified, they would pay for 50% of the certified value, estimated to be \$1,040,000 to \$1,050,000. For the balance, they would provide a loan for 30 years at 2% interest rate.

There was a brief discussion on the possibility of renting the property for a period of time, possibly one year, until such time as a preservation plan is completed, grants applied for and funding is in place to begin to fund the preservation needs.

3. Police Chief Anthony Jannicelli - Contract and Terminal Leave Draw-down / Annuity Program Agreement – Chief Jannicelli's Employment Contract and Terminal Leave Agreement were reviewed and slight modifications were made. A Resolution authorizing execution of the aforementioned will be on the Mayor and Council November 19, 2001 Agenda.

4. Interview of Re-valuation Firms – Update – Mayor Higgins recommended Realty Appraisal Company (Rubenstein) to perform the re-valuation. It was decided that, at the next Mayor and Council meeting, there should be an authorization for funding the re-valuation at \$150,000.

5. Substantial Certification – COAH / Update – John Molinelli, former Borough Attorney who is handling the Mulholland Matter, advised that Mr. Del Vecchio, the attorney handling the Mulholland Subdivision, fulfilled all the requirements concerning the filings for COAH. Mr. Molinelli advised that the Borough Planner should prepare a narrative designating the Rent-a-Wreck site as an area in need of re-development and an over-lay zoning in order for this area to be eligible to be developed for Affordable Housing. This narrative would be forwarded to COAH, advising them that the Borough has met their requirements for Substantive Certification. Once COAH determines that this is indeed the case, the Borough would then prepare the necessary Ordinance providing for the over-lay zoning.

Meeting closed at 7:55 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
October 15, 2001

Present: Councilmembers Bader, Cappello, Denbeaux, Glaser and Howley were present on roll call.
Absent: Councilmember Rosenblatt
Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Chief of Police Anthony Jannicelli was present for discussion of Hall v. Borough of Woodcliff Lake and Police Promotions.

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Litigation
2. Negotiations
3. Personnel
4. Negotiations

DISCUSSION

1. Steven Hall v. Borough of Woodcliff Lake et als. – Possible Need for Hiring a Private Attorney – Chief Jannicelli provided background information concerning the Hall case. Police reports and court decision were distributed to the Mayor and Council. The issue was whether Patrolman Foley should be provided separate counsel. It was decided that the firm of Hanrahan & Robertelli who were representing the Borough and were provided by Bergen County JIF would be contacted.

2. A. Police Promotions:

Promotion of Sergeant to Lieutenant

Promotion of Two Patrol Officers to Sergeant

B. Examinations for Promotion of Police Officers

(This was taken out of order on the Agenda in order that Chief Jannicelli could remain for the discussion.)

Mayor Higgins objected that there were two promotions to Sergeant being proposed without all seven candidates being interviewed. Councilman Bader reviewed the process in detail and advised that four candidates were interviewed. The Police Committee recommended that Sergeant Caron be promoted to Lieutenant and Patrolmen Burns and Miller be promoted to Sergeant. Chief Jannicelli advised that the Borough had not required written tests in most instances for promotions and he concurred with the recommendations for promotions. (See attached Promotion Score Sheet.) The Chief left the Closed Session meeting at this point.

3. Marjo Court – Potential Settlement – (This topic was also discussed out of the Agenda order.) Mr. and Mrs. Goldfaden requested settlement payment of \$5,500. The Borough offered a \$4,000 settlement, which they accepted. An agreement with the conditions of settlement is to be drafted by the Borough Attorney. Included would be a Release and Hold Harmless which would be signed by the Goldfadens, the Scheps and the Fernands. The Mayor and Council were in agreement that this should be moved forward.

4. Update on Tri-Borough Labor Agreement Negotiations – Councilman Bader advised that a mediator has been requested from PERC.

Meeting closed at 7:59 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
September 4, 2001

Present: Councilmembers Bader, Cappello, Denbeaux, Glaser, and Howley were present on roll call.
Absent: Mayor Higgins and Councilmember Rosenblatt
Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall

Meeting opened at 7:35 p.m.

Purpose of Meeting: 1. Litigation
2. Release of Closed Session Minutes

DISCUSSION

1. Catherwood Appeal – Borough Attorney Thomas Randall gave an update advising that he spoke with Planning Board Attorney Funabashi concerning the aforementioned. It was determined that Mr. Meisel's attorney, Mr. Bates, would be given a date by which to submit the transcript. If the Borough does not receive the transcript, the Mayor and Council would move to dismiss this matter.

2. Closed Session Minutes of August 6, 2001 – There was a minor amendment to the Minutes, which would be memorialized at the public Mayor and Council meeting that evening.

Meeting closed at 7:55 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
August 20, 2001

Present: Mayor Higgins
Councilmembers Bader, Denbeaux, Glaser, Howley and Rosenblatt were present on roll call.

