



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
November 10, 2016
8:00 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 Carlos Rendo asked for a roll call. Council members Belgiovine, Gadaleta, Hayes, Herrington and Panso were present. Borough Attorney Ron Dario was present, as well as Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin. Councilwoman Chiavelli was absent.

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion to approve the Minutes of October 17, 2016 (Closed) was made by Council President Belgiovine, seconded by Councilman Panso and approved by Council President Belgiovine, Councilwoman Gadaleta, Councilwoman Hayes, Councilwoman Herrington and Councilman Panso. Councilwoman Chiavelli was absent.

Motion to approve the Minutes of October 17, 2016 (Open) was made by Councilwoman Herrington, seconded by Council President Belgiovine and approved by Council President Belgiovine, Councilwoman Gadaleta, Councilwoman Hayes, Councilwoman Herrington and Councilman Panso. Councilwoman Chiavelli was absent.

MAYOR'S APPOINTMENT

Appointment of Christopher T. Derienzo, 107 Highland Street, Park Ridge, New Jersey, as a member of the Woodcliff Lake Fire Department

Appointment of Michael D. Benducci, 21 Marion Road, Montvale, New Jersey, as a member of the Woodcliff Lake Fire Department

MAYOR'S COMMENTS

Mayor Rendo stated that a lot has happened since we last met. The breast cancer event was very successful. This is our second year doing this event and next year we are going to try and partner with the Tice Mall.

Our next event was our Halloween event. There was a pie tasting contest as well as many other activities. The best part of the event was watching the children run around in their costumes. We are also looking to make this event bigger next year. Mayor Rendo thanked all the families and residents who made the event a successful event.

Finally, we had our election on Tuesday. Mayor Rendo stated that coming from a country that does not have a country, it's a dictatorship, he is always amazed and thrilled to see residents come out and exercise their right to vote. It was the largest turnout in history. Mayor Rendo congratulated Council President Belgiovine and Councilwoman Hayes for a great campaign. We will continue in protecting our tree canopy, open space, reasonable development and moving forward to purchasing Galaxy Gardens. Mayor Rendo thanked the residents for their support and will continue to move forward. Mayor Rendo will continue to challenge the Council to come up with bigger and better ideas.

Council President Belgiovine thanked Mayor Rendo for his comments and congratulated Ms. Hayes on the election. It was the most amazing thing that he has seen for the last three years on Council. She worked very hard on the campaign and did a great job.

Councilwoman Hayes thanked Council President Belgiovine for his kind words. Ms. Hayes stated that she knocked on a lot of doors and met a lot of people. Campaigning is not something that she is used to doing. It has been a process for her and a huge learning process. It was totally worth it and she is very proud to be a part of this community with an 85% turnout at elections.

Mayor Rendo thanked the Council for all their hard work for the past year. It has been the hardest working Council that he has seen.

ADMINISTRATOR'S REPORT

Administrator Padilla stated that our engineer had a death in his family so he will not be here this evening. He will be at our next meeting in November.

Mr. Padilla stated that our police department is raising funds (no shave November) for prostate cancer for the month of November. They are selling t-shirts if anyone is interested in purchasing them.

Our road project for this year went rather smoothly. There are always a few minor issues but our DPW is dealing with that.

Our new fire truck is in and there will be a more formal welcoming in the spring.

Our DPW has received their new light tower. It goes up around 25-30 feet and can light up an area. We borrowed some in the past and rented some in the past. It is very useful, especially for OEM. It is generator based and has outlets available also.

The generator in the back of the building is now hooked up to our fire department. The old generator that was for the fire house will be utilized at another location.

There are 2 resolutions on the Agenda for our DPW. We are losing 2 long-term employees to retirement and just hired a young man for our DPW. He worked with us all summer and is familiar with Woodcliff Lake. Dave and Ray felt he was the best qualified person for the position. We hope to hire another person within the next month. Mr. Padilla stated that he along with the Personnel Committee which is Council President Belgiovine and Councilwoman Hayes interviewed some applicants for the DPW Superintendent position and he is happy to submit the name of Ray Blackton for consideration and approval tonight. This will become effective January 1, 2017. Ray has been with the Borough for 33 years. The last 22 of which he has been the foreman. He knows everything about the DPW and the Borough. He is very knowledgeable and has the respect of the men.

Mayor Rendo stated that Ray is a Borough resident and goes above and beyond the call of duty. Mayor Rendo stated that he has the respect of everyone and is a great choice.

Administrator Padilla thanked Joy Sugerman who works directly with Elizabeth Calderone. Elizabeth had a death in her family and was not able to be at the breast cancer event and Joy stepped in and did a fabulous job.

Councilwoman Gadaleta stated that it was a very proud moment when we received the fire truck. Our volunteers deserve the best. It is a beautiful truck and will be fully utilized. We are planning a wet down for the spring.

ORDINANCES

Introduction Ordinance 16-10

An Ordinance Establishing the Broadway Corridor South District within the Borough of Woodcliff Lake

ROLL CALL:

Introduction: Mr. Panso

Second: Mr. Belgiovine

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

Introduction Ordinance 16-15
An Ordinance to Vacate Entirety on Pickwick Lane in Favor of the Creation of a Utility Easement as Described Herein on Land Situated Near Property Known as Block 303 and 303.01 Located at Intersection with County Road (CR-73)

ROLL CALL:

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

Introduction Ordinance 16-17
An Ordinance Revising Chapter 349 of the Borough Code Governing Towing within the Borough

ROLL CALL:

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

Introduction Ordinance 16-18
An Ordinance Revising the Affordable Housing Development Fees within the Borough

ROLL CALL:

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

PUBLIC COMMENT

MOTION to open to the public was made by Councilman Panso, seconded by Councilwoman Gadaleta and unanimously approved.

No comments made.

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

Mayor Rendo stated that tomorrow is Veterans Day. We are honoring the exceptional generation that formed the heart and soul of this country. We honor them for their service to this country and for fighting for us. Mayor Rendo is happy to recognize our veterans by passing the resolution.

Councilwoman Hayes stated that she will be going to the Bristol tomorrow to honor the residents there. Mayor Rendo will also be attending and will be presenting the veterans with a proclamation.

Council President Belgiovine stated that Salon 21 in town is giving any veteran a free haircut tomorrow.

CONSENT AGENDA

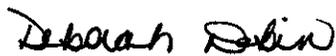
MOTION to Approve the Consent Agenda as amended to amend Resolution No. 16-286 by adding "not to exceed \$3,000.00" and not to award it to any particular person at this time was made by Council President Belgiovine, seconded by Councilwoman Herrington and unanimously approved.

ADJOURNMENT

MOTION to adjourn was made by Council President Belgiovine, seconded by Councilwoman Hayes and unanimously approved by voice call vote.

Meeting was adjourned at 8:45 PM.

Respectfully submitted,



Deborah Dakin, RMC, CMR
Borough Clerk

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-10

AN ORDINANCE ESTABLISHING THE BROADWAY CORRIDOR SOUTH DISTRICT WITHIN THE BOROUGH OF WOODCLIFF LAKE

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has recognized a need to create a special district known as the Broadway Corridor South (BC-S) District and to adopt rules and regulations for developing same.

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

Section 1: That the chapter title of Article VI of § 380 is amended to include the "BC-S" designation for the Broadway Corridor South District and shall now read as:

Article VI: Districts (B-1, B-2, B-3, BC-S)

Section 2: That the following subchapters, § 380-047.A et. seq., shall be added to govern and control the Broadway Corridor South District and be designated as follows:

§ 380-047A The Broadway Corridor South District

§ 380-047A.1 Definitions :

(Any definition not provided in this ordinance shall refer to the definitions in the Woodcliff Lake Zoning Ordinance. As used in this article, the following terms shall have the meanings indicated)

General Store: A retail establishment where the primary business is the sale of goods, products or merchandise.

Financial Institution: A company engaged in the business of dealing with monetary transactions, such as deposits, loans investments and currency exchange excluding bail bonds and check cashing businesses.

Fast Food Restaurant: Any establishment whose principal business is the sale of foods or beverages in a ready to consume state form consumption within the building or off premises and whose principal means of operation includes:

- Sale of foods or beverages in paper, plastic or disposable containers or,
- Service of food and beverages directly to a customer in a motor vehicle;

Drive Thru Restaurant: Any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready to consume state and whose design, method of operation or any portion of whose business is such that foods, frozen desserts or beverages are served directly to the customer in a motor vehicle, either by a car hop or by other means which

eliminate the need for the customer to exit the motor vehicle, or where the consumption of food, frozen desserts or beverages within a motor vehicle parked on the premises is allowed, encouraged or permitted.

Shared Parking Secondary Use: For a shared parking reduction of up to 50 percent of the required parking for the secondary use on an application with more than one use being proposed, the secondary use would be defined as the use with the fewer number of required spaces.

§ 380-047A.2 Permitted Uses:

- A. Within the Broadway Corridor South (BC-S) District, no building, structure, area, lot or land shall be used in whole or in part for anything other than one or more of the permitted uses expressly set forth herein or Accessory Uses subordinate to the Permitted Uses and Conditional Uses expressly set forth herein.
- B. Any use not expressly identified as a Permitted Use is expressly prohibited in this Article. Permitted uses include the following:
 - i. Retail / Commercial / Office:
 - a. Stores including restaurants, eating and drinking establishments, cafes, general stores, shops, bakery, delicatessen, grocery store/ supermarket, book and stationery, florist, as freestanding structures or as a liner around parking structures;
 - b. Shops for personal service and repairs, including beauty and barber shops, health clubs, day spa, shoe repair, appliance repair, locksmiths, and photography establishments;
 - c. Businesses including professional and executive offices and personal business service establishments such as travel agencies and real estate sales offices;
 - d. Professional and business office including general office, medical, physical therapy, outpatient care facilities, permitted as freestanding structures or as a liner around or over a parking structure;
 - e. Banks / Financial institutions;
 - f. Retail, commercial / Office Space is required on the first floor;
 - ii. Residential:
 - a. Multi-family, apartments, townhomes, lofts, residential over retail/commercial, residential lining or over parking;
 - b. Live work studios for artists, designers, photographers, musicians, sculptors, gymnasts, potters, antique dealers and designers of ornamental and precious jewelry are permitted on the first floor only;
 - iii. Parks and Open Space:
 - a. Parks, playgrounds, public schools and other municipal governmental services or uses;
 - b. Reservoir and water sheds;
 - c. Lands owned by a public or privately owned utility and maintained in a natural, vegetated state in
 - d. connection with a public water supply on which no other use or structure is located which is not directly related to the maintaining of such public water;

C. Other Provisions:

- i. Any use not specifically stated as a Permitted Use is not permitted in the BC-S District;
- ii. Retail/Commercial/Office uses are required to front on Broadway but are also permitted on other floors;
- iii. Residential units are not permitted on the first floor facing Broadway;
- iv. All buildings shall be designed with a flat roof;
- v. A maximum of 5% of the units can be studio units;
 - a. When the formula results in a fraction of a unit exceeding 0.49, a full unit shall be permitted;
- vi. No more than two bedrooms are permitted;
- vii. Existing nonconforming uses or structures are permitted to continue as per N.J.S.A. 40:55D-68;
- viii. Inclusionary Affordable Housing:

Irrespective of any conflict with the Borough Code, any residential development in the BC-S Zoning District comprised of five or more units must include an affordable housing component which is consistent with NJAC 5:80.26.1 et seq.

- a. Residential units offered for sale shall include a 20% set aside;
- b. Residential units offered for rent shall include a 15% set aside;
- c. Set asides which result in a fraction of 0.5 or more shall increase their set aside by one (1) unit.
- d. For those set asides which result in a fraction of under 0.5, and for those developments which total four (4) units or less without an inclusionary component, a development fee in accordance with the Affordable Housing Development Fee ordinance of the Borough Code set forth at section 380 – 70 A (1) (a) shall apply.

