

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

January 19, 2012

8:00 p.m.

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 asked for a roll call. Councilmembers Abene, Bader, Baum, Glaser, Struk and Rosenblatt were present. Attorney Madaio arrived on the dais at approximately 9:15 p.m. Administrator Albrecht and Borough Clerk Sciara were present.

PLEDGE OF ALLEGIANCE.

All present recited the Pledge of Allegiance led by Mayor Goldsmith.

APPOINTMENT.

PUBLIC UTILITY COMMITTEE (Mayoral appointment/no confirmation needed)

(MAYOR) I appoint the following member to the Public Utility Committee for a term ending December 31, 2012.

Councilman Robert Rosenblatt
Councilman Michael Struk

ADVISORY COMMITTEE TO THE MAYOR

(MAYOR) I appoint the following members to the Advisory Committee to the Mayor for a term ending December 31, 2012.

Warren Feldman
David Barcus
Steven Berger
Dana Cassell
Skip Dolan
Robert Friedberg
Alan Levy
Charles Sackerman, Jr.
Richard Schnoll

APPROVAL OF MINUTES.

RESOLVED, that the Minutes of the **Sine Die Meeting of the Mayor and Council held on January 2, 2012** copies of which have been received by all Councilpersons, are hereby approved as presented.

ROLL CALL:

Introduce: Mr. Baum
 Second: Mr. Bader
 Ayes: Mr. Glaser, Mr. Struk, Mr. Bader, Mr. Baum
 Nays: None
 Abstain: None
 Absent: None

RESOLVED, that the Minutes of the **2012 Reorganization Meeting of the Mayor and Council** copies of which have been received by all Councilpersons, are hereby approved as presented but not yet ready for release to the public.

These minutes have been pulled until the next meeting.

RESOLVED, that the Minutes of a **special meeting of the Mayor and Council on January 7, 2012** copies of which have been received by all Councilpersons, are hereby approved as presented.

ROLL CALL:

Introduce: Mrs. Abene
 Second: Mr. Rosenblatt
 Ayes: Mr. Struk, Mr. Bader, Mr. Baum, Mr. Glaser, Mr. Rosenblatt, Mrs. Abene
 Nays: None
 Abstain: None
 Absent: None

RESOLVED, that the Minutes of an **executive session of the Mayor and Council held on January 7, 2012** copies of which have been received by all Councilpersons, are hereby approved as presented but not yet ready for release to the public.

These minutes have been pulled until the next meeting.

MAYOR'S REPORT(this report has previously been given during the first meeting of the month. After thoroughly reading the by-laws, the Mayor's report is clearly indicated to be given at the second meeting. Therefore, beginning January 19, 2012, we will adhere to this bylaw.)

Mayor Goldsmith stated that the Reorganization Meeting set off the tone of what his administration is trying to accomplish. The Mayor reported that one of his major themes is transparency. Mayor Goldsmith thanked Mayor LaPaglia for his help in making the transition of office run smoothly. The Mayor and Council meetings are now being taped in order for residents to view them. There is a Technology Meeting scheduled for January 25, 2012 whereas

the committee will discuss future options of videotaping these meetings. There will also be a meeting with Cablevision on the 25th to discuss the method of relaying tapes to the cable company to be aired.

Mayor Goldsmith stressed that going forward there must be open dialogue and discussion. Data must be timely and accurate. We have had several committee meetings already and new committees have been added, specifically a public utility committee and an advisory committee to the Mayor. PSE&G will speak at the March 5, 2012 meeting. They will share with the public many topics that were discussed with the committee. The Pascack Valley Regional High School District Funding Formula Committee met this afternoon and this topic continues to be a priority for the Mayor and Council.

APPOINTMENTS OF STANDING COMMITTEES.

Administration/Finance

The finance committee has had very preliminary discussions on the 2012 budget, with the introduction anticipated for the beginning of March.

The administrator has been interacting with the department heads to collect data for the budget. There is a finance meeting scheduled for this Friday which will be the official kick off for this year's budget.

Montvale has informed the Borough that the commuter busing program for the Tri-Boro area to alleviate commuter traffic will begin the first week of February. Pick-up/drop-off service will be available for passengers from area train and bus stations to riders places of business. Any questions should be directed to Councilwoman LaMonica in Montvale.

