

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
July 18, 2011**

CALL TO ORDER.

This meeting, in accordance with the Open Public Meetings Law, P. L. 1975, C. 231, was announced at the Reorganization Meeting held on January 4, 2010 in the Municipal Building. Notice of this meeting has been posted, and two newspapers, The Record and The Ridgewood News, have been notified.

ROLL CALL.

Mayor LaPaglia was present. Council members Bader, Baum, Camella, Glaser and Hoffman were present. Councilman Struk was on vacation. Attorney Madaio, Administrator Albrecht and Borough Clerk Sciara were also present.

PLEDGE OF ALLEGIANCE.

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

Mayor LaPaglia stated that it was deep regret that he announced the passing of Janette "Jay" Santolli the wife of former Mayor Eugene Santolli. The Mayor asked for a moment of silence for Mrs. Santolli.

APPOINTMENT.

(Mayor) I appoint Rich Goldstein to the Shade Tree Committee for a term ending December 31, 2011.

RESOLVED, that this appointment is approved.

This appointment was pulled until the August 15, 2011 meeting.

Fire Chief Jared Shapiro presented a fire scholarship award to Jesse Knapel. Mr. Knapel will be attending Penn State in the fall. Chief Shapiro stated that the fire scholarships are funded 100% by the proceeds of the annual golf outing. The attendance for this year's event is very low. Future scholarships will be in jeopardy if there is not an inCrifasi in golfers.

APPROVAL OF MINUTES.

RESOLVED, that the Minutes of a **regular Meeting of the Mayor and Council on June 20, 2011** copies of which have been received by all Councilpersons, are hereby approved as presented.

ROLL CALL:

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

RESOLVED, that the Minutes of a regular **Meeting of the Mayor and Council on July 7, 2011** are approved as presented.

ROLL CALL:

Introduce: Mr. Camella
Second: Mr. Bader
Ayes: Mr. Glaser, Mr. Hoffman, Mr. Bader, Mr. Camella
Nays: None
Abstain: None
Not eligible: Mr. Baum
Absent: Mr. Struk

Resolution of the Governing Body Certification of the Annual Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2010 has been filed by a Registered Municipal Accountant with the "Borough Clerk" pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations", and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Woodcliff Lake hereby states that is has complied with the N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON July 18, 2011.

Lorinda Sciara, RMC/CMC
Borough Clerk

ROLL CALL:

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

Resolution to Approve the Corrective Action Plan for the Fiscal Year 2010 Audit Report of the Borough of Woodcliff Lake

WHEREAS, the Division of Local Government Services requires the Chief Financial Officer to file a "Corrective Action Plan" outlining the actions to be taken by the Borough relative to the findings and recommendations in the annual audit report; and

WHEREAS, the "Corrective Action Plan" shall be prepared by the Chief Financial Officer with assistance from other officials affected by the audit findings and recommendations; and

WHEREAS, the governing body is required by resolution, to approve said "Corrective Action Plan", as prepared by the Chief Financial Officer and approved by the Governing Body, shall be placed on file and made available for public inspection in the Borough Clerk's office;

NOW, THEREFORE, BE RESOLVED, that the Borough Council of the Borough of Woodcliff Lake hereby approves the "Corrective Action Plan" for the Fiscal Year 2010 Audit Report submitted by the Chief Financial Officer.

ROLL CALL:

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

MAYOR'S REPORT

As we begin the second half of 2011 our Borough, the State of New Jersey and the Nation are faced with lingering financial problems at all levels of government caused in part by the deepest financial recession since the Great Depression of the 1930's. Unemployment remains stubbornly high at 9.2% for the past year or more, the real estate market has not recovered from its declines in 2008 and 2009, real property taxes remain at historic high levels in New Jersey and other states, annual salary in Crifasis, if any, continue to shrink, oil prices remain near \$100 per barrel and gold is over \$1,500 per ounce. I cannot recall a worse financial condition in my lifetime.

Although many of us in Woodcliff Lake are better prepared financially to withstand the financial declines around us, we are not without victims of the economy in our community. Unless we can begin to turn things around, more pain is in store for all of us. In the current circumstances we must carefully monitor our expenses and capital costs and expenditures.