§ 380-047A.3 Accessory Uses:

- A. An Accessory Use shall be permitted, provided that:
 - i. The use is incidental and subordinate to the primary Permitted Use; and
 - ii. Not in violation of the provisions set forth hereafter;
- B. Parking as an accessory use to a Permitted Use;
 - i. Parking shall not be permitted between the principal or conditional use and Broadway;
 - ii. Parking located on the side of a principal or conditional use shall be screened from Broadway per the Design Standards of this section;
- C. Lobbies on the ground floor providing access to residential, commercial or office uses on the upper floors;
 - i. Lobbies cannot be greater than 25% of the total first floor area.
- D. Loading spaces and docks, recycling and refuse storage areas;
- E. Residential, commercial, office and service uses shall be permitted provided they are subordinate to the principle Permitted Use including;
 - i. Management Offices;
 - ii. Conference Center / Meeting Rooms;
 - iii. Fitness Center;
 - iv. Walk-up ATM;

- F. Accessory structures shall comply in all respects with the requirements of the principle structure;
 - i. No accessory structure shall be located closer to the street right of way line than the required front yard setback of the principle use;
 - ii. No portion of an accessory structure shall include living quarters;
- G. When an accessory structure is attached to the principal structure, it shall comply in all respects with the requirements applicable to the principal structure;
- H. No accessory structure shall be constructed or placed on any lot unless the principal structure is first constructed or placed upon said lot;
- I. In no event shall the height of an accessory structure exceed the height of the principal building;

§ 380-047A.4 Conditional Uses:

The following conditional uses shall be subject to site plan approval by the Planning Board:

- A. Houses of worship and related religious uses, subject to the following standards:
 - i. Min. lot size: Three (3) acres
 - ii. Min. Lot width: 400 feet
 - iii. Min. Front yard setback: 50 feet each
 - iv. Min. Side yard setback: 50 feet each; 100 feet both
 - v. Min. Rear yard: 50 feet
 - vi. Max. Height: 2 1/2 stories or 30 feet
 - vii. Max. building coverage: 15%
 - viii. Max. impervious surface coverage: 30%
 - ix. Min. Parking: One space for each three seats, plus one space per staff member

§ 380-047A.5 Prohibited Uses:

Any uses other than those permitted by § 380-047.01 are prohibited. Without in any manner limiting the generality and prohibition of this section, nothing contained in this section shall be construed to permit any of the following uses in the BC-S District:

- A. Automotive uses, such as body and fender shops, automobile glass shops, radiator repair shops, muffler shops, transmission repair shops, new and used car lots, junkyards and automobile wrecking yards;
- B. Car washing establishments;
- C. Commercial amusements, either as a principal or accessory use, except as permitted in Chapter 92
- D. Amusement Devices, of the Code of the Borough of Woodcliff Lake;
- E. Commercial storage or warehouses;
- F. Bail Bonds / Check Cashing;
- G. Discount stores and auction houses;
- H. Dog kennels, veterinary practices or animal hospitals;
- I. Drive-thru's
- J. Funeral parlors;
- K. Hotel / motels;
- L. Manufacture, assembly or treatment which is not clearly incidental to a permitted retail business use conducted on premises;
- M. Massage parlors, saunas or steam baths;
- N. Motorcycle and motorbike sales and service establishments;
- O. Moving and storage warehouse establishments;
- P. Nursery schools and day care centers;

- Q. Parking or storage of trailers, trucks and maintenance vehicles of any type;
- R. Parking located on the property between the principal use and Broadway;
- S. Repair or machine shops, unless clearly accessory to a permitted retail use conducted on premises;
- T. Residential with more than two bedrooms;
- U. Residential uses on the first floor other than those permitted as accessory uses;
- V. Processing, assembling, servicing or storage of materials, merchandise, supplies or displays shall be prohibited in front, side or rear yards or any area of open space, including any aisle, sidewalk, walkway, driveway or access way;
- W. Self-operated and coin-operated dry-cleaning establishments and Laundromats, and any other self- operated establishment;
- X. Service stations (gasoline) for motor vehicles;
- Y. Stone yard or monument works;
- Z. Woodworking or metalworking shops;
- AA. Airplane and helicopter takeoff and landing areas;
- BB. Any business involving the sale of fuel;
- CC. Lots used for drive-through access;
- DD. Fast food restaurants

§ 380-047A.6 Dimensional Requirements:

- A. All parcels, lots and structures in the BC-S District shall conform to the following requirements:
1. Minimum Frontage on Broadway: 200 feet
 2. Minimum Lot Depth: 100 feet
 3. Minimum Lot Area: 21,780 square feet
 4. Maximum Building Coverage: 60%
 5. Maximum Lot Coverage: 80% (subject to meeting the required 30' buffer to a residential zone)
 6. Maximum Density: 18 units per acres
 7. Minimum Square Footage for Residential:
 - Studios: 550 sf (Maximum 5% of units are permitted to be studios)
 - One bedroom/one bath: 750 sf
 - Two bedroom/one bath: 960 sf
 - Two bedroom/two bath: 1,000 sf
 8. Minimum Building Height: 1 story / 24 feet
 9. Maximum Building Height: 3 stories / 42 feet
 10. Minimum Floor Height: 16 feet floor to ceiling (permits ductwork)
9 feet floor to ceiling for residential
 11. Minimum Setback Requirements:

- a. Min. Front Yard: 36 feet from centerline of Broadway to the building façade
- b. Min. Side Yard: 0 feet for internal lots
30' adjacent to existing residential
36' from centerline of roadway for corner lots
- c. Min. Rear Yard: 30' from existing residential

§ 380-047A.7 Parking Requirements:

A. Parking Requirements: The minimum parking requirements which meet the Density, Area, Yard and Height Requirements for the BC-S Zone are as follows:

<i>Use</i>	<i>Parking Ratio</i>
Residential:	
○ Studio	1.0 sp per unit.
○ One Bedroom	1.8 sp per unit
○ Two Bedroom	2.0 sp per unit
Retail / Commercial:	3.5 sp/1,000 GFA
Restaurant:	1.0 sp/2 seats
Medical Office:	4.0 sp/1,000 GFA
General Office:	3.5 sp/1,000 GFA
Civic, Cultural, Institutional:	1.0 sp/4.0 seats

Notes:

- a. When the formula or parking spaces required results in a fraction of a space exceeding 0.49, a full space shall be required;
 - b. Gross Floor Area is the total interior floor area of all floors determined by measuring the inside dimension of the outside walls of the structure;
 - c. Up to 10% of the required parking stalls may be designated for compact cars;
 - d. Off-street tandem parking is prohibited;
 - e. Outdoor seating areas do not count toward the required parking ratios;
 - f. Accessory uses do not require parking;
 - g. All surface parking shall be screened based on the Design Standards indicated in the Streetscape section of this Redevelopment Plan;
 - h. For Civic Uses without seating, the Retail/Commercial parking requirements shall apply;
 - i. Outdoor patio / decks for seating does not count toward the required parking ratio;
- B. Shared Parking: Joint use of up to 50 percent of required parking spaces for the secondary use, may be considered by the Planning Board for two or more uses located on the same parcel, provided the developer can demonstrate that the uses will not substantially overlap in hours of operation or in demand for the shared spaces.
- Any shared parking shall require a Shared Parking Analysis based on the ULI Shared Parking Software or a comparable software model, and shall be prepared by a credible expert, such as an experienced parking or land use consultant, planner, architect or engineer;
- C. On-Street Parking Spaces: In the event on-street parking is provided along Broadway, on-street parking spaces located along the portion of a public street(s) abutting the use may be counted toward the minimum number of parking spaces for the retail / commercial uses only as required by this ordinance;
- a. On-street parking spaces must be located on the same side(s) of the street as the use and have a dimension of at least 22' feet in length;

- D. Additional Parking Provisions: For all other parking provisions not identified in this section refer to Chapter 292 of the Borough of Woodcliff Lake Zoning Ordinance;

§ 380-047A.8 Screening Requirements:

The provisions of this section shall be met at the time land is developed or the land and structures are redeveloped. For any screening requirements not identified in this section refer to the Borough of Woodcliff Lake Zoning Ordinance.

- A. Off Street Parking: All proposed off street parking areas with twenty five (25) spaces or more, shall be screened from all public streets with the following criteria:
- i. A four foot (4'-0") minimum planting strip shall be located between the back of the public sidewalk and the parking area;
 - ii. The planting strip shall be planted with evergreen shrubs at least three feet high (3'-0") at the time of planting which are a species that will form a year round dense screen. The maximum height for planting should be maintained at no greater than 4'-0" in height;
 - iii. Perimeter trees shall be planted at no greater than twenty five foot (25'-0") on center based on the perimeter length of the parking area and should be trimmed up to eight feet 8'-0" in height at the time of planting;
- B. Interior Landscape Planting: All open parking areas of 36 or more parking spaces or at least 12,000 square feet in area shall provide at least one 4" caliper tree for every eight parking spaces which include perimeter trees.
- i. Fractions equal to or greater than one half resulting from this calculation shall be considered to be one tree;
 - ii. Each such tree shall be located in a planting island with a minimum area of 150 square feet of pervious surface;
 - iii. The following distribution of trees shall apply:
 - a. Each end space in a row of twelve or more parking spaces shall fully abut a planting island or a perimeter landscaped area along the long dimension of the end space;
 - b. No more than 20 parking spaces shall be permitted between planting islands, or a planting island and a perimeter landscaped area;
- C. Required Screening: The following uses must be screened from abutting property and view from a public street:
- i. Dumpsters, recycling containers (except for recycling containers located at recycling collection centers), or solid waste handling areas;
 - ii. Service entrances or utility structures associated with a building, except in the area where such use abuts other service entrances or utility structures;
 - iii. Loading docks or spaces, except in the area where such use abuts other loading docks or spaces;
 - iv. Outdoor storage of materials, stock and equipment; and
 - v. Any other uses for which screening is required under these regulations.
- D. Installation Requirements: The following contains standards to be used in installing screening:
- i. Trees must be installed with a minimum 4" caliper and must be large deciduous or evergreen species which have a minimum growth height of 25'-0"; (See Section 3: Design Standards for minimum street tree requirements.)
 - ii. Trees should be trimmed up eight feet (8'-0") at the time of planting;
 - iii. Shrubs used in any screening or landscaping must be evergreen, at least three feet (3'-0") tall with a minimum spread of two feet (2'-0") when planted and

no further apart than four feet (4'-0"). They must be of a variety and adequately maintained so that an average height of three to four feet (3'-0" to 4'-0") could be expected as normal growth within four years of planting. Shrubs and trees shall be on the approved plant list for the Borough "Approved Plant Species" list;

- iv. Any fence or wall used for screening shall be constructed in a durable fashion of brick, stone, other masonry material, specifically designed as fencing materials;
- v. A chain link, wood, plastic, or metal fence cannot be used and does not satisfy the requirements of this section;
- vi. The maximum height for a wall or fence is four feet (4'-0").

§ 380-047A.9 Streetscape Requirements:

The streetscape for the Broadway Corridor South District should be designed with a similar palette of materials and standards in order to portray a cohesive district.

- A. Streetscape Elements: The streetscape shall be provided by the developer per this section of the Design Standards which include:
 - i. Street trees;
 - ii. Lighting;
 - iii. Street Furniture;
 - iv. Landscape and Hardscape;
- B. Street Trees: Street trees shall be planted in either grates or open landscape areas equivalent to 30' on center along all public street frontage for any new project/development.
 - i. Street trees shall be planted with a minimum four inch 4" caliper, shall be trimmed up to 8'-0" and shall be in accordance with the "American Standard for Nursery Stock" published by the American Association of Nurserymen;
- C. Sidewalks: Sidewalks shall be a minimum of 6'-0" in width;
- D. Street Lighting:
 - i. All street lighting in the Broadway Corridor shall be shielded from second floor uses and shall be a maximum of 16' in height, located on center between street trees 1'-0" from the back of curb at a maximum of 90'-0" on center;
 - ii. Street light specifications and locations shall be submitted for review and approval prior to installation;
 - iii. Luminaries should be translucent or glare-free using opaque glass or acrylic lenses;
 - iv. Diffusers and refractors should be installed to reduce unacceptable glare; particularly adjacent to residential areas.

§ 380-047A.10 Design Standards:

The design standards in this section provide the criteria for proposed development in the Broadway Corridor South BC-S Zone in order to promote a high quality, pedestrian friendly, mixed use environment. Any future development is subject to these provisions and should be built in accordance with the minimum design standards specified in this section. These standards promote:

- A. Building Architectural Character:
All buildings shall reinforce pedestrian scale.

- i. All buildings shall be designed with a flat roof;
 - a. Roof lines must include variations such as parapet;
- ii. The base of buildings shall be distinguished from the remainder of the building with an emphasis on providing design elements that will enhance the pedestrian environment particularly at the street level;
- iii. Elements such as cornices, belt courses, corbelling, molding, string courses, ornamentation, changes in material or color, and other sculpturing of the base are appropriate and should be provided to add special interest to the base;
- iv. For commercial and retail uses 75% of the first floor facing Broadway shall be designed with glass as a transparent wall
- v. Special attention must be given to the design of windows at the base of buildings. Ribbon windows are discouraged. Recessed windows that are distinguished from the shaft of the building through the use of arches, pediments, mullions, and other treatments are encouraged;
- vi. Uninterrupted facades are prohibited. There must be a minimum of two breaks in any façade smaller than 50ft. Uninterrupted facades of more than 50 ft must follow the same requirements for façade breaks as facades with less than 50 ft. Facades may be broken up by recesses and projections, windows, awning and other architectural details.
 - a. Facades must include preating patterns of color, texture, or materials to increase architectural interest in buildings.
 - b. Façade colors must be neutral. Trim may have brighter colors, but neon lighting is not permitted.
 - c. Any façade adjacent to Broadway must have a customer entrance.
- vii. Primary building materials shall include: brick, stone, and/or glass which cover a minimum of 75% percent of each building façade, exclusive of windows and doors with accent materials comprising a maximum of 25% percent for each building façade;
 - a. Vinyl siding of any type or grade is strictly prohibited on any portion of building façade in the redevelopment area;
 - b. Stucco is permitted as an accent material on facades that do not face a public street;
 - c. Exterior building materials must be high quality. Smooth faced concrete, tilt up concrete panels and stell panels are not permitted.
- viii. Generic national branding architecture for freestanding retail / commercial buildings unless it meets the requirements of this section is prohibited;
- ix. Storefront design should reflect the individual tenant's brand identity;
 - a. First level facades should be varied and avoid monolithic appearance;
 - b. Signage shall comply with the Borough of Woodcliff Lake Zoning Ordinance;

B. Building Orientation:

- i. All buildings shall have pedestrian access and be oriented toward Broadway;
- ii. All new development shall have a 16'-0" minimum first floor height;
- iii. Outdoor patios and dining areas are permitted and encouraged to face Broadway;

C. Building Entrances:

Building entrances should be easily identifiable and feature large, open and transparent windows with unique and interesting signage.