DPW & Roads/Sewers & Sanitation, Ecology

Mr. Struk reported that Councilwoman Abene and he met with the DPW acting superintendent to discuss equipment that is needed for the department. The three pieces of equipment that were earmarked as high priority are either out to bid or are awaiting Council authorization to purchase.

The recycling program was discussed and how it can be upgraded for better efficiency.

Parks & Recreation

Co- Commissioner Robert Rosenblatt had no report.

Co- Commissioner Kenneth Baum reported that the basketball season has begun. The Woodcliff Lake Baseball Association will be holding their annual fundraiser on January 26, 2012 at Season's. It is a great event and a lot of fun. The proceeds will be used to help in the refurbishment of the grand stand section of the bleachers behind first base at Major Field.

Public Safety/Police/OEM/TriBoro

Mr. Bader stated that the approval for the promotion of the two probationary police officers is on tonight's consent agenda. Both officers had a stellar probationary period and the Borough is fortunate to have them on the force.

Park Ridge is the lead for the Tri-Boro Shared Safety Committee this year. Meetings are held quarterly.

The Tri-Boro Dispatch contract is still under negotiation. Attorney Madaio is the attorney handling the negotiations on behalf of Tri-Boro. The committee hopes to have an agreement to show the Mayor and Council soon.

Buildings & Grounds/Building Dept.

There has been discussion and differing opinions on what to do with the Hatheway House. Mr. Bader's opinion is to raze the structure, while others think we should board the house up. Construction Code official Nick Saluzzi questions this since the building will deteriorate further while boarded up. Mr. Saluzzi has already reported that the roof is leaking.

Mr. Bader thanked the Council for submitting their 2012 goals and objectives. The administrator will have a spreadsheet ready for the February 1, 2012.

Board of Health, Mental Health & Welfare

Mr. Struk reported that he attended the Board of Health meeting last night. The full board was present for this reorganization meeting. A range of items were discussed. Mr. Struk was very impressed with Ms. Jennifer Schnitzer, our Board of Health/Sanitarian employee from Bergen County. He was concerned about business owners giving Ms. Schnitzer difficulty during her inspections. Mr. Struk suggested that Ms. Schnitzer call for police back-up if she ever feels it necessary to do so.

Education (elementary) (high)

Mr. Baum had no report

Mrs. Abene stated that she spoke with Mr. Eric Gunderson who will be attending the March 5, 2012 meeting to give a presentation.

Mayor Goldsmith stated that there will be a presentation given once a month to keep residents informed on issues affecting the town.

Public Information, Newsletters, Ordinances

Mr. Baum reported that there were a few ordinances still in the queue from last year waiting for introduction. He would speak with Attorney Madaio to get us back on a timetable for ordinance introductions that have been prolonged.

Fire – Volunteer/Fire Prevention

Mr. Rosenblatt thanked the fire department for allowing the new Mayor and Council use of the meeting room for their celebration after the Reorganization Meeting.

Library

Mr. Rosenblatt stated that the Borough of Hillsdale has reduced their membership fee to Woodcliff Lake residents to \$275.00, which is the amount of our current reimbursement to residents. The Borough of Hillsdale will also accept our purchase order in lieu of resident payment. Mr. Rosenblatt contacted Upper Saddle River to ask if they would reduce their library

membership rates to our residents. Upper Saddle River is unwilling to reduce their rates.

OLD BUSINESS.

Mayor Goldsmith has requested that all meeting schedules be submitted to the borough clerk as soon as possible.

Borough Clerk Sciara stated that after a conversation with our risk manager, the Borough should appoint the students videographers as temporary borough volunteers in order for them to be properly insured. Motion to appoint Jake Kostman, Greg Kahane, Erica Kunezl until the next meeting on February 1, 2012 where further discussion will be had was made by Mrs. Abene, second by Mr. Rosenblatt.

ROLL CALL:

Introduce: Mrs. Abene
 Second: Mr. Rosenblatt
 Ayes: Mr. Struk, Mr. Bader, Mr. Baum, Mr. Glaser, Mr. Rosenblatt, Mrs. Abene
 Nays: None
 Abstain: None
 Absent: None

This conversation led into a discussion about the by-laws. Mr. Baum stated that until recently, he had never seen a copy of the by-laws. Mr. Baum questioned how the decision to videotape meetings was made without any discussion by the full Council. Mr. Baum stated that he sees several problems that need to be discussed before videotaping is finalized. Mayor Goldsmith stated that he would send this issue to the Technology Committee which will meet on January 25, 2012. The committee liaison will report back to the full Council at the next meeting with their recommendation as to the taping of Mayor and Council meetings.

