



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
NOVEMBER 20, 2018
7:00 PM**

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL

Mayor Carlos Rendo
Council President Corrado Belgiovine
Councilwoman Jacqueline Gadaleta
Councilwoman Nancy Gross
Councilwoman Angela Hayes
Councilwoman Kristy Herrington
Councilman Brian Singleton

PLEDGE OF ALLEGIANCE

CLOSED SESSION

Resolution No. 18-243

Resolution Authorizing the Holding of Closed Session

APPROVAL OF MINUTES

October 15, 2018

MAYOR'S REPORT

ADMINISTRATOR'S REPORT

ENGINEER'S REPORT

COUNCIL MEMBERS' REPORTS/COMMENTS

ORDINANCE

Public Hearing

Ordinance 18-13

An Ordinance Amending the Code of the Borough of Woodcliff Lake Code to Include Mandatory Affordable Housing Set-Aside Requirements

Introduction Ordinance 18-14
An Ordinance to Amend Chapter 255 Entitled "Peddling and Soliciting" of the Borough Code of the Borough of Woodcliff Lake, State of New Jersey

Introduction Ordinance 18-15
An Ordinance to Add Chapter 43 Entitled "Open Space Trust Fund" to the Borough Code of the Borough of Woodcliff Lake, State of New Jersey

NEW BUSINESS

PUBLIC COMMENT

(limited to 5 minutes per speaker)

NON-CONSENT AGENDA

CONSENT AGENDA

Resolution No. 18-236	Resolution Authorizing Payroll and Payment of Claims
Resolution No. 18-237	Resolution Suspending any Provisions of Chapter 255 Entitled "Peddling and Soliciting" in Favor of Those Amendments Contained Within Proposed Ordinance No. 18-14
Resolution No. 18-238	Resolution Authorizing Contract to Install New Cabling and Conduits in a Safe Manner and Pursuant to Current Building Code for Lights at Bagley Field in the Borough of Woodcliff Lake
Resolution No. 18-239	Budget Transfer Resolution – November 20, 2018 Meeting
Resolution No. 18-240	Resolution Adopting Personnel Policies and Procedures
Resolution No. 18-241	Resolution Opposing Construction of the North Bergen Liberty Generating Gas-Fired Power Plant
Resolution No. 18-242	

ADJOURNMENT

******Disclaimer******

Subject to Additions and/or Deletions

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

RESOLUTION AUTHORIZING HOLDING OF CLOSED SESSION

**RESOLUTION NO. 18-243
NOVEMBER 20, 2018**

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake, pursuant to the provisions of N.J.S.A. 10:4-12(b), may meet in closed session; and

WHEREAS, the following are the subject matters to be discussed in closed session:

1. Personnel Matters/Contracts
2. Potential Litigation

WHEREAS, these Minutes will be kept and once the matter involving the confidentiality of the aforementioned no longer requires that confidentiality, then the minutes can be made public.

NOW THEREFORE BE IT FURTHER RESOLVED that formal action may be taken at the Meeting.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of November 20, 2018.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

**RESOLUTION NO. 18-236
NOVEMBER 20, 2018**

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

Payroll Released 10/31/2018	\$172,785.16
Payroll Released 11/15/2018	\$343,723.99

BE IT FURTHER 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:	\$ 464,889.33
Capital:	\$160,312.36
Animal Control:	\$ 1.54
Trust/Other:	\$ 4.10
Police/Private:	\$ 27.65
Public Assistance:	\$ 2.12

CERTIFICATION OF FUNDS

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

Harold Laufeld
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of November 20, 2018.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

RESOLUTION SUSPENDING ANY PROVISIONS OF CHAPTER 255 ENTITLED "PEDDLING AND SOLICITING" IN FAVOR OF THOSE AMENDMENTS CONTAINED WITHIN PROPOSED ORDINANCE NO. 18-14

**RESOLUTION NO. 18-237
NOVEMBER 20, 2018**

WHEREAS, the Borough of Woodcliff Lake has entered into a settlement agreement with Aptive Environmental which, among other conditions, requires the Borough to amend Chapter 255 of the Borough Code which governs Peddling and Soliciting within the Borough; and

WHEREAS, in compliance with this agreement the Borough has prepared proposed Ordinance No. 18-14 to make the necessary amendments to Chapter 255 so as to make same compliant with the settlement agreement and to make the Borough's Canvassing/Soliciting rules compliant with current Federal and State Law; and

WHEREAS, to avoid any legal issues during the adoption period of Ordinance No. 18-14, the Mayor and Council of the Borough of Woodcliff Lake wish to suspend any provisions of Borough Code Chapter 255 in favor of those amendments contained within proposed Ordinance No. 18-14.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey, that any portion(s) of Chapter 255 of the Borough Code that are amended by Borough Ordinance No. 18-14 are hereby suspended and that the Borough Police and Borough Clerk shall enforce the Borough's Canvassing/Soliciting rules pursuant to the terms of the amendments contained within Borough Ordinance No. 18-14.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 20, 2018.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

RESOLUTION AUTHORIZING CONTRACT TO INSTALL NEW CABLING AND CONDUITS IN A SAFE MANNER AND PURSUANT TO CURRENT BUILDING CODE FOR LIGHTS AT BAGLEY FIELD IN THE BOROUGH OF WOODCLIFF LAKE

**RESOLUTION NO. 18-238
NOVEMBER 20, 2018**

WHEREAS, during the installation of the field lights at Bagley Field the Borough’s contractor GWE Contractor, LLC discovered that the power cables for same were buried too shallow in the field ground and did not satisfy current code requirements and created an immediate dangerous condition; and

WHEREAS, the Borough, recognizes that this danger to the public health, safety or welfare requires the immediate install of new cabling and conduits in a safe manner and pursuant to current code; and

WHEREAS, GWE Contractor, LLC is on site and has the experience necessary to provide such install services and did provide a quote of \$7,900.00 for such service; and

WHEREAS, the Borough of Woodcliff Lake recognizes that it is most advantageous to permit GWE Contractor, LLC is to perform such service; and

WHEREAS, the Borough of Woodcliff Lake recognizes that in doing so GWE Contractor, LLC will exceed the yearly threshold cap and that Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) permits same when the public health, safety or welfare requires the immediate delivery of goods or the performance of services.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake recognizes that an immediate danger to the public health, safety or welfare at Bagley Field that requires the immediate install of new cabling and conduits in a safe manner and pursuant to current code; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorizes the Mayor or Business Administrator to execute and the Clerk to attest to any documentation to contract with GWE Contractor, LLC to install new cabling and conduits in a safe manner and pursuant to current code for the field lights at Bagley Field for \$7,900.00 to address the immediate dangerous condition and pursuant to the clauses for such emergent projects contained in the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.).

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 20, 2018.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

CERTIFICATION OF FUNDS

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for the purchase.

**Harold Laufeld
Chief Financial Officer**

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

2018 Budget Transfers

**RESOLUTION NO. 18-239
NOVEMBER 20, 2018**

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>FROM</u>	<u>TO</u>
Construction Code - Salaries and Wages	8-01-22-195-010	2,500.00	
Planning Board – Salaries and Wages	8-01-21-180-010		2,500.00
Construction Code-Salaries and Wages	8-01-22-195-010	2,500.00	
Zoning Board – Salaries and Wages	8-01-21-185-010		2,500.00
Legal	8-01-20-155-020	40,000.00	
Planning Board - Other Expenses	8-01-21-180-020		40,000.00
Legal	8-01-20-155-020	25,000.00	
Zoning Board – Other Expenses	8-01-21-185-020		25,000.00
Construction Code – Salaries and Wages	8-01-22-195-010	3,000.00	
Construction Code – Other Expenses	8-01-22-195-020		3,000.00
Building and Grounds – Other Expenses	8-01-26-310-020	4,000.00	
Shade Tree – Other Expenses	8-01-26-300-020		4,000.00
Municipal Clerk – Other Expenses	8-01-20-120-020	500.00	
Board of Health – Other Expenses	8-01-27-330-020		500.00
Engineering – Other Expenses	8-01-20-165-020	3,100.00	
Public Employees Retirement System	8-01-36-471-000		3,100.00

Financial Administration – Other Expenses	8-01-20-130-020	2,000.00	
Defined Contribution Retirement Program	8-01-36-476-000		2,000.00
TOTAL		82,600.00	82,600.00

CERTIFICATION

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DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
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Belgiovine						
Mayor Rendo						

RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES

**RESOLUTION NO. 18-240
NOVEMBER 20, 2018**

WHEREAS, it is the policy of Borough of Woodcliff Lake to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

BE IT FURTHER RESOLVED that these personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the

event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that Hartman Doherty is hereby appointed as Employment Attorney/Advisor title to advise the Borough in personnel matters.

BE IT FURTHER RESOLVED that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Employment Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 20, 2018.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

**RESOLUTION OPPOSING CONSTRUCTION OF THE NORTH BERGEN LIBERTY
GENERATING GAS-FIRED POWER PLANT**

**RESOLUTION NO. 18-241
NOVEMBER 20, 2018**

WHEREAS, Los Angeles-based Diamond Generating Corporation, a subsidiary of Mitsubishi, has proposed and has requested permits to build a \$1.5B, 1,200-MW natural gas-fired power plant in North Bergen, NJ on a 15-acre parcel near Railroad Avenue on the banks of Bellman’s Creek. The electric energy produced by this plant would be transmitted by a 6.5 mile, 345-kV underground and submarine cable under the Hudson River via the Susquehanna Tunnel to connect with ConED’s substation on West 49th Street in Manhattan. All of this electricity would be used by ConED in New York. The project is anticipating permit approvals by the Environmental Protection Agency and the New Jersey Department of Environmental Protection by the end of 2019, and to be operational by 2022;¹ and

WHEREAS, this natural gas plant would be one of the largest sources of air pollution and greenhouse gas emissions in New Jersey;² and

WHEREAS, the municipality and Borough Council of Woodcliff Lake has a principal responsibility to protect the health and safety of its residents, businesses and institutions; and

WHEREAS, the people and environment of New Jersey have been increasingly subjected to a build-out of natural gas infrastructure, including but not limited to pipelines and distribution networks, compressor stations, power plants, combustion heating systems, metering and regulation stations, and pigging stations; and

WHEREAS, peer-reviewed scientific studies³ link exposure between air pollutants emitted from natural gas infrastructure facilities and neurological, cardiovascular and respiratory disease, cancer, birth defects, and other adverse health impacts. Acute health impacts from these toxic exposures can cause burning eyes, headaches, breathing difficulty and nausea for nearby populations and can exacerbate health problems. Chronic health impacts can include certain types of cancer as well as damage to lungs, liver, kidneys, reproductive, nervous and cardiovascular systems; and

WHEREAS, the American Medical Association acknowledges the hazards of natural gas infrastructure and associated adverse health impacts; and

WHEREAS, the National Ambient Air Quality Standards (NAAQS) are based on average population risks across a large area over a long period of time but do not adequately address human toxicity for residents living in close proximity to natural gas infrastructure or where they are subject to episodic high exposures during events such as blowdowns; and

WHEREAS, on February 7, 2010 a gas blow operation was being performed at the Kleen Energy Systems LLC power plant construction site in Middletown, Conn. in which flammable natural gas was pumped under high pressure through new fuel gas lines to remove debris. During this operation, an extremely large amount of natural gas was vented into areas where it could not easily disperse. Welding and other work was being performed nearby, creating an extremely dangerous situation. An explosion occurred when the gas contacted an ignition source taking the lives of six workers and injuring 50 others⁴; and

WHEREAS, the top 11 electric plant operators in the U.S. have been fined over \$13.3B since 2000 for 161 environmental violations, and⁵

WHEREAS, current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency or durations of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