- i. Commercial and retail entrances are required to have at least one access point on Broadway. Additional entrances are permitted on the sides and rear of buildings.
- ii. Entrances for residential, office and uses other than commercial and retail should be separate and distinct;
- iii. Customer entrances must have feature such as canopies or porticos, arcades, arches or planters.
- iv. Sidewalks must be included along all sides of a lot that abut a public street and along the length of any side of the building that has a customer entrance. Sidewalks connecting to the principal customer entrance must feature landscaping or benches.

D. Building Storefront Components:

The following components are encouraged for the building facades that front Broadway:

- i. Entries & Doors: The placement of doors and their design are an integral part of the storefront because they establish a clear point of entry to the store. Creative uses for entry doors should be explored as a connection to the street. Restaurants especially should use doors to open interior seating spaces to the outside café seating on the sidewalk;
- ii. Canopies & Awnings: An awning or canopy emphasizes the store or restaurant's entrance, provides shade for a café, and can carry part of a tenant's identity. It can also add texture to the streetscape, and add interest and variety to the building façade;
- iii. Windows & Glazing: The use of glazing in retail storefronts creates an important connection between the interior and exterior environment, and allows for effective window shopping and merchandising opportunities. Glazing elements also play a key role in establishing the quality of public space. Carefully conceived glazing design will benefit retailers, consumers and the public environment establishing an atmosphere of transparency and vibrancy.

E. Storefront Materials:

The approach to storefront design should be to create the highest quality level possible with an emphasis on user-friendly materials. The overall objective in developing the exterior storefront design is to specify "real" materials at the pedestrian level. A variety of masonry materials such as brick, stone and pre-cast are suitable. Masonry detailing, molding, finished metals, glass enhancements and high quality paint treatments will contribute to a successful retail environment. The minimum recommendations below, outline some of the specifics when considering materials for storefronts:

- i. The following materials are not permitted for new development without a variance on storefronts:
 - a. Plastic and metal laminates
 - b. Acrylic
 - c. Plastics
 - d. Smoked or tinted glass
 - e. Anodized or mill finish aluminum
 - f. Simulated materials
 - g. Interior grade materials and wall coverings
 - h. Distressed or sandblasted woods
 - i. Rough-sawn woods and shakes

j. Mirror

k. EIFS

F. Street Level Frontage / Uses:

- i. Residential uses are not permitted on the first floor of any building in the BC-S Zone;
 - a. Residential lobbies and entrances however, are permitted on the first floor on Broadway and should be distinct and separate from the entrances of all other first floor uses;
- ii. For retail and commercial uses, outdoor dining and seating is encouraged on Broadway;
- iii. Seating is encouraged to be designed either along the building façade or at the back of the curb. These areas should be clearly identified with either temporary, semi permanent barriers that are removed at the end of each night or permanent barriers;

G. Outdoor Dining: Outdoor dining is permitted under the following conditions:

- i. The outdoor dining area is to be an integral part of the streetscape. It should be attractive, promote pedestrian circulation, visual interest and evoke retail friendly vitality for the Broadway Corridor.
- ii. The outdoor dining area shall be positioned adjacent to a restaurant and contained within a delineated area. The number of seats shall be determined by compliance with applicable fire and building codes.
- iii. Outdoor dining may operate between 6:00 am and 11:00 pm daily between March 1st and November 30th.
- iv. There shall be a minimum 5'-0" unobstructed corridor space for pedestrian traffic along the sidewalk. The area is to be in a straight line, parallel to the building face and curb.
- v. Unobstructed space of at least 44 inches wide must be maintained between the restaurant doorway and the pedestrian traffic corridor.
- vi. Outdoor dining near the sidewalk curb, along the street, must leave a least 2 feet unobstructed side walk depth between the curb and the outer dimension of the outdoor dining area
- vii. No food preparation is allowed in the outdoor dining area.
- viii. Tents or awnings are subject to building department approval. Table umbrellas are permitted but the umbrellas must be contained within the outdoor dining area when fully extended. The lowest elevation of the umbrella must be a minimum six feet eight inches (6'8") above the sidewalk to allow for patron and server circulation.
- ix. All improvements (furniture and fixtures must be readily removable.

H. Canopies and Balconies:

Canopies, awnings, and similar architectural accents are encouraged at entrances to buildings. Such features may be constructed of rigid or flexible material designed to complement the tenant's identity at the street level.

I. Mechanical Equipment Screening:

The screening of mechanical equipment is required.

- i. Rooftop equipment / elevator protrusions are not permitted
- ii. Screening materials shall be consistent with the architectural detail, color and materials of the building;
 - a. Wire mesh screening is not permitted;

iii. Any wall pack ventilation unit facing a public street must match the adjacent material color.

J. Building Service Locations:

All service locations for new development shall be provided at the rear or side of the building and shall not be permitted directly on Broadway.

i. Existing service locations on Broadway are permitted with designated service drop off areas only. Service vehicles are not permitted to stop in the street and must use a designated service drop off area.

ii. Loading docks, trash collection areas and outdoor storage must be screened.

K. The South Broadway Corridor District (BC-S) shall include:

Block and Lot Numbers

BI 2708 L 1	BI 2303 L 1	BI 2701 L 5	BI 2406 L 3
BI 2702 L 1	BI 2406 L 5	BI 2406 L 7	BI 2704 L 5
BI 2406 L 4	BL 2303 L 4	BI 2406 L 1	BI 2406 L 10
BI 2303 L 3	BI 2406 L 2	BI 2303 L 2	BI 2704 L 1
BI 2406 L 11	BI 2406 L 8	BI 2701 L 4	BI 2303 L 5
BI 2703 L 22	BI 2704 L 4	BI 2406 L 6	BI 2701 L 3
BI 2703 L 1	BI 2405 L 1	BI 2704 L 3	BI 2704 L 2
BI 2702 L 29	BI 2701 L 2	BI 2702 L 28	
BI 2303 L 6	BI 2303 L 7	BI 2703 L 23	

Section 3: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 4: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 5. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 6: This ordinance shall take effect upon passage and publication according to law.

Date: November 10, 2016

Attest: Deborah Dakin

**BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey**

ORDINANCE NO. 16-15

AN ORDINANCE TO VACATE ENTIRETY OF PICKWICK LANE IN FAVOR OF THE CREATION OF A UTILITY EASEMENT AS DESCRIBED HEREIN ON LAND SITUATED NEAR PROPERTY KNOWN AS BLOCKS 303 & 303.01 LOCATED AT INTERSECTION WITH COUNTY ROAD (CR-73)

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Borough of Woodcliff Lake has no need for the entirety of Pickwick Lane located at the Northeasterly sideline of County Road as illustrated on the Borough Tax Map Sheet 3; and

WHEREAS , the street has been effectively closed upon consolidation and development of Block 303, Lots 1 & 2; Block 303.01, Lots 3 & 4; Block 401, and Lots 1.01-1.03; and

WHEREAS , the Borough of Woodcliff Lake intends to continue the use of the water, drainage and/or utilities and may make any other modifications or installations in the area that serve the needs of Borough of Woodcliff Lake and/or the County of Bergen and as such reserves a right-of-way; and

WHEREAS, N.J.S.A. 40:67-1(b) permits the Borough to vacate any public street or any portion of any public street in order to serve the interests of the Borough; and

WHEREAS, the Borough Mayor and Council has determined that there is no longer any need to maintain said street; and

WHEREAS Lakeland Surveying, Inc (Marc J. Cifone, PLS preparing) who has performed a survey to provide legal descriptions of the street being vacated and the area reserved as a right-of-way, and those survey descriptions and Tax Map Sheet 3 are made part of this ordinance as Schedule Attachment A and B respectively. Any conflict between the survey and tax map shall be interpreted in favor of the description contained in the Borough's tax map.

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

Section 1. AUTHORIZATION OF PAPER STREET VACATION.

The Mayor and Council of the Borough of Woodcliff Lake hereby vacates the entirety of Pickwick Lane located at the Northeasterly sideline of County Road as illustrated on the Borough Tax Map Sheet 3;

Section 2. RESERVATION OF RIGHTS.

Pursuant to the provisions of N.J.S.A. 40:67-1(b), the Borough Council reserves from said vacation the right-of-way as described for the use of the Borough, its public works and/or its need for water, drainage and/or utilities to maintain, repair, and replace any existing facilities located within that portion of the right-of-way or to install any new facilities as may be necessary. The Borough may make any other modifications or installations in the area that serve the needs of Borough of Woodcliff Lake and/or the County of Bergen.

Section 3. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Council hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage and publication in accordance with the law.

Dated: November 10, 2016

Attest: Deborah A. Dakin

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE 16-16

AN ORDINANCE OF THE BOROUGH OF WOODCLIFF LAKE, AUTHORIZING THE ACQUISITION OF A CERTAIN PROPERTY KNOWN AS 123 TICE BOULEVARD, ALSO KNOWN AS BLOCK 301 LOT 3.02, AND IF NECESSARY, AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et.seq. the Borough of Woodcliff Lake is authorized to acquire real property or an interest in real property; and

WHEREAS, the Borough Council of the Borough of Woodcliff Lake has deemed it necessary to acquire a portion of certain property in the Borough of Woodcliff Lake known as 123 Tice Boulevard, Block 301, Lot 3.02; (the "Property"); and

WHEREAS, the Borough of Woodcliff Lake Mayor and Council has determined that the public's interest will be served by the acquisition of the portion of the Property to facilitate the installation of a fresh water pump; and

WHEREAS, the Borough Council has determined that it may acquire the Property and any interest therein through voluntary negotiations or condemnation pursuant to the Eminent Domain Act; and

WHEREAS, the Borough desires a negotiated agreement with the owners of the Property, taking into account the reasonable objectives and interests of both parties; and

WHEREAS, the Eminent Domain Act provides a procedure for a municipality to engage in negotiations and to file a condemnation action in the event negotiations are unavailing and to secure a determinations to the price to be paid for the acquisition in advance of the filing of declaration of taking.

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

SECTION 1. The Mayor and such other officials, consultants, agents, employees and professionals as maybe necessary and appropriate, shall be and are hereby authorized to pursue all lawful means of acquiring the property specifically known and designated as 123 Tice Boulevard, Block 301, Lot 3.02 through negotiation and/ or condemnation if necessary pursuant to N.J.S.A. 40A:12-5 and N.J.S.A 20:3-1 et.seq. including the filing of a Declaration of Taking, the filing of a Condemnation Complaint and all other proceedings related thereto.

SECTION 2. Counsel for the Borough be and is authorized and directed to take all such steps as maybe advisable or required pursuant to law for the purpose of the aforesaid acquisitions, including without limitation, the completion of preliminary assessments, survey and appraisal(s) and the making of an offer of compensation to the owner of the property in an amount not less than the amount of such appraisal(s)

as may be approved by the Council by Resolution, and the filing of such actions as may be necessary to accomplish the purposes hereof.

SECTION 3. In conjunction with said acquisition, the Borough reserves the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/ or responsible parties to remediate and/ or clean up the subject property in accordance with applicable state and federal statutory and regulatory provisions. The Borough is not, and shall not, be liable for the clean-up and removal costs of any discharge which occurred or began prior to the Borough's ownership or interest in the Property.

SECTION 4. The Mayor, Borough Council and such other officials, consultants, agents, employees and professionals of the Borough as appropriate are hereby authorized and directed to take any and all action necessary to effectuate the purposes of this Ordinance.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decisions shall not affect the remaining portions of this Ordinance.

SECTION 6. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Date: November 10, 2016

Attest: Deborah A. Dakin

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-17

**AN ORDINANCE REVISING CHAPTER 349 OF THE BOROUGH CODE GOVERNING TOWING
WITHIN THE BOROUGH**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has recognized a need to revise Chapter 349 of the Borough code to revise the practice of vehicle towing and the resulting vehicle storage within the Borough.

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

Section 1: That the chapter 349 entitled "Towing" is struck in its entirety and replaced with the following and shall now read as:

Chapter 349: Towing and Storage of Vehicles.

§ 349-1 Purpose and scope.

