BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MEETING MINUTES
SINE DIE MEETING
January 3, 2017
7:00 PM

CALL TO ORDER

Notice of this meeting in accordance with the "Open Public Meetings Law, 1975, C. "231" was posted at Borough Hall on December 22, 2016 and two newspapers, The Record and The Ridgewood News, were notified on December 22, 2016.

ROLL CALL

Mayor Carlos Rendo asked for roll call. Council members Belgiovine, Chiavelli, Gadaleta, Hayes, Herrington and Panso were present. Borough Attorney Ron Dario, Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin were present as well.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

APPROVAL OF MINUTES

MOTION to approve the Minutes of December 14, 2016 (Closed) was made by Council President Belgiovine, seconded by Councilman Panso and approved by Council members Belgiovine, Chiavelli, Hayes, Herrington and Panso. Councilwoman Gadaleta abstained.

MOTION to approve the Minutes of December 14, 2016 (Open) was made by Council President Belgiovine, seconded by Councilwoman Herrington and approved by Council members Belgiovine, Chiavelli, Hayes, Herrington and Panso. Councilwoman Gadaleta abstained.

MOTION to approve the Minutes of December 19, 2016 (Closed) was made by Council President Belgiovine, seconded by Councilman Panso and approved by Council members Belgiovine, Gadaleta, Hayes, Herrington and Panso. Councilwoman Chiavelli abstained.

MOTION to approve the Minutes of December 19, 2016 (Open) was made by Council President Belgiovine, seconded by Councilwoman Gadaleta and approved by Council members Belgiovine, Gadaleta, Hayes, Herrington and Panso. Councilwoman Chiavelli abstained.

MAYOR'S REPORT

Mayor Rendo stated that he wished there was more people here to give his Mayor's report. This is where he would normally give his State of Municipality Address. Mayor Rendo decided to give his report at the Reorganization meeting.

ADMINISTRATOR'S REPORT

Administrator Padilla stated that we had two long-time employees retire from the DPW. We now have a new leadership team of Ray Blackton, DPW Superintendent; Chris Behrens, DPW Foreman; and Dave Linko, DPW Lead Man.

Mr. Padilla stated that he is working on updating job descriptions because functions have overlapped. Mr. Padilla stated that he could have this completed within the next month or so.

Mr. Padilla stated that he asked Mr. Porro from the firm of Chasan, Lamparello, Mallon and Cappusso to be here this evening to give a brief update on the Dolan/BMW litigation. He will be here to answer any questions that the public might have. Due to litigation, Mr. Porro will not be able to go into too much detail, but hopefully will be able to answer some questions.

Ken Porro from the firm of Chasan, Lamparello, Mallon & Cappusso was present. Mr. Porro represents Woodcliff Lake with regard to the BMW/Dolan litigation matter. Mr. Porro stated that the good news is that we go to trial on January 25, 2017. As a result of that trial we should have some real direction. It is before the New Jersey Tax Court Judge who is an expert in property evaluation. It is his task to determine what fair market value is. It was a 10 year global settlement that was put into place in 2014 which has been challenged by Mr. Dolan. On January 25, 2017 the Court will determine if the settlement was fair and reasonable. If it was not, the settlement would be set aside and there would be new efforts and a new trial. If it is upheld, then you would have stability within your budget and the uncertainty of litigation would be resolved. Each party does have one right of appeal if they like.

Mr. Porro stated that he advised the Mayor and Council not to give comment. Mr. Porro stated that he knows there was a flyer distributed and with all due respect to the flyer, Mr. Porro feels that they flyer is misleading and inaccurate.

Mayor Rendo stated that on the 25th the Court will determine if the BMW settlement was fair and reasonable and whether it was entered in an arbitrary and capricious manner. If the Judge feels it was arbitrary and capricious, then it opens up the litigation and we get a second bite of the apple. It is not over. If the Judge decides it is reasonable, then the settlement stands.

PUBLIC COMMENT

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

Tony DeVito, Woodcliff Lake, asked how a judge will make a determination of fair market value. Mr. Porro replied that it gets a little complicated but the Judge look to see if the settlement is fair and reasonable and there might be additional testimony necessary to see what is fair market value.

Paul Ames, Woodcliff Lake, stated that he is new to this story and confused as to the process. Mr. Ames asked that Mr. Porro explain the story and the process.

Mr. Porro stated that the complexity of the matter is because of the years involved. It started in a tax appeal in 2006. The settlement involves the years 2006 through 2016. It is a 10 year global settlement. To not have stability in that assessment creates a lot of problems. In 2014 there was a global settlement proposal that gave stability to the assessment, stability to your cash flow and the uncertainty of litigation. A number was determined that would go across the 10 year period. That number has been challenged by a property owner saying that it is not reflective of fair market value and it is arbitrary and capricious. In the settlement the discovery has shown that BMW had an appraisal report that had a valuation. Other documents had also been reviewed. The tax assessor, special tax appeal attorney and an appraisal expert came up with a global settlement. That global settlement was approved in 2014 and has been challenged. One of the challenges is that there wasn't enough information to settle that global settlement. In some cases you don't need another appraisal report.