WHEREAS, gas infrastructure facilities can annually emit into the air hundreds of tons of pollutants including particulate matter, toxic chemicals such as sulfur dioxide, mercury, and criteria pollutants (such as nitrogen oxides which cause smog, acid rain and contribute to ozone production),⁶ some of which are known carcinogens such as benzene and formaldehyde, and can also be sources of radioactive contamination⁷ and are known to increase the severity of asthma and other respiratory diseases. Particulate matter, once inhaled, can affect the heart and lungs and cause serious health effects including lung cancer. Long-term exposure to ozone is linked to aggravation of asthma, emphysema, and chronic bronchitis, and it is likely to be one of many causes of

asthma development. Long-term exposures to ozone may also be linked to permanent lung damage, such as abnormal lung development in children. Both ozone and particulate pollution have been linked to premature death, cardiovascular harm and increased susceptibility to infections. Recent studies have also linked air pollution to increases in obesity, diabetes, Parkinson's disease, Alzheimer's and other forms of dementia and stroke.⁸ People most at risk from breathing air containing ozone include people with asthma, children, older adults, and people who are active outdoors, especially outdoor workers; and

WHEREAS, people who live or work in close proximity to natural gas infrastructure facilities such as power plants and compressors are most at risk—particularly developing fetuses, children, the elderly, and those with cardiovascular, lung or respiratory problems and other vulnerable subpopulations, although under certain weather and terrain conditions, these pollutants can have a wider impact. Some homes in New Jersey are within 3,000 feet of the proposed plant and Harlem/Upper Manhattan (where one in four children suffers from asthma), which is downwind of the prevailing winds, is within 3.6 miles; and

WHEREAS, based on the American Lung Association "State of the Air 2018" report, the counties of Bergen and Hudson, which will be most impacted by emissions from this power plant already have significant populations (in some cases the largest in New Jersey), with pediatric and adult asthma, COPD, lung cancer, cardiovascular disease and diabetes,⁹ whose conditions will only be exacerbated by additional volumes of air pollution; and

WHEREAS, developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature organs and detoxification systems¹⁰; and

WHEREAS, methane is the primary ingredient of natural gas and leaks at every system stage, including extraction, processing, transmission, distribution, and end-use consumption; and

WHEREAS, methane is an extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe and 86 times that of carbon dioxide over a 20-year timeframe; and

WHEREAS, methane emissions from gas power plants may be considerably higher than previously thought. A 2017 study^{11 12} found that gas-fired power plants released more than 20 times more methane than the facilities had estimated; and

WHEREAS, Bergen County and Hudson County (proposed site of the North Bergen plant) already receive grades of 'F' from the American Lung Association for ozone air pollution,¹³ the new plant will increase the concentration of ground ozone,

increase the health hazards and risks from this pollutant and make it even more difficult to reduce the level of this pollutant. Conditions such as chronic obstructive pulmonary disease (COPD)—a long-lasting obstruction of the airways—can be exacerbated by even small increases in elevated ozone levels (e.g., an increment of 10 ppb), with a corresponding effect on public health and health care costs. As with chronic lung disease, even a small increase in the previous week's average ozone level has substantial effects on death rates. One study showed that a small (10 ppb) increase in ozone pollution was associated with a 0.52 percent increase in deaths per day. This study found that an estimated 3,700 deaths annually in the U.S. could be attributed to this small increase in daily ozone levels;¹⁴ and

WHEREAS, New Jersey's environmental justice communities already have some of the worst air quality in the nation, building another massive gas power plant will only exacerbate their plight; and

WHEREAS, municipalities to the North and Northeast of the proposed gas-fired plants will be particularly impacted by the Palisades ridge to the East that will prevent pollution from being easily dispersed to the East on prevailing westerly winds; and

WHEREAS, the proposed gas-fired electric plant will be approximately one mile from an existing gas-fired electric plant operated by PSE&G that is already one of the largest sources of air pollution in New Jersey and which already produces over 2 million metric tons of CO₂ annually; and

WHEREAS, of the top 10 companies (parent corporations) most penalized for environmental violations in the US, nine are in the petroleum and energy industry and five are in the electric energy production industry (American Electric Power, Duke Energy, Dominion Energy, FirstEnergy and Alliant Energy);¹⁵ and

WHEREAS, the proposed gas-fired plant will produce limited economic benefits to the town of North Bergen and, to a lesser degree, surrounding towns, this will primarily occur during the construction phase¹⁶ (due, in part, to the fact that NJ electrical generating equipment is exempt from property tax) and after that the residents of these towns will continue to incur the health care costs associated with increased pollution for another 30 to 40 years; and

WHEREAS, the annual health impacts of burning 1 (one) Bcf/day in the NY/NJ metropolitan area are estimated to be:¹⁷

Impact	Incidents per year	Societal Value*	Direct Medical and Other Costs
Premature Mortality	35.3	\$238,712,000	\$10,585,000
Chronic Bronchitis	22.3	\$10,554,000	\$2,700,000
Hospital+ER visits	32.8	\$432,000	\$345,000
Asthma Attacks	724.5	\$43,000	\$42,000
Respiratory Symptoms	32,720	\$1,190,000	\$1,190,000
Work Loss Days	6,374	\$1,160,000	\$1,079,000
Mercury Related	NA	\$12,277,000	\$13,277,000
Total		\$265,369,000	\$29,217,000

*Costs to consumers for which they are not reimbursed.

WHEREAS, an alternative approach to producing electricity from solar panels would avoid all of the environmental and health issues noted in this resolution while still providing new jobs and other financial benefits to local towns and would be in conformance with Governor Murphy's goal to increase the use of renewable energy even if all of the electricity was sold to New York City, could potentially gain local support and should be considered; and

WHEREAS, the NJ Work Environmental Council has stated, "Climate justice is worker justice. We stand together for both worker protections and strong climate policies because we can't have one without the other. An injury to the planet is an injury to us all,"¹⁸ and

WHEREAS, the proposed gas-fired plant will provide electric energy to New York only, residents of Hudson and Bergen Counties and the rest of New Jersey will only incur the health care costs and environmental degradation caused by the plant during construction and operation; and

WHEREAS, the gas-fired power plant represents a direct threat to one of the state's most crucial ecological resources. Wetlands such as the Meadowlands serve many beneficial functions. They are a natural filtration system, purifying our water. They preserve biodiversity by hosting a number of plant and animal species. They play a crucial role in flood mitigation by absorbing storm waters, protecting urban or residential communities in nearby flood zones. The construction of and pollution from the proposed plant could affect quantity and quality of water flows, thereby harming the delicate animal and plant habitats in the wetlands and undermining their critical hydrological functions. The rehabilitation of the Meadowlands, which has been a triumph for the local groups that have worked hard to recover this area, would be squandered in order to provide power to New York City residents; and