Absent: Councilmember Cappello

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Release of Closed Session Minutes
2. Personnel
3. Personnel
4. Litigation

DISCUSSION

1. Wireless Communication Facility – Proposed Settlement and Release of Closed Session Minutes from meetings attended by Bert Siegel – Borough Attorney Thomas Randall advised that after the appeals and deliberations have been exhausted, the minutes would be released. Mr. Randall discussed the aforementioned with Special Counsel Bruce Whitaker.

2. Personnel – Withholding payment to Stan Slachetka of Burgis Associates for His Testimony before the Zoning Board – The Mayor and Council were going to withhold any action until the Zoning Board of Adjustment determines if they are going to accept the testimony of Mr. Slachetka. If they do not, the Borough would seek either a credit from Burgis Associates or some other acceptable resolution of the aforementioned.

3. Personnel – Hiring of New DPW Employee – Authorization to advertise for a DPW/Buildings and Grounds employee was approved.

4. Litigation – Woodcliff lake vs. Montvale – Borough Attorney Randall advised that K. Hovnanian Companies have proposed upscale Senior Citizens housing on the golf driving range site. The price of a unit is estimated at \$500,000. The units would be restricted to individuals 55 years of age or older and there would be restrictions on children. There would be approximately 12 units per building and they would range from 1869 square feet to 2500 square feet. It was determined that the Borough Attorney would review this with Planning Board Chairman Vogel and Vice Chair Glemby and with the Planning

Board Attorney.

Meeting closed at 7:55 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
August 6, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Glaser, Howley and Rosenblatt were present on roll call.
Councilmember Denbeaux arrived at 7:15 p.m.

Also Present: Administrator/CFO John T. Doyle
Attorney Harry Randall substituted for Borough Attorney Thomas Randall
Present only for Mulholland Settlement discussion: Planning Board Chairman Jon Vogel, Planning Board Vice Chair Ken Glemby and former Borough Attorney John Molinelli

Meeting opened at 7:05 p.m.

Purpose of Meeting:

1. Negotiations - Wireless Communication Facility -
2. Litigation - Mulholland Settlement
3. Personnel - Hiring of New DPW Employee

DISCUSSION:

1. Wireless Communication Facility (Sprint Spectrum) - Special Counsel Bruce Whitaker gave an update advising that Sprint Spectrum's experts determined that the service is not adequate and there are significant gaps. The Borough's experts, ITT Research Institute, agreed with the Applicant's experts' conclusion. The Applicant has made a case that other locations are not available or not as good. The Board of Adjustment has limited ability and discretion. Some Board members have stated that an 85-foot pole is less intrusive.

Mr. Whitaker advised that Mr. Czura's original letter should be answered by the Mayor and Council by either a yes, no, another Borough property for consideration, or the original Borough property, but a higher antenna that would satisfy the applicant's requirements. Mr. Whitaker recommended that he send a letter to Mr. Czura in the form of a settlement requesting additional information before making a decision concerning the length of the lease, who the fourth carrier would be, and what information was required for a public hearing on the Mayor and Council's future decision.

Mr. Whitaker was given the authorization to proceed by a majority of the Council.

2. Mulholland Settlement - Planning Board Chairman Vogel, Planning Board Vice Chair Glemby and former Borough Attorney Molinelli participated.

John Molinelli gave a detailed background update, advising that the Planning Board had made a decision approving the Settlement as outlined in his letter dated July 30, 2001.

The Mayor and Council concurred with the Planning Board's decision and Mr. Molinelli

was requested to provide the Mayor and Council with a Resolution authorizing the Settlement. Mr. Molinelli was to provide this for the August 20, 2001 Mayor and Council meeting.

3. Hiring of New DPW Employee – This issue was not covered due to lack of time and was carried over to the Mayor and Council Closed Session meeting of August 20, 2001.

Meeting closed at 8:20 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
July 16, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Denbeaux, Glaser, Howley and Rosenblatt
were present on roll call.

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall arrived at 7:15 p.m.

Meeting opened at 6:50 p.m.

Purpose of Meeting: 1. Personnel – Interview Candidate for Police Department
2. Negotiations – Wireless Communication Facility
3. Personnel – Appointment of Deputy Borough Clerk/Administrative
Assistant and Secretary to the Administrator/CFO
4. Closed Session Minutes
5. Personnel: Salary of Police Chief; Contract of Police Chief

DISCUSSION

1. Interview of Candidate for Woodcliff Lake Police Department / Recommendation by Police Committee – Chad Malloy, who was recommended by the Police Committee, was introduced by Chief Jannicelli. After a brief interview with Mr. Malloy, the Mayor and Council were impressed with his credentials and were going to appoint Mr. Malloy later at the Public Meeting.

