



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL SPECIAL MEETING MINUTES
FEBRUARY 1, 2018
6:45 PM**

CALL TO ORDER

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

ROLL CALL

Mayor Rendo asked for a roll call. Council members Gadaleta, Gross, Hayes, Herrington, and Singleton were present. Borough Attorney Ron Dario was present, as well as Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin. Council President Belgiovine arrived at 7:00 PM.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

CLOSED SESSION

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

RESOLUTION AUTHORIZING HOLDING OF CLOSED SESSION

**RESOLUTION NO. 18-40
FEBRUARY 1, 2018**

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

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

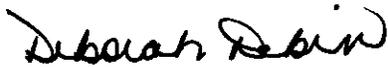
1. Galaxy Gardens
2. Contract Negotiations

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

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

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of February 1, 2018.



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

Mayor Rendo stated that we already opened up the meeting and went into closed session. We will now proceed with the rest of the Agenda.

Councilwoman Gadaleta stated that she would like to make a MOTION to postpone the vote on the Galaxy Gardens purchase tonight instead move as separate questions with separate votes on the following:

1. Postpone Galaxy Gardens vote and put information on the website including land appraisals, contamination, remediation estimates, and safety factors.
2. Direct our Borough Planner to provide a report to this Mayor and Council for suitable for the Galaxy Gardens site aside from just the use of a passive park.

3. Formally request that the Bergen County Administrator Julian Nieves to have the County Open Space Trust consider a project change to repurpose the \$500,000 for Galaxy Gardens to be used for new land purchases on Saddle River Road, one that has just recently become available.

Councilwoman Gadaleta stated that those are her three motions and is hoping to get a second on it. Councilwoman Gross second the motions and in particular about the monies to be repurposed. She believes we have an opportunity to take that and purpose other properties that are for sale that we could utilize the open space and would be connected to other open space that we have. It would be much less money. It would actually add to the canopy of trees that we have that we are concerned of that are going away and the site would not be contaminated. This would be under the same guidelines that we would expect for Galaxy but it would be for a space that would make much sense if it was attached.

Mayor Rendo stated that we have a motion and a second and we will address that at the end as we discuss Galaxy Gardens. Right now we are going to move forward but we will hear that motion when we close to the public and we are ready to vote.

Councilwoman Gadaleta stated that she has three motions and wants three separate answers to each. Mayor Rendo stated that we are going to do one motion on everything that we discussed. Councilwoman Gadaleta stated that she would like three motions on three separate issues. Mayor Rendo stated that she would need a second on all of the three separate issues.

Borough Attorney Dario stated to the Mayor that since there is a MOTION and a second, this should be addressed now, one at a time. Mayor Rendo agreed.

Councilwoman Hayes asked a clarifying question. Voting on these three motions, what does that change with the voting on the resolutions? Mr. Dario replied that he does not believe any of these motions are stating not to purchase the property.

MOTION to post all related information about Galaxy Gardens so our public can be informed 100% was made by Councilwoman Gadaleta and second by Councilwoman Gross.

Council President Belgiovine stated that all of the information is already posted online.

Councilwoman Gadaleta stated that she doesn't believe so. Some of the contamination levels have not been posted and some of the remediation estimates have not been posted and land appraisals and also the safety factor of purchasing this property and where it is located in town. Mrs. Gadaleta believes that there could be more that the public could be made aware of.

Mayor Rendo stated that this issue has been going on for over five years. Councilwoman Gadaleta stated that there has been a lot done in closed session because of legal reasons. Mayor Rendo stated that he sat in the audience when this started five years ago. At that time, the

community overwhelmingly came out and requested that the then, Goldsmith controlled Council, proceed with the procedure of eminent domain. Second meeting after that the Goldsmith Council agreed to proceed with the procedure of eminent domain. Councilwoman Gadaleta stated that she never voted yes for eminent domain. Mayor Rendo stated that the 2013 Council did vote for it. We've engaged two attorneys, Riker Danzig and Carlin and Ward, in those five years. We've engaged Langan Engineering and Boswell Engineering in those five years to do every single type of report. We've engaged two appraisers, McNerney and Helmstetter in those five years. Everything except for the litigation has been made public. The Mayor stated that he would like to close this chapter in this five year battle tonight.