WHEREAS, the plant will be within the half mile US DOT Evacuation Zone for oil train derailments which have been known to explode and can only be handled by letting them burn out; and

WHEREAS, location of the plant conflicts with the Regional Plan Association's 2017 finding of the Meadowlands being at risk from sea level rise. The RPA's Fourth Regional Plan¹⁹ found that "of all the places in the tri-state region challenged by increased flooding from climate change, the New Jersey Meadowlands is at greatest risk." It also concluded that "The Meadowlands are also likely to be one of the first places to be permanently inundated from sea-level rise."; and

WHEREAS, construction would require digging a 40 foot trench through the Meadowlands to connect to Williams' Transco Pipeline, thus risking damage to sensitive wetlands. The connection to the Williams pipeline may require upgrades to the line and expansion of its compressor station at Riverdale risking increases in dangerous emissions from the compressor station; and

WHEREAS, the owners of the proposed gas-fired plant have stated this is being built to replace the energy that will be lost when the Indian Point Nuclear Plant is closed,²⁰ a 2017 study by Hudson Riverkeeper and the Natural Resources Defense Counsel states, "By 2023, assumed new energy efficiency and required new renewable energy [will] provide as much output as IPEC would have produced."²¹; and

WHEREAS, the proposed gas-fired plant will require 8.6M gallons of sewage discharge wastewater per day which will allow evaporation of chemicals in the water to contribute to the existing levels of air pollution; and

WHEREAS, the proposed plant will require diesel generator backups for winter gas shortage situations which in turn will require storage of 1M gallons of diesel fuel onsite which has inherent risks of spills and leakage which would produce additional air pollution as well as ground pollution to sensitive wetlands and nearby water bodies; and

WHEREAS, the gas-fired plant will require on site storage of chemicals such as ammonia, bleach and acids as well as trucks to supply these products this increases the potential for spills into nearby wetlands and streams; and

WHEREAS, the proposed gas-fired plant will increase the volume of fracked-gas used in New Jersey which will also increase the drilling and associated environmentally destructive activities associated with its production and transport²² as well as increased pressure on New Jersey and the Delaware River Basin Commission to accept fracked waste water for disposal; and

WHEREAS, the proposed gas-fired plant will utilize fracked natural gas thus increasing the amount of energy produced by fossil fuels in direct opposition to

Governor Murphy's commitment to moving New Jersey to 100% clean renewable energy usage. This type of massive fossil fuel infrastructure will last for several decades due to its large sunk costs (\$1.5B). This will increase long-term dependence on dirty fossil fuels and their associated environmental damage and health risks and is incompatible with the administration's energy goals. The average New Jersey gas-fired power plants went online 23 years ago and 13 percent of the state's gas plants went online more than 40 years ago.

THEREFORE, BE IT RESOLVED that the Municipality and Borough Council of Woodcliff Lake, in the interest of protecting its residents, businesses and institutions, as of November 20, 2018, strongly opposes construction of the North Bergen Liberty Generating power plant.

Be it further resolved, that the Borough Clerk shall forward this Resolution to

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection
- State Senator
- State Assemblypersons
- Food and Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
- The Sierra Club – New Jersey Chapter, 145 W. Hanover Street, Trenton NJ 08618
- Hackensack Riverkeeper
- Hudson County Freeholders and Administration and all Hudson County Municipal Councils, Boards of Health and Environmental Commissions
- Bergen County Freeholders and Administration and all Bergen County Municipal Councils, Boards of Health and Environmental Commissions
- League of New Jersey Municipalities
- NJ Advance Media

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of November 20, 2018.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

¹ <https://www.northjersey.com/story/news/environment/2018/04/10/new-power-plant-meadowlands-electricity-nyc/503255002/>
<http://newyork.cbslocal.com/2018/04/25/meadowlands-natural-gas-plant-proposal/>

² New Jersey Sierra Club May 2018 E-newsletter,
<https://spark.adobe.com/page/1cwq37BdNLoxg/>

³ PSE for Healthy Energy Repository for Oil and Gas Energy
Research: <https://www.psehealthyenergy.org/our-work/shale-gas-research-library/>

⁴ <https://www.osha.gov/news/newsreleases/national/o8o52o1o>

⁵
https://violationtracker.goodjobsfirst.org/prog.php?major_industry_sum=utilities+and+power+generation

⁶ Criteria air Pollutants (CAP), or criteria pollutants, are a set of air pollutants that cause smog, acid rain, and other health hazards. CAPs are typically emitted from many sources in industry, mining, transportation, electricity generation and agriculture. In many cases they are the products of the combustion of fossil fuels or industrial processes.

⁷ Environmental Health Project Report, October 2017: Health Effects Associated with Stack Chemical Emissions from NYS Compressor Stations: 2008-2014: <http://www.environmentalhealthproject-ny.org/>

⁸ <https://www.sciencenews.org/article/list-diseases-linked-air-pollution-growing>

⁹ Numbers of residents in 2017 in each county with the diseases shown:

County	Pediatric Asthma	Adult Asthma	COPD	Lung Cancer	Cardiovascular Disease	Diabetes	Poverty Estimate
Bergen	16,376*	61,021*	47,586*	525*	62,375*	70,715*	63,789
Hudson	11,286	44,533	29,582	379	36,091	40,122	104,660

*Highest volume in New Jersey

¹⁰ Reducing the staggering costs of environmental disease in children, estimated at \$76.6 billion in 2008, Trasande, L, et al, Health Affairs, May 2011: <https://www.ncbi.nlm.nih.gov/pubmed/21543421>

¹¹ Food & Water Watch

¹² <https://www.desmogblog.com/2017/03/20/natural-gas-power-plants-fracking-methane>

¹³ American Lung Association 2018 State of the Air report
<http://www.lung.org/our-initiatives/healthy-air/sota/city-rankings/states/new-jersey/>

Shows Hudson and Bergen Counties with grade of F for high ozone days and 22 orange days each