- A. N.J.S.A. 40:48-2.49 authorizes the Borough to regulate the business of removal and storage of motor vehicles and to set rates and charges for the same.
- B. The Borough of Woodcliff Lake seeks to exercise the authority conferred by the aforementioned statute and adopts this chapter establishing minimum requirements for a towing contractor to provide services and/or vehicle removal and/or impoundment and/or storage of vehicles when determined necessary by the Borough of Woodcliff Lake Police Department.
- C. The provisions of this chapter shall not apply to the towing of a motor vehicle from private property. Towing from private property is governed by regulations set forth in N.J.A.C. 13:45A-31.6 and pursuant to § 349-4.

§ 349-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ABSORBENT — A granulated or powdered substance used to soak up fluids used in the operation of motor vehicles. A bag or container of absorbent will be defined as weighing 50 pounds.

ADMINISTRATIVE CHARGES — Charges for post-accident services, including but not limited to services such as physical inspection, telephone and/or fax calls, removal of personal items, additional paperwork and more than three trips to the motor vehicle in storage.

BASIC ENVIRONMENTAL CLEANUP — The cleanup and removal of small quantities of fluids used in the operation of a motor vehicle which leak onto the ground.

BASIC TOW — Arriving at the site from which a motor vehicle will be towed, hooking a motor vehicle to, or unloading a motor vehicle onto a tow truck, transporting a motor vehicle to a storage facility, unhooking or unloading a motor vehicle from a tow truck and situating the motor vehicle in the space in which it will be stored.

BASIC TOWING SERVICE — The towing of a vehicle or the removal and transportation of a vehicle from a highway, street or other public or private property.

CHIEF OF POLICE — The highest ranking sworn officer within the Borough of Woodcliff Lake Police Department.

CONSENSUAL TOWING — The towing of a motor vehicle, when the owner or operator of the motor vehicle has consented to have the towing operator tow the motor vehicle.

CRUISING — The operation of a tow truck within the Borough of Woodcliff Lake to solicit vehicle towing, emergency road service and/or other related towing services unless in response to a police request.

DECOUPLING — Releasing a motor vehicle to its owner or operator when the motor vehicle has been, or is about to be, hooked to or lifted by a tow truck, but prior to the motor vehicle actually having been moved or removed from the property.

DISABLED VEHICLE — A motor vehicle which has been abandoned or rendered inoperable by mechanical failure or accident. Any motor vehicle, operable or inoperable, which constitutes a hazard to the motoring public by its location shall be deemed disabled for the purposes of this chapter.

EMERGENCY ROAD REPAIR SERVICE — Repairs which may be performed at the location of a disabled vehicle, including, but not limited to, flat tire changing, jump-starting, gasoline deliveries, etc.

EXAMINATION AREA — An unobstructed, flat, forty-foot-by-twenty-five-foot area where a vehicle can be placed when needed for inspection by the police.

HEAVY-DUTY WRECKER — A tow truck with dual rear wheels and air brakes capable of towing and wheel lifting large vehicles damage-free and which meets the following minimum requirements:

- A. Gross vehicle weight (GVW): 35,000 pounds minimum.
- B. Gross vehicle weight rating (GVWR): 80,000 pounds.
- C. Boom and winch rating: 50,000 pounds minimum or 25 TON rating.
- D. Cable size: 5/8 inch.
- E. Cable length: 200 feet.
- F. Under-reaches rating: 80,000 pounds.
- G. Wheel lift extended rating: 12,000 pounds.

IMPOUNDMENT — The storage of a motor vehicle upon the order of the Police Department at either the towing operator's storage area or at a Borough facility as a result of abandonment, involvement in an accident, suspected criminal activity and/or any violation of Title 39 of the New Jersey Statutes or municipal ordinances.

LICENSED WRECKER/TOW TRUCK — Any wrecker/tow vehicle licensed pursuant to the provisions of this chapter.

LICENSEE — Any person, firm, partnership, association, corporation, company or organization of any kind that has been issued a license by the Borough, pursuant to this chapter, to provide wrecker/towing services to the Borough.

LIGHT-DUTY WRECKER — A tow truck with dual rear wheels capable of towing or wheel lifting vehicles which meets the following minimum standards:

- A. GVW: 14,000 pounds.
- B. Boom rating: 8,000 pounds.
- C. Winch rating: 8,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 100 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

LOADED MILE — Distance in miles that a tow vehicle travels while towing a vehicle.

MEDIUM-DUTY FLATBED — A vehicle carrier equipped with a wheel lift and roll back/tilt bed with dual wheels capable of removing and transporting small trucks, full-size vans or large passenger cars damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Winch rating: 8,000 pounds.
- C. Cable size: 3/8 inch.
- D. Bed length: 17 feet.
- E. Bed width: seven feet (inside side rails).
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Wheel lift extended: 3,000 pounds.

MEDIUM-DUTY WRECKER — A tow truck with dual rear wheels capable of towing and wheel lifting small trucks damage-free and which meets the following minimum requirements:

- A. GVW: 18,000 pounds.
- B. Boom rating: 16,000 pounds.
- C. Winch rating: 16,000 pounds.
- D. Cable size: 3/8 inch.
- E. Cable length: 200 feet.
- F. Wheel lift retracted rating: 6,000 pounds.
- G. Extended rating: 3,000 pounds.

MOTOR VEHICLE — All vehicles propelled other than by muscular power, excepting such vehicles as run only upon rails and tracks and motorized bicycles, motorized scooters, motorized wheelchairs, and motorized skateboards.

NONCONSENSUAL TOWING — The towing of a motor vehicle without the consent of the owner or operator of the vehicle. Nonconsensual towing includes towing of a motor vehicle when law enforcement orders the motor vehicle to be towed, whether or not the owner or operator consents.

ORDINARY CARE — That care which is normally used to protect a motor vehicle from further damage, including but not limited to the use of tarps for environmental protection and security protection for storage areas.

OUTSIDE SECURED STORAGE FACILITY — Any motor vehicle storage facility that is not located within an enclosed structure and that conforms to the following minimum standards:

- A. The entire land area shall be enclosed by a fence of sturdy construction, a wall or other manmade barrier that is at least seven feet in height, with a minimum of one lockable gate for ingress and egress, in accordance with local zoning regulations.
- B. All entry points shall have a locking device.

- C. The area shall have adequate lighting to protect stored vehicles from vandalism.
- D. The towing operator shall submit proof that he owns or leases an area, for the storage of a minimum of 50 vehicles, within a fifteen (15) minute response time to any call for towing or service within the Borough of Woodcliff Lake. Said proof shall include the deed or deeds to the property or the leases to the same. The towing operator shall submit proof of local zoning compliance for use of the storage facility.

OWNER — A person, firm, corporation or partnership who owns and/or operates a motor vehicle on the roads and highways within the Borough of Woodcliff Lake.

PERSON — Any natural person, firm, partnership, association, corporation, company or organization of any kind.

POLICE — The Borough of Woodcliff Lake Police Department.

PRINCIPAL LOCATION — The licensed place of business of the towing operator. The towing operator shall maintain a place of business where trucks, in response to police requests, are normally kept. The impound area shall be located adjacent to, or be part of, the principal location and shall comply with the local zoning ordinances. The principal location must be open to the public, between 8:00 a.m. and 6:00 p.m. at least five days per week and the principal location shall contain a clean, comfortable waiting area with toilet facilities.

PRIVATE PROPERTY TOWING — The nonconsensual towing from private property or from a storage facility of a person's motor vehicle that is parked illegally, parked during a time at which such parking is not permitted, or otherwise park without authorization or immobilization of, or preparation for moving or removing of such motor vehicle to which a service charge is made, either directly or indirectly.

RECOVERY — The procedure in which the tow operator applies his knowledge in a skillful manner to preserve the condition of the motor vehicle while moving the vehicle to a towable position; can be achieved by several actions that may include but are not limited to winching and rigging.

ROADWAY CLEANUP — The sweeping and removal of all debris left on the roadway as a result of an accident or incident.

ROTATING LIST — The list of towers prepared by the Chief of Police from which, each week, the on-duty tower for the week is designated.

SITE CLEANUP — The use of absorbents to soak up any liquids from a motor vehicle at the site from which the motor vehicle will be towed and sweeping and removal of all debris left on the roadway as a result of an accident or incident.

STORAGE DAY — Any twenty-four-hour day or any portion thereof, with a new day beginning at 12:00 midnight.

STORAGE SERVICES — The storage and/or holding of vehicles indoors or outdoors by a licensee under the authority of this chapter.

TARPING — Covering a motor vehicle to prevent weather damage.

TOWING OPERATOR — A person, firm, corporation or partnership engaged in the business of providing towing, road service and storage services for motor vehicles.

UNCLAIMED VEHICLE — Any vehicle towed by a licensed tower pursuant to this chapter that is left unclaimed for a period in excess of seven calendar days.

UNLOADED MILE — Distance in miles traveled by a tow vehicle to a disabled vehicle or the distance in miles traveled by a tow vehicle after dropping off a vehicle out of town at the customer's request.

VEHICLE — Every device in or upon or by which a person or property is or may be transported upon a highway, except devices moved by human power.

WAITING TIME — Additional time that a tow operator spends at the scene, other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to emergency medical services (EMS) which must be performed and/or police investigations.

WINCHING — The process of moving a motor vehicle, by the use of chains, nylon slings or additional links of winch cable, from a position that is not accessible for direct hookup for towing a motor vehicle. Winching also includes recovering a motor vehicle that is not on the road, and righting a motor vehicle that is on its side or upside down, but does not include pulling a vehicle onto a flat bed tow truck.

WINDOW WRAP — Any material used to cover motor vehicle windows that have been damaged.

WRECKER/TOW TRUCK A vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying, recovering or removing any and all kinds of motor vehicles which are unable to be and actually are not operated under their own power from the place where they are disabled to some other place, or any vehicle(s) which the Police Department has ordered to be impounded. A tow vehicle must be manufactured by a tow-truck manufacturer that is nationally recognized by the towing industry.

YARD CHARGE — A charge for a motor vehicle, towed into the storage facility of the licensed tower that is inoperable and must be towed from the licensed tower's storage facility to a public street for towing by a secondary tower.

§ 349-3 Licensing required.

- A. Towing operators meeting the qualifications set forth below shall submit an application, in writing, to the Borough Clerk to be considered for placement on a rotating list of towing operators. There shall be a minimum of two (2) towers on the list per calendar year.
- B. All applicants for a towing license, in order for the application to be deemed complete, must provide the following:
 - (1) The complete legal business name, business address, principal location address and Department of Transportation (DOT) number.
 - (2) The complete home address, home telephone number, date of birth and social security number of the applicant, if a sole proprietorship, or the complete home addresses, home telephone numbers, dates of birth and social security numbers of the principal officers and partners if the licensee is a corporation or partnership.
 - (3) Photocopies of all registrations of every tow vehicle to be operated by the applicant. If the tow vehicle is leased, the applicant is required to submit a copy of the lease agreement.

- (4) The names, addresses and telephone numbers of any persons possessing any liens and/or encumbrances on the principal location.
- (5) The name, address and telephone number of the applicant's insurance carrier and photocopies of each certificate of insurance issued by the carrier.
- (6) Photocopies of all towing vehicle operators' current driver's licenses, along with their social security numbers.
- (7) Photocopies of criminal and civil background searches for all towing vehicle operators'.
- (8) Evidence demonstrating that the applicant has at least five years of personal experience in the field of towing and storing of vehicles.
- (9) Proof that the applicant has a principal location within a fifteen (15) minute response time to any call for towing or service within the Borough of Woodcliff Lake.
- (10) Proof that the applicant's principal location meets all zoning requirements applicable to the jurisdiction in which it is located.
- (11) Proof that the applicant can guarantee a fifteen (15) minute response time on all calls with the exception of delays caused by unexpected traffic or unusual conditions.
- (12) The applicant shall provide an affidavit that the information given in the application is true and correct.
- (13) The applicant shall provide an agreement that, upon issuance of a license, the licensee shall indemnify and hold harmless the Borough of Woodcliff Lake, its agents, servants and/or employees from and against all claims of a third party relating to the towing and/or storage service of the licensee.
- (14) Applications will be processed according to the order in which they were filed with the Borough Clerk.

§ 349-4 Exceptions.

- A. Owner required service. No license shall be required for the on-site repair and/or towing or storage of any vehicle when the request is received by the towing operator from the owner prior to a police request or if the owner or operator of a vehicle requests the police contact a tow company of his choice.
- B. Towing from private property. No license shall be required by the police to tow any vehicle from private property without the consent of the owner except on the express instruction of the police in the event of an emergency.

§ 349-5 Application fee.

All initial applications shall be accompanied by a nonrefundable fee of \$500 payable to the Borough of Woodcliff Lake. A renewal application shall be accompanied by a nonrefundable application fee of \$250 payable to the Borough of Woodcliff Lake. The application fees are in addition to any fee for criminal background checks required in in this chapter as well as any other fees required by this chapter. Said fees are in addition to the license fees as set forth in this chapter.

§ 349-6 Investigation and inspection by police.