Our finance committee asked our CFO, Harold Laufeld to prepare a six month analysis of actual expenses compared to budget for the first half of 2011 and for the most part we appear to be within our budgeted targets. Our new Borough Administrator, Wolfgang Albrecht, is monitoring Borough expenses and has made several cost saving recommendations to the Finance Committee which should help us save money in the second half of this year. A small but nice surprise for the quarter ended June 30, 2011 was the results of Pascack Joint Court with a \$12,000 excess of revenue over expenses for the Court's first three months of 2011. Hopefully we will not have any large negative surprises in the second half of this year.

Now I will ask Wolfgang to give his Administrator's Report which will cover where we stand on completing our 2011 Goals and Objectives.

ADMINISTRATOR'S REPORT

2011 Goals and Objectives

Administrator Albrecht reported on the status of the various Goals and Objectives that the Mayor and Council had set forth for 2011. Administrator Albrecht stated that although the Borough had accomplished several of the 2011 Goals and Objectives, there are items that are ongoing due to the nature of the matters.

<u>HIGH PRIORITY</u>	
Hiring of a Borough Administrator	Completed
Implementation of the Tri-Boro Joint Municipal Court	Completed
Shared Services	In progress
Explore Police Consolidation with Montvale and Park Ridge	In progress. RFP at County Prosecutor's Office.
Energy Audit Recommendations	Completed
Investigate Shared Services for Fire & DPW	Completed and on-going
Regional School Funding Formula	In progress
2012 Revaluation	In progress
Westervelt-Lydecker Park and Paths	Near completion. Target date July 31, 2011
Implementation of Time and Attendance system	Completed

<u>MEDIUM PRIORITY</u>	
COAH Update	Waiting for State decision on COAH viability
Review and Implementation of Zoning Changes as recommended by the Planning Board	Implemented
Lydecker House Use Plan	Continued discussions
Analysis of Recycling to Improve Efficiencies and make more user friendly	In progress
Roadway Widening & Intersection Improvements on Woodcliff Avenue	
Preparation of an RFP for the Development of Park facilities	In progress. Possible grant funding being explored
<u>LOW PRIORITY</u>	
Improve Purchasing Process for Borough	In progress
Council Town wide E-mail list	Complete, not yet utilized
Investigate curb replacement and sidewalk installation on major roadways	In progress
Rehabilitation of the Tran Station and Causeway	Will be studied in 2012
Live Streaming of Mayor and Council meetings	

Administrator Albrecht stated that the percentage of completed goals and objectives is due to the efforts of the Mayor and Council.

ENGINEER'S REPORT

Intersection Improvements at Woodcliff Avenue and Wartimes Road

The Borough and Boswell has been granted permission by the resident of the affected property to enter said property and perform additional survey work in order to provide the required information to complete the design. Boswell performed the survey work on Wednesday, July 6, 2011. The Borough is in the process of finalizing the plans and specifications.

Boswell has commenced preparation of a construction cost estimate for this project. It appears that the construction cost estimate without the onsite property improvements will be in excess of the County's bid threshold requirements for three (3) informal quotes. Therefore, the County will have to bid the project in a traditional manner.

Mr. Camella stated that once the specifications are drafted, he would like to walk the property with the homeowner and Boswell Engineering. All agreed this would be the procedure.

Intersection Improvements at Kinderkamack Road and Prospect Avenue

Boswell attended a meeting on April 19, 2011 with County representatives (Joseph Crifasi, Joseph Femia and Gary Ascolese), and Borough representatives (Mayor LaPaglia and Councilman Bader) to discuss the above referenced project. Pursuant to discussions at the April 19, 2011 meeting with the County, the borough has agreed to dismiss the need of a sidewalk on Prospect Avenue and for the County to just install a bust stop pad on the northwest side of the Kinderkamack road and Prospect Avenue intersection on Kinderkamack Road. No road widening would take place. The County will include the bus stop pad in one (1) of the Woodcliff Lake intersections improvement projects.

2010 NJDOT Pascaek Valley Cooperative Pricing System for Road Paving Program

This project is substantially complete.