¹⁴https://www.ucsusa.org/sites/default/files/legacy/assets/documents/global_warming/climate-change-and-ozone-pollution.pdf

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https://violationtracker.goodjobsfirst.org/prog.php?parent=&major_industry_sum=utilities+and+power+generation&primary_offense_sum=environmental+violation&agency_sum=&hq_id_sum=&company_op=starts&company=&major_industry%5B%5D=&all_offense%5B%5D=&penalty_op=%3E&penalty=&agency_code%5B%5D=&pen_year%5B%5D=&pres_term=&free_text=&case_type=&ownership%5B%5D=&hq_id=&naics%5B%5D=&state=&city=

¹⁶ North Bergen Liberty Generating, LLC, Economic and Fiscal Analysis

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwjg7o2U8ezaAhXPwVkJHbRSAJAQFjAAegQIABAQ&url=http%3A%2F%2Fdocuments.dps.ny.gov%2Fpublic%2FCommon%2FViewDoc.aspx%3FDocRefId%3D%257BCF578449-B169-4EAF-9661-BE1A91A35A3B%257D&usg=AOvVaw2pa9fo0UCw9omDPB_Zv620

Shows assumptions and model for financial benefits from the plant.

¹⁷ <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u1997/HCWH%20pipeline%20health%20impacts.pdf>

¹⁸ <http://www.njspotlight.com/stories/18/04/30/op-ed-workers-and-environmentalists-stand-in-solidarity-on-climate/>

¹⁹ <http://library.rpa.org/pdf/RPA-4RP-Places.pdf>

²⁰ <https://www.utilitydive.com/news/mitsubishi-subsiary-seeks-permits-for-15b-gas-plant-to-send-power-to-ny/521146/>

²¹ <https://www.riverkeeper.org/wp-content/uploads/2017/03/Clean-Energy-for-New-York-16-121-02-23-2017.pdf>

Important caveat: New York will require an aggressive energy efficiency policy framework in order to secure the improvements needed to obtain the energy efficiency levels modeled in this analysis. Critically, such a policy framework is not currently in place in New York for attaining the levels of energy efficiency contemplated.

²² PSR/CHPNY Compendium 5th Edition (March

2018): http://concernedhealthny.org/wp-content/uploads/2018/03/Fracking_Science_Compndium_5FINAL.pdf

Council Member	Motion	Second	Yea	Nay	Abstain	Absent
Gadaleta						
Gross						
Hayes						
Herrington						
Singleton						
Belgiovine						
Mayor Rendo						

RESOLUTION AUTHORIZING A REFUND OF OVERPAYMENT OF TAXES
RESOLUTION NO. 18-242
NOVEMBER 20, 2018

WHEREAS, the property tax on the following parcel were paid by property owners and mortgage company; and

WHEREAS, this has resulted in the overpayment of property tax on this parcel by \$10,122.08; and

WHEREAS, the owners of the property listed have requested a refund of overpayment.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of **\$10,122.08** to the owner listed below.

Block/Lot	Owner	Amount	Reason
303.02/1/C0301	Esposito	10,122.08	Duplicate Payment

MAIL CHECK TO:
Esposito, Anthony
7 Winfield Drive
Woodcliff Lake, NJ 07677

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of November 20, 2018.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**

ORDINANCE NO. 18-13

**AN ORDINANCE AMENDING THE CODE OF THE
BOROUGH OF WOODCLIFF LAKE TO INCLUDE MANDATORY
AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS**

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing ("COAH") to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Woodcliff Lake ("Borough"), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans ("HEFSPs") as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, the Borough filed a declaratory judgment action with the New Jersey Superior Court seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation for a ten (10) year period; and

WHEREAS, the Borough has entered into settlement negotiations and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") which included agreement on the extent of the Borough's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and the Borough has prepared a Housing Element and Fair Share Plan ("FSP") to achieve this goal; and

WHEREAS, to facilitate such settlement and in compliance with its FSP, the Mayor and Council of the Borough of Woodcliff Lake have deemed it in the best interests of the Borough to amend the Borough Zoning Ordinance so as to adopt a mandatory set-aside ordinance that requires that all new multi-family residential development to provide a mandatory affordable housing set-aside as set forth herein; and

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

SECTION ONE. Chapter §380, Zoning of the Code of the Borough of Woodcliff Lake is hereby amended and supplemented with the addition of the following:

Article § 380-16A : Mandatory Affordable Set-Aside

Section 16A-1. Purpose

A. Except as otherwise regulated in this chapter, any multifamily residential development or redevelopment application proposing five (5) or more new dwelling units shall be required in the case of for-sale projects to set aside twenty percent (20%) of said units for affordable housing, and in the case of rental projects, to set aside fifteen percent (15%) of said units for affordable to low- and moderate-income households.

B. This requirement shall apply to all new multi-family residential development of five (5) or more units that become permissible through either a use variance, a density variance increasing the permissible density at the site, a rezoning permitting multi-family residential housing where not previously permitted, or new redevelopment plan.

C. This requirement does not give any developer the right to any such rezoning, variance or other relief, or establish any obligation on the part of the Borough of Woodcliff Lake to grant such rezoning, variance or other relief. A property shall not be permitted to be subdivided so as to avoid compliance with this requirement.

D. All such affordable housing units shall comply with the requirements of the Woodcliff Lake Code relating to affordable housing and the Uniform Housing Affordability Controls, (N.J.S.A. 5:80-26.1 et seq.).

SECTION TWO. All Ordinances of the Borough of Woodcliff Lake which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. Any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FOUR. This Ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Date: October 15, 2018

Attest: Deborah A. Dakin, Borough Clerk

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 18-14

**AN ORDINANCE TO AMEND CHAPTER 255 ENTITLED "PEDDLING AND SOLICITING" OF THE
BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY**

**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:**

WHEREAS, there is a need to amend Chapter 255 of the Borough of Woodcliff Lake Code entitled " Peddling and Soliciting" to make same consistent and compliant with current State and Federal law.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Woodcliff Lake, Bergen County, New Jersey, that Chapter 255 of the Borough of Woodcliff Lake Code entitled " Peddling and Soliciting shall be amended and shall be read and numbered as follows:

Section 1: That the definition of **NON-PROFIT ORGANIZATION** contained in §255-2 is stricken in its entirety.