2. Wireless Communication Facility – Mr. Bruce Whitaker, Special Counsel, had requested that the Governing Body give him a response to the letter of Mr. Czura, Attorney for Sprint. It was determined that a letter sent to all of the residents providing a status of this issue by Mr. Whitaker should be considered. Mr. Whitaker would be asked for his opinion on the aforementioned.

3. Appointment of Cristina Monteagudo as Deputy Borough Clerk/Administrative Assistant and Secretary to the Administrator- After a brief discussion, it was unanimously agreed that Ms. Monteagudo would be appointed.

4. Closed Session Minutes of June 4, 2001 – There was a discussion concerning the Minutes and an amendment was unanimously approved and was to be memorialized at the Open Session.

5. Personnel: (1) Salary of Police Chief; (2) Contract of Police Chief – Finance Chairman Cappello provided background concerning the process. Ms. Howley reviewed how the total salary was determined. There was a discussion concerning the Chief's salary and contract. It was agreed that a contract would be drawn up and presented for the next Mayor and Council meeting. In addition, information would be provided to the Mayor and Council on other Police Chiefs' salaries.

Meeting closed at 8:00 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Joint Closed Session Meeting of Mayor and Council and Planning Board, July 10, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Denbeaux, Howley and Rosenblatt
Absent: Councilmember Glaser

Present: Planning Board Chairman Vogel
Members Glemby, Aronson, DiGirolamo, Fry, LaPaglia and Levin
Absent: Planning Board Members Mautz and Rubackin

Also Present: Former Borough Attorney John L. Molinelli, Administrator/CFO John T. Doyle, Substitute Borough Attorney Harry Randall, Planning Board Attorney Kevin Funabashi and Joseph Burgis of Burgis Associates

Purpose of Meeting: Litigation

Meeting Opened at 8:05 p.m.

DISCUSSION.

COAH Mediation Report of 6/20/01 – Former Borough Attorney John Molinelli provided extensive background information and a chronology of events starting in 1993. In October, 1999, the Borough filed with COAH. There was one objector, Mr. Mulholland. There were several meetings with COAH officials. The original settlement was that the Borough would waive development fees for the Mulholland Subdivision. This would have no impact on the Borough's budget. COAH objected.

Mr. Molinelli then reviewed the conditions of a revised settlement. They included:

- Waiver of off-site improvements by the Borough totaling approximately \$65,000.00.
- The ingress and egress on Werimus Lane requirement would be eliminated by the Planning Board.
- The ingress and egress would go back to the original design.
- Mulholland would agree to withdraw his objection and advise COAH of this.

It was determined that Mr. Del Vecchio would be advised that the Planning Board would waive all off-site improvements with the exception of one drainage improvement. They would have Mr. Del Vecchio appear before the Planning Board and request a waiver of ingress and egress on Werimus Lane. Mr. Molinelli was to advise Mr. Del Vecchio of the revised conditions.

Meeting closed at 9:45 p.m.

Respectfully submitted,

John T. Doyle
Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
June 19, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Glaser and Rosenblatt were present on roll call.
Councilmember Denbeaux arrived at 7:15 p.m.

Absent: Councilmember Howley

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Negotiations
2. Property Acquisition
3. Litigation

DISCUSSION

1. Proposed Placement of Radio Communications Site at Frank and Harriet Tice Senior Center/Community Center – The firm Edwards and Kelcey requested that Nextel be allowed to install twelve panel antennas (height 52” x 13” x 11”) on the roof of the Tice Senior Center/Community Center. The Mayor and Council were not in favor of this. Mayor Higgins suggested that the conditions concerning the donation of the Frank and Harriet Tice Homestead to the Borough would prohibit this.

2. Acquisition of Property – Mr. Bader advised that Mr. Catherwood informed him that he was interested in selling his property to the Borough. Mr. Bader suggested that he discuss this with the Borough Administrator. Mr. Doyle advised that, on June 4th, prior to the start of the Mayor and Council meeting, Mr. Catherwood advised that he was interested in discussing selling his property to the Borough. He was advised that this would be brought to the Mayor and Council’s attention and he would be contacted. The Mayor and Council, after a brief discussion concerning the aforementioned, decided that the Borough Administrator should begin to have informal discussions concerning possible acquisition of this property.

3. Mulholland / COAH Certification – Former Borough Attorney John Molinelli's letter of June 19, 2001, concerning the COAH Matter, was reviewed. It was determined that this matter was going to be discussed in Closed Session by the Planning Board at its next meeting on June 25th. Councilman Glaser would report back to the Mayor and Council with their thoughts and conclusions concerning Mr. Del Vecchio's proposal for settlement as outlined in Mr. Molinelli's letter.