2011 Municipal Road Improvement Program – Glen Road (from Woodland Road to its intersection with Spring Valley Road), Blueberry Drive (from Overlook Drive to Ginny Drive) and the Remainder of Tice Boulevard from 2011 NJDOT Project

Boswell McClave Engineering submitted a revised proposal for construction inspection services to the Borough on July 6, 2011.

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

Boswell attended a meeting on April 19, 2011 with County representatives (Joseph Crifasi, Joseph Femia and Gary Ascolese), and Borough representatives (Mayor LaPaglia and Councilman Bader) to discuss the above referenced project. The following items were discussed and agreed to:

- Woodcliff Lake will take care of the cost of Police Traffic Director's, if required
- Mayor LaPaglia would discuss with BMW the use of their ring road to accommodate traffic while a portion of Saddle River Road and Chestnut Ridge Road are closed for construction
- Boswell will fine-tune the construction cost estimate
- Relocation of the water hydrants are not the County responsibility, but might be the responsibility of the water utility
- Woodcliff Lake would take on the maintenance responsibility of the detention basin and water quality unit. Boswell was requested to and has coordinated with Dave Antoine to determine if the Borough has the resources/equipment to perform the maintenance or obtain it from another municipality based on a shared services agreement. Dave Antoine has confirmed that the Borough has access to a sewer van truck through shared services
- Boswell is in the process of revising the drawings incorporating the latest round of County Review comments.
- The County has determined that the appropriate amount of funds is available for this project and it will be able to go out to bid this year.

2011 NJDOT Local Aid Project – Tice Boulevard (from Chestnut Ridge Road to its Terminus) United Water Woodcliff Lake Dam Project

A meeting was held on June 29, 2011 with the County, Woodcliff Lake Representatives, Boswell McClave Engineering and United Water to discuss improvements to Broadway that need to be performed to ease congestion and traffic safety issues once Church road is closed for a 24 month period. The closure of Church Road is now anticipated to commence in March 2012.

At the County's request, Boswell provided United Water with an engineer's construction cost estimate and a proposal for professional engineering and construction inspection services.

COUNCIL MEMBER REPORTS

ADMINISTRATION/FINANCE/EDUCATION (HIGH)/SENIOR CITIZEN'S PROGRAM

John Glaser reported that the senior association is having a quite summer. Administration and Finance have been reading through audit report.

Two new members were added to the Planning Board – Wolfgang Albrecht and Mr. Chicadelli.

DPW & ROADS/SEWERS & SANITATION, ECOLOGY/PARKS

Due to the absence of Mr. Struk , there was no report given for the DPW.

PARK AND RECREATION

Mr. Hoffman reported that the interior of Westervelt-Lydecker is almost complete.

PUBLIC SAFETY/POLICE/OEM/TRIBORO/BUILDING & GROUNDS/BUILDING DEPT.

Mr. Bader reported that the Tri-Boro Share Committee/Public Safety meeting will be held this Wednesday.

August 2, 2011 is the Tri-Boro National Night Out. This is the third year the event has been held. There will be free food, free movies for the kids, free movies and vendors on site. The event begins at 5:30 p.m. The pool is open from 5:00 to 8:00 p.m.

Fees for building construction collected in 2011 through June are on target as projected by the construction code official.

The toddler park is almost 85% complete. The opening target date is July 31, 2011. There will be a ground breaking ceremony in September of 2011.

The Mayor and Council would like to recognize Sgt. Uhl for his investigation of credit card fraud.

Mr. Bader stated that there is a statewide DUI program available to Woodcliff Lake. The State will provide \$4,000 in grant money with a cost of \$2,600 to the Borough. The Mayor and council must make the decision as to whether or not to 1. Authorize the application for this program and 2. use police over time for this project. These funds would enable the Borough to conduct extra dui checkpoints within the Borough on one or two occasion. The funds are to be used for overtime costs incurred by police officers who make over \$50.00 per hour. The police chief has reported that his over time budget ias of July 15, 2011 is at 45% of his yearly budget. Mayor LaPaglia stated the real question is whether or not the Borough has enough incidents of DUI's to warrant the expenditure of over time funds.