ROLL CALL:

Introduction: Mrs. Gadaleta
Second: Mrs. Gross
Ayes: Mrs. Gadaleta, Mrs. Gross, Mrs. Hayes, Mr. Singleton
Nays: Mr. Belgiovine, Mrs. Herrington
Abstain: None
Absent: None

MOTION to direct our planner to provide a report to this Mayor and Council for other suitable uses for Galaxy Gardens besides just a passive park was made by Councilwoman Gadaleta and second by Councilwoman Gross.

ROLL CALL:

Introduction: Mrs. Gadaleta
Second: Mrs. Gross
Ayes: Mrs. Gadaleta, Mrs. Gross, Mr. Singleton
Nays: Mr. Belgiovine, Mrs. Hayes, Mrs. Herrington, Mayor Rendo
Abstain: None
Absent: None

MOTION to make a formal request to our Bergen County Administrator Julian Nieves to have the County Open Space Trust consider a project change to repurpose the \$500,000 grant for Galaxy Gardens to be used for other land purchases for open space was made by Councilwoman Gadaleta and second by Councilwoman Gross. Councilwoman Gadaleta stated that she made a number of phone calls to the County and she's been assured, nothing in writing, but strongly assured, that if we don't use the \$500,000 for Galaxy Gardens, there will be other grants available for open space purchases in Woodcliff Lake. When she mentioned about this one particular property on Saddle River Road that was adjacent to the park that we already have, they were very favorable in their response to her. Councilwoman Gadaleta stated that she would like to see whatever money we get be used for property that she feels is truly needed and could be of value. Councilwoman Gross stated that the only way to really understand this is to make a formal request, nothing verbal. Mayor Rendo stated that we have \$500,000 in our pocket. That is the largest grant in the history of Woodcliff Lake. Mayor Rendo stated that this \$500,000 grant is dedicated for Galaxy Gardens and no other property in town. There is no guarantee that we will

get any other monies for any other properties if we give this money back.

ROLL CALL:

Introduction: Mrs. Gadaleta
Second: Mrs. Gross
Ayes: Mrs. Gadaleta, Mrs. Gross, Mr. Singleton
Nays: Mr. Belgiovine, Mrs. Hayes, Mrs. Herrington, Mayor Rendo
Abstain: None
Absent: None

MOTION to postpone the voting on Galaxy Gardens until a number of these issues are cleared up and any other concerns from the residents have been addressed was made by Councilwoman Gadaleta and second by Councilwoman Gross. Councilwoman Gadaleta stated that there are issues that are out there that she does believe needs to be discussed. Councilwoman Gadaleta stated that one issue is the safety of that corner. Her daughter is a volunteer EMT. Last year there was an accident on the corner by Galaxy. The accident was so bad that they needed two ambulances to take away the people in the cars. Councilwoman Gadaleta stated that if this does go through, the Borough needs to conduct a traffic study on that intersection and be prepared to put up possibly certain types of lighting, and a traffic light. In addition, if we purchase any property in town, we need to make it ADA compliant. This constitutes putting in sidewalks, curbs and everything that is accessible to all those with disabilities. Councilwoman Gross stated that the contamination is an issue for many people in town. We are absorbing that and taking responsibility for that. That is something that we have gotten some estimates for and are hoping that it will meet what we expect, but we are not really certain and it something that we would expect for the seller to take care of and not wanting to take that on ourselves. Councilman Singleton stated that the biggest issue he has is how expensive this is. His day job is a business profession and with the purchase price of the slant, the open space fund that we have will be dramatically reduced. Mr. Singleton stated that from where he sits the numbers are going to be potentially north of \$2 million when everything is said and done. Mayor Rendo stated that this is the perfect opportunity to address the safety at that intersection. Mayor Rendo stated that the safety issues will be addressed when we develop the site. Mayor Rendo stated that the contamination issue will be cleaned up when we take possession of the property. We have \$2.1 million in our open space fund and we are expecting to get another \$198,000 this month. We will continue to get approximately \$200,000 every year. We've had that money sitting in the account for over 10 years. No one has done anything. It is time for this municipality to start improving this town, maintaining open space and creating a beautiful area in the center of town.