NEW BUSINESS.

2011 Goals and Objectives Update

At the June Mayor and Council meeting the governing body requested an update report on the status of the various Goals & Objectives that the Mayor and Council had set forth for 2011.

Although we have accomplished several of the 2011 Goals & Objectives there are items that are ongoing due to the nature of the matters. Here is the status of each of the Goals & Objectives that the Mayor and Council had established for 2011.

HIGH PRIORITY:

Hiring of Borough Administrator - Completed: As you know the Mayor and Council had as its' number one priority in 2011 the hiring of a new Borough Administrator. The Mayor and Council formed a search committee including Mayor LaPaglia, Councilmen Camella and Glaser as well as several members of the community. On June 1, 2011 the new part-time borough administrator, Wolfgang Albrecht began his service.

Completion of the Implementation of the Tri-Boro Joint Municipal Court - Completed: The Tri-Boro Joint Municipal Court was completed April 1, 2011. Monitoring of the Joint Municipal Court continues.

Shared Services: The Borough has joined with Montvale and Park Ridge to form a Shared Services Committee. The committee is meeting regularly and will work with the Borough Administrators to study any and all possible sharing of services that could effectuate savings. The next meeting of the Tri-Share Services Committee is scheduled for July 20, 2011.

Explore consolidation of Police Department with Montvale and Park Ridge - Completed: During the month of June, the Borough's of Woodcliff Lake, Montvale and Park Ridge each passed resolutions authorizing efficiency and cost savings study funded by the Bergen County Prosecutors Office. During the second half of 2011 an RFP was drafted and has been sent to the BC Prosecutor's Office. In early 2012 we will identify and engage a consultant to conduct and complete the study.

Energy Audit – Recommendations Completed : The Borough had energy audits conducted in 2010 on the Borough Hall, Police Department, Senior Center and DPW facilities. The State has approved the work at the Police Department and the DPW facilities. In Borough Hall lighting units have been replaced with energy efficient bulbs and room light motion sensors installed to conserve energy.

Investigate Shared Services for Fire & DPW Departments – Completed & Ongoing: The Borough has initiated shared services within the tri-boro as well as additional Interlocal Agreements. The Borough of WCL currently has a Tri-Boro Shared Service Agreement for Gasoline Fueling between Woodcliff Lake, Montvale and Park Ridge; Tri-Boro Dispatch Center (in PR) between Woodcliff Lake, Montvale and Park Ridge; Tr-Boro Ambulance Squad between Woodcliff Lake, Montvale and Park Ridge.

The Borough of Woodcliff Lake recently entered into an Interlocal Service Agreement with the Borough of Fort Lee for the use of a Fire Department Cascade System and an Interlocal Service Agreement with the Borough of Paramus for Fire Truck Repair work.

Regional School Funding Formula- Ongoing: The Borough was successful in having the issue put to the voters in referendum in September. This project has been listed on the Borough Goals & Objectives for several years and the Committee will continue to discuss the next steps in the process.

2012 Revaluation – Completed: Appraisal Systems was awarded the contract for the 2012 Revaluation. Initial public relations program was developed which included a borough-wide mailing and several public meetings to explain the process. The inspection and revaluation of properties concluded in late October.

Completion of the Westervelt-Lydecker Park & Walking Path – Completed: The Borough has developed a comprehensive walking plan and state-of-the-art playground at the Westervelt-Lydecker Park. The project was completed in August.

Implementation of Time & Attendance System – Completed: The Borough changed its payroll company in 2010 to Balance Point. When making the change to Balance Point it was determined that it was the time to implement a Time and Attendance system that will tie directly to payroll. The change to the new payroll company has been completed and the Time and Attendance system (which will require a swipe card for each employee) has been implemented for the Borough Hall and DPW.

MEDIUM PRIORITY:

COAH Update: The Borough submitted its plan to COAH in 2010 and now that the State appears to be restructuring the program the Borough will need to wait to see what steps, if any, it will need to take in the future. The Borough had previously acquired the Fisher property on Broadway for COAH purposes. The existing structures were scheduled for demolition.