- A. Applications received by the Borough Clerk shall be referred to the Chief of Police within five business days of receipt. The Chief of Police or his designee shall initiate an investigation to be made of the applicant and of its proposed business operation and shall perform inspections of the vehicles to be licensed.
- B. As part of the Chief of Police's investigation of the license application, criminal and civil background checks on all persons listed in the application will be reviewed.
- C. The licensee and all employees must be trustworthy in that the licensee must safeguard vehicles and personal property belonging to others as well as secure and protect evidence when a vehicle is impounded by the police due to an accident investigation or criminal activity. Therefore, to protect the public interest, the Borough may disqualify any applicant wherein an employee, owner, principal, agent and/or officer has been convicted of a crime involving moral turpitude or excessive moving violations or a substantial violation under this chapter.
- D. The Chief of Police shall, within fourteen (14) days after the receipt of the completed application, complete the investigation and inspection and submit a written report to the Borough Clerk. The report shall include recommendations that the applicant be accepted or denied.
- E. The licensee shall notify the Borough Clerk in writing of any criminal charges, motor vehicle offenses or ordinance violations that are issued against the licensee or its employees during the term of the license. Failure to make the proper notification to the Borough Clerk may result in the revocation of the license.
- F. If a towing company charges a consumer a fee for a private property or other nonconsensual towing service that is disputed by the consumer, the parties shall make a good faith effort to resolve the dispute with the Police Department. If the parties are unable to resolve the dispute, the complaint may be forwarded to the Director of the New Jersey Division of Consumer Affairs, who shall make a determination as to whether or not the fee is unreasonable under N.J.A.C. 13:45A-31.5. The Director may order the towing company to reimburse the consumer for an amount equal to the difference between the charged fee and a reasonable fee, plus interest.

§ 349-7 Issuance of licenses; fees; term of license.

- A. Upon written notification by the Chief of Police to the Borough Clerk that an application has been reviewed and the Police investigation has been completed, the Borough Council shall at a public meeting, consider the issuance of a license.
- B. In addition to the application or renewal application fees set forth in this chapter the yearly license fee shall be \$100, payable to the Borough of Woodcliff Lake.
- C. Upon approval by the Borough Council, the Borough Clerk of the Borough of Woodcliff Lake shall issue a license to the licensee pursuant to this chapter, as well as individual stickers for each wrecker that has been inspected and approved by the Chief of Police to be operated during the term of the license.
- D. All towing licenses will be issued for a period of one year beginning January 1 of each year and expiring on December 31, except that the initial license issued after the effective date of this chapter shall be for the period commencing on April 1, 2015, and expiring on December 31, 2015. Applications for license and license renewal are to be completed and returned to the Borough Clerk by October 1 of each year for a license

for the following calendar year. Licenses or renewals filed after October 1 will not be accepted for the following calendar year.

- E. Licenses are the property of the Borough of Woodcliff Lake and may not under any circumstances be assigned, leased, shared, transferred or sold to another person, corporation or proprietorship.
- F. Upon the issuance of the license, the licensee may during the term of the license advertise and place on his equipment that the licensee is an authorized police tower for the Borough of Woodcliff Lake.
- G. The licensee shall pay an administrative fee of \$50 for each tow truck that the licensee adds to his fleet during the year that provides service under this chapter. The licensee shall also pay a fee of \$35 for each wrecker driver he adds during the year that provides service under this chapter.

§ 349-8 Rotating list; cruising prohibited.

- A. The towing operator must be able to provide, 24 hours a day, seven days a week, towing services for the Borough, on a rotating basis, at the direction of the Chief of Police or his designee.
- B. The Chief of Police or his designee shall assign call-out weeks from the rotating list. A tower that wishes to change his assigned week due to vacation or conflict may do so with the approval of the Chief of Police or his designee.
- C. The Chief of Police or his designee shall prepare two lists:
 - (1) Light-duty/medium-duty towing and recovery.
 - (2) Heavy-duty towing and heavy recovery.
- D. The on-duty tower shall be called for the removal and storage of the disabled vehicle. In the event that the on-duty tower is unable to respond to calls or to respond in a timely manner due to unusual conditions, the next tower on the rotating list shall be called.
- E. Cruising by a towing company's vehicles is not permitted.

§ 349-9 Enforcement; Revocation of license.

- A. Enforcement.
 - (1) All complaints received by the Borough regarding a towing operator's performance under the provisions of this chapter shall be investigated by the Chief of Police or his designee and resolved to the satisfaction of all parties. In the event that the complaint cannot be resolved to the mutual satisfaction of the parties, the matter shall be submitted to the Business Administrator or his designee. The decision of the Business Administrator or his designee shall be final.
 - (2) The towing operator shall at all times comply with this chapter, or the Borough shall remove the towing operator from the rotating list after written notification from the Police Department and an opportunity for a hearing conducted by the Business Administrator.
 - (3) The Chief of Police is hereby designated to enforce the provisions of this chapter in accordance with due process of law.

- (4) The Chief of Police shall investigate and keep, and maintain for a period of five years, a record of all complaints that are received regarding the provisions set forth in this chapter.

B. Revocation of license.

- (1) The Chief of Police shall have the right to suspend any license issued under this chapter upon the determination that there have been two violations of the licensed towing company guidelines and regulations.
- (2) The Chief of Police shall be the sole administrator of this list, and any violations or complaints concerning any licensed tow truck company shall be addressed to the Chief of Police.
- (3) Any license suspended shall cause the company to be removed from the list for one year from the date of the suspension. The licensed tow company which has been suspended may reapply to be on the rotating list on January 1 of the year after the suspension has been lifted.
- (4) The Chief of Police has the authority to suspend any license at any time for criminal activity, Title 39 violations or any violation(s) of this chapter. When a license is suspended, the Chief of Police shall forward a full report to the Mayor and Council within 15 business days after said suspension. If the licensee objects to the determination of the Chief of Police, the licensee may request a hearing before the Council. The licensee must notify the Borough Clerk in writing of a request for a hearing within 20 days of the suspension notice issued by the Chief of Police. The Council, at the conclusion of the hearing, may affirm or reverse the decision of the Chief of Police.
- (5) The Chief of Police may inspect any or all licensed wreckers at any time. If at any time the Chief of Police finds the equipment inadequate or unsafe, the Chief of Police may demand immediate correction and suspend the wrecker license until such time as the violation is corrected. Once a wrecker license is suspended, all identifiers listing the wrecker as a Borough of Woodcliff Lake police wrecker shall be removed from the wrecker by the licensee.

§ 349-10 Equipment requirements.

A. The equipment to be used by the towing operator shall meet the following requirements:

- (1) All equipment must be of the type, condition and design to efficiently perform the work required by the Borough of Woodcliff Lake.
- (2) A licensee, when filing an application and at all times while holding a license under this chapter, shall own or lease for use in performing the services required by the license the following pieces of equipment
 - (a) Regular wrecker service: a minimum of two (2) trucks (two flatbed tow trucks and one wrecker).
 - (b) Heavy-duty wrecker service: a minimum of one heavy-duty wrecker. It shall not be a requirement that each operator maintain a heavy-duty wrecker. Only those operators that maintain a heavy-duty wrecker in addition to the regular wrecker service equipment shall be placed on the heavy-duty wrecker call-out list.

B. The following safety equipment shall be carried on all towing trucks:

- (1) Chains and tie-downs to secure vehicles.
 - (2) A snatch block.
 - (3) An auxiliary safety light kit to be placed on the rear of a towed vehicle that does not have functioning taillight flashers.
 - (4) Rotating amber emergency lights mounted on top of truck. (A state-issued permit is required and must be in the truck.)
 - (5) Two white work lights facing from the rear of the truck.
 - (6) One shovel and broom.
 - (7) Fifty pounds of absorbent.
 - (8) Jumper cables or a jump box.
 - (9) A steering wheel tie down.
 - (10) A toolbox with assorted hand tools normally used to conduct emergency roadwork and towing.
 - (11) Two reflectorized traffic safety vests.
 - (12) One five-pound A-B-C-rated dry powder fire extinguisher.
 - (13) One flashlight.
- C. A reflectorized traffic safety vest shall be properly worn as the outside garment by all employees performing work while on a roadway, 24 hours a day.
- D. The towing operator shall provide all trucks with a shovel, broom and other equipment necessary to clean up broken glass and debris from the scene of any accident to which they are summoned. The towing operator shall be responsible for the subsequent cleanup. Each truck shall have a minimum of 50 pounds of absorbent for oil and/or any other liquid, except gasoline, that might be spilled onto a roadway as a result of an accident. If gasoline is spilled as a result of any accident, it shall be the responsibility of the Police Department to notify the Fire Department for immediate removal. Absorbed liquids, other than gasoline, shall be removed from the roadway by the tower, placed in plastic bags and then placed in the towed vehicle by the towing operator and shall be disposed of by the owner of said vehicle. The towing operator may charge a fee as set forth in § 349-112E(3).
- E. All trucks used by the towing operator shall be kept in a clean, good-working condition. The towing operator shall have displayed on all of his trucks in such a manner and of such lettering as conforms to the provisions of N.J.S.A. 39:4-46.
- F. Each towing operator shall furnish the following information with respect to the aforementioned trucks: the make, model, year and registration number of each truck and the DOT number. A photocopy of each registration and insurance card shall also be included. For leased trucks, the towing operator shall be required to furnish a copy of each lease. Only trucks listed shall be used by the towing operator.

§ 349-11 Storage facility requirements

The towing operator shall have a storage facility that meets the following requirements:

- A. The outside storage facility used for storage of vehicles shall be paved or stoned.
- B. The outside storage facility shall provide a minimum of 3,000 square feet of storage space.
- C. All storage facilities shall be located within five (5) miles of the Borough of Woodcliff Lake Municipal Building located at 350 Hudson Avenue, Borough of Woodcliff Lake, NJ.

- D. Signs which readily identify the storage facility and which comply with all applicable laws and local zoning regulations shall be installed.
- E. No towed vehicle shall be parked upon a public or private street or sidewalk. Said vehicle shall be stored by the towing operator within the licensed storage area so provided.
- F. The entire outside storage area shall be enclosed by a fence or sturdy construction, a wall or other manmade barrier that is at least seven feet high which may include one foot of barbed wire, with at least one lockable gate for ingress and egress, in accordance with local zoning regulations.
- G. The impound area shall be properly lighted from dusk to dawn and must be properly safeguarded from vandalism and/or theft.
- H. The Borough of Woodcliff Lake Police Department shall be granted access to any part of the impound area at any time, day or night, for the purpose of inspection and/or investigation. This shall include indoor and outdoor areas.
- I. There shall be no unescorted access to the aforementioned impound area by the public. Said area shall be posted in accordance with Borough of Woodcliff Lake Police Department regulations.
- J. A small storage area shall be set aside for vehicles that may be involved in a police incident. In addition, an indoor secured area shall be provided for at least one vehicle, when requested by the police. These vehicles may contain, or are themselves, evidence needed for potential criminal or civil cases. These vehicles shall not be removed from the safe and secure inside storage area until written permission is obtained from the Borough of Woodcliff Lake Police Department.
- K. The towing operator shall conspicuously post at his place of business the fee schedule for storage and towing of vehicles. Reference to this Chapter shall be posted on the fee schedule.
- L. There shall be no piling of vehicles.
- M. The storage area shall be located adjacent to, or be part of, said licensed principal location and shall comply with the local zoning ordinances. Use of satellite storage facilities by the towing operator is prohibited.
- N. All wreckers owned or leased by the towing operator shall be stored at the principal location as listed on the Application.
- O. The towing operator shall provide reasonable accommodations for after-hours release of stored motor vehicle and shall not charge a release fee or other charge for the release of motor vehicle to their owners during their normal business hours or on weekends.

§ 349-12 Towing operator personnel

The employees of the towing operator shall meet the following requirements:

- A. An employee of the towing operator shall under no circumstances be deemed an agent, servant and/or employee of the Borough or represent to the public that he/she is an employee of the Borough of Woodcliff Lake.
- B. No person shall be employed by the towing operator unless he/she has obtained a Background Investigation and has been approved by the Borough of Woodcliff Lake Police Department. Any towing operator with a record of a felony criminal conviction

shall not be qualified to receive a license. Any of its employees with a felony conviction may not perform any services under this Ordinance.

- C. The towing operator and his employees are prohibited from collecting or attempting to collect a fee, commission, pay or charge other than as provided for in this chapter.
- D. The name of the individual tow truck employee shall be listed on the towing ticket/receipt.
- E. The towing operator shall provide sufficient number of employees to maintain the requirements of this Ordinance.
- F. The towing operator shall provide the Borough of Woodcliff Lake with a list of said personnel and copies of each operator's commercial driver license (CDL) and social security number. All new employees shall be registered with the Borough of Woodcliff Lake prior to performing any services under this contract. Information on employees shall be updated every six (6) months in order to keep current with changes in personnel.
- G. No towing operator shall employ, directly or indirectly, any employee of the Borough of Woodcliff Lake Police Department.
- H. No cruising by personnel shall be permitted.
- I. The licensee shall be responsible for basic environmental cleanup and may charge the owner of the vehicle involved in the actual spill a fee as outlined in § 349-112E(2).
- J. The licensee shall be responsible for roadway cleanup, which shall include but not be limited to removing broken glass and debris at the scene of an accident, as per N.J.S.A. 39:4-56.8b, and may charge the owner of the vehicle that created the debris a fee as outlined in § 349-112.E(3).
- K. The police officer at the scene of an accident or disabled vehicle shall be in complete charge and shall be responsible to guarantee that the scene is properly cleared and safe for traffic to resume safely.
- L. The towing operators and all employees must be trustworthy and the towing operator must safeguard vehicles and personal property belonging to others, as well as secure and protect evidence when a vehicle is impounded by the police, due to an accident investigation or criminal activity.
- M. The towing operators shall notify the Borough Clerk in writing of any criminal charges, motor vehicle offense or ordinance violations that are issued against the towing operators or its employees.