Motion to authorized Chief Jannicelli to apply for the statewide DUI program available to Woodcliff Lake at a cost to the Borough of \$2,600 from the police over time budget was made by Mr. Bader, second by Mr. Baum

ROLL CALL:

Motion: Mr. Bader
Second: Mr. Baum
Ayes: Mr. Camella, Mr. Glaser, Mr. Hoffman, Mr. Baum, Mr. Bader
Nays: None
Abstain: None
Absent: Mr. Struk

**BOARD OF HEALTH/MENTAL HEALTH & WELFARE/EDUCATION/
ELEMENTARY)PUBLIC INFORMATION, NEWSLETTERS, ORDINANCES/LIBRARY**

Mr. Baum stated that the Fall Newsletter has a target publication date of September 15, 2011. Borough

Clerk Sciara will send out a second request for newsletter submissions. All material will be due by August 30, 2011.

Mr. Baum stated that there were originally about 10 proposed ordinances that needed to be discussed. The Council has already adopted 3 of these ordinances in past meetings. Instead of having so many ordinances put on the agenda at one time, he asked to discuss a few ordinances at a time. Later this evening there will be a discussion on shoveling snow around fire hydrants requested by Fire Chief Shapiro.

Mr. Hoffman asked if the Borough were considering sending out more than two newsletters per year. Mr. Baum stated that as long as there were enough content, we could send out more than the current two newsletters. Mr. Baum stated that North Jersey Media has not found a sponsor for Woodcliff Lake's newsletters as of yet. Once a sponsor is found, the newsletters would be produced gratis. Until such time, the Borough will stay with the current 2x per year newsletter mailings.

FIRE-VOLUNTEER/FIRE PREVENTION

Mr. Camella thanked the fire department for their help at a very successful Woodcliff Lake Day.

Mr. Camella reported that there was a drill at the new Hovnanian Housing located at the old Rink site for emergency responders. 10 towns sent their equipment and fire fighters to this drill. There was a ceremony yesterday for the inter-local agreement between Fort Lee and Woodcliff Lake with the use of the cascade system.

The application made on behalf of Woodcliff Lake to United Water for safety rescue training/equipment was denied. However, the process has alerted borough officials to the need for this type of program. Hillsdale and Woodcliff Lake will be discussing a joint venture in this area.

Mayor LaPaglia thanked Fire Chief Shapiro for his negotiations on behalf of the Woodcliff Lake Fire Department. Chief Shapiro successfully negotiated a contract with the Borough of Fort Lee for an inter-local agreement to use their cascade air bottle system and to contract with the Borough of Paramus for fire truck repairs at a reduced rate.

OLD BUSINESS.

Ordinance discussion

"An Ordinance Amending and Supplementing Chapter 178 of the Revised General Code of the Borough of Woodcliff Lake Entitled "Fire Prevention" to Provide for Access to Fire Hydrants

Mr. Baum stated that this ordinance has been on the table for awhile and he would like the council's input.

Mayor LaPaglia stated he feels that an ordinance mandating residents to shovel snow from around a fire hydrant in the front of their house is a burden. He does understand that there is a balance to strike. Councilman Baum and Fire Chief Shapiro stated that the two minutes it takes to clear the hydrant could save a life. All agreed that this was an extremely harsh winter. Chief Shapiro stated that most residents hire an independent contractor to shovel their property. It would not be such an imposition. He continued

that the fire hydrant located in front of one home is not just for that home. Each hydrant services many homes.

Mayor LaPaglia stated that he would rather hire a part timer in the winter to shovel around the hydrants. This part time employee would be supervised by the DPW. Councilman Bader suggested that the Fire Department shovel around the hydrants for a paid cost.

After discussion, it was agreed that the borough administrator and the fire department have further discussion on this topic and report back to the council.

NEW BUSINESS.

Ordinance 11-08

Administrator Albrecht explained that the salary ordinance reflects salary in Crifasis as authorized by the Personnel Committee. The 2.75% in Crifasi is the same as the PBA received this year in their contractual agreement.

Be it Resolved, that the Ordinance entitled, "An Ordinance to Fix the Compensations of Certain Officers and Employees of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey."

heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to be held on the 15th day of August 2011, at 8:00 o'clock P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said Ordinance be further considered for final passage.