Review & Implement Zoning Changes as recommended by the Planning Board – Implemented: The Borough has authorized Phase II for the Broadway Corridor Study at the June 2011 Mayor and Council meeting. Additional ordinances that have been discussed and enacted include Shed as Accessory Structures with Limitations: Chapter 380 and a revised Height Ordinance (establishes the maximum height at 33 feet).

Lydecker House – Use Plan: The Borough acquired quotes for various improvements that would be required to the structure prior to using it for any public purposes. The B&G Committee will continue to discuss this project and the use of the building. Once funds are available the Council will move forward with outlining a Use Plan.

Analysis of Recycling to Improve Efficiencies & Make More Resident Friendly: In 2012 the sub-committee may study the cost-benefit of a Co-mingling Recycling Program.

Roadway Widening & Intersection Improvements on Woodcliff Avenue- Completed: The road widening and signal installation is complete. The activation of the signalization is anticipated shortly. We have been notified by NJ Transit that they are currently doing the circuit design. They indicate they may need software revisions at one location and possibly a few not so off the shelf parts; *with a completion date not before mid-February.*

NOTE: Mr. Glaser informed the administrator that this project is three-faceted the light at Woodcliff Avenue and Broadway, the improvements at Werimus and Woodcliff Avenue, and the widening of Woodcliff Avenue.

Preparation of an RFP for the Development of Park Facilities- Ongoing: The Mayor and Council have postponed the preparation of an RFP for the development of park facilities due to the departure of the administrator. The newly appointed part-time administrator has begun the research for potential grant funding for such a study and the drafting of a RFP.

LOW PRIORITY

Improve Purchasing Process for Borough Expenses - Completed: The Mayor and Council was desirous of having a uniform purchasing process for the borough. The Borough Administrator finalized a Purchasing Procedures memo and reviewed same with the Finance Committee during the latter part of 2011. Additionally, the BA has recommended the inclusion of a formalized requisition system to supplement the current purchasing system. The Finance Committee implemented the uniform purchasing procedures in late 2011. Contingent upon available funding, the requisition module may be considered in 2012.

Compile Townwide E-mail list for Electronic Circulation of Community News- Ongoing: It is the desire of the Mayor and Council that residents sign-up for town wide e-mail information. The request for residents to sign-up is currently on the Borough's website. There has been a significant increase in e-mail registrations to NIXLE and the Borough's website email alerts since Hurricane Irene.

Investigate Curb Replacement & Sidewalk Installation Pilot Project on Major Roads -

Completed : The Mayor and Council is desirous of providing residents with the opportunity to have damaged/aged curbs repaired at a reduced rate. The Borough Administrator is working on a program that would enable residents interested in repairing or replacing damaged/aged curbs or sidewalks with a reputable contractor at a reduced cost. This initiative is completed and **may** be considered in 2012 if funds are available.

Rehabilitation of the Train Station and Causeway- Ongoing: The Mayor and Council is desirous of studying the rehabilitation of the train Station and Causeway. Initially part of the Broadway Corridor Study, the Train Station and Causeway will be considered under separate study in 2012. Funding for such a review will be explored during 2012, including researching grant funding.

Live Streaming of Mayor and Council meetings-Ongoing: Live streaming of Mayor and Council meetings would afford the residents of Woodcliff Lake, and for the public at large, view on-line live Mayor and Council meetings.

2012 Goals and Objectives

The Mayor and Council have submitted 56 potential goals and objectives for the year 2012. Administrator Albrecht stated that the first goal would be to pare the goals down to a workable number. The goals and objectives will be put on the spreadsheet and the Mayor and Council will use a numerical scale to rate their choice of high, medium or low priority.

ENGINEER'S REPORT (this report is usually given during the first meeting of the month. Due to the Reorganization, Boswell Engineering will give a report this meeting and on February 1, 2012, in order to stay on schedule).

Intersection Improvements at Woodcliff Avenue and Werimus Road

A meeting was attended with representatives of the County, Borough, affected resident and her attorney and Boswell on Tuesday, December 6, 2011 to discuss various aspects of the project. The resident appears to be reluctant to have the project advance since she states that there hasn't been a safety issue (according to her opinion) for approximately 20 years and the improvements might reduce the value of property. A suggestion was made regarding a minor bump out on her driveway for a car to make a k-turn and exit nose first onto Woodcliff Avenue. Boswell needs to speak with the Assistant County Engineer regarding this matter to determine how to proceed. Boswell will evaluate the budget to this matter to determine how to proceed. Boswell will evaluate the budget to determine if additional funds are required due to the number of alternate designs that have been proposed in order to try to accommodate the resident's concerns.