Section 2: That the definition of **CHARITABLE ORGANIZATIONS** shall be added to §255-2 and shall read as:

CHARITABLE ORGANIZATIONS

Any person which is or holds itself out to be organized or operated for any charitable purpose.

Section 3: That the definition of **PEDDLER** contained in §255-2 is stricken in its entirety and replaced with the following language and shall now read as:

PEDDLER

Any person traveling from house to house or from street to street carrying, conveying or transporting goods, wares and merchandise, offering and exposing the same for sale or making sales of food by traveling from house to house or who shall sell or offer the same for sale from a wagon, automotive vehicle, motor truck, railroad car or other vehicle or conveyance, and further provided that one who solicits orders and, as a separate transaction, makes deliveries to purchasers a part of his/her scheme or design to evade the provisions of this chapter shall be deemed a "peddler," subject to the provisions of this chapter. The word "peddler" shall often include the words "hawker" and "huckster."

Section 4: That the definition of **PERSON** shall be added to §255-2 is stricken in its entirety and shall read as:

PERSON

Any individual, organization, trust, foundation, association, partnership, corporation, society or other group or combination acting as a unit.

Section 5: That the definition of **SOLICITOR** contained in §255-2 is stricken in its entirety and replaced with the following language and shall now read as:

SOLICIT and SOLICITATION

The request, directly or indirectly, for the donation of money, property, anything of value or financial assistance of any kind, and shall include the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including but not limited to goods, books, tags, service emblems, tickets, publications or subscriptions to publications or brochures, and conducted from house to house or on the public streets. A "solicitation" is complete when the solicitation is communicated to any individual then located within the corporate limits of the Borough of Woodcliff Lake.

Section 6: That §255-3 is stricken in its entirety and replaced with the following language and shall now read as:

§255-3 UNLAWFUL SOLICITATION.

It shall be unlawful for any person, directly or through an agent or employee, or for a peddler, solicitor or canvasser to ply or conduct his/her trade or solicitation within the Borough of Woodcliff Lake without having first obtained a Certificate of Registration from the Borough Clerk, as hereinafter provided.

- A.** It shall be unlawful for any person, individually or as the agent or employee of a person, or for any peddler, solicitor or canvasser to ply or conduct his/her trade or solicitation within the Borough unless his/her principal or employer has received a certificate of registration, as hereinafter provided.
- B.** It shall be unlawful for any person or for any peddler, solicitor or canvasser to ply or conduct his/her trade or solicitation within the Borough without visibly displaying an identification card issued to that person by the Borough Clerk, as hereinafter provided.
- C.** It shall be unlawful for any peddler, solicitor or canvasser to ply or conduct his/her trade or to solicit between the hours of 30 minutes after sunset and 9:00 a.m. on any day.
- D.** It shall be unlawful for any person, directly or through an agent or employee, or for any peddler, solicitor or canvasser to ply or conduct his/her trade or to solicit within the Borough of Woodcliff Lake after expiration of any certificate of registration.
- E.** It shall be unlawful for any person engaged in solicitation or for any peddler, solicitor or canvasser to knock at the door or ring the doorbell of any home, apartment or any other dwelling unit in the Borough upon which is clearly displayed at the entrance, a notice which reads "No Solicitors" or which

otherwise clearly purports to prohibit solicitation on the premises, unless such person is or has been invited upon the premises by the occupant thereof.

Section 7: That section §255-5 is stricken in its entirety and replaced with the following language and shall now read as:

§255-5 REGISTRATION REQUIRED

All persons, except as otherwise provided in this chapter or by law, desiring to solicit for charitable or other purposes or to peddle, solicit or canvass within the Borough shall file with the Police Department prior to any such solicitation, a solicitation application on forms provided by the Police Department containing the following information:

- A. The name of the person registering and desiring to solicit or to peddle, solicit or otherwise canvass.
- B. Whether the person registering is a natural person, partnership, or corporation and:
 - i. If a natural person, the business and residence address and telephone number must be given.
 - ii. If a partnership, the names of all partners and the principal business address and telephone number of each partner must be given.
 - iii. If a corporation, the person registering must state whether it is organized under the laws of New Jersey or is a foreign corporation and must state the mailing address, the business location, the telephone number, the name of the individual in charge of the local office of such corporation.
- C. The name, address, date of birth, social security number, personal photograph(s) and complete driver's license information of the person or persons who shall be conducting the solicitation or otherwise peddling, soliciting or canvassing.
- D. A brief description of the nature of the business and the goods to be sold or services to be performed for which funds are to be solicited and an explanation of the intended use of the funds toward that purpose.
- E. The time-period within which the solicitation or the peddling, soliciting or canvassing is to be conducted, giving the date of the commencement and termination of the effort.
- F. If a vehicle or vehicles are to be used in the solicitation, a description of the same, including year, make and model, together with a Certificate of Registration plate number, registration certificate information and liability insurance information or other satisfactory means of identification.
- G. The names of any other municipalities in which the person registering has solicited or otherwise peddled, solicited or canvassed within the previous 12 months.

Section 8: That section §255-6 is stricken in its entirety and replaced with the following language and shall now read as:

§255-6 PROCEDURE UPON FILING SOLICITATION APPLICATION.

The Department of Police shall review the registration statement to determine its compliance with the terms of this chapter within 48 hours after receipt of the same.

Thereafter, upon payment of the prescribed fee or in the event of an applicant who is not required to pay a fee, the Borough Clerk shall either issue a certificate of registration within 48 hours or notify the person registering that the registration statement does not comply with the requirements of this chapter and to specifically point out the information that has not been furnished and that is required before a Certificate of Registration can be issued.

Section 9: That §255-7 is stricken in its entirety and replaced with the following language and shall now read as:

§255-7 DENIAL OF CERTIFICATE OF REGISTRATION

The Chief of Police may, upon review of the application, refuse to issue a Certificate of Registration to the applicant for any of the following reasons:

- A. The location and time of the activities described in the application would endanger the safety and welfare of the applicant or its customers;
- B. An investigation reveals that the applicant falsified information on the application;
- C. The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property; or
- D. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years immediately preceding the date of application.