Meeting closed at 7:50 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
June 4, 2001

Present: Mayor Higgins
Councilmembers Bader, Denbeaux, Glaser, Howley and Rosenblatt were present on roll call.

Absent: Council President Cappello

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Special Counsel Bruce Whitaker and Bert Siegal, attorney for the Objectors, were present for the Sprint Spectrum discussion.

Meeting opened at 10:45 p.m.

Purpose of Meeting: 1.

1. Sprint Spectrum –Special Counsel Bruce Whitaker reviewed his memorandum of May 25, 2001. The Attorney for Sprint, Gregory Czura, gave two alternatives: (1) a 135-foot cell tower on the United Water Company site on Overlook Drive; (2) two 85-foot cell towers, one on Borough property on Overlook Drive, and the second on a Garden State Parkway location, north of Saddle River Road. Mr. Whitaker advised that Sprint has requested permission to do tests on the two aforementioned sites. Mr. Siegal, attorney for the objectors, opposed the proposal. He gave an alternative of a 75-foot flagpole for three carriers on Borough property on Overlook, 15 feet from the Parkway.

Mr. Whitaker advised that he was not looking for the Mayor and Council to approve anything other than give permission to do a test which would determine the location of the 85-foot tree cell tower. There would be a stake in the ground determining the specific location. Mr. Rossi, the Borough's expert, would evaluate the results of the test and would develop a draft report to Mr. Whitaker determining if there was a need for cell towers in the Parkway corridor.

Mr. Rosenblatt suggested to allow the testing conditionally upon the Zoning Board approval being postponed. The majority of the Council approved the permitting of tests, with Mr. Bader voicing concern, with the following conditions:

- (1). The Board of Adjustment hearing would be postponed by the applicant.
- (2). Sprint would be given permission to do the tests.
- (3). The Borough Engineer would be at the site, and put a stake in the ground at the specific location of the cell tower.

2. Appraisal of Property of Eugene Louis Faccuito, Block 1401, Lot 3, 115 Werimus Road – After a brief discussion, it was concluded that Mr. McNerney's proposal to do the appraisal at \$750.00 would be approved and memorialized in Public Session following the Closed Session.

Meeting closed at 11:45 p.m.

The Mayor and Council then returned to Public Session.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
May 21, 2001

Present: Mayor Higgins
Councilmembers Glaser, Howley and Rosenblatt were present on roll call.
Absent: Council President Cappello, Councilmembers Bader and Denbeaux
Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Special Counsel Bruce Whitaker
Ross Sorci, of ITT Research Institute
Bert Siegal, attorney for the Objectors

Meeting opened at 7:30 p.m.

Purpose of Meeting: 1. Sprint Spectrum
2. Update by Borough Attorney Randall on Marjo Court Drainage Problem
3. Proposed Montvale Golf Driving Range
4. Possible Acquisition of Property, Block 1401, Lot 3, Werimus Road,
Adjacent to Driscoll Property – Owner Eugene Louis Faccuito

DISCUSSION

1. Sprint Spectrum – Bert Siegal, attorney for the objectors, gave conditions for settlement per the objectors:

- (1) Confidentiality of the terms.
- (2) Acceptance within a 10-day period
- (3) Maximum 75-foot high tree
- (4) Tree buffers 20-feet high / 2 rows of evergreens
- (5) 15 feet west of the Parkway, no less than 125 feet from the northern boundary, lot 7.
- (6) No installation of any cell towers within a mile and a half of this site within Borough of Woodcliff Lake
- (7) For a period of 10 years, the applicant would apply for no new sites within the Borough

Special Counsel Whitaker was to inform Sprint Spectrum's attorney of the objectors' terms and conditions for settlement.

2. Update by Borough Attorney Randall on Marjo Court Drainage Issue – Mr. Randall reported that he had contacted Elliot Urdang, Counsel for Mr. and Mrs. Goldfaden, and advised him that the Goldfadens had benefited from the access to the Borough Engineer discussing solutions. The Borough would not make an offer of any financial settlement.

3. Proposed Montvale Golf Driving Range – Borough Attorney Randall advised that Andy Del Vecchio, attorney for the owners of the Montvale Roller Rink, suggested not going with a golf range use, but possibly a health club. The Mayor and members of the Council who were present were not opposed to a health club. The Borough Attorney would advise Mr. Del Vecchio.

4. Possible Acquisition of Property, Block 1401, Lot 3, Werimus Road, Adjacent to Driscoll Property – Owner Eugene Louis Faccuito – It was decided to solicit proposals for the appraisal of the aforementioned property. Mr. Faccuito was contacted by the Borough Administrator and he advised that he would be open to proposals for possible acquisition.

Meeting closed at 8:20 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
May 7, 2001

Present: Mayor Higgins
Councilmembers Bader, Glaser and Howley and Rosenblatt were present on roll call.
Councilmember Denbeaux arrived at 7:05 p.m.

