



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
May 6, 2013
8:00 PM**

CALL TO ORDER

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

ROLL CALL

Mayor Jeffrey R. Goldsmith
Councilwoman Donna Abene
Councilman Jeffrey Bader
Councilwoman Jean Bae
Councilman Eric Bloom
Councilwoman Jacqueline Gadaleta
Council President Robert Rosenblatt

PLEDGE OF ALLEGIANCE

RESOLUTION TO AUTHORIZE ENTERING INTO EXECUTIVE CLOSED SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances;

WHEREAS, the public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss: Legal Issues; and

WHEREAS, this session is anticipated to last approximately 15 minutes; and

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 RESOLVED that the public be excluded from this portion of the meeting.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

Motion to reopen the meeting to the public was made by _____, second by _____ and approved unanimously by voice call vote at _____ pm.

Motion to open the meeting to the public was made by _____, second by _____ and approved unanimously by voice call vote at _____ pm.

APPROVAL OF MINUTES

RESOLVED, that the Minutes of a Mayor and Council Meeting on April 16, 2013, copies of which have been received by all Councilpersons, are hereby approved.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

PRESENTATION(S)

- Mr. Christian Treitler, Completion of the Boston Marathon.
- Presentation to Bronze Award Winners – Junior Girl Scouts
- Pascack Valley Regional HS District Funding Formula Equity – Update , Vito Gaglardi, Esq. Special Counsel

ENGINEERS REPORT – Will be distributed at public meeting

ADMINISTRATORS REPORT - Previously distributed to Governing Body

OLD BUSINESS

- Noise Ordinance

NEW BUSINESS

Conference of Mayors – led by Mayor Jeffrey Goldsmith
Discussion - Government Private Energy Aggregation for Woodcliff Lake Residents led by Borough Administrator and Michael Adler, GridSmart Energy, Boston, MA

Introduction of Ordinance 13-02

**BOROUGH OF WOODCLIFF LAKE
BERGEN COUNTY, NEW JERSEY
CALENDAR YEAR 2013 ORDINANCE TO EXCEED
THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A-4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Woodcliff Lake in the County of Bergen finds its advisable and necessary to increase its CY 2013 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.5% increase in the budget of said year, amount to \$128,903 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Woodcliff Lake, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the 2013 budget year, the final appropriations of the Borough of Woodcliff Lake shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 1.5%, amounting to \$128,903, and that the 2013 municipal budget for the Borough of Woodcliff Lake be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

RESOLUTION AUTHORIZING SELF EXAMINATION OF 2013 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 thru 7.5 the Borough of Woodcliff Lake has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2013 budget year.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Woodcliff Lake that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget.
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate, and correctly stated;
 - b. Items of appropriations are properly set forth
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

RESOLUTION AUTHORIZING THE WAIVER OF READING IN FULL OF THE 2013 BUDGET

WHEREAS, N.J.S.A. 40A:4-8 permits that the Budget as advertised may be ready by its title providing that at least one week prior to the date of the hearing a complete copy of the approved budget shall

- a) Be posted in a public space where public notices are customarily posted; and
- b) Is made available to each person requesting the same during said week and during the public hearing; and

WHEREAS, the Borough of Woodcliff Lake has complied with the aforesaid requirements;

NOW, THEREFORE, BE IT RESOLVED, the Borough is hereby permitted to waive the reading in full, of the Municipal Budget for the year ending December 31, 2013.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

INTRODUCTION OF 2013 BUDGET

BE IT RESOLVED, that the following statement of revenues and appropriations attached hereto constitute the local Budget of the Borough of Woodcliff Lake, Bergen County, New Jersey for the year 2013.

BET IT FURTHER RESOLVED, that the said budget be published in the Record Newspaper in the issue of May 17, 2013 and that a hearing on the Budget will be held at the Municipal Building on June 3, 2013 at 8:00 PM or as soon thereafter as the matter may be reached.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO APPEAR BEFORE THE MONTVALE PLANNING BOARD TO PROTECT THE INTERESTS OF THE CITIZENS OF WOODCLIFF LAKE, NEW JERSEY

WHEREAS, on April 30, 2013, the Mayor and Council of the Borough of Montvale adopted Ordinance No. 2013-1374, amending and supplementing Chapter 128, Zoning, of the Borough of Montvale Code to establish a new AH-PUD Zone, to establish the standards thereof and to implement changes and revisions consistent with the Master Plan; and