ROLL CALL:

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

PUBLIC FORUM.

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

Clay Bosch, Rose Avenue, Chair of the Shade Tree committee stated he would like to bring up an issue at the cell tower construction site located on Overlook Avenue on the Water Co. property. Mr. Bosch stated that he recently met with Construction Code Official Saluzzi and representatives from Verizon Wireless and the builders. There are several large trees that are potentially going to be cut down. Approvals for this development, including the removal of these trees, had previously been given to the

builder by the Zoning Board of Adjustment. Mr. Bosch asked if there were any way the Mayor and Council could intervene. Mayor LaPaglia stated that the cell tower issue was the longest application in the history of the Zoning Board. The Mayor stated that there were a group of people who adopted a tactic to frustrate the developer and the implementation of the construction of a cell tower. Mr. Bader stated that there many residents who also supported this application.

- **Jeff Goldsmith, Woodcliff Lake** asked if Mr. Glaser would read the corrective action plan that was discussed. Mr. Glaser stated that is was a lengthy report. Mr. Goldsmith asked for the top two to be read into the record. Mr. Glaser read the first two corrective action finding conditions

Finding/Condition No. 1 A special audit of Other Trust Escrow revealed that disbursements were made from performance bond funds and that there was no overpayment to a vendor for legal service

Finding/Condition No. 2 Recreation pool membership fees revealed that cash collected in the amount of \$1,450.00 was not included in the daily deposits

Mr. Goldsmith asked when the report would be available. He was advised he could OPRA the report in the morning.

Kevin O'Brien, 26 Summit Avenue, Westwood, NJ asked if the missing \$1450.00 was to be treated as a theft. Mayor LaPaglia stated that his issue has been turned over to the police department. Mr. O'Brien asked why the meeting minutes of the closed session of June 2010, re: the Howley indemnification were not released in a timely manner. Mayor LaPaglia stated that he should speak with the borough clerk in the morning.

Hearing no further comments from the public, motion to close the meeting to the public was made by Mr. Bader, second by Mr. Baum and approved unanimously by voice call vote.

CONSENT AGENDA DISCUSSION.

Motion to approve the Consent Agenda Items 1-15 minus #5 and #13 which were pulled for a separate vote.

ROLL CALL:

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

Motion to approve Consent Agenda Item #5, Resolution Authorizing Stipulation of Settlement Between Marc Nadel Et. Al and the Borough of Woodcliff Lake

ROLL CALL:

Introduce: Mr. Bader

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

Motion to approve Consent Agenda Item #13, Resolution Authorizing Signatures for the Joint Municipal Court Account

ROLL CALL:

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

ADJOURNMENT.

Motion to adjourn was made by Mr. Bader, second by Mr. Baum and approved unanimously by voice call vote. The time is 10:00 p.m.

Respectfully submitted,

Lori Sciara, RMC/CMC
Borough Clerk

Payroll.

(Consent Agenda - 1)

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

Payroll released 06/30/11	\$	185,979.76
Payroll released 07/15/11	\$	194,869.78

Authority to Pay Claims.

(Consent Agenda - 2)

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	\$	2,994,185.49
Capital Fund	\$	2,198.48
Trust Other Fund	\$	29.50
Animal Control	\$	12.00

Resolution Authorizing Release of Escrow Balance

(Consent Agenda - 3)

WHEREAS, A request has been made for the release of the escrow balances with respect to the following in the Borough of Woodcliff Lake:

**Julie Shih
19 Kinderkamack Road
Block 2707 Lot 1
Cash Bond release
\$5200.00**

WHEREAS, the Borough Construction Official has confirmed that all is satisfactory and has recommended that the escrow balances be released;

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of the escrow balances in the amount of **\$5,200.00** in connection with the aforementioned.