2012 NJDOT Pascack Valley Cooperative Pricing System for Road Paving Program (Highview Avenue)

This project is substantially complete. Boswell is compiling final NJDOT grant reimbursement paperwork. Waiting for NJDOT to perform their final site inspection and issue their "Final Project Surveillance Report."

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

Awaiting the County to receive bids. The original date for receipt of bids is January 19, 2012. Boswell will advise the Borough if this date has changed. The Borough has agreed to provide Police protection for this project and will maintain the storm water management system.

PUBLIC FORUM

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

Joseph LaPaglia, 17 Hillcrest Road asked the Mayor and Council to remove items 11, 12, 13, and 14 from the consent agenda to be voted on separately. Former Mayor LaPaglia stated that there were typos in the items. These items were corrected and noted on the record. (At this time the volunteer videographers from the high school stated that there was difficulty with the video tape. For the record this remainder of this meeting is not being videoed.)

Mr. LaPaglia asked if any councilmembers have spoke with the tax assessor about these stipulation of settlements. Mr. Bader answered that this topic has been the discussed at several meetings, both closed and open, and that all are aware of the amount of the refund being discussed. Mr. LaPaglia stated that his has some fundamental differences of opinion on this matter. He continued that this would be creating the largest tax appeal settlement in the history of Woodcliff Lake. Mr. LaPaglia feels that the Council is agreeing to this settlement because the lawyer and the accounting firm are stating that this is the best deal and that the potential exposure could be much higher. Mr. LaPaglia stated that the Borough should take this appeal to court. Attorney Madaio stressed that our appraiser and our assessor have concluded that this is a good settlement. Although we might not like using the town's residential ratio, it is the only ratio in the book. Since there is only one ratio, it would be unlikely that a court will rule against it as they uniformly accept that there is only one ratio. The fact that we do not like that commercial structures are valued by the income approach does not change.

Mayor Goldsmith stated that the Hilton in Hasbrouck Heights is also undergoing a tax appeal. There have been several discussions on this issue. When it comes time to vote, Mayor Goldsmith hopes that all councilpersons will take into account Mr. LaPaglia's comments. The Mayor stated that his concern is that the year 2011 will be subject to a tax appeal of 2.5 million for 2012 and the subsequent year. Mayor Goldsmith stated that all knows his opinion on tax appeals since 70 cents on the dollar this municipality does not enjoy.

No matter what the final number, you are getting a tax appeal. Attorney Madaio stated that the settlement is not driving the assessment. The revaluation may be a double check and may work or be within 10%. "The fact that the final settlement number, which is engineered, is or is not more or less than the revaluation number has nothing to do what the revaluation number is. If Hilton thinks it is fair, they will leave it alone. If not, they will appeal". The Hilton has had appeals before. The largest tax appeal before this was the Hilton back in 1998.

Mr. Bader stated no matter how many times we go back and forth, our own experts are stating that this is the best deal. We are relying on Mr. McNerney's advice who is probably the #1 appraiser in New Jersey. Our own tax assessor agrees that this is a good deal. Mr. LaPaglia stated that he did not even know of these tax appeal numbers until November 2011. Mayor Goldsmith stated this delay in information confirms his previous statement that the Borough must deal with timely and accurate data. Mayor Goldsmith was shown a memo from Attorney Madaio dated June 2011 showing a tax liability of approximately \$110,000. - \$120,000. Mr. Bader stated that the Council never saw this memo until November 2011. Mayor Goldsmith stated that he cannot change the past.

Mr. LaPaglia again stressed that this Council has an obligation to fight and fight hard against “these money grabs by commercial taxpayers”.

Mr. Rosenblatt asked how the numbers went from \$100,000 to \$800,000? He has not received any satisfactory information to date. Mayor Goldsmith cannot undo what is but stated again we must have timely and accurate data in order to make sound decisions. Attorney Madaio answered Mr. Rosenblatt that when the amounts did not start to ring true, he asked Mr. McNerney to do an intense study. Attorney Madaio received the report on August 15, 2011, faxed it to the Administrator on August 16, 2011. When Attorney Madaio did not get any feedback from the Council, he redistributed the August 16, 2011 report with another cover letter in November 2011.