§ 349-13 Records and inspections.

- A. The towing operator shall maintain records of all vehicles towed, stored and released by it. Records shall be kept for a three-year period. These records shall include the name of the responding police officer, name of towing employee, the date and time of tow-in, destination towed, vehicle tag number and state, vehicle identification number, make, model, color and year of vehicle, itemized charges to the owner of the vehicle and the disposition of the vehicle and date thereof.
- B. The towing operator shall maintain a record of all property found anywhere in the towed vehicle, including the trunk and glove compartment when open and where a key is available.
- C. The Borough of Woodcliff Lake shall, upon request have access to any and all of these records.

- D. The licensee shall notify the Borough of Woodcliff Lake Police Department, in writing, of any vehicle that is left unclaimed for a period in excess of seven calendar days.
- E. The licensee shall prepare and issue to the owner/operator a written itemized invoice for all services rendered under this chapter. The invoice shall reflect the date, time, location and the employee that performed the service and that the service performed was at the request of the Borough of Woodcliff Lake Police Department. A copy of the invoice shall be retained by the licensee and filed in a manner that coincides with the licensee's current filing methods that will allow immediate access to such record when requested by the Borough of Woodcliff Lake Police Department.
- F. The licensee shall incur the cost of preparing a payment rate circular for fees listed under this chapter and shall distribute this rate circular at the time of tow to all customers, at no cost, which also includes directions to the storage location, business hours, phone numbers, major credit cards accepted and other methods of payment accepted.

§ 349-14 Education of drivers.

- A. Tow-truck drivers shall have and maintain a valid driver's license for the tow vehicle that they operate. Drivers that operate heavy duty wreckers shall have the following endorsements on their commercial driver's license:
 - (1) Hazardous materials endorsement.
 - (2) Double- and triple-trailer endorsement.
- B. Within two years of the effective date of this chapter, all tow-truck drivers that operate tow vehicles must obtain the Towing and Recovery Association of America (TRAA) National Driver Certification Level 1 or other nationally recognized certification. Drivers that operate the heavy-duty tow truck must obtain the Level 2 certification.
- C. New employees shall have one year from their date of hire to obtain the TRAA Level 1 certification or other nationally recognized certification. During the initial year of employment, they may perform services as listed under the provisions of this chapter, provided that the licensee documents that he has trained the employee in the proper use of the equipment he will operate.
- D. To perform any recovery operation, the licensee must have at least one employee certified as a TRAA Level 3 or other nationally recognized certification.

§ 349-15 Compensation.

- A. The Borough and its Chief shall not be liable to a licensee with respect to service rendered to any owner pursuant to the license or otherwise. The licensee shall look only to the owner of such vehicle for payment of service charges or any other compensation.

§ 349-16 Insurance requirements.

- A. The towing operator shall provide and maintain the following types of insurance coverage to be obtained from insurance companies licensed to do business in the State of New Jersey and shall provide the Borough with certificates of insurance evidencing proof of the following required coverage:

- (1) Automobile liability in an amount not less than \$1,000,000 for bodily injury per person, \$3,000,000 for bodily injury per accident and \$500,000 for property damage per accident.
 - (2) Workers' compensation as required by statute.
 - (3) Garagekeeper's liability in an amount not less than \$500,000 per claimant and \$1,000,000 for more than one claimant.
 - (4) Garage liability in an amount not less than \$2,000,000 combined single limit.
 - (5) Comprehensive general liability in an amount not less than \$2,000,000
- B. Policies shall be endorsed to provide collision coverage for vehicles in tow.
 - C. On all policies except workers' compensation, the Borough shall be named as an additional insured & as the Certificate Holder.
 - D. All policies must contain a provision requiring notification to the Borough of any policy cancellation or revision at least 30 days prior to either cancellation or revision.
 - E. The towing operator shall provide an excess or umbrella liability insurance policy in the amount of \$2,000,000.

§ 349-17 Indemnification.

- A. The application of a towing operator for a license pursuant to this chapter shall include an agreement by the towing operator that upon the issuance of a license, the licensee shall indemnify the Borough against all claims of third parties relating to towing services provided by the licensee.

§ 349-18 Rules and regulations.

The Chief of Police may issue rules and regulations from time to time on the operation of the towing services and storage facilities to implement but not exceed the purposes of this chapter.

§ 349-19 Fees; methods of payment; heavy-duty vehicle recovery.

- A. The following is the fee schedule for basic automobile, motorcycles, motorized bikes, towing services and heavy-duty vehicle recovery:
 - (1) Basic towing service (two-axle vehicle) under 8,000 pounds.
 - (a) Rate: \$100.
 - (b) Additional axles: \$35 each.
 - (2) Basic towing service (two-axle vehicle) over 8,001 pounds to 16,000 pounds.
 - (a) Rate: \$295.
 - (b) Additional axles: \$35 each.
 - (3) Basic flatbed rate: \$110.
 - (a) The basic flatbed rate applies to vehicles that cannot be towed by another means.
 - (b) Flatbed towing of a vehicle with wheel lift does not qualify for the flatbed rate.
 - (4) Motorcycles and motorized bikes. Rate: \$100.
 - (5) Heavy-duty towing (over 16,001 pounds).
 - (a) Rate: \$325 per hour (one-hour minimum), billed in thirty (30) minute increments.
 - (b) Shaft removal: \$45.

- (c) Brake release: \$45.
- (d) No mileage fee from the point of tow to the licensee's storage yard.
- (6) Air cushion device in heavy-duty vehicle recovery.
 - (a) Rate: \$550 per hour.
- B. The following is the fee schedule for storage services for all types of vehicles:
 - (1) Inside building, storage facility capacity:
 - (a) Under 10,000 pounds: \$45 per day.
 - (b) Each additional axle: \$20 per day.
 - (2) Outside secured, storage facility capacity:
 - (a) Under 10,000 pounds: \$35 per day.
 - (b) Additional axle: \$20 each per day.
 - (c) Over 10,000 pounds: \$75 per day.
 - (d) Over 10,000 pounds, tandem axle: \$100 per day.
 - (e) Tractor-trailer combination: \$140 per day.
- C. Emergency road service: \$60.
 - (1) Emergency road service: jump start, bringing up to two gallons of fuel, tire change.
 - (2) If a tow results, there will be no charge for road service, except cost of emergency gas if placed into the vehicle's tank.
- D. Rates for vehicle recovery and/or winching:
 - (1) Wreckers and personnel.
 - (a) Medium-duty wrecker: \$150 per hour, to be charged in thirty (30) minute increments with a one-half-hour minimum.
 - (b) Heavy-duty wrecker: \$300 per hour to be charged in thirty (30) minute increments with a one-hour minimum.
 - (c) Additional manpower: \$60 per hour per man.
 - (d) Level 3 Recovery Supervisor: \$90 per hour.
 - (2) Licensees may, however, charge additional fees for extraordinary recovery and/or winching. All services must be itemized on the statement for services.
- E. Additional services that may be required:
 - (1) Axle pull/drive shaft/transmission disconnect: \$40 flat rate.
 - (2) Hookup air: \$25 flat rate.
 - (3) Roadway cleanup: \$50 per hour, to be charged in thirty (30) minute increments with a one-half-hour minimum.
 - (a) When basic environmental cleanup is required, a charge of \$25 for each fifty-pound bag of absorbent and plastic bags for removal may be charged.
 - (b) Cleanup services, including time and absorbent, must be itemized on the statement.
 - (4) Administrative charges:
 - (a) Maximum of \$25.
 - (b) Services must be itemized on the statement.
 - (5) No yard charge may be billed.
 - (6) Waiting time: \$40 per hour, in excess of fifteen (15) minutes, which shall be calculated based upon each fifteen (15) minutes spent at the site from which

a motor vehicle will be towed, with fewer than fifteen (15) minutes, rounded up to fifteen (15).

(7) The use of window wrap or tarping is \$25.

(8) The licensee shall prepare an itemized billing invoice for all services rendered.

- F. A towing company that engages in private property towing or other nonconsensual towing shall calculate storage fees based upon full 24-hour periods a motor vehicle is in the storage facility. For example, if a motor vehicle is towed to a storage facility at 7:00 p.m. on one day and the owner of the motor vehicle picks up the motor vehicle before 7:00 p.m. the next day, the towing company shall charge the owner of the motor vehicle only for one day of storage. If a motor vehicle is stored for more than 24 hours, but less than 48 hours, the towing company may charge for two days of storage.
- G. Customers must be able to use cash, insurance company check, debit card, charge card or credit card to pay for services. The Borough will not be held liable for, or assist the towing operator in the collection of any unpaid fees that are incurred for performing towing or storage services.
- H. The rates on the "Borough of Woodcliff Lake Towing and Storage Rate Schedule" represent the maximum rates permitted under this chapter. It shall be unlawful for any licensee to charge a rate in excess of the rates prescribed or for any service not specifically covered in this chapter.
- I. Mileage rates. There shall be no mileage charge, for any vehicle towed under this chapter, to respond to the service call or from the point of service back to the licensee's principal location. If the owner or operator designates the vehicle to be towed to another location other than the licensee's principal location, then the licensee may charge for loaded mileage outside the boundaries of the Borough of Woodcliff Lake. Mileage charges per mile outside of Woodcliff Lake shall be \$4 per mile or part thereof.
- J. Heavy vehicle recovery (over 16,000 pounds).
- (1) To perform heavy vehicle recovery, the Borough requires that the licensee have on-scene a recovery supervisor with a Level 3 certification from the Towing and Recovery Association of America (TRAA) or other nationally recognized certification.
 - (2) To perform heavy vehicle recovery under this chapter, the licensee must:
 - (a) Visually document the recovery scene through photos or videotape.
 - (b) Prepare a written report of all procedures employed, actions taken, equipment used and manpower requirements to complete the recovery process in the safest manner and provide a copy to the vehicle owner with the statement for services.
 - (c) Prepare an itemized billing invoice for all services rendered.
 - (3) If the licensee finds it necessary, due to the nature of the recovery, to contract additional recovery services to supplement its equipment and manpower recovery, the contracted service providers must work under the supervision of the licensee. The licensee may not subcontract the entire recovery. In the event that the heavy-duty wrecker operator is unable to handle the recovery, then the next heavy-duty wrecker on the rotating list shall be called.

§ 349-20 Violations and penalties.

- A. Any person or towing operator who violates the provisions of this chapter shall, upon conviction, be fined as follows:
- (1) First offense: not less than \$100 nor more than \$500.
 - (2) Second offense within a one-year period: not less than \$500 nor more than \$1,000.
 - (3) Third offense within a one-year period: not less than \$1,000 and a one-year license suspension.
- B. In addition to any penalties that may be imposed by the Municipal Court, the Borough Council may, after conducting a hearing regarding the violation(s), terminate the license issued pursuant to this chapter for repeated violations of this chapter. “

Section 2: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 3: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 4. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 5: This ordinance shall take effect upon passage and publication according to law.

Date: November 10, 2016

Attest: Deborah A. Dakin
Borough Clerk

BOROUGH OF WOODCLIFF LAKE
Bergen County, New Jersey

ORDINANCE NO. 16-18

**AN ORDINANCE REVISING THE AFFORDABLE HOUSING DEVELOPMENT FEES
WITHIN THE BOROUGH**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS , the Mayor and Council of the Borough of Woodcliff, with the advice of the Borough Planner, has recognized a need to update its Affordable Housing Development Fees Ordinance codified in Chapter 380 Article X.

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

Section 1: That the chapter § 380-68 is amended and shall now read as:

§ 380-68. PURPOSE.

In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et seq., and the State Constitution, subject to COAH developing rules as amended from time to time and/or in accordance with the enacted legislation and/or in accordance with directives from the Courts. The purpose of this article is to establish standards for the collection, maintenance and expenditure of development fees pursuant to the above. Fees collected pursuant to this article shall be used for the sole purpose of providing low- and moderate-income housing.

Section 2: That the chapter § 380-69 is repealed in its entirety and replaced with the following "definition" chapter and shall now read as:

§ 380-69. DEFINITIONS.

The following terms as used in this section, shall have the following meanings:

AFFORDABLE HOUSING DEVELOPMENT

A development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a one-hundred-percent affordable development.

COAH or THE COUNCIL

The New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the state.

DEVELOPER

The legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

DEVELOPMENT FEE

Money paid by a developer for the improvement of property as permitted in N.J.A.C. 5:97-8.3.

EQUALIZED ASSESSED VALUE

The assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with Sections 1, 5 and 6 of P.L. 1973, c. 123 (N.J.S.A. 54:1-35a through 54:1-35c).