RESOLUTION AUTHORIZING CHANGE ORDER #1 and FINAL FOR THE WORK DONE BY THE CONTRACTOR, D&L PAVING FOR THE WORK DONE FOR THE 2010 PASCACK VALLEY NJDOT PROJECT IN THE AMOUNT OF \$77,645.55 (Consent Agenda - 4)

WHEREAS, the Borough of Woodcliff Lake has previously awarded a contract to D&L Paving Contractors, Inc. for the 2010 Pascack Valley Cooperative Pricing Resurfacing Program; and

WHEREAS, the completion of the project resulted in a final net amount of 77,645.55; and

WHEREAS, the Borough Engineer takes no exception to this payment.

NOW, THEREFORE, BE IT RESOLVED, that a Change Order in the amount of \$77,645.55 be approved and that the Borough Council authorize the Borough Administrator to execute the necessary documents related to the Change Order.

Resolution Authorizing Stipulation of Settlement Between Marc Nadel Et. Al and the Borough of Woodcliff Lake
(Consent Agenda - 5)

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

Block: 1107
Lot: 2
Street: 9 Sycamore Drive

2010

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land:	\$ 297,500		\$ 297,500
Improvements:	\$ 471,300		\$ 433,900
Total:	\$ 768,800	N/A	\$ 731,400

2. The parties agree that the assessment for the tax year 2011 shall be as follows:

Land: \$ 297,500
Improvements: \$ 433,900
Total: \$ 731,400

3. No party shall challenge the agree upon assessment reflected in this stipulation for tax year 2011 by the filing of a tax appeal other than to implement this settlement.
4. The undersigned have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose 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 the settlement and has concurred.
5. Based upon the foregoing, the undersigned represent 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.
6. Statutory interest, pursuant to N.J.S.A> 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax refund is paid within 60 days of the date of entry of the Tax Court judgment.

Resolution Authorizing Stipulation of Settlement Between D&G Chin and the Borough of Woodcliff Lake, Tax Court of New Jersey Docket No. 014428-10 (Consent Agenda - 6)

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

Block: 1906
Lot: 8.03
Street: 11 Sophie Court
Municipality: Borough of Woodcliff Lake, County of Bergen, New Jersey

2010

	<u>ORIGINAL ASSESSMENT</u>	<u>REQUESTED COUNTY BOARD JUDGMENT</u>	<u>REQUESTED TAX COURT ADJUSTMENT</u>
LAND:	\$278,500.00	\$278,500.00	\$278,500.00
IMPROVEMENTS:	<u>\$579,400.00</u>	<u>\$579,400.00</u>	<u>\$437,500.00</u>
TOTAL	\$857,900.00	\$857,900.00	\$716,000.00

2. The undersigned have made such an examination of a value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposes of enabling them to enter into this Stipulation. The Assessor of the Taxing District has been consulted by the Attorney for the Taxing District with respect to the settlement and has concurred.
3. The refund due the Petitioner/Taxpayer, as a result of this Stipulation of Settlement for the 2010 tax year shall be in form of a monetary refund. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax credits and refund is paid within sixty (60) days of the date of entry of the Tax Court judgment.
 - (a) Any and all refunds due as a result of this Stipulation shall be made Payable to "Beattie Padovano, LLC Trust Account" and mailed directly to Antimo A. Del Vecchip, Esq., Beattie Padovano, LLC, 50 Chestnut Ridge Road, P.O. Box 244, Montvale, New Jersey 07645-0244.
4. The Taxing District and the Taxpayer hereby recognize, agree and otherwise consent to the terms and conditions of this paragraph of the Stipulation of Settlement not becoming part of the Judgment to be issued by the Tax Court pursuant to this Stipulation. Unless an event occurs which would allow the Taxing District to avoid the application of the Freeze Act, the Taxing District agrees that the Freeze Act (N.J.S.A. 54:51A-8) shall apply in all respects to the assessment(s), and therefore, the Freeze Act shall cover the 2011 and 2012 tax years in the same amount as stipulated for the 2010 assessment set forth in Paragraph 1 herein. No Freeze Act year(s) shall be the basis for the Application of the Freeze Act for any subsequent year. The Taxing District agrees to timely (within ten (10) days of receipt of a request) execute all documents which may be necessary to apply for, file and/or obtain an "Application for Judgment pursuant to N.J.S.A. 54:51A-8".
5. Based upon the foregoing, the undersigned stipulate and represent 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 required by law and applicable in the Taxing District.