ROLL CALL:

Introduction: Mrs. Gadaleta
Second: Mrs. Gross
Ayes: Mrs. Gadaleta, Mrs. Gross, Mr. Singleton
Nays: Mr. Belgiovine, Mrs. Hayes, Mrs. Herrington, Mayor Rendo
Abstain: None
Absent: None

Mayor Rendo introduced Scott Heiart, Esq. from Carlin and Ward to discuss the agreement and the process that we went through.

Mr. Heiart stated that he is a partner with Carlin and Ward and they focus primarily on land use and eminent domain matters and has been with the firm for close to 13 years. Mr. Heiart stated that he was retained by the Borough approximately 15 months ago and at that point of time he was asked to give guidance as to helping acquire the property via eminent domain. Mr. Heiart stated that at the time he recommended an appraiser for the Borough to hire. His name is Donald Helmstetter. He did an appraisal and that appraisal was made public and he valued the property at \$900,000. He believed that you could develop the property with three single-family residential lots pursuant to the zoning and that each vacant lot is worth approximately \$300,000. Prior to Mr. Heiart retaining Mr. Helmstetter on behalf of the Borough, he questioned whether the prior administration had ever made a formal offer to acquire the property. Based on the information that he had available to him at that time, the answer was no. Subsequently as he researched and went through prior resolutions of the prior administration, we discovered that there was a prior appraisal done on behalf of the Borough by Mr. McNerney. That appraisal was formally offered to the property owner, Mr. Molyneux and that appraisal affected the course of this action. Mr. McNerney's final value was \$1,320,000.00 for the property. He looked at the property and he valued it as 3 single-family residential lots and each lot is worth \$575,000. He arrived at a \$1,725,000 value and backed into his final value of \$1,320,000 by subtracting out certain costs. Mr. Heiart also stated that he also looked at the length of time it would take for eminent domain action and the constraints of the County grant. There is a \$500,000 grant that the Borough was able to obtain and there are certain dates that the money has to be used by. The date is August 10, 2018. If you do not use it by then or get an extension, then you could lose that money. Mr. Heiart stated that he also had to look at what the other side was going to argue as opposed to value. They were north of \$2 million and they believed you could get 4 lots on this property and each lot would be about \$600,000 for a total value of \$2.4 million.

Mr. Heiart stated that he believes this is the best agreement that can be reached with this property owner. This agreement took close to 2 months of back and forth with the property owner. Mr. Heiart stated that the Agreement calls for purchase price of the property of \$1,750,000. There is a \$100,000 credit to the Borough for remediation of the property which leaves a purchase price of \$1,650,000. There is a closing date of June 29, 2018. This is an on-going business and because it is a seasonal business and Mr. Molyneux already ordered his items for the spring season, he has to be able to wind down his business in a prompt and correct way. In addition to the purchase price, we are paying a \$75,000 relocation fee. That relocation fee is not a business discontinuance allowance. This fee is the actual moving cost to remove all the items off of his property to another site of his choosing. He is doing a self-move. He will move everything off of the property other than the buildings. We will then take the property free and clear of those items.

Mr. Heiart talked about the remediation of the property. We had 2 companies come out and do thorough testing. We believe we have a range of what this will cost to remediate. The largest remediation deals with historic pesticides. There is also contaminated soil due to the former

gasoline operations on the site. We are getting a \$100,000 credit for the clean-up and the Borough is taking responsibility to clean up the remainder of that. Mr. Heiart stated that everyone may be asking why the Borough is cleaning this up and not Mr. Molyneux. Mr. Molyneux's position is that if this ever went to litigation is not that he is not responsible for the clean-up, he is an innocent purchaser and the prior owners were the responsible party and they should be the ones to pay. Mr. Heiart stated that this allows the Borough to control the clean-up, control the future of this site and allows you certainty that saves you on litigation costs, expert costs and so forth. With respect to the environmental, Mr. Heiart encourages the Borough to do a RFP to have an environmental firm to come out and bid.

Mayor Rendo stated that we will now open to the public. This is for public comment, not public debate. If you have a question of the Council, please direct it to the Mayor and he will direct it to the Council. There is 5 minutes on the clock for anyone interested in commenting.

PUBLIC COMMENT

MOTION to open to the public was made by Council President Belgiovine, seconded by Councilwoman Gadaleta and unanimously approved.