Absent: Councilmember Cappello

Also Present: Borough Clerk Darlene R. Schnure
Borough Attorney Thomas Randall
Borough Engineer Chris Nash

Meeting opened at 7:00 p.m.

Purpose of Meeting: 1. Marjo Court Drainage Problem
2. Update on Cell Tower meeting and Resignation of Borough's Planner from Burgis Associates by Mayor Higgins
3. Mr. Hill's Letter
4. Permanent Appointment of Acting Police Chief

DISCUSSION

1. Marjo Court Drainage Problem – Ms. Denbeaux discussed the meetings which were held with the residents and advised that Engineer Chris Nash estimated that the simplest way to fix the problem would cost approximately \$3,000.00. Committee members Denbeaux and Glaser agreed that the Borough should not contribute money toward fixing the problem and that the residents had already gotten free engineering services. Attorney Randall advised that the Borough should acknowledge that the professionals had two meetings with the residents and that they had received free services. It would be up to the Goldfadens whether to take the advice and fix the problem. He further stated that past Councils felt that such repairs were the owner's responsibility and that the Borough would risk other problems later if they paid any money. It was decided that the matter would not be discussed in Open Session. Borough Attorney Randall would write a letter the next day to the Goldfaden's attorney, Mr. Urdang, advising that the Goldfadens had received free professional services and that no money would be offered by the Borough toward fixing the drainage problem.

2. Update on Cell Tower meeting and Resignation of Borough's Planner from Burgis Associates by Mayor Higgins– Mayor Higgins provided an update. It appears that the Borough does have the coverage. She advised that Stan Slachetka has left Burgis Associates and is now working for the opposition. She has been very displeased with his work and wants his payments held up.

She further advised that Bert Siegal and Bruce Whitaker felt that Mr. Slachetka damaged the Borough's case. Joseph Burgis will now be handling this matter for the Borough. It was decided to ask Bert Siegal and Bruce Whitaker to attend the May 21st Closed Session meeting.

3. Mr. Hill's Letter – Mayor Higgins advised that Borough Attorney Thomas Randall will handle all comments on the letter which Mr. Hill sent to Borough residents.

4. Permanent Appointment of Acting Police Chief – Councilman Bader advised that Acting Police Chief Anthony Jannicelli would like to receive permanent appointment as Police Chief at the Mayor and Council meeting of June 4, 2001, in order that his family be able to attend the event. Mr. Bader recommended that this be approved. It was unanimously agreed to give Acting Chief Jannicelli his permanent appointment at the June 4, 2001 Mayor and Council meeting.

Meeting closed at 8:00 p.m.

Respectfully submitted,

Darlene R. Schnure
Borough Clerk

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
April 16, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Glaser, Howley and Rosenblatt were present on roll call.
Councilmember Denbeaux arrived at 7:20 p.m.

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas W. Randall
Former Borough Attorney John Molinelli was present only for the Update on Mulholland/COAH Certification.

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Update on Mulholland/COAH Certification
2. Sprint Spectrum

DISCUSSION

1. Update on Mulholland/COAH Certification – Former Borough Attorney Molinelli gave a brief synopsis of the meeting held with COAH officials and Mr. Del Vecchio, Mr. Molinelli and Mr. Doyle. COAH had modified their position whereby originally they were not in agreement with waiving developer's fees. Now they would reconsider this based on a settlement of the aforementioned litigation.

He outlined several possible settlement alternatives, the first being the original settlement of December, 2000, in which the developer does not have to provide a cash payment for any off-site improvements and waiving of developer's fees. The second was the same conditions as the first, without waiving the developer's fees. The third was no settlement and the Borough would go to court. Mr. Molinelli was to provide his recommendation in writing.

The Borough might consider modifying its position, whereby the Borough pays some of the professional fees incurred by the developer during the Planning Board proceedings, i.e., Langan Engineering fees for development of a drainage system. It was agreed that the Borough Administrator and the Planning Board Consultant, Joseph Burgis of Burgis Associates, would meet with COAH officials for an on-site visit of the Comfort Cab Rent-a-Wreck site on Broadway to review the feasibility of an overlay zone for this parcel.

2. Sprint Spectrum – The Mayor and Council reviewed Special Counsel Bruce Whitaker's letter whereby Gregory Czura, Counsel for Sprint Spectrum offered as a resolution the installation of two 85-foot tree/towers. One would be located on the Borough property on Overlook, contiguous with the United Water Company property and the other being on the Garden State Parkway median at Saddle River Road.

The Council was informed that Mr. Whitaker advised Mr. Bert Siegal, attorney for the objectors, of Mr. Czura's proposal.