Resolution Authorizing Stipulation of Settlement Between Helen Nowak and the Borough of Woodcliff Lake, Bergen County Board of Taxation, Appeal No. 68-1100104L

(Consent Agenda - 7)

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

Block: 808
Lot: 5.01
Street: 51 Saddle River Road
Municipality: Borough of Woodcliff Lake, County of Bergen, New Jersey

2011

	<u>ORIGINAL ASSESSMENT</u>	<u>REQUESTED COUNTY BOARD JUDGMENT</u>
LAND:	\$217,300.00	\$217,300.00
IMPROVEMENTS:	\$428,500.00	\$357,700.00
TOTAL	\$645,800.00	\$575,000.00

2. The undersigned have made such an examination of a value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposes of enabling them to enter into this Stipulation. The Assessor of the Taxing District has been consulted by the Attorney for the Taxing District with respect to the settlement and has concurred.
3. The refund due the Petitioner/Taxpayer, as a result of this Stipulation of Settlement for the 2011 tax year shall be in form of a credit and if any balance remains at the end of 2011 a monetary refund. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by taxpayer, shall not be paid provided the tax credits and refund is paid within sixty (60) days of the date of entry of the Tax Court judgment.
 - (b) Any and all refunds due as a result of this Stipulation shall be made Payable to "Beattie Padovano, LLC Trust Account" and mailed directly to Antimo A. Del Vecchip, Esq., Beattie Padovano, LLC, 50 Chestnut Ridge Road, P.O. Box 244, Montvale, New Jersey 07645-0244.
4. Unless an event occurs which would allow the Taxing District to avoid the application of the Freeze Act, the Taxing District agrees that the Freeze Act (N.J.S.A. 54:51A-8) shall apply in all respects to the assessment(s), and therefore, the Freeze Act shall cover the 2012 and 2013 tax years in the same amount as stipulated for the 2011 assessment set forth in Paragraph 1 herein. No Freeze Act year(s) shall be the basis for the Application of the Freeze Act for any subsequent year. The Taxing District agrees to timely (within ten (10) days of receipt of a request) execute all documents which may be necessary to apply for, file and/or obtain an "Application for Judgment pursuant to N.J.S.A. 54:51A-8".
5. Based upon the foregoing, the undersigned stipulate and represent 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 required by law and applicable in the Taxing District.

Resolution Authorizing Raffle License for Our Lady Mother of the Church (Consent Agenda – 8)

WHEREAS, application has been made by Our Lady Mother of the Church for one (1) one off premise Fair Share Raffle to be held at 209 Woodcliff Avenue, Woodcliff Lake, NJ on December 17, 2011; 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 Our Lady Mother of the Church is approved and the Borough Clerk is hereby authorized to issue Raffle License(s) No. 11-405.

Resolution Authorizing Acceptance of a Proposal from Boswell Engineering for Construction Engineering and Inspection Services Associated with the 2011 Municipal Paving Project
(Consent Agenda – 9)

WHEREAS, the Borough of Woodcliff Lake has received a proposal from Boswell McClave Engineering to perform work consisting of milling, resurfacing, drainage and some road restoration; and

WHEREAS, the project limits are Glen Road (from Woodland Road to Spring Valley Road), Blueberry Drive (from Overlook to the municipal boundary; Debra Court, Apple Ridge Road and Tice Boulevard (where limits of NJDOT project ends to terminus; and

WHEREAS, the fee for services as listed in the second revised proposal dated July 14, 2011 will not exceed \$30,000.00.

NOW, THEREFORE, BE IT RESOLVED that the aforementioned proposal from Boswell Engineering be authorized for an amount not to exceed \$30,000.000

Resolution Authorizing Boswell Engineering to Prepare 2012 NJDOT Local Aid Grant Application
(Consent Agenda – 10)

WHEREAS, the Borough of Woodcliff Lake has received a letter from Boswell Engineering stating that the 2012 NJDOT Local Aid Grant Applications will be out shortly and need to be completed and submitted to the NJDOT for consideration in July 2011; and

WHEREAS, Boswell Engineering has indicated that the fee for the preparation of this application is \$1,500.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorize Boswell Engineering to prepare the aforementioned application for a fee not to exceed \$1,500.00.