CONSENT AGENDA VOTE.

Motion to approve Consent Agenda Items 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 15, and 16 made by Mr. Rosenblatt, second by Mr. Glaser.

ROLL CALL:

Introduce: Mr. Rosenblatt
 Second: Mr. Glaser
 Ayes: Mr. Struk, Mrs. Abene, Mr. Bader, Mr. Baum, Mr. Rosenblatt, Mr. Glaser
 Nays: None
 Abstain: None
 Absent: None

Motion to approve Consent Agenda items 11, 12, 13, and 14 made by Mr. Baum, second by Mr. Struk.

ROLL CALL:

Introduce: Mr. Baum
 Second: Mr. Struk
 Ayes: Mrs. Abene, Mr. Bader, Mr. Rosenblatt, Mr. Struk, Mr. Baum
 Nays: None
 Abstain: None
 Absent: None

ADJOURNMENT

Motion to adjourn made by Mr. Rosenblatt, second by Mr. Glaser and approved unanimously by voice call vote. The time is 10:15 p.m.

Respectfully submitted,

Lori Sciara, RMC/CMC
 Borough Clerk

CLAIMS AND BILLS.**Authority to Pay Claims.****(Consent Agenda - 1)**

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:	\$	345,737.17
Animal Fund	\$	725.00
Capital Fund	\$	38,105.13

Payroll**(Consent Agenda-2)**

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

Payroll released	\$	178,015.69
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Resolution Authorizing the Submission of an Application for the Woodcliff Lake Municipal Alliance Grant for Calendar Year 2012**(Consent Agenda-3)**

WHEREAS, The Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Woodcliff Lake, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Woodcliff Lake Municipal Alliance Grant for calendar year 2012 in the amount of \$10,356.00
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

APPROVED: _____
Jeffrey Goldsmith, Mayor

CERTIFICATION

I, Lori Sciara, Municipal Clerk of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough of Woodcliff Lake on this 19th day of January, 2012

Lori Sciara, Municipal Clerk

Resolution Authorizing a Settlement between the Borough of Woodcliff Lake and Firefighter One and the Acceptance of These Funds **(Consent Agenda-4)**

WHEREAS, the Borough of Woodcliff Lake had purchased air bottles through the bidding process for the volunteer fire department from Fire Fighter One of Sparta, NJ; and

WHEREAS, it was discovered that the air bottles were not NIOSH approved which is a violation of the PEOSH Respiratory Protection Act; and

WHEREAS, Mayor and Council requested the borough attorney to pursue this matter on behalf of the Borough to obtain a return of the air bottles to Fire Fighter One and be reimbursed funds; and

WHEREAS, the Borough Attorney has successfully resolved this matter with Fire Fighter One with the Borough of Woodcliff Lake receiving an \$18,000 settlement and all air bottles will be returned; and

WHEREAS, a notice of dismissal will be filed ending this litigation with prejudice.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the acceptance of the aforementioned funds and that the Mayor be authorized to sign the settlement documents.

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET 017864-2010 FOR THE YEAR 2011

(Consent Agenda-5)

WHEREAS, the owners of Block 1805 Lot 2.01, 79 Glen Road, Woodcliff Lake N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:

2011 Assessment from Tax Duplicate**Tax Court Judgment**

216,600.00 LAND
 559,200.00 IMPROVEMENTS
775,800.00 TOTAL ASSESSMENT
 17,354.65 taxes paid

216,600.00 LAND
 478,400.00 IMPROVEMENTS
695,000.00 TOTAL ASSESSMENT
 15,547.15 taxes

WHEREAS, this has resulted in their overpaying their property tax for the year **2011** in the amount of **\$1,807.50** and,

TOTAL REFUND FOR 2011= \$1,807.50

WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of **\$1,807.50** for the year **2011** to the owner of record **Hornsey, Christopher c/o Thomas L. Murphy, Esquire**

MAIL VOUCHER TO:

Christopher Hornsey c/o Thomas Murphy
 113 W. White Horse Road Suite 4
 Voorhees, N.J 08043