Donna Abene, Woodcliff Lake, stated that she respectfully requests that the Mayor and Council waive the 5 minute rule tonight. This is a very dire and very complicated matter and people might have questions that take 5 minutes. You should suspend it through the evening.

Mary Ellen Offer, Woodcliff Lake, stated that this meeting could be very quick. This has been before the public since 2013. This has been looked at every way. The issue tonight is whether or not the Council concurs with the advice of Counsel and that this agreement is the best arms-length contract that you could achieve for this property. If you do, then you vote yes. It is most important that the Council decides this. We need to move on. Ms. Offer stated that she finds the contract to be genuine and well-negotiated.

Justin Cohen, Woodcliff Lake, stated that he had a question for the attorney. When you talked about the purchase price it seemed like you were considering that there multiple appraisals and if we came in at a lower purchase price it would hold us up in litigation. Mr. Heiart replied that the multiple numbers he was talking about were if this went to eminent domain litigation. There would be a minimum of three appraisals and then you would be for the court and a jury to decide on what the value is. Mr. Heiart also explained that if we went through this process it would take time and we could lose the grant. Mr. Cohen asked if in a typical situation is it often the seller that is responsible for remediation in an instance like this (contaminated property). Mr. Heiart responded that every property transaction is unique and specific and he doesn't think you could make a general statement that the seller is always going to clean it up. He thinks it will always be a negotiation point like anything else.

Bert Siegel, Woodcliff Lake, spoke about a statement in the Agreement regarding the relocation assistance act. Mr. Siegel stated that this is a false statement and a misrepresentation of the law.

This only applies if there is a condemnation of the property. There is no provision whatsoever to give this person \$75,000. That needs to be removed. Why is the Borough responsible to pay unlimited legal expenses for the seller? The Mayor and Council must first adopt a Resolution to pay anybody. Mr. Siegel stated that this is not good government and not good tax government.

Mario DiMaria, Woodcliff Lake, stated that he thinks this is a good contract and this Agreement should be finalized tonight and to stop beating a dead horse.

Gary Newman, Woodcliff Lake, asked what the range is for the clean-up. Mr. Heiart replied \$250,000 to \$540,000. Mr. Heiart stated that Langan's report for \$540,000 was done this past summer and Boswell's report for \$250,000 was done in 2016. Mr. Newman asked if there was any appropriation of funds for \$540,000. Mr. Heiart stated that it is part of the Open Space Trust Fund. Mr. Newman asked Mr. Heiart if he is representing to this Borough that you could use the open space trust fund for the \$540,000. Mr. Dario replied yes. Mr. Heiart stated that Mr. Dario investigated that matter. Mr. Newman asked Mr. Heiart if he agreed. Mr. Heiart replied yes. Mr. Newman asked if the Borough had \$2,265,000 appropriated for this property. Mr. Heiart stated that he believes by the time that the Borough needs to do everything they will have the money.

Kelly Kosoff, Woodcliff Lake, stated that she fully supports the Borough in moving forward as planned for the last three years.

Cheryl Dispoto, Woodcliff Lake, thanked Mr. Heiart for a very thoughtful presentation and thank you to this Mayor and Council. On behalf of the Concerned Residents of Woodcliff Lake Ms. Dispoto is looking forward to an up and down vote on this tonight.

Bob Nathin, Woodcliff Lake, stated that he has been part of the community for 50 years. Mr. Nathin stated that he has no problem with open space. He doesn't mind when the Council buys land, but what he does object to are bad deals. This is a bad deal. There is not a property in town that has sold for 875,000 an acre which is what we are paying for this on a busy intersection. For a residential piece of property on the most extensive piece of property in town you are not getting anywhere close to \$875,000 per acre. On top of that, we are paying for the cleanup. Mr. Nathin stated that he is a commercial broker for 30 years. The standard is the seller does the cleanup. In probably 95% of the cases, the seller does the cleanup. The seller is responsible for the cleanup. He is not quite sure why the attorney thought there would be litigation. If the owner could prove that he didn't cause the problem, he has the right to go after the previous owner or tenant who caused the problem. It is not the Borough's responsibility. Mr. Nathin stated that according to Boswell and Langan's reports, clean-up could go upwards of a \$1 million. Mr. Nathin again stated that he is not opposed to open space, but maybe look at other properties that are attached to the Old Mill.