Meeting closed at 8:00 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
April 2, 2001

Present: Mayor Higgins
Councilmembers Bader, Denbeaux, Glaser and Rosenblatt were present on roll call.
Councilmember Howley arrived at 7:15 p.m.

Absent: Councilmember Cappello

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Borough Assessor Robert Campora was present for the Comments on Tax Appeal/Revaluation.

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Borough Assessor – Comments on Tax Appeal/Revaluation
2. Update on Mulholland/COAH Certification
3. Closed Session Minutes of 2/13/01 and 2/20/01
4. Marjo Court Water Problems
5. Hiring of Planning Board Secretary
6. Negotiations for Acquisition of the Driscoll Property

DISCUSSION

1. Borough Assessor – Comments on Tax Appeal/Revaluation – The Borough Assessor advised that the Borough ratio has dropped to 79.26 and there is exposure to the Borough. In November, 2000, the Borough of Woodcliff Lake was ordered to perform a revaluation. The Borough will not be able to complete the revaluation in 2001 and should request an extension of one year. It is important that the Borough have the Engineer complete the Tax Maps prior to commencement of revaluation. The Borough Assessor was authorized to discuss with the County Board of Taxation the possibility of an extension.

2. Update on Mulholland/COAH Certification – It was agreed that the Borough Administrator would meet with the COAH official to make a site visit to Comfort Cab Company on Broadway. Former Borough Attorney Molinelli will be requested to appear at the next Closed Session to discuss Mulholland.

3. Closed Session Minutes of 2/13/01 and 2/20/01 – The Minutes were changed. See attached.

4. Marjo Court Water Problems - Borough Attorney Randall advised that Elliot Urdang, an attorney, had contacted him on behalf of Mr. and Mrs. Goldfaden. It was suggested that the Marjo Court drainage problem be addressed in a different venue and a subcommittee be formed. This was to be discussed in Open Session.

5. Hiring of Planning Board Secretary - Mary Verducci's resume was distributed. Mrs. Verducci is Planning Board Secretary in Westwood and works for other municipalities. It was agreed that Mrs. Verducci would be hired as a temporary for at least one month. If it is to mutual satisfaction, she will receive a permanent appointment.

6. Negotiations for Acquisition of the Driscoll Property - There was a meeting with Green Acres staff in which they recommended having a preliminary subdivision of the Driscoll Property to determine how many buildable lots could be allowed. This was information required by the two appraisers. The Borough Engineer submitted a proposal not to exceed \$900.00. This would be authorized in Open Session.

Meeting closed at 8:10 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
March 19, 2001

Present: Mayor Higgins
Councilmembers Bader, Glaser, Howley and Rosenblatt were present on roll call.
Councilmember Denbeaux arrived at 7:20 p.m.

Absent: Council President Cappello

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall

Meeting opened at 7:10 p.m.

Purpose of Meeting: 1. Update on Cell Tower/Balloon Test and Proposal by Ross Sorci
2. Closed Session Minutes of February 13, 2001 and February 20, 2001
3. Tri-Boro Dispatchers' Contract – Requests of the Bargaining Unit

DISCUSSION

1. Update on Cell Tower/Balloon Test and Proposal by Ross Sorci –The Mayor advised that Special Counsel Bruce Whitaker recommended hiring consultant Ross Sorci of IIT Research Institute for a fee not to exceed \$6,000 plus expenses. It was agreed that IIT Research Institute would be retained and Mr. Sorci would send preliminary results to the Borough Attorney.

2. Closed Session Minutes of February 13, 2001 and February 20, 2001 – These were tabled to the Mayor and Council meeting of April 2, 2001.

3. Tri-Boro Dispatchers' Contract – Requests of the Bargaining Unit –Councilman Bader, a Tri-Boro Commissioner, advised that the last meeting was cancelled at the request of the Dispatchers' Bargaining Unit. Another meeting has been scheduled. Montvale's Labor Attorney is the chief spokesman for the Tri-Boro Commissioners negotiating team. There was a brief review of the contract proposals by the Mayor.

4. Hill vs. Borough of Woodcliff Lake – Mrs. Patricia Martin, former Borough Prosecutor, submitted a letter advising the Mayor and Council that, if she was to continue to represent the Borough in the aforementioned case, she could not accept the fee of \$95/hour and required \$200/hour. The Mayor and Council authorized the Borough Attorney to represent the Borough from this point on.

Meeting closed at 8:05 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council March 5, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Glaser, Howley and Rosenblatt were present on roll call.

Absent: Councilmember Denbeaux

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas W. Randall

Meeting opened at 7:35 p.m.