Resolution Requesting Appointment of Probationary Patrolman Keith Kalmbach to Patrolman Ninth Class effective January 1, 2012 (Consent Agenda-6)

WHEREAS, Keith Kalmbach has successfully completed his probationary year as police officer in the Borough of Woodcliff Lake; and

WHEREAS, his immediate supervisor/training officer have agreed that his performance is well above the standard; and

WHEREAS, it is the recommendation of the Chief of Police that Keith Kalmbach be appointed as a Patrolman, Ninth Class made effective on his anniversary date January 1, 2012.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of Woodcliff Lake authorize the appointment of probationary police officer Keith Kalmbach to Patrolman Ninth Class effective January 1, 2012.

Resolution Requesting Appointment of Probationary Patrolman Simon Sherfer to Patrolman Ninth Class effective January 1, 2012 (Consent Agenda-7)

WHEREAS, Simon Sherfer has successfully completed his probationary year as police officer in the Borough of Woodcliff Lake; and

WHEREAS, his immediate supervisor/training officer have agreed that his performance is well above the standard; and

WHEREAS, it is the recommendation of the Chief of Police that Simon Sherfer be appointed as a Patrolman, Ninth Class made effective on his anniversary date January 1, 2012.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of Woodcliff Lake authorize the appointment of probationary police officer Simon Sherfer to Patrolman Ninth Class effective January 1, 2012.

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET 017864-2010 FOR THE YEAR 2011

(Consent Agenda – 8)

WHEREAS, the owners of Block 1805 Lot 2.01, 79 Glen Road, Woodcliff Lake N.J. has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:

<u>2010 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
278,500.00 LAND	278,500.00 LAND
579,400.00 IMPROVEMENTS	437,500.00 IMPROVEMENTS
<u>857,900.00 TOTAL ASSESSMENT</u>	<u>716,000.00 TOTAL ASSESSMENT</u>
18,522.06 taxes paid	15,458.44 taxes

WHEREAS, this has resulted in their overpaying their property tax for the year **2010** in the amount of **\$3063.62** and,

TOTAL REFUND FOR 2010= \$3063.62

WHEREAS, they have been awarded this judgment and therefore are entitled to a refund,

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of **\$3063.62** for the year **2010** to the owner of record **CHIN, D&G, c/o ANTIMO A DELVECCHIO, ESQ**

MAIL VOUCHER TO:

CHIN, D&G c/o ANTIMO A DELVECCHIO ESQ
50 CHESTNUT RIDGE ROAD
PO BOX 244
MONTVALE, NJ 07645

Resolution Authorizing Raffle License for the Woodcliff Lake Education Foundation
(Consent Agenda –9)

WHEREAS, application has been made by the Woodcliff Lake Education Foundation for one (1) one on premise raffle on February 3, 2012 to be held at the Woodcliff Lake Middle School, 100 Dorchester Avenue, Woodcliff Lake, NJ; and

WHEREAS, said application has been submitted to the Woodcliff Lake Police Department for investigation and have been found to be in good order;

NOW, THEREFORE, BE IT RESOLVED, that the application of the Woodcliff Lake Education Foundation is approved and the Borough Clerk is hereby authorized to issue Raffle License(s) No. R012-411.

Resolution Authorizing Contract with Approved State Contract Vendor for Contracting Units Pursuant to N.J.S.A. 40A:11-12a to Purchase a Ford F-450 4WD State Contract Vendor Beyer-Warnock Fleet, Contract A78848 (Consent Agenda –10)

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by Resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough Administrator/QPA and Acting DPW Superintendent has recommended the purchase of the 2011 Ford Mason Dump via State Contract Number A78848 from Beyer-Warnock Fleet, 175 Route 10, East Hanover, NJ 07 per attached quote in the amount of \$44,821.00 attached to this resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Capital Account No. C—04-55-918-004; and

WHEREAS, said vendor shall be subject to the conditions applicable to the current State contract as noted above;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Administrator/QPA to issue the purchase order for the purchase of the 2011 Ford Mason Dump and related equipment from Beyer-Warnock Fleet, pursuant to their quote in the amount not to exceed \$44,821.00 pursuant to all conditions of the individual State contract A78848.