Roger Gross, Woodcliff Lake, stated that he has lived in town for over 30 years and is also a commercial broker for over 30 years and also believes that this is probably the worst deal he has ever seen. He understands the Borough's desire to have parks, kids and safety, and he heard the

attorney say that this is the best deal the Borough will get from this buyer. That doesn't mean that it's an arms-length deal. This reeks of we must have done something wrong and whatever we did wrong, we have to make sure that this doesn't happen again. Because we are paying three times the value of the property if not more. This is a disgrace that this is what we are having to pay for this property. Mr. Gross stated he understands the need for a park and the desire to have it, but this is a bad deal. A horrible deal. Mr. Gross asked Mr. Heiart if this was the best deal he could get for this municipality and this is a representative of an arms-length transaction. Mr. Heiart responded that this was heavily negotiated and again his opinion to this agreement is immaterial. He does not have a vote. He is not encouraging any of these members to vote one way or the other. That it up for them to vote. Mr. Heiart stated that his opinion on that is completely immaterial but he will say that given the appraisals that he has seen, given where this would have ended up in litigation, he believes that this is the best negotiated deal that you would get with the situation if the town wants to acquire without resorting to litigation. That is his role here. It is not to give opinions whether they should vote one way or another or anything else. Mr. Gross stated that we are clearly overpaying to avoid litigation. It is obvious and it's ugly and absurd.

Jamie Sackeim, Woodcliff Lake, stated that she too is a commercial broker. Ms. Sackeim stated that no one of her buyers buy property and pick up the cost of the remediation. They don't want the exposure and she is not quite sure why the town would ever want that kind of exposure. She doesn't know if the Town did borings or if it tested the water in the ground. Ms. Sackeim stated that the Borough has no idea what they're in for. The Borough does not know how much they will be spending for clean-up and it's just not logical.

Sherry Fabio, Woodcliff Lake, stated that the property in question is the center of town and how dare anybody in this room fight to clean up that property or to say they won't put a dime in to clean up that property. We have been doing this for five years and how much money have we wasted. Ms. Fabio stated that this is over, it's done and vote on it.

MOTION to close to the public was made by Councilwoman Gadaleta, seconded by Council President Belgiovine and unanimously approved.

RESOLUTIONS

Resolution No. 18-41 A Resolution of the Borough Council of the Borough of Woodcliff Lake Authorizing the Execution of a Purchase and Sale Agreement for the Acquisition of the Real Property Known as 223 Woodcliff Avenue, Block 1402, Lot 7 on the Official Tax Map of the Borough of Woodcliff Lake

MOTION was made by Council President Belgiovine with a second by Councilwoman Herrington.

Councilwoman Gadaleta stated that she spoke before about the safety issue which is dear to her heart. The second issue that is very dear to her heart is the contamination level. The extent and the nature of the contamination level is questionable. She is all for cleaning it up but again not

on our dime. In addition to that, her mom was 56 years when she was diagnosed with a malignant brain tumor. She had never been sick a day in her life that she had known. Ms. Gadaleta asked that doctor what could have caused this and he said environmental factors. Councilwoman Gadaleta stated that there is no way that if we do acquire this property, that we would go cheap on remediating it. We would have to spend everything we could to make sure that this is 110% safe for the residents and families of Woodcliff Lake. Capping it is out of the question and mixing the soil possibly. This could be from \$500,000 to \$1 million. Our attorney had said that the cost of remediation is covered under open space funds. Councilwoman Gadaleta challenges that. She challenges that because she is looking at something from Municipal Park Improvement Program Rules and Procedures Manual and on page 5 it says items not allowable as projects costs, remediation work done to address any areas of concern. Councilwoman Gadaleta challenges the fact that our open space will pay for the remediation. One way or another it is coming out of our pockets. If open space can't cover the remediation, this money will have to be bonded for. This will be coming out of our tax payer's money for a piece of land that we are overpaying for, it is on an extremely dangerous corner and it's contaminated. We already own a piece of property that we could make something nice for the town. There are lands coming available that we can purchase for open space. There are a lot of other opportunities out there. Councilwoman Gadaleta does not believe the grant from the County should be a major factor in making this decision. Councilwoman Gadaleta stated that she has been a resident of Woodcliff Lake for over 26 years. Her husband and herself raised their daughters here, she volunteered in town to make this a strong welcoming community. A community that she is very proud of. She is all for open space. She is all for keeping the beauty and charm of Woodcliff Lake but you have to think at what expense. The dollar amount that we could look to be spending at Galaxy Gardens, the cost, the relocation fee, the clean-up, ADA compliance, the potential traffic light – does that really warrant our need. She doesn't think so. Money could be better spent by purchasing property that is available now and coming available that can really lend to the real beauty and charm of Woodcliff Lake.