Purpose of Meeting: 1. Update on Cell Antenna/Tower
2. Closed Session Minutes of February 13, 2001

DISCUSSION

1. Update on Cell Tower/Antenna – Special Counsel Bruce Whitaker was to give a brief update on the aforementioned. However, he did not attend the meeting due to the snowstorm.
2. Closed Session Minutes of February 13, 2001 – There was a brief discussion. It was agreed that the Minutes would be held over to the next scheduled meeting of March 19, 2001.

Meeting closed at 7:50 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
February 20, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Denbeaux, Glaser, Howley and Rosenblatt
were present on roll call.

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas W. Randall

Meeting opened at 7:10 p.m.

Purpose of Meeting: 1. Cell Antennas/Possible Tower
2. Settlement of Litigation – Small Claims Court / Policy Regarding
Telephone Votes
3. Closed Session Minutes of January 16, 2001
4. Personnel – Replacement of Accounts Payable/Reception Clerk
5. Park Ridge Water Contract
6. Tri-Boro Radio Contract

DISCUSSION

1. Cell Antennas/Possible Tower – The retaining of Verbil was tabled until it is determined that he has the necessary degrees, i.e., engineering, to serve as a professional witness for the Sprint Cell Tower hearings.

The Mayor raised an issue: It is a capacity problem rather than a coverage problem as stated by the applicant. Councilman Rosenblatt recommended that Ms. Denbeaux and Mr. Glaser make up a subcommittee and come back with possible alternatives. They agreed to do so after conversation with Attorney Bruce Whitaker and input from Bert Siegal of the objectors group.

2. Settlement of Litigation – Small Claims Court / Policy Regarding Telephone Votes – The conducting of a phone survey for consensus would depend on each individual situation.

3. Closed Session Minutes of January 16, 2001 – These were reviewed and would be presented as amended at the regular meeting of February 20, 2001.

4. Personnel – Replacement of Accounts Payable/Reception Clerk – It was agreed that Ms. Mayer would be hired at \$28,000 per year for a six-month period.

5. Park Ridge Water Contract – The Borough Attorney would follow up with John D'Anton, the Park Ridge Borough Attorney, to assure that Park Ridge has filed before the B.P.U. the necessary rate adjustment within one week time. The Borough Administrator would follow up

with Park Ridge Water concerning the sinking of a well on SONY property and two wells in Woodcliff Lake.

6. Tri-Boro Radio Contract – Borough Attorney Randall gave an update of his deliberations with the Park Ridge Borough Attorney. The contract should be approved as presented. Mr. Bader felt, with a signed contract, the Tri-Boro Safety Committee would permit study of Radio Room needs. The discussion on authorization of the Tri-Boro Safety Agreement would be continued in Open Session.

Meeting closed at 8:05 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
February 13, 2001

Present: Mayor Higgins
Councilmembers Bader, Cappello, Glaser and Howley were present on roll call.
Councilmembers Denbeaux and Rosenblatt arrived shortly after roll call.

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Fire Official Peter Van Riper and Deputy Fire Official Mark Ginenthal were present only for discussion of Fire Prevention Personnel.

Meeting opened at 7:05 p.m.

Purpose of Meeting: 1. Pending Legal Matters
2. Fire Prevention Personnel
3. Borough of Woodcliff Lake/Park Ridge Water
4. Proposed Tri-Boro Contract
5. State vs. Hill
6. Mulholland Settlement/COAH Substantive Certification
7. Acquisition of Driscoll Property

DISCUSSION

1. Pending Legal Matters

A. 12 Centennial Way Foreclosure/Levinsohn – Resident is going to make full payment to the Bank. Matter closed.

B. Mulholland Litigation – There will be a special meeting of the Mayor and Council and Planning Board to discuss.

C. Substantive Certificate with the Council on Affordable Housing

D. Cablevision Contract

E. Tri-Boro Radio Room Agreement

F. Interlocal Agreement with County and Pascack Valley School District Regarding Pascack Valley Field

It was determined that these four matters would be handled by Borough Attorney Randall.

G. Weinstein vs. Borough of Woodcliff Lake – JIF attorney will be providing legal representation of the Borough. Borough Attorney Randall will coordinate.

2. Fire Prevention Personnel – Fire official Peter Van Riper and Deputy Fire Official Mark Ginenthal were present at the meeting for this topic. Mayor Higgins made a statement supporting Mr. Van Riper. Mayor Higgins attempted to give her opinion of the history of why Fire Official Van Riper was terminated because of incorrect information received by Council members with regard to his inspection many years ago of Our Lady Mother of the Church. Councilman Glaser did not want to discuss this in Closed Session. Mark Ginenthal also made statements acknowledging that Mr. Van Riper had done an outstanding job as Fire Official. It was concluded that further discussion would take place in public. Mr. Van Riper and Mr. Ginenthal left the meeting at this point.