Abene Bader Baum Glaser Rosenblatt Struk Goldsmith

Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M Poer & C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake Docket No. 001994-2008 (Consent Agenda – 11)

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 301	Lot: 3.04	Street Address: 200 Tice Boulevard	
Tax Year: 2008	Original Assessment	County Board	Requested Tax court

		Judgment	Judgment
LAND	\$19,114,000	N/A	\$19,114,000
IMPROVEMENTS	\$17,503,200	DIRECT	\$17,503,200
TOTAL	\$36,617,200	APPEAL	\$36,617,200

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposed of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds resulting from the settlement set forth herein shall be paid to McCarter & English, LLP attorneys for Plaintiff; and forwarded to Frank E. Ferruggia, Esq. McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Post Office Box 652, Newark, New Jersey 07102-0652

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the refund is paid within one hundred twenty (120) days from the date the governing body approves this settlement.

Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M Poer & C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake
Docket No. 001337-2009 (Consent Agenda – 12)

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 301	Lot: 3.04	Street Address: 200 Tice Boulevard	
Tax Year: 2009	Original Assessment	County Board Judgment	Requested Tax court Judgment
LAND	\$19,114,000	N/A	\$19,114,000
IMPROVEMENTS	\$17,503,200	DIRECT	\$17,503,200
TOTAL	\$36,617,200	APPEAL	\$25,000,00

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposed of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds resulting from the settlement set forth herein shall be paid to McCarter & English, LLP attorneys for Plaintiff; and forwarded to Frank E. Ferruggia, Esq. McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Post Office Box 652, Newark, New Jersey 07102-0652

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the refund is paid within one hundred twenty (120) days from the date the governing body approves this settlement.

Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M Poer & C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake
Docket No. 009456-2010 **(Consent Agenda – 13)**

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 301	Lot: 3.04	Street Address: 200 Tice Boulevard	
Tax Year: 2010	Original Assessment	County Board Judgment	Requested Tax court Judgment
LAND	\$19,114,000	N/A	\$19,114,000
IMPROVEMENTS	\$17,503,200	DIRECT	\$4,886,000
TOTAL	\$36,617,200	APPEAL	\$24,000,00

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposed of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds resulting from the settlement set forth herein shall be paid to McCarter & English, LLP attorneys for Plaintiff; and forwarded to Frank E. Ferruggia, Esq. McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Post Office Box 652, Newark, New Jersey 07102-0652

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the refund is paid within one hundred twenty (120) days from the date the governing body approves this settlement.

**Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M
Poer & C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake
Docket No. 005718-2011**
(Consent Agenda – 14)

1. It is hereby stipulated and agreed that the assessment of the following property be adjusted and a judgment be entered as follows:

Block: 301	Lot: 3.04	Street Address: 200 Tice Boulevard	
Tax Year: 2011	Original Assessment	County Board Judgment	Requested Tax court Judgment
LAND	\$19,114,000	N/A	\$19,114,000
IMPROVEMENTS	\$17,503,200	DIRECT	\$4,886,000
TOTAL	\$36,617,200	APPEAL	\$23,800,000

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposed of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds resulting from the settlement set forth herein shall be paid to McCarter & English, LLP attorneys for Plaintiff; and forwarded to Frank E. Ferruggia, Esq. McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Post Office Box 652, Newark, New Jersey 07102-0652

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the refund is paid within one hundred twenty (120) days from the date the governing body approves this settlement.

**Resolution Appointing Joseph Pojanowski as Special Tax Counsel for the Borough of
Woodcliff Lake for the year 2012**
(Consent Agenda – 15)

WHEREAS, the Borough of Woodcliff Lake is a municipal corporation of the State of New Jersey; and

WHEREAS, there exists annually a need for a Special Counsel for Tax Appeals; and

WHEREAS, funds are available for these purposes, and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40A:11-5(1), *et seq.*) requires that the resolution authorizing the award of Contracts for Professional Services without competitive bids must be publicly advertised;

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

9. That Joseph Pojanowski of Pojanowski and Trawinski, P.C. is hereby appointed Special Counsel for a Tax Appeal matter.

BE IT FURTHER RESOLVED, that these appointments are awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because the services performed are by a person authorized by law to practice a recognized profession as a registered Municipal Attorney, Municipal Accountant, Municipal Engineer, Labor Attorney and Risk Manager and such services are not subject to competitive biddings; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute this resolution and advertise same according to law.