Councilwoman Gross stated that when we talked about the clean-up and there was concern about whether or not it is cleaned up or should be on the town's dime. If the seller has the opportunity to sell it in another residential situation, it would be up to them to clean it to residential standards. It would be something that is still take care of. Councilwoman Gross stated that she is still concerned about the safety when you are talking about that street and crossing it. We haven't gone very far into a traffic that would be needed and a light would be necessary. We are talking about a park and there would be nowhere to park your car. You are going to have to park it over at Old Mill and you are going to have to walk across that very busy street. That is another very important safety issue fact that we have. When we have property that is clean and adds to the canopy and is available and much less expensive, contiguous to land that we already own, that seems to be an area that is much better spent for our dollars.

Councilman Singleton stated nowhere in Woodcliff Lake are you paying per acre what we are paying for this land. The math just doesn't add up. Basically we are paying \$1.7 million for 2 acres. Like the gentleman said before, that is \$850,000 per acre on a busy street with safety issues.

Council President Belgiovine stated just to clarify there is one site in town where the land value sold for over \$1 million per acre and that was the Bristol site. Council President Belgiovine also stated that this trust fund is designed for specifically what we are using this money for and that is what is was originally designed for, to have open space. If you bought that other piece of land with open space money, you would be very limited in what you could do with it. The Borough will look into whether or not it will be purchasing other land. This is exactly what the purpose of these funds are designed for and it is the center of our town and it is the area that does need some help by way of safety and security. Council President Belgiovine stated that that is what the Borough's intent is to build it for.

Councilwoman Herrington stated that she would add that the Werimus Road Beautification team that was put together last year did look at this property as part of the Werimus Road Beautification project and they did have preliminary plans drawn up and it did include 20 parking spots that are on the property itself to eliminate the need to cross the street to be able to utilize that project. These plans have been viewed by people on that team, they have had input in that design and how welcoming it would be for Woodcliff Lake to have that be a beautiful intersection. Obviously to remove all those buildings does create a better safety turn. Ironically, that is not the most dangerous intersection in our community. The most dangerous intersection is up on the corner where you turn right around the Bristol.

Mayor Rendo stated that we have been working on this for five years. He has been involved with this for four years. We discussed this back and forth and up and down. It is a fact that studies have indicated that open space and parks increase property values. That is a fact.

Councilwoman Gadaleta stated that she wanted to bring it up again regarding the remediation, she would like to have both of the attorneys and the Mayor go on line and say yes the remediation is 100% covered by our open space. Mr. Dario replied that he already said that, yes. Mr. Heiart stated yes. Mayor Rendo stated that he is following their lead.

ROLL CALL:

Introduction: Mr. Belgiovine

Second: Mrs. Herrington

Ayes: Mr. Belgiovine, Mrs. Hayes, Mrs. Herrington, Mayor Rendo

Nays: Mrs. Gadaleta, Mrs. Gross, Mr. Singleton

Abstain: None

Absent: None

Resolution No. 18-42

Resolution of the Borough of Woodcliff Lake, County of Bergen,
State of New Jersey, Authorizing Emergency Temporary
Appropriations for the Open Space Preservation Trust Fund for
Calendar Year 2018

ROLL CALL:

Introduction: Mr. Belgiovine

Second: Mrs. Gross

Ayes: Mr. Belgiovine, Mrs. Hayes, Mrs. Herrington, Mayor Rendo

Nays: Mrs. Gadaleta, Mrs. Gross, Mr. Singleton

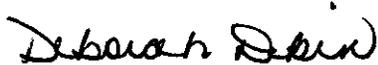
Abstain: None

Absent: None

ADJOURNMENT

MOTION to adjourn was made by Council President Belgiovine, seconded by Councilman Singleton and unanimously approved by voice call vote. Meeting was adjourned at 9:30 PM.