PARTIAL DESTRUCTION

If at least the foundation and at least two (2) walls to be incorporated into the rebuilt structure along the full dimension (horizontally and vertically) of the front, side or rear elevations of a principal or accessory building or structure remain intact, the building or structure shall be deemed to have been only partially destroyed.

Section 3: That the chapter § 380 -70 is repealed in its entirety and replaced with the following chapter governing development fees and shall now read as:

§ 380-70. DEVELOPMENT FEES.

A. Residential Development Fees.

1. Imposed fees.
 - a. Within all zone districts, unless invalidated by State Statute or Court Order, developers of residential housing, except for developers of the types of development specifically exempted below, shall pay a fee of 1 1/2% of the equalized assessed value for residential development, that no increased density is permitted.
 - b. When an increase in residential density has been permitted pursuant to N.J.S.A. 40:55D-70d (known as a "d" variance) or pursuant to Zoning Amendment or pursuant to the adoption of a Redevelopment Plan pursuant to New Jersey Local Redevelopment and Housing Law (NJSA 40A-12-1 et. seq.), developers shall be required to pay a development fee of a maximum of 6% of the equalized assessed value for each additional unit that may be realized.
2. Eligible exactions, ineligible exactions and exemptions for residential development.
 - a. Affordable housing developments, developments where the developer is providing for the construction of affordable units elsewhere in the municipality, and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.

- b. Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval or the developer has accepted responsibility to pay a development fee. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. A development fee shall be based on the percentage that applies on the date that a building permit is issued, regardless of the time of collection of the fee.
- c. (c) Owner-occupied residential structures demolished and replaced as a result of a fire, flood, or natural disaster shall be exempt from paying a development fee.
- d. Development fees shall be imposed and collected when an existing structure is demolished, torn down or destroyed and replaced by a new or rebuilt structure. Only those structures which have been deemed to have only been "partially destroyed" as defined herein, shall be exempt from such fees. The development fee hereunder shall be calculated on the increase in the equalized assessed value of the new or rebuilt structure.
- e. A developer of an addition to an existing residential unit shall be exempt from the development fee.

B. Nonresidential development fees.

1. Imposed fees.

- a. Within all zoning districts, unless invalidated by State Statute or Court Order, nonresidential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to 2.5% of the equalized assessed value of the land and improvements for all new nonresidential construction.
- b. Nonresidential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to 2.5% of the increase in equalized assessed value resulting from any additions to existing structures to be used for nonresidential purposes.
- c. Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of 2.5% shall be calculated on the difference between the equalized assessed value of the preexisting land and improvement and the equalized assessed value of the newly improved structure, i.e., land and improvement, at the time the final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the nonresidential development fee shall be zero.

2. Eligible exactions, ineligible exactions and exemptions for nonresidential development.

- a. The nonresidential portion of a mixed-use inclusionary or market-rate development shall be subject to the 2.5% development fee, unless otherwise exempted below.
- b. The 2.5% fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
- c. Nonresidential developments shall be exempt from the payment of nonresidential development fees in accordance with the exemptions required pursuant to P.L. 2008, c. 46, as specified in the Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption Form. Any exemption claimed by a developer shall be substantiated by that developer.
- d. A developer of a nonresidential development exempted from the nonresidential development fee pursuant to P.L. 2008, c. 46, shall be subject to it at such time the basis for the exemption no longer applies and shall make the payment of the nonresidential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the nonresidential development, whichever is later.
- e. If a property which was exempted from the collection of a nonresidential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid nonresidential development fees under these circumstances may be enforceable by the Borough of Woodcliff Lake as a lien against the real property of the owner.

Section 4: That the chapter § 380 -71 is repealed in its entirety and replaced with the following chapter governing the collection of fees and shall now read as:

§ 380-71. COLLECTION OF FEES.

A. Collection procedures.

1. Upon the granting of a preliminary, final or other applicable approval for a development, the applicable approving authority shall direct its staff to notify the Construction Official responsible for the issuance of a building permit.
2. For nonresidential developments only, the developer shall also be provided with a copy of Form N-RDF, State of New Jersey Nonresidential Development Certification/Exemption, to be completed as per the instructions provided. The developer of a nonresidential development shall complete Form N-RDF as per the instructions provided. The Construction Official shall verify the information submitted by the nonresidential developer as per the instructions provided in the Form N-RDF. The Tax Assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

3. The Construction Official responsible for the issuance of a building permit shall notify the local Tax Assessor of the issuance of the first building permit for a development which is subject to a development fee.
4. Within 90 days of receipt of that notice, the Municipal Tax Assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
5. The Construction Official responsible for the issuance of a final certificate of occupancy notifies the local Assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
6. Within 10 business days of a request for the scheduling of a final inspection, the Municipal Assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development, calculate the development fee and thereafter notify the developer of the amount of the fee.
7. Should the Borough of Woodcliff Lake fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in Subsection b of Section 37 of P.L. 2008, c. 46 (N.J.S.A. 40:55D-8.6).
8. Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy

B. Appeal of Development Fees

1. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest-bearing escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Board may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
2. A developer may challenge nonresidential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest-bearing escrow account by the Borough of Woodcliff Lake. Appeals from a determination of the Director may be made to the Tax Court in accordance with the provisions of the State Uniform Tax Procedure Law, N.J.S.A. 54:48-1 et seq., within 90 days after the date of

such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

C. Retention of Fees

Any fees collected prior to the adoption or amendment of this article shall be retained by the Borough of Woodcliff Lake pursuant to COAH's rules regarding the retention of development fees.

Section 5: That the chapter § 380 -72 is amended and shall now read as:

§ 380-72. HOUSING TRUST FUND.

- A. There is hereby created a separate interest-bearing housing trust fund to be maintained by the Borough Chief Financial Officer from residential and nonresidential developers and proceeds from the sale of units with extinguished controls.
- B. The following additional funds shall be deposited in the affordable housing trust fund and shall at all times be identifiable by source and amount:
 - 1. Payments in lieu of on-site construction of affordable units;
 - 2. Developer-contributed funds to make 10% of the adaptable entrances in a townhouse or other multistory attached development accessible;
 - 3. Rental income from municipally operated units;
 - 4. Repayments from affordable housing program loans;
 - 5. Recapture funds;
 - 6. Proceeds from the sale of affordable units; and
 - 7. Any other funds collected in connection with the Borough of Woodcliff Lake's affordable housing program.

Section 6: That the chapter § 380 -73 is amended and shall now read as:

§ 380-73. USE OF FUNDS.

- A. Money deposited in a housing trust fund may be used for any activity approved by COAH or in accordance with any directives from the Courts for addressing the Borough of Woodcliff Lake's low- and moderate-income housing obligation. Such activities may include, but are not necessarily limited to: housing rehabilitation; new construction; the purchase of land for low- and moderate-income housing; preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, including the extension of controls, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing nonresidential buildings to create new affordable units, extensions and/or improvements of roads and infrastructure to low- and moderate-income housing sites; assistance designed to render units to be more affordable to low- and moderate-income households; and administrative costs necessary to implement the Borough of Woodcliff Lake's housing element. The expenditure of all money shall conform to a spending plan approved by COAH or by the Courts.
- B. At least 30% of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance

portion of development fees collected shall be used to provide affordability assistance to those households earning 30% or less of median income by region.

1. Affordability assistance programs may include down payment assistance, security deposit assistance, low-interest loans, rental assistance, assistance with homeowners' association or condominium fees and special assessments, and assistance with emergency repairs.
 2. Affordability assistance to households earning 30% or less of median income may include buying down the cost of low- or moderate-income units in the municipal Fair Share Plan to make them affordable to households earning 30% or less of median income.
 3. Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- C. The Borough of Woodcliff Lake may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- D. No more than 20% of all revenues collected from development fees may be expended on administration, including but not limited to salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20% of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's or the Courts monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.
- E. Funds shall not be expended to reimburse the Borough of Woodcliff Lake for housing activities carried out prior to the establishment of the Affordable Housing Trust Fund.
- F. Monitoring. Borough of Woodcliff Lake shall complete and return to COAH or to the Courts all monitoring forms included in monitoring requirements related to the collection of development fees from residential and nonresidential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier-free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Woodcliff Lake's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH or the Courts. All monitoring reports shall be completed on forms designed by COAH.
- G. This section is intended to be interpreted and applied consistent with the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 et seq.). In the event of any inconsistency, this section shall be read so as to comply with the Act.

Section 7: That the chapter § 380-76 is repealed in its entirety.

Section 8: That the chapter § 380-77 is repealed in its entirety.

Section 9: The terms of this ordinance shall not be deemed and are not intended to impair the provisions and enforcement of any other chapter of this Code, which shall remain in full force and effect.

Section 10: The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

Section 11. All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

Section 12: This ordinance shall take effect upon passage and publication according to law.

Date: November 10, 2016

Attest: Deborah A. Dakin



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 HOLDING OF CLOSED SESSION

RESOLUTION NO. 16-279
November 10, 2016

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 is the subject matter to be discussed in closed session:

1. Galaxy Gardens
2. RLUIPA Litigation
3. Park Ridge Water Test Well

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.

ROLL CALL:

Introduction: Mrs. Hayes
Second: Mr. Panso
Ayes: Mrs. Hayes, Mrs. Herrington, Mr. Panso, Mayor Rendo
Nays: None
Abstain: None
Absent: Mr. Belgiovine (arrived 6:20 PM), Mrs. Gadaleta (arrived 6:20 PM), Mrs. Chiavelli

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 November 10, 2016.

Deborah A. 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. 16-280

November 10, 2016

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 10/31/2016 - \$165,794.12

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:	\$ 1,557,971.98
Capital:	\$ 3,250.00
Escrow:	\$ 8,670.39

ROLL CALL:

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

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 November 10, 2016.



**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 THE ISSUANCE OF REQUESTS FOR QUALIFICATIONS FOR PROFESSIONAL SERVICES IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-281 November 10, 2016

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a municipality may not award a contract with a value in excess of \$17,500.00 to a business entity that has made a contribution within one year of the date the contract is to be awarded that is reportable by the recipient under P.L. 1973, c.83 (C.19.44A-1 et seq.) to a municipal political party committee in that municipality if a member of that party is serving in elective public office when such contract is awarded or to any candidate of any person who is serving in an elective public office of the municipality when such contract is awarded, unless the contract is awarded under a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, a "fair and open process" constitutes the following: (1) public advertisement of a Request for Qualifications ("RFQ") with ten (10) calendar days notice prior to the receipt of responses to the RFQ; (2) award of contract under a process that provides for public solicitation of qualifications (3) award of contract under publicly disclosed criteria established, in writing, by the municipality prior to the solicitation of qualifications; and (4) the municipality shall publicly open and announce the qualifications when awarded; and

WHEREAS, it has become necessary for the Borough of Woodcliff Lake ("the Borough") to engage professional services that include but are not limited to:

1. Borough Attorney
2. Borough Auditor
3. Borough Planner
4. Bond Counsel
5. Labor Attorney
6. Insurance Risk Management Consultant
7. Commercial Tax Appeal Attorney
8. Residential Tax Appeal Attorney
9. Borough Engineer
10. IT Services Consultant
11. Health Benefits Consultant

WHEREAS, the Borough desires to appoint such professionals and services by a "fair and open process" pursuant to N.J.S.A. 19:44A-20.1 et seq.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that RFQs for professional services that include but are not limited those stated above for the Borough are hereby authorized.

BE IT FURTHER RESOLVED, that all of the RFQs for the professional services as set forth herein above shall be prepared and published in accordance with N.J.S.A. 19:44A-20.1 et seq. and all submissions in response shall be evaluated on the basis of the most advantageous submission, all factors considered, including, but not limited to:

- Experience and reputation of the firm.
- Qualifications of the individuals who will perform the required services, and their respective participation.
- Experience of the individuals as it relates to the particular expertise required to perform the contract.
- Ability of the firm to perform the services on a timely basis, including staffing and familiarity with the subject matter and the ability to attend meetings.
- Experience with or specific knowledge of the Borough as it pertains to the respective contract.
- Cost consideration, including, but not limited to fee schedule to be charged, fees paid by public entities of similar size and make-up, for comparable level of services, and if applicable, cost that would be incurred by the Borough to contract with a new firm (i.e. estimated cost for current firm to review and close out all files, and new firm to review and get up to speed on all open files).
- Any other factors demonstrated to be in the best interest of the Borough or Borough agency.

BE IT FURTHER RESOLVED, that the Borough Clerk is directed to publish notice of the RFQs for the services as enumerated above, in the Borough official paper of record. The notice of RFQs shall include the following:

- (1) A description of the requested professional service for which the RFQ is made;
- (2) A statement that Qualifications must be submitted by 11:00 a.m. on December 15, 2016;
- (3) A statement that the RFQs are being made by the Borough;
- (4) The address and phone number of the Borough Clerk's office and a statement that applicants may obtain the RFQ document from the Clerk's office if they cannot obtain the RFQ documents from the Borough's website;
- (5) A statement that the RFQ is being made through a fair and open process in

accordance with N.J.S.A. 19:44A-20.4 et seq.