Cheryl Dispoto, Woodcliff Lake, stated that she did not realize that Mr. Porro was giving a presentation and that many residents will not be here until 8:00 PM. Ms. Dispoto thanked the Mayor and Council for bringing Mr. Porro here. Ms. Dispoto stated that they have not heard many updates on BMW. One of the last updates was from former Mayor Goldsmith. Ms. Dispoto stated that Mr. Goldsmith said after Mr. Dolan filed his initial litigation in 2014 is that it would not survive summary judgement and the initial rounds on the motions. Here we are 2 years later with years of legal bills and discovery. Ms. Dispoto stated that she wanted to point out to Mr. Aines is that the Mayor and Council voted unanimously in 2013 to authorize a cost estimate and an appraisal for the property. The funds were allocated to do that. There is an e-mail trail in the file. In October of 2013, former Mayor Goldsmith accepted tickets to a BMW charity function with on-going litigation. At the time, Mayor Goldsmith stated that he had DCA approval. Shortly thereafter, the Borough came to this settlement agreement. By January we had a Resolution on the table for the Council to vote on. Ms. Dispoto stated that former Mayor Goldsmith did a really good job with convincing the residents that this was a really good deal for the Borough. So much so that Mayor Rendo and Councilman Belgiovine voted for it. Ms. Dispoto stated that what troubles her the most as a resident is that we are fighting a resident to the death to just get to the bottom of what happened in 2013 and 2014. Why are we fighting so hard and spending so much money. We have new representation and a new set of eyes, what appears to be such a

not so great deal for the residents, couldn't we get more creative.

Mayor Rendo stated that one of the first things that he wanted to do when he came into office was to get a fresh set of eyes. They made changes in the tax attorney and the borough attorney. They had a fresh set of eyes look at all documents and give a new opinion. At that point Mr. Porro and Mr. Dario came on board. All of our professionals that were at many meetings, suggested that we settle this case. What were supposed to do? You are supposed to following the advice of all your professionals and that is what we did.

Mr. Porro reminded everyone that the Borough is a defendant in this litigation matter and you has to defend itself.

Michael Fritz, Woodcliff Lake, stated that there was a huge drop in the value of BMW and how this could happen without an appraisal.

Mr. Ames, Woodcliff Lake, asked if the Borough has a Plan B if BMW moves out. He does not like the idea of his town being held over a barrel from one huge tax payer.

Josephine Higgins, Woodcliff Lake, asked how many times were portions of Woodcliff Lake being appraised through the revaluation.

Mr. Porro stated that we have the rolling reassessment in place now. This is done on an annual basis going forward.

Mayor Rendo stated that with the rolling reassessment ratios are being brought up to 100%.

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

CONSENT AGENDA

MOTION to approve the Consent Agenda was made by Council President Belgiovine, seconded by Councilwoman Chiavelli and unanimously approved.

ADJOURNMENT

MOTION to adjourn at 7:50 PM was made by Council President Belgiovine, seconded by Councilwoman Gadaleta and unanimously approved.

Respectfully submitted,

Deborah Dakin

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

2016 Budget Transfers

RESOLUTION NO. SD17-01
January 3, 2017

DEPARTMENT	ACCOUNT NUMBER	FROM	TO
Finance - Salaries and Wages	6-01-20-130-010	2,000.00	
Municipal Clerk - Other Expenses	6-01-20-100-020		2,000.00
Finance - Salaries and Wages	6-01-20-130-010	1,000.00	
Tax Collection - Other Expenses	6-01-20-145-020		1,000.00
Police - Salaries and Wages	6-01-25-240-010	5,000.00	
Police - Other Expenses	6-01-25-240-020		5,000.00
Gasoline	6-0131-460-020	5,000.00	
Police - 911 Dispatch	6-01-25-250-020		5,000.00
Landfill Disposal Costs	6-01-32-465-020	5,000.00	
Board of Health - Other Expenses	6-01-27-330-020		5,000.00
TOTAL		18,000.00	18,000.00

ROLL CALL:

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

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 January 3, 2017.

Deborah Dakin

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

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

RESOLUTION NO. SD17-02
January 3, 2017

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

Payroll Released 12/31/2016 - $191,074.23

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

Current Fund:	$ 90,234.57
Trust/Other:	$ 37.50
State Unemployment:	$ 1,285.00

ROLL CALL:

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

CERTIFICATION OF FUNDS

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

_____

Harold Laufeld
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of January 3, 2017.

Deborah Dakin

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK