



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

**May 19, 2014
8:00 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 Jeffrey R. Goldsmith
Council President Donna Abene
Councilman Corrado Belgiovine
Councilman Eric Bloom
Councilwoman Jacqueline Gadaleta
Councilman Carlos Rendo
Councilman Robert Rosenblatt

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

May 5, 2014
May 12, 2014 (Special Meeting)
May 12, 2014 (Closed Session)

PRESENTATION

Proclamation – Walter Winfield

OLD BUSINESS

Extension of Water Supply Agreement Between Park Ridge and Woodcliff Lake
Street Openings and Excavation Permit, led by Joe Vuich – Neglia Engineering

PUBLIC HEARING

Ordinance 14-03 – An Ordinance to Amend Chapter 240-9(M), Parks and Playgrounds, of the Revised Code of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey

NEW BUSINESS

Galaxy Gardens Phase II Proposal

STANDING COMMITTEE REPORTS

Shade Tree
Parks and Recreation

Donna Abene
Eric Bloom

PUBLIC COMMENT

(limited to 5 minutes per speaker)

RESOLUTIONS

Resolution No. 14-103

Resolution Authorizing the Mayor to Execute an Agreement by and Between the Borough of Woodcliff Lake and Appraisal Systems, Inc.

CONSENT AGENDA

Resolution No. 14-104

Resolution Authorizing Payroll & Payment of Claims

Resolution No. 14-105

Resolution Authorizing the Selection of Special Counsel with Respect to a Personnel Matter

Resolution No. 14-106

Resolution Approving Langan Engineering to Conduct Phase II Environmental Assessment for Galaxy Gardens

ADJOURNMENT

**RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BY AND BETWEEN THE
BOROUGH OF WOODCLIFF LAKE AND
APPRAISAL SYSTEMS, INC.**

Resolution No. 14-103
May 19, 2014

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

WHEREAS, the Borough of Woodcliff Lake participates in a program to annually reassess all the lands, buildings and improvements located within the Borough; and

WHEREAS, Appraisal Systems, Inc., is New Jersey real estate appraisal firm with extensive experience providing appraisal services to municipalities; and

WHEREAS, the Bergen County Board of Taxation and Director of the Division of Taxation, State of New Jersey have granted approval for a re-assessment program set to begin October 1, 2014 for the tax year 2015 and continue as of October 1, 2015 for tax year 2016, October 1, 2016 to be effective for tax year 2017 and October 1, 2017 to be effective for the tax year 2018; and

WHEREAS, the Borough, through its participation in the re-assessment program is in need of assistance in conducting its annual re-assessment of all real property for tax equalization purposes; and

WHEREAS, the Borough is desirous of entering into an agreement with Appraisal Systems; Inc., to assist the Borough Tax Assessor in completing the annual reassessment as prescribed by N.J.S.A. 54:1-35.35; and

WHEREAS, Appraisal Systems, Inc. is hereby qualified to provide the needed appraisal services to the Borough; and

WHEREAS, Appraisal Systems, Inc has presented the Borough with a proposal to assist with the annual reassessment program in the amount of Thirty Five Thousand and 00/100ths (\$35,000.00) Dollars per year for a term of four (4) years resulting in a total payment of One Hundred and Forty Thousand and 00/100ths (\$140,000.00) Dollars; and

WHEREAS, the Governing Body has determined funds to pay for the annual appraisal services provided by Appraisal Systems, Inc., as set forth herein are available by way of budget.

NOW THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake hereby authorize the Mayor to execute an agreement by and between the Borough and Appraisal Systems, Inc., to assist the Borough Tax Assessor in completing annual reassessments pursuant to the terms set forth herein.

CERTIFICATION

I, Deborah Dakin, Acting Borough 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 May 19, 2014.

**DEBORAH DAKIN
ACTING BOROUGH CLERK**

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

May 19, 2014

Resolution No. 14-104

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

Payroll Release	5/15/2014	\$170,723.70
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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:	\$ 54,685.16
Open Space:	\$ 21,795.00
Capital:	\$ 190.00
Escrow:	\$ 2,035.15

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 May 19, 2014.

Deborah Dakin
Acting Borough Clerk

**RESOLUTION AUTHORIZING THE SELECTION OF SPECIAL COUNSEL
WITH RESPECT TO A PERSONNEL MATTER**

**RESOLUTION NO. 14-105
May 19, 2014**

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

WHEREAS, a personnel issue has arisen regarding Department of Public Works (“DPW”) employee Kevin Woods and his position as an employee of the Borough of Woodcliff Lake DPW as well as an internal harassment complaint filed by Mr. Woods that requires review, investigation and recommendation by counsel; and

WHEREAS, the personnel issue surrounding Mr. Woods’ continued employment and the investigation into the harassment complaint filed by Mr. Woods will require counsel to advise as to findings of fact, conclusions of law, and recommendations; and

WHEREAS, a conflict exists if the same were to be undertaken by either the Borough Attorney or Labor Counsel; and

WHEREAS, the Governing Body is desirous of engaging outside special counsel, independent of the Borough and Governing Body, to avoid any appearance of a conflict; and

WHEREAS, the Borough Attorney has recommended that outside special counsel’s fees be capped at \$5,000.00; and

WHEREAS, the selection of outside special counsel under the terms of this resolution is an exception from the “fair and open process” set forth in 19:44A-20.5 and from the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, _____ has the necessary experience and knowledge to advise the Borough on the personnel issue and to conduct the necessary investigation and advise the Borough and Governing Body as to findings of fact, conclusions of law and recommendations.