BE IT FURTHER RESOLVED, that the Borough Attorney is authorized to effectuate the drafting of the RFQs, which shall include the evaluation criteria hereinabove stated.

BE IT FURTHER RESOLVED that the Borough Clerk or her designee shall publicly open and read aloud the submissions responding to the RFQs, including the name of the applicant and any other pertinent information on December 16, 2016 at 9:00 a.m. in the Borough Hall.

ROLL CALL:

Introduction: Mr. Belgiovine

Second: Mrs. Herrington

Ayes: Mr. Belgiovine, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

Nays: None

Abstain: None

Absent: Mrs. Chiavelli

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 November 10, 2016.



**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 MAYOR AND COUNCIL TO ENTER A GRANT AGREEMENT

RESOLUTION NO. 16-282

November 10, 2016

BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake wishes to enter into a grant agreement with the County of Bergen for the purposes of using \$3,530.00 in 2016/2017 Community Development Block Grant funds for Senior Citizen Activities, 411 Chestnut Ridge Road, Woodcliff Lake, New Jersey 07677; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Tomas Padilla to be a signatory for the aforesaid grant agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Tomas Padilla to sign all County vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that Woodcliff Lake is liable for any funds not spent in accordance with the Grant Agreement; and that liability of the Mayor and Council is in accordance with HUD requirements.

ROLL CALL:

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

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 November 10, 2016.

**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

**GRANT AGREEMENT BETWEEN
The Borough of Woodcliff Lake
AND
THE STATE OF NEW JERSEY
BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION**

GRANT IDENTIFIER: FS17-045

**November 10, 2016
RESOLUTION NO. 16-283**

The governing body of The Borough of Woodcliff Lake desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$3,000 to fund the following project: Green Communities Grant Community Forestry Management.

Therefore, the governing body resolves that Tomas J. Padilla or the successor to the office of Administration is authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$3,000.00 and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Mayor and Council authorizes and hereby agrees to match 50% of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified 100% of the match will be made up of in-kind services (if allowed by grant program requirements and the agreement.)*

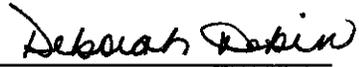
The Grantee agrees to comply with all applicable federal, State and municipal laws, rules and regulations in its performances pursuant to the agreement.

ROLL CALL:

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

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 November 10, 2016.



**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 RECOGNIZING VETERANS DAY

RESOLUTION NO. 16-284

NOVEMBER 10, 2016

WHEREAS, for more than two centuries, individuals from all walks of life have taken up arms and sworn an oath to support and defend principles upon which our country was founded; and

WHEREAS, throughout our history, courageous men and women have donned the uniform of our Armed Forces built noble tradition of faithful and dedicated service to our Nation; and

WHEREAS, Veterans Day has been set aside as both a national and state holiday to honor those American patriots who answered the call of duty, preserving our freedoms and often making the ultimate sacrifice; and

WHEREAS, we can never fully repay our debt of gratitude to those heroic men and women who served, were wounded, or even died in battle, and

WHEREAS, the unwavering commitment of our Soldiers, Sailors, Airmen and Marines, Coast Guardsmen, and Merchant Marines has preserved our freedoms and saved millions around the world from tyranny; and

WHEREAS, we continue to draw inspiration from the heroism and dedication of those who currently serve and sacrifice for the cause of liberty and justice.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake do hereby recognize November 11, 2016 as Veterans Day.

ROLL CALL:

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

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 November 10, 2016.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas...

201-391-4977
Fax 201-391-8830

RESOLUTION APPOINTING RAYMOND BLACKTON AS THE SUPERINTENDENT OF THE WOODCLIFF LAKE DEPARTMENT OF PUBLIC WORKS IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-285

November 10, 2016

WHEREAS, there is a need to appoint a Superintendent of the Borough of Woodcliff Lake Department of Public Works; and

WHEREAS, upon the recommendation of the Borough Administrator and the Borough Personnel Committee, the Borough of Woodcliff Lake has determined that Raymond Blackton possesses the necessary skills and experience to hold the position; and

WHEREAS, Raymond Blackton's appointment shall be effective on January 1, 2017 with a salary to be set prior to said date. Such salary shall be in line with the current salary ordinance.

NOW THEREFORE, BE IT RESOLVED, that Raymond Blackton is appointed as Superintendent of the Borough of Woodcliff Lake Department of Public Works. Such appointment shall be effective on January 1, 2017 in accordance with the terms and schedules contained within the salary ordinance, the policies of the Borough of Woodcliff Lake and the laws of the State of New Jersey.

ROLL CALL:

Introduction: Mr. Belgiovine

Second: Mrs. Herrington

Ayes: Mr. Belgiovine, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

Nays: None

Abstain: None

Absent: Mrs. Chiavelli

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 November 10, 2016.

**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

A RESOLUTION AUTHORIZING AN APPRAISAL IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-286

November 10, 2016

WHEREAS, it is the advice and recommendations of the Borough Counsel to seek a formal appraisals for a eminent domain action over of a portion of a property needed to facilitate the installation of a new potable water pump in or around 123 Tice Boulevard; and

WHEREAS, it is in the best interest of the Borough to order such appraisal, not to exceed \$3,000.00.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey that the Mayor be and is hereby authorized and directed to execute any and all documents necessary.

ROLL CALL:

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

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 November 10, 2016.

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 APPOINTING HUGH KIRWAN WITH THE WOODCLIFF LAKE DEPARTMENT OF PUBLIC WORKS IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-287

November 10, 2016

WHEREAS, Borough of Woodcliff Lake has recognized the need to hire a Laborer/Driver with the Borough of Woodcliff Lake Department of Public Works; and

WHEREAS, the Borough of Woodcliff Lake has determined that Hugh Kirwan possesses the necessary skills and experience to hold the position; and

WHEREAS, Mr. Kirwan's employment is subject to the salary step guide. Accordingly, Mr. Kirwan begins employment at the "Step 1" level and is subject to be reviewed in three (3) months and then again at six (6) months. Further, medical benefits do not start until the completion of ninety (90) days of employment.

NOW THEREFORE, BE IT RESOLVED, that Hugh Kirwan is appointed as Laborer/Driver with the Borough of Woodcliff Lake Department of Public Works in accordance with the terms and schedules contained within the salary step guide, the policies of the Borough of Woodcliff Lake and the laws of the State of New Jersey.

ROLL CALL:

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

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 November 10, 2016.

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 ACCEPTING THE WOODCLIFF LAKE BASEBALL ASSOCIATION'S DONATION OF FIELD REPAIRS IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-288

November 10, 2016

WHEREAS, the Woodcliff Lake Baseball Association wishes to make an unconditional donation of repairs to various baseball fields owned by the Borough of Woodcliff Lake; and

WHEREAS, the Woodcliff Lake Baseball Association acknowledges that any contractors utilized for these repairs shall be properly insured for both liability and workers compensation; and

WHEREAS, pursuant to N.J.S.A. 40A:5-29, the Borough is authorized and empowered to accept such gifts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey that the Mayor be and is hereby authorized and directed to execute, and the Borough Clerk to attest to any and all documents necessary to accept the Woodcliff Lake Baseball Association's donation.

ROLL CALL:

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

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 November 10, 2016.

**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

CHAPTER 159 – DRUNK DRIVING ENFORCEMENT FUND

201-391-4977
Fax 201-391-8830

RESOLUTION NO. 16-289 November 10, 2016

WHEREAS, N.J.S.A 40A:4-87 provides that the Director of Local Government Services may approve the insertion of any Special Item of Revenue in the budget of any County or Municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amounts; and

WHEREAS, the Borough of Woodcliff Lake has received \$5,000.00 from NJ Highway Safety- 2016 Drive Sober Grant – Labor Day and wishes to amend its 2016 Budget to include this amount as a revenue.

NOW, THEREFOR BE IT RESOLVED, that the Mayor and Council of the Borough of Woodcliff Lake requests the Director of Division of Local Government Services to approve the insertion of an Item of Revenue in the 2016 Budget in the sum of \$5,000.00 which is now available as a revenue from State and Federal Grants off-set by revenue;

BE IT FURTHER RESOLVED, that a like sum of \$ 5,000.00 and the same is hereby appropriated under the caption

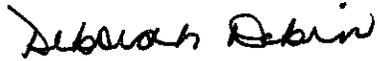
General Appropriations
Operations Excluded from CAPS
State and Federal Programs Offset by Revenues
2016 Drive Sober Grant

ROLL CALL:

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

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 November 10, 2016.



**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

2016 Budget Transfers

201-391-4977
Fax 201-391-8830

Resolution No. 16-290
November 10, 2016

<u>DEPARTMENT</u>	<u>ACCOUNT NUMBER</u>	<u>FROM</u>	<u>TO</u>
Legal - Other Expenses	6-01-20-155-020	10,000.00	
General Administration - Other Expenses	6-01-20-120-020		10,000.00
Electricity	6-01-20-155-020	20,000.00	
Planning Board - Other Expenses	6-01-20-180-020		20,000.00
Financial Administration - Other Expenses	6-01-20-145-020	2,500.00	
Tax Collection - Other Expenses	6-01-20-145-020		2,500.00
Gasoline	6-01-31-460-020	2,500.00	
Shade Tree Commission - Other Expenses	6-01-26-300-020		2,500.00
TOTAL		35,000.00	35,000.00

ROLL CALL:

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

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 November 10, 2016.

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

A RESOLUTION SUPPORTING S-2663 and A-4234 IN THE BOROUGH OF WOODCLIFF LAKE

RESOLUTION NO. 16-291

November 10, 2016

WHEREAS, almost all local units of government and Boards of Education in New Jersey including the Borough of Woodcliff Lakes secure insurance through governmental entities known as joint insurance funds (hereinafter JIFs); and

WHEREAS, existing law limits JIFs to investments otherwise authorized for local governmental entities and Boards of Education; and

WHEREAS, insurance mechanisms such as JIFs have different cash flow needs than local government and Boards of Education; and

WHEREAS, existing law greatly limits the potential investment earnings, currently less than 1% on investments of approximately \$1 billion; and

WHEREAS, S-2663 and A-4234 would permit JIFs to invest in debt obligations of any governmental entity established under the laws of the State of New Jersey and federal agencies or governmental corporations; and

WHEREAS, while the range of investments permitted by S-2663 and A-4234 is still very conservative, it would save the taxpayers at least \$10 million per year; and

WHEREAS, S-2663 and A-4234 would also reduce interest expense for local units of government and Boards of Education by creating an additional purchaser of their bonds; and

WHEREAS, S-2663 and A-4234 would also permit JIFs to join together and create a joint investment and cash management program further increasing investment income.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that:

1. Legislature is urged to adopt S-2663 and A-4234 and

2. A copy of this resolution shall be sent to all area legislators as well as the Governor, Commissioner of the Department of Banking and Insurance and the Commissioner of the Department of Community Affairs.

ROLL CALL:

Introduction: Mr. Belgiovine

Second: Mrs. Herrington

Ayes: Mr. Belgiovine, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

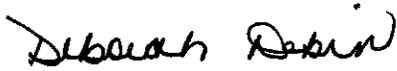
Nays: None

Abstain: None

Absent: Mrs. Chiavelli

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 November 10, 2016.



**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

201-391-8830

RESOLUTION ENCOURAGING THE PASCACK VALLEY REGIONAL HIGH SCHOOL DISTRICT BOARD OF EDUCATION TO VIDEOTAPE ITS PUBLIC MEETINGS

RESOLUTION NO. 16-292

November 10, 2016

WHEREAS, transparency and public participation are of paramount importance to efficient and effective governance; and

WHEREAS, New Jersey law currently does not require municipal governing bodies or school boards to videotape or otherwise record their public meetings; and

WHEREAS, certain members of the public have raised concern with the Governing Body of the Borough of Woodcliff Lake that the public meetings of the Pascack Valley Regional High School District Board of Education (the "Board of Education") are currently not recorded; and

WHEREAS, the Governing Body recognizes that it has no jurisdiction over this issue, which is within the exclusive purview of the Board of Education; and

WHEREAS, nevertheless the Governing Body of the Borough of Woodcliff Lake would like to express its recommendation and opinion that it would be beneficial for the Board of Education to consider recording its meetings for the benefit of the public.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Woodcliff Lake does hereby encourage the Pascack Valley Regional High School District Board of Education to consider recording its public meetings and, if possible, playing such recordings on the Woodcliff Lake Access channel in order to permit a greater number of residents to observe the discussions and actions taken at such meetings.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a copy of this Resolution to the Board of Education.

ROLL CALL:

Introduction: Mr. Belgiovine

Second: Mrs. Herrington

Ayes: Mr. Belgiovine, Mrs. Gadaleta, Mrs. Hayes, Mrs. Herrington, Mr. Panso

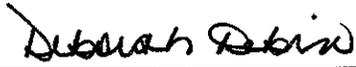
Nays: None

Abstain: None

Absent: Mrs. Chiavelli

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 November 10, 2016.



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