The Chief of Police's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his/her application is disapproved and that no Certificate of Registration will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

Section 9: That §255-8 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-8 CONTENTS OF CERTIFICATE OF REGISTRATION

Certificate of Registration shall contain the following information:

- A. The name and address of the applicant.
- B. The number of the Certificate of Registration and the nature of their activity.
- C. The address at which the activity is conducted, if the activity is carried on in a fixed location.
- D. If the activity is conducted from a vehicle, the make, model and Certificate of Registration number of the vehicle.
- E. The expiration date of the Certificate of Registration.

Section 10: That §255-9 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-9 RECORD OF CERTIFICATE OF REGISTRATION.

The Borough Clerk shall keep a record of all Certificate of Registrations issued under this chapter. The record shall contain the same information as is required by § 255-8 to be contained in the Certificate of Registration. It shall also indicate the amount of the fee paid for the Certificate of Registration, the date upon which payment was received, the date of the issuance of the Certificate of Registration, whether the Certificate of Registration is a new Certificate of Registration or a renewal.

Section 11: That §255-10 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-10 DISPLAY OF CERTIFICATE OF REGISTRATION.

When the Certificate of Registration activity is conducted at a fixed location or from a vehicle, a Certificate of Registration shall be prominently displayed at the location or in the vehicle. In all other cases, the Certificate holder shall have the Certificate of Registration in his/her possession at all times and shall display it upon the request of any police officer or any person with whom he is doing business.

Section 12: That §255-11 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-11 TRANSFERABILITY OF CERTIFICATE OF REGISTRATION.

Every Certificate of Registration shall apply only to the person, location (where the activity is to be conducted at a fixed location) and vehicle (where the activity is to be conducted from a vehicle) to whom or to which it was issued and shall not be transferable.

Section 13: That §255-12 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-12 EXPIRATION OF CERTIFICATE OF REGISTRATION; RENEWAL.

All Certificates of Registration shall expire on December 31 of the year of issue at 12:00 midnight local time. Applications for the renewal of Certificate of Registrations shall be made no later than December 1 of the year of issue.

Section 14: That §255-13 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-13 FEES

The fee for a Certificate of Registration required by this chapter shall be established by Chapter 163, Fees.

Section 15: That §255-14 is stricken in its entirety, this chapter subsection is reserved for future use.

Section 16: That §255-15 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-15 SALE OF FOOD AND PRODUCE.

- A. All Certificate of Registration holders selling, delivering or displaying for sale food and produce from vehicles which are wholly or partly open on any side shall, at all times, keep the food and produce completely screened or covered with satisfactory materials in order to prevent flies or other insects from alighting around or upon any merchandise.
- B. All Certificate of Registration holders selling, delivering or displaying for sale seafood, meats, poultry or dairy products shall transport them only in refrigerated vehicles. The products shall remain in the refrigerated portion of the vehicle until the time of sale or delivery. The refrigerated portion of the vehicle, while in use, shall be maintained at a temperature low enough to completely safeguard all of the products from a health and sanitary standpoint.
- C. No Certificate of Registration holders shall, at any time, permit any waste products, materials or parts of produce or other merchandise to remain in or upon any street, roadway, curb or walk, but shall remove any debris that may have fallen from his/her vehicle and place it immediately in a leak proof metal container provided with a tight-fitting cover.
- D. All food or produce sold by any Certificate of Registration holders shall, at the time of delivery, be placed in bags or other suitable containers when it is handed to the customer.

Section 17: That §255-16 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-16 CONDUCT OF CERTIFICATE OF REGISTRATION HOLDERS.

All Certificate of Registrant holders under this chapter shall conduct himself/herself according to the following rules and regulations:

- A. He shall not enter or attempt to enter the house of any resident of the Borough of Woodcliff Lake without an express invitation from the occupant of the house.
- B. He shall not conduct himself/herself in a manner that is objectionable or annoying to the occupant of any house.
- C. No Certificate of Registration holder or any person acting on his/her behalf shall shout, blow a horn, ring a bell or use any other sound-making or sound-amplifying device on any street, park or other public place or on any private premises so that sounds are produced which can be plainly heard on streets, avenues, parks or other public places for the purpose of attracting attention to the Certificate of Registration holder or to the activities carried on by him/her.
- D. All Certificate of Registration holders and any vehicles used by them in the course of the Certificate of Registration activity shall fully comply with all of the provisions of this chapter or other applicable municipal ordinances and all applicable State laws or regulations, particularly those which deal with the protection of the public health, safety and welfare.

Section 18: That §255-17 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-17 USE OF VEHICLES.

- A. No Certificate of Registration holder shall permit any debris, waste material, rotting produce or similar matter to remain in or upon his/her vehicle unless it is contained in a leak proof metal container provided with a tight-fitting metal cover.
- B. No Certificate of Registration holder shall transact business from his/her vehicle unless it is properly parked immediately adjacent to the curb of a public street in a permitted locality. No Certificate of Registration holder shall, at any time, double-park his/her vehicle while transacting business nor transact business other than on the curb side of his/her vehicle.
- C. With the exception of registered food trucks as provided in the Code of the Borough of Woodcliff Lake, Certificate of Registration holders selling food and produce shall prohibit, to the extent reasonably possible, the eating of any merchandise directly from their vehicles.
- D. Before a Certificate of Registration holder selling food and produce uses any vehicle in connection with his/her business, the vehicle shall be submitted to the Borough of Woodcliff Lake Board of Health for inspection and approval relative to compliance with this chapter. Whenever requested during the term of the Certificate of Registration, the Certificate of Registration holder shall submit his/her vehicle for reasonable re-inspection. No vehicle shall be used by the Certificate of Registration holder unless it has been approved for use by the Board of Health. A certificate of written approval shall remain in the vehicle at all times and shall be shown by the operator to any member of the Borough of Woodcliff Lake Police Department or any other official of the Borough who may request to see it.
- E. Any vehicle used in connection with any active Certificate of Registration by this chapter shall have a copy of the Certificate of Registration visibly placed in the front windshield.