RESOLUTION AUTHORIZING REVISION TO THE PERSONNEL POLICY MANUAL

(Consent Agenda – 11)

WHEREAS, The Borough reserves the right to add a new policy, change, revise, eliminate, or deviate on a case-by-case basis from any of the policies and/or benefits described herein, subject to the requirements of collective negotiation agreements and/or state and federal laws or regulations; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake have agreed to the following revisions to the Personnel Manual

Establishing Petty Cash Procedure and Policy

RESOLUTION AUTHORIZING REVISION TO THE PERSONNEL POLICY MANUAL

(Consent Agenda – 12)

WHEREAS, The Borough reserves the right to add a new policy, change, revise, eliminate, or deviate on a case-by-case basis from any of the policies and/or benefits described herein, subject to the requirements of collective negotiation agreements and/or state and federal laws or regulations; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake have agreed to the following revisions to the Personnel Manual

Internal Controls Over Use of Store Credit Cards

Resolution Authorizing Signatures for the Joint Municipal Court Account

(Consent Agenda – 13)

WHEREAS, two checking accounts currently exist in the Borough of Woodcliff for the use of the Municipal Court, the Municipal Court Account and Municipal Court Bail Account; and

WHEREAS, the Court has indicated that these two accounts should remain open and that the Joint Court Administrator and the Deputy Joint Court Administrator shall be the signatories on the aforementioned accounts.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake approve the two signatures necessary for the maintenance of the Woodcliff Lake Municipal Court Account and the Woodcliff Lake Municipal Court Bail Account for such time until the Court indicates these accounts are no longer necessary to maintain.

Resolution Awarding Contract for Pascack Valley Cooperating Pricing System (#107-PVCPS) 2010 NJDOT Project and Authorization for D&L Paving to Perform Work in Woodcliff Lake as Outlined in Master Contract

(Consent Agenda – 14)

WHEREAS, on June 15, 2011 the Borough of Westwood, acting as Lead Agency for the Pascack Valley Cooperative Pricing System (#107-PVCPS), received bids for the 2011 NJDOT Project; and

WHEREAS, nine (9) bids were received for nine (9) municipalities, with totals ranging from \$2,589,997.60 to \$3,254,533.75; and

WHEREAS, the bids were reviewed by Edward Sandve, PE, Borough Administrator of the Borough of Ramsey, formerly of Woodcliff Lake, and two other Administrators, on behalf of the Pascack Valley Cooperative Pricing Program; and

WHEREAS, Mr. Sandve has summarized the bid prices and the review committee recommends the award of contract to D&L Paving Contractors, Inc. in the amount of \$2,589,997.60; and

NOW, THEREFORE BE IT RESOLVED, that the Borough of Westwood as the Lead Agency for the Pascack Valley Cooperative Pricing system (107-PVCPS) authorizes the award of a master contract to D&L Paving Contractors, Inc., 185 High Street, Nutley, NJ 07110 on behalf of the municipalities of Emerson, Old Tappan, Oradell, Paramus, River Vale, Rochelle Park, Westwood and Woodcliff Lake, in an amount not to exceed \$2,589,997.60 with each municipality contracting directly with D&L Paving for their portion of the contract; and

BE IT FURTHER RESOLVED that the bid award is subject to attorney review and certification that the bid of D&L Paving Contractors, Inc. is the lowest, responsible, responsive bidder; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake authorizes the appropriate Borough Official to prepare and execute a contract with D&L Paving Contractors, Inc. for an amount not to exceed \$339,057.15.

Resolution Authorizing License as a Dealer of Second-Hand Gold, Silver, Gems, and Precious Metals
(Consent Agenda – 15)

WHEREAS, application has been made by Tyre, Bailey, Roberts and Associates Estate Buyers of Santa Fe, NM for an application as a dealer of second-hand gold, silver, gems and precious metals; 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 Tyre, Bailey, Roberts and Associates Estate Buyers of Santa Fe, NM is approved and the Borough Clerk is hereby authorized to issue License for the period ending 12/31/11.