3. Borough of Woodcliff Lake/Park Ridge Water – Borough Attorney Randall was to contact the Park Ridge Attorney and to aggressively pursue Park Ridge Water applying to the B.P.U. for the Surcharge for Capital Improvements of approximately \$52 per year in order that Woodcliff Lake residents do not face significant back charges, and placing proper permit applications for two water wells in Woodcliff Lake.

4. Proposed Tri-Boro Contract – This would be on at the Mayor and Council meeting of February 20, 2001 for approval.

5. State vs. Hill – Attorney Patricia Martin will continue to handle this matter.

6. Montvale Ordinance – Driving Range – Councilman Glaser stated that the objective should be that this does not get built. The Council discussed two possible approaches:

1. Appeal of the Montvale Ordinance
2. Consider the portion of the land in question that is in Woodcliff Lake to be an area in need of redevelopment.

There was a brief discussion with Mr. Rosenblatt advising that, in his opinion, Mr. Glaser does not have a conflict of interest, but that the appearance probably exists and that Mr. Glaser should consider recusing himself. Mr. Glaser advised that he would be guided by the Borough Attorney's opinion.

The following topics were not discussed due to lack of time:

7. Verbil/Cell Tower

8. Acquisition of Driscoll Property

2/13/01

Meeting closed at 8:05 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
January 16, 2001

Present: Mayor Higgins
Councilmembers Bader, Glaser, Howley and Rosenblatt were present on roll call.
Councilmember Cappello arrived immediately after roll call
Councilmember Denbeaux arrived at 7:12 p.m.

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall
Special Counsel Bruce Whitaker
Bert Siegal arrived during the Sprint update and stayed only for that discussion.

Meeting opened at 7:05 p.m.

Purpose of Meeting: Sprint Spectrum Update
Proposed Tri-Boro Radio System Agreement,
Pending Legal Matters
Closed Session Minutes of November 20, 2000 and December 18, 2000

DISCUSSION

1. Sprint Spectrum Update – Special Counsel Bruce Whitaker gave an update. He advised that the applicant was agreeable to having a tree on the United Water parcel or on Borough property. If the cell tower is to be placed on Borough property, the advantages would be that the Borough would gain control, the Borough would receive rental income from the three carriers and there would be less disturbance. Assuming the Board of Adjustment rejects Sprint's application, it would then go to the Superior Court of Appeals where Judge Harris would reverse the disapproval because of the town's own expert's recommendation. When on appeal in the past, the Tower Company does not entertain a settlement of relocation, i.e., on Borough Property. It was recommended that Bert Siegal, attorney for the citizens' group, be brought in. He was contacted and arrived shortly. He recommended that it be suggested that 39-foot antennas or polls be placed on Borough property. He also recommended that the Borough consider bidding this.

This portion of the meeting closed at 8:00 p.m.

Meeting re-opened at 11:15 p.m.

Councilmember Rosenblatt was absent for this portion.
Councilmember Denbeaux left at 11:30 p.m.

2. Proposed Tri-Boro Radio System Agreement – It was recommended that written comments by the Fire and Police Chiefs and OEM Coordinator be sent to the Borough Attorney and to Tri-Boro Commissioner Bader concerning the aforementioned.

3. Pending Legal Matters – Not discussed.

4. Closed Session Minutes of November 20, 2000 and December 18, 2000 – Not discussed.

Meeting closed at 11:50 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO

BOROUGH OF WOODCLIFF LAKE

Minutes of Special Closed Session Meeting of the Mayor and Council
October 1, 2001

Present: Councilmembers Bader, Cappello, Denbeaux, Glaser, and Howley were present on roll call.

Absent: Mayor Higgins and Councilmember Rosenblatt

Also Present: Administrator/CFO John T. Doyle
Borough Attorney Thomas Randall

Meeting opened at 7:45 p.m.

Purpose of Meeting: 1. Personnel
2. Personnel
3. Litigation

DISCUSSION

1. Promotion of One or Two Police Sergeants – Mr. Bader recommended promoting two patrolmen to sergeant, per Chief Jannicelli's request, which the Council approved.

2. Hiring of DPW Employee – Six applicants had applied for the position and three were interviewed. It was recommended by the committee, consisting of the Mayor, DPW Foreman Ray Blackton and Administrator/CFO Doyle that Evan Barboni be hired at a salary of \$32,000. This was approved by the Council and the appointment will be made at the Mayor and Council meeting of October 15, 2001.

3. Meisel (Catherwood) Appeal – Attorney Bates went to Superior Court to stop the Mayor and Council from dismissing the Meisel Appeal. Attorney Randall recommended that at this point the Council dismiss the appeal for lack of prosecution. The Superior Court Judge advised that he is taking the matter up and will make a determination.

Meeting closed at 8:00 p.m.

Respectfully submitted,

John T. Doyle
Borough Administrator/CFO