WHEREAS, the adoption of Ordinance No. 2013-1374 by the Mayor and Council of the Borough of Montvale rezones property located at the corner of West Grand Avenue and Mercedes Drive in the Borough of Montvale, commonly known as "DePiero Farm"; and

WHEREAS, it has been published in newspapers serving the local geographic area, including the Borough of Woodcliff Lake, that the purpose of the rezoning of the DePiero Farm property is to allow for the development of that property, which development is anticipated to include 240,000 square feet of retail which is to include a 140,000 square foot Wegmans; and

WHEREAS, it has been published in newspapers serving the local geographic area, including the Borough of Woodcliff Lake, that the proposed development of the DePiero Farm property will result in additional traffic on already congested local roads as well as increased noise and air pollution; and

WHEREAS, the Borough of Woodcliff Lake borders the Borough of Montvale and as a result due to the proximity of the development of the DePiero Farm property to the Borough of Woodcliff Lake, any and all negative impacts of that development will directly impact the citizens of the Borough of Woodcliff Lake; and

WHEREAS, the Governing Body of the Borough of Woodcliff Lake believes it is in the best interests of the citizens of the Borough of Woodcliff Lake that the Woodcliff Lake Borough Attorney appear before the Planning Board of the Borough of Montvale in connection with any applications relating to the development of the DePiero Farm property to represent and protect the interests of the citizens of the Borough of Woodcliff Lake.

NOW THEREFORE BE IT RESOLVED that the Governing Body hereby authorizes and directs the Woodcliff Lake Borough Attorney to appear before the Planning Board of the Borough of Montvale in connection with any applications relating to the development of the DePiero Farm property and otherwise protect the interests of the citizens of the Borough of Woodcliff Lake in connection with the development of the DePiero Farm property.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

RESOLUTION AUTHORIZING THE BOROUGH ATTORNEY TO ADDRESS ALL ISSUES RELATING TO THE COUNCIL ON AFFORDABLE HOUSING'S MAY 1, 2013 RESOLUTION AND TAKE ALL APPROPRIATE ACTION TO PROTECT THE INTERESTS OF THE BOROUGH OF WOODCLIFF LAKE

WHEREAS, on May 1, 2013, the Council on Affordable Housing ("COAH") adopted a resolution requiring (among other things) that all municipalities to submit to COAH any "affordable housing trust fund moneys" collected before July 17, 2008 and not "spent or committ[ed] to be spent" by July 17, 2012; and

WHEREAS, the Governing Body seeks to promptly address all issues related to COAH's May 1, 2013 resolution and take all appropriate action to protect the interests of the Borough of Woodcliff Lake; and

NOW THEREFORE BE IT RESOLVED that the Governing Body hereby authorizes and directs the Woodcliff Lake Borough Attorney to address any and all issues related to COAH's May 1, 2013 resolution and take all appropriate action to protect the interests of the Borough of Woodcliff Lake.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

PUBLIC FORUM

Motion to open to the public

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

Motion to close to the public

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

CONSENT AGENDA DISCUSSION

CONSENT AGENDA VOTE

ADJOURNMENT

CONSENT AGENDA – May 6, 2013

1. Payroll, page 9
2. Authority to Pay Claims, page 9
3. Resolution Authorizing Refund for Overpayment of Taxes Caused by Tax Court Judgment, 17
Hunter Ridge, page 9
4. Resolution Authorizing Refund for Overpayment of Taxes Caused by Tax Court Judgment, 15
Woodcrest Drive, page 10
5. Emergency Temporary Budget Appropriation, page 11
6. Resolution Authorizing New Title Within Public Works Department, page 12
7. Resolution Endorsing Floor Cleaning Partnership Between Borough and WCL School District, page
12

RESOLVED, that the Consent Agenda is approved as presented.

Abene Bader Bae Bloom Gadaleta Rosenblatt **Goldsmith**

CLAIMS AND BILLS

Authority to Pay Claims

(Consent Agenda - 1)

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

Current Fund:	\$2,279,921.28
Trust Other:	\$ 118.74
Animal Control:	\$ 4,497.80
Capital Fund:	\$ 142,973.53
Police Private Duty:	\$ 915.00
Escrow:	\$ 1,974.75

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

Payroll

(Consent Agenda - 2)

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

Payroll released: \$171,965.35

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET 016722-2011 FOR THE YEAR 2011

(Consent Agenda - 3)

WHEREAS, the owners of Block 1206, Lot 6, 17 Hunter Ridge, Woodcliff Lake New Jersey has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:

<u>2011 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
290,300.00 LAND	290,300.00 LAND
947,800.00 IMPROVEMENTS	766,700.00 IMPROVEMENTS
<u>1,238,100.00 TOTAL ASSESSMENT</u>	<u>1,057,000.00 TOTAL ASSESSMENT</u>
27,696.29 taxes paid	23,645.09 taxes

WHEREAS, this has resulted in their overpaying their property tax for the year **2011** in the amount of **\$4,051.20** and,

TOTAL REFUND FOR 2011= \$4,051.20

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of **\$4,051.20** for the year **2011** to the owner of record **ROBERT NATHIN**

MAIL VOUCHER TO:

Robert Nathin
17 Hunter Ridge
Woodcliff Lake, NJ 07677

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET 015417-2011 FOR THE YEAR 2011 (Consent Agenda – 4)

WHEREAS, the owners of Block 105, Lot 5, 15 Woodcrest Dr., Woodcliff Lake New Jersey has been successful in their appeal to The Tax Court of New Jersey and having agreed upon a settlement adjusting their assessed value as follows:

<u>2011 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
232,500.00 LAND	232,500.00 LAND
502,100.00 IMPROVEMENTS	452,500.00 IMPROVEMENTS
<u>734,600.00 TOTAL ASSESSMENT</u>	<u>685,000.00 TOTAL ASSESSMENT</u>
16,433.00 taxes paid	15,323.45 taxes

WHEREAS, this has resulted in their overpaying their property tax for the year **2011** in the amount of **\$1,109.55** and,

TOTAL REFUND FOR 2011= \$1,109.55

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the overpayment of **\$1,109.55** for the year **2011** to the owner of record **YOON, SUNG PIL & KI SOON KIM c/o WILLIAM S WINTERS**

MAIL VOUCHER TO:

A RESOLUTION AUTHORIZING TITLE RECLASSIFICATION WITHIN DEPARTMENT OF PUBLIC WORKS

(Consent Agenda – 6)

WHEREAS, the Department of Public Works has a vacant title known as Lead Man; and

WHEREAS, the Public Works Committee has met with the Borough Administrator and Acting Superintendent of Public Works to review the replacement title and recommend the same; and

WHEREAS, the reclassification of the title Lead Man with Supervisor, Department Of Public Works will foster and provide an opportunity for professional staff development; and

WHEREAS, the title of Supervisor, Department of Public Works will have full supervisory responsibility for control over work operations and subordinates and is accountable to the Superintendent of Public Works; and

WHEREAS, the Public Works Committee, Borough Administrator and Salary and Wage Committee will recommend a salary for Supervisor, Department of Public Works as part of the 2013 Salary Ordinance based on the following:

SUPERVISOR, DEPARTMENT OF PUBLIC WORKS
SALARY RANGE:

MIN.	MID.	MAX.
\$62,000	\$85,000	\$115,000

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Woodcliff Lake that the Borough Administrator/QPA is hereby authorized to initiate the appropriate steps to reclassify the title of Lead Man with Supervisor, Department of Public Works (Position Classification attached) within the Woodcliff Lake Department of Public Works and advertise for same.

Abene Bader Bae Bloom Gadaleta Rosenblatt Goldsmith

A RESOLUTION FOR A INTER AGENCY INITIATIVE BETWEEN THE BOROUGH OF WOODCLIFF LAKE AND WOODCLIFF LAKE SCHOOL DISTRICT

(Consent Agenda – 7)

WHEREAS, the Borough of Woodcliff Lake and Woodcliff Lake School District have a cooperative working relationship; and

WHEREAS, the Borough of Woodcliff Lake and WCL School District have similar maintenance challenges and opportunities; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake support and endorse Shared Services when cost effective and operationally effective and efficient; and

WHEREAS, NJSA 40A:65-4. Agreements for shared services provides for opportunities for municipalities to enter into such arrangements; and

WHEREAS, the Borough of Woodcliff Lake is in need of floor cleaning services; and

WHEREAS, the WCL School District owns certain equipment appropriate for this type of service; and

WHEREAS, the Woodcliff Lake School District is willing and able to provide floor cleaning services to the Borough of Woodcliff Lake

NOW, THEREFORE, BE IT RESOLVED that the appropriate administrative personnel of the Borough of Woodcliff Lake and the Woodcliff Lake School District will work together to accomplish this initiative at no additional cost.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Woodcliff Lake wish to acknowledge the assistance of the Woodcliff Lake School District and extend their appreciation for their cooperative spirit.

Abene

Bader

Bae

Bloom

Gadaleta

Rosenblatt

Goldsmith