NOW THEREFORE BE IT RESOLVED that the Woodcliff Lake Governing Body hereby appoints _____ as outside special counsel, independent of the Borough and Governing Body, for the required review and investigation, and that such counsel shall to render findings of fact, conclusions of law, and recommendations to the Borough Attorney and the Governing Body; and

BE IT FURTHER RESOLVED that outside special counsel's fees shall not exceed the sum of \$5,000.00, without further authorization of the Governing Body; and

IT IS HEREBY CERTIFIED that funds are available for the services set forth in this Resolution.

CERTIFICATION

I, Deborah Dakin, Acting Borough 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 May 19, 2014.

**DEBORAH DAKIN
ACTING BOROUGH CLERK**

RESOLUTION APPROVING LANGAN ENGINEERING TO CONDUCT PHASE II ENVIRONMENTAL ASSESSMENT FOR GALAXY GARDENS

**RESOLUTION No. 14-106
May 19, 2014**

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

WHEREAS, by prior Resolution the Governing Body of the Borough of Woodcliff Lake identified property on the Tax Map of the Borough of Woodcliff Lake known as Block 1402, Lot 7 and known as "Galaxy Gardens" (the "Property") as property which the Governing Body believes is appropriate for acquisition pursuant to N.J.S.A. 20:3-1 set. seq., the Eminent Domain Act of 1971; and

WHEREAS, by prior Resolution the Governing Body of the Borough of Woodcliff approved a Phase I Environmental Site Assessment of the Property to be completed by Langan Engineering and Environmental Services, Inc. ("Langan") which has been completed; and

WHEREAS, Langan has presented a Phase II Environmental Site Assessment proposal; and

WHEREAS, it is in the best interests of the Borough to obtain a Phase II Environmental Site Inspection.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake hereby approve the proposal of Langan to obtain a Phase II Environmental Site Assessment and authorizes the Mayor to sign the proposal submitted by Langan.

BE IT FURTHER RESOLVED that Langan is authorized and directed to perform the Phase II Environmental Site Assessment at a cost not to exceed \$29,400.00.

BE IT FURTHER RESOLVED that the Governing Body has determined funds to pay for the appraisal are available by way of the budget.

CERTIFICATION

I, Deborah Dakin, Acting 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 May 19, 2014.

**DEBORAH DAKIN
ACTING BOROUGH CLERK**

Ordinance 14-03

**AN ORDINANCE TO AMEND CHAPTER 240-9(M), PARKS AND PLAYGROUNDS, OF THE
REVISED CODE OF THE BOROUGH OF WOODCLIFF LAKE,
COUNTY OF BERGEN, STATE OF NEW JERSEY**

WHEREAS, the New Jersey Smoke-Free Air Act (NJSFAA) (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking "equivalent to, or greater than those provided in the NJSFAA for purposes of "protecting public health"; and

WHEREAS, Woodcliff Lake has a partial smoke free parks ordinance since 1999 as codified in Chapter 240-9(M), which banned smoking of tobacco or the outward appearance of smoking tobacco at some municipal park areas, specifically on any ball field, ball field spectator area or Old Mill Park pool area; and

WHEREAS, the New Jersey State Department of Health, through the Bergen County coalition on smoke free parks, currently has free aluminum signage to provide to New Jersey communities that have 100% smoke free parks and recreational areas ordinances, to help with self-enforcement and education on smoke free parks; and

WHEREAS, there is no constitutional right to smoke, and smoking is not a protected class under the Equal Protection Clauses of United States or New Jersey Constitutions; and

WHEREAS, the Woodcliff Lake Board of Health encourages protecting the health of children and adults at all of the municipality's outdoor parks and recreation areas, by providing an environment that decreases the likelihood of children starting to smoke or use of tobacco, of children and small animals ingesting tobacco waste and of the pollution to the environment; and

WHEREAS, the Borough Council of the Borough of Woodcliff Lake has reviewed the Parks and Playgrounds Ordinance and desires to amend the Ordinance so as to make all outdoor municipal public parks and recreation areas 100% smoke free and to participate in the free signage program to allow for self-enforcement.

**NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE
BOROUGH OF WOODCLIFF LAKE AS FOLLOWS:**

Chapter 240-9(M) of the Parks and Playgrounds Ordinance of Woodcliff Lake is hereby amended and supplemented as follows:

SECTION I SMOKING; POSSESSION OF TOBACCO AND VAPOR PRODUCTS

- (1) No person shall smoke any tobacco, e-cigarette or vapor product, including but not limited to cigarettes, e-cigarettes, cigars and pipes, nor shall any person possess such tobacco, e-cigarette or vapor product in their hand or mouth in a manner which outwardly appears to be an act of smoking and regardless of whether the tobacco, e-cigarette or vapor product is lit or unlit on any outdoor municipal public park, recreation area and Senior Center/Community Center.

- (2) For purposes of this subsection, "outdoor municipal public park, recreation area and Senior Center/Community Center" shall be defined as any public park, playground, ball field, Senior Center/Community Center or pool owned or leased by or situated within the Borough of Woodcliff Lake upon which the public is invited or upon which the public is permitted and where individuals may gather for any recreational activity including areas adjacent to such areas such as parking areas, driveways, or drive aisles.
- (3) Insofar as this subsection may be applicable to property owned by the Borough of Woodcliff Lake Board of Education, and insofar as §240-3 of this article construes the provisions of this subsection as being applicable to parks, ball fields or recreation areas owned by the Board of Education, the provisions of this subsection shall apply to property owned by the Woodcliff Lake Board of Education to the extent it is not expressly superseded by any state statute or Board of Education rule or policy adopted expressly in furtherance of state statutes providing for the prohibition of smoking on school properties.

SECTION II

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

SECTION III

All Ordinances or any provisions of any Ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies.

SECTION III

This Ordinance shall take effect immediately upon final publication as required by law.