Section 19: That §255-18 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-18 LOCATION RESTRICTIONS.

No Certificate of Registration holder shall have an exclusive right to any location in the public streets, nor shall he/she be permitted a stationary location on the streets.

Section 20: That §255-20 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-20 REVOCATION OF CERTIFICATE OF REGISTRATION.

Any Certificate of Registration issued under the provisions of this chapter may be revoked by the Mayor and Council after notice and a hearing for any of the following causes:

- A. Fraud or misrepresentation in any application for a Certificate of Registration.

- B. Fraud, misrepresentation or other dishonesty in the conduct of the Certificate of Registration activity.
- C. A violation of any provision of this chapter or any other provision of this Code or other ordinance of the Borough of Woodcliff Lake applicable to the Certificate of Registration activity.
- D. Conviction of the Certificate of Registration holder for any felony or high misdemeanor or a misdemeanor or disorderly person's offense involving moral turpitude.
- E. Conduct of the Certificate of Registration activity, whether by the Certificate of Registration holder himself/herself or his/her agents or employees, in an unlawful manner or in a manner that constitutes a breach of the peace or a menace to the public health, safety or welfare.

Section 21: That §255-21 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-21 NOTICE OF HEARING.

Notice of a hearing for the revocation of a Certificate of Registration shall be given, in writing, by the Borough Clerk. The notice shall specifically set forth the grounds upon which the proposed revocation is based and the time and place of the hearing. It shall be served by mailing a copy to the Certificate of Registration holder at his/her last known address by certified mail, return receipt requested, at least five days prior to the date set for the hearing.

Section 22: That §255-22 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-22 HEARING; DETERMINATION.

At the hearing, the Certificate of Registration holder shall have the right to appear and be heard, to be represented by an attorney, to present witnesses in his/her own behalf, to cross-examine opposing witnesses and to have a permanent record made of the proceedings at his/her own expense. If such a record is made, two copies shall be furnished to the Borough without charge. The Mayor and Council shall revoke or suspend the Certificate of Registration if they are satisfied by a preponderance of the evidence that the Certificate of Registration holder is guilty of the acts charged.

Section 23: That §255-23 is stricken in its entirety and replaced with the following language and shall now read as:

§ 255-23 REINSTATEMENT OF REVOKED CERTIFICATE OF REGISTRATION.

The Mayor and Council may issue another Certificate of Registration to a person whose Certificate of Registration has been revoked or denied as provided in this chapter if, after a hearing, they are satisfied by clear and convincing evidence that the acts which led to the revocation or denial will not occur again; otherwise, no person whose Certificate of Registration has been revoked or denied nor any person acting for

him/her, directly or indirectly, shall be issued another Certificate of Registration to carry on the same activity.

Section 24. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 25. This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

Section 26. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

**BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey**

ORDINANCE NO. 18-15

**AN ORDINANCE TO ADD CHAPTER 43 ENTITLED "OPEN SPACE TRUST FUND" TO THE
BOROUGH CODE OF THE BOROUGH OF WOODCLIFF LAKE, STATE OF NEW JERSEY**

**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:**

WHEREAS, by way of referendum and in accordance with the public's sentiment, the Borough of Woodcliff Lake established the "Open Space Trust Fund" to authorize the acquisition of real property for open space purposes or for the use for other purposes ancillary to same.

WHEREAS, that Mayor and Council wish to add chapter 43 to the Borough Code to codify pertinent definitions so as to guide the use of said funds.

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

Section 1. That Chapter 43 entitled "OPEN SPACE TRUST FUND" shall be added to the Borough of Woodcliff Lake Code and shall be read and numbered as follows:

CHAPTER 43 – OPEN SPACE TRUST FUND

§ 43-1. Preamble.

The Borough of Woodcliff Lake recognizes its desire to foster a community that incorporates an appreciation of and engaging with the environment. To that end, the Borough of Woodcliff has adopted by referendum The Open Space Trust Fund which is funded through the collection of local property taxes. This Chapter of the Borough Code is adopted to provide guidance for the use of these funds.

§ 43-2. Use of Fund

The monies contained in the fund shall be utilized in the manner prescribed in the most recent version of the referendum, this Chapter of the Borough Code and the laws of the State of New Jersey.

§ 43-3. Passive Recreation

A. This definition of "passive recreation" is adopted so as to clarify the Borough's interpretation of the concept and to guide the Borough in the use of the Open Space Trust fund for such purposes.

- B. Passive recreation shall mean those pursuits that offer constructive, restorative, and pleasurable human benefits that foster the appreciation and understanding of an open space and its purpose

Examples of open space utilized for passive reaction are, but not limited to: community gardens, great lawns, courtyards, memorial spaces, places for quiet reflection, water features, formal flower/landscape gardens, walking paths, nature preserves, flower/tree beds for the growing of stock for use in the community.

- C. Open space used for passive reaction should be free as possible from permanent building structures. However, ancillary building structures are permitted so long as their design and scale do not limit or diminish the use of the open space. Such structures shall include but not be limited to: restrooms, drinking fountains, waste receptacles, sitting benches, pavilions that compliment the passive use, small scale sheds necessary for utility mechanisms or storage of equipment for use in community gardens/flower-tree beds, complementary parking areas

§ 43-4. Active Recreation

- A. This definition of “active recreation” is adopted so as to clarify the Borough’s interpretation of the concept and to guide the Borough in the use of its Open Space Trust fund for such purposes.
- B. Active recreation shall mean those pursuits engaged in for the purpose of relaxation, health and wellbeing or enjoyment with the primary activity requiring physical exertion, and the primary focus on human activity.
- C. Examples of open space utilized for active reaction are, but not limited to: sports fields, golf courses, swim pools, playgrounds
- D. Open space used for active reaction is permitted to contain permanent building structures necessary for their dedicated use. Such structures shall include but not be limited to: restrooms, locker rooms, snack bars, viewing stands, storage areas needed for equipment, field equipment, permanent field surfacing, necessary fencing, drinking fountains, waste receptacles, utility sheds, complementary parking areas

Section 2. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 3. This ordinance shall be construed consistent with the purpose stated in section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Woodcliff Lake Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Woodcliff Lake Code.

Section 4. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.