Respectfully submitted,



Deborah Dakin, RMC, CMR
Borough Clerk



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

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

RESOLUTION AUTHORIZING HOLDING OF CLOSED SESSION

**RESOLUTION NO. 18-40
FEBRUARY 1, 2018**

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

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



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

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

**A RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE
AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT FOR THE
ACQUISITION OF THE REAL PROPERTY KNOWN AS 223 WOODCLIFF AVENUE,
BLOCK 1402, LOT 7 ON THE OFFICIAL TAX MAP
OF THE BOROUGH OF WOODCLIFF LAKE**

**RESOLUTION NO. 18-41
February 1, 2018**

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., and N.J.S.A. 20:3-1 et seq., the Borough of Woodcliff Lake (the "Borough") has the power to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the Borough desires to acquire the property located at 223 Woodcliff Avenue, Woodcliff Lake, New Jersey also known as Block 1402, Lot 7 on the official tax map of the Borough (the "Galaxy Gardens Property") in order to expand the open space available in the Borough for the use and enjoyment of the local population; and

WHEREAS, by way of Ordinance 16-19, the Borough authorized the acquisition of the Galaxy Gardens Property by way of negotiation or by use of its power of eminent domain; and

WHEREAS, by letter dated February 13, 2017, the Borough made a formal written offer pursuant to N.J.S.A. 20:3-6 to purchase the Property from Seller; and

WHEREAS, the Borough and Mr. Peter Molyneux, the owner of the Galaxy Gardens Property, entered into extensive negotiations which have resulted in an Agreement for the Borough to purchase the Property upon the terms and conditions set forth in a Purchase and Sale Agreement between the parties; and

WHEREAS, by entering into the Purchase and Sale Agreement it allows the Borough to acquire

the Galaxy Gardens Property while avoiding the costs and uncertainty associated with lengthy litigation; and

WHEREAS, the acquisition of the Galaxy Gardens Property to be utilized as open space will fulfill a primary goal of the Borough with regard to preservation of the Borough's character by providing for open space for the Borough's residents; and

WHEREAS, the acquisition of the Galaxy Gardens Property is being done in connection with and pursuant to the terms of the Open Space Trust Fund Grant obtained by the Borough from the County of Bergen by way of Resolution No. 861-16, dated August 10, 2016; and

WHEREAS, the Borough has determined that the execution of the Purchase and Sale Agreement is necessary, beneficial and in the public interest so that the Borough can acquire the Galaxy Gardens Property for public use as open space; and

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

SECTION 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION 2. The Mayor be and is hereby authorized and directed to execute, and the Borough Clerk to attest to, the attached Purchase and Sale Agreement and any other documents necessary to ensure the fulfillment of the Borough's obligations pursuant to that Agreement.

SECTION 3. The Borough shall use the funds in its Open Space Trust Fund to pay for the acquisition and remediation of the Galaxy Gardens Property and shall seek reimbursement of a portion of those funds in the amount of \$500,000 from the County in accordance with the terms of the Open Space Trust Fund Grant.

SECTION 4. This Resolution shall take effect immediately.

SECTION 5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be, and the same hereby are rescinded.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of February 1, 2018.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

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

**RESOLUTION OF THE BOROUGH OF WOODCLIFF LAKE, COUNTY OF BERGEN, STATE OF NEW JERSEY,
AUTHORIZING EMERGENCY TEMPORARY APPROPRIATIONS FOR THE
OPEN SPACE PRESERVATION TRUST FUND FOR CALENDAR YEAR 2018**

**RESOLUTION NO. 18-42
FEBRUARY 1, 2018**

WHEREAS, by the provision of N.J.S.A. 40A:4-20, temporary emergency appropriations may be created to provide for the operation of the Borough's Open Space Preservation Trust Fund until the 2018 budget is adopted; and

WHEREAS, the total emergency temporary appropriations pursuant to the provision of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20), including this resolution, total \$1,750,000.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, that in accordance with N.J.S.A. 40A:4-20, Temporary Emergency Appropriations be and the same is hereby made for:

Acquisition of Lands for Recreation and Conservation \$1,750,000

BE IT FURTHER RESOLVED, that one certified copy of this resolution shall be filed with the Director of the Division of Local Government Services.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of February 1, 2018.

Deborah Dakin

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