

**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL AGENDA
January 19, 2012
8:00 p.m.**

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
Councilman Kenneth Baum
Councilman John Glaser
Councilman Robert Rosenblatt
Councilman Michael Struk

PLEDGE OF ALLEGIANCE.

APPOINTMENT.

PUBLIC UTILITY COMMITTEE (Mayoral appointment/no confirmation needed)

(MAYOR) I appoint the following member to the Public Utility Committee for a term ending December 31, 2012.

Councilman Robert Rosenblatt
Councilman Michael Struk

ADVISORY COMMITTEE TO THE MAYOR

(MAYOR) I appoint the following members to the Advisory Committee to the Mayor for a term ending December 31, 2012.

Warren Feldman
David Barcus
Dana Cassell
Skip Dolan
Robert Friedberg
Alan Levy
Charles Sackerman, Jr.
Richard Schnoll

APPROVAL OF MINUTES.

RESOLVED, that the Minutes of the **Sine Die Meeting of the Mayor and Council held on January 2, 2012** copies of which have been received by all Councilpersons, are hereby approved as presented.

Bader Baum Camella Glaser Hoffman Struk **LaPaglia**

RESOLVED, that the Minutes of the **2012 Reorganization Meeting of the Mayor and Council** copies of which have been received by all Councilpersons, are hereby approved as presented but not yet ready for release to the public.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

RESOLVED, that the Minutes of a **special meeting of the Mayor and Council on January 7, 2012** copies of which have been received by all Councilpersons, are hereby approved as presented.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

RESOLVED, that the Minutes of an **executive session of the Mayor and Council held on January 7, 2012** copies of which have been received by all Councilpersons, are hereby approved as presented but not yet ready for release to the public.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

ENGINEER'S REPORT (this report is usually given during the first meeting of the month. Due to the Reorganization, Boswell Engineering will give a report this meeting and on February 1, 2012, in order to stay on schedule).

MAYOR'S REPORT(this report has previously been given during the first meeting of the month. After thoroughly reading the by-laws, the Mayor's report is clearly indicated to be given at the second meeting. Therefore, beginning January 19, 2012, we will adhere to this bylaw.)

APPOINTMENTS OF STANDING COMMITTEES. (Council confirmation needed)

Administration/Finance	JOHN GLASER/Donna Abene
DPW & Roads/Sewers & Sanitation, Ecology	MICHAEL STRUK/Donna Abene
Parks & Recreation	Co Commissioner ROBERT ROSENBLATT Co Commissioner KENNETH BAUM
Public Safety/Police/OEM/TriBoro	JEFFREY BADER/Michael Struk

Buildings & Grounds/Building Dept.	JEFFREY BADER/Michael Struk
Board of Health, Mental Health & Welfare	MICHAEL STRUK/John Glaser
Education (elementary) (high)	KENNETH BAUM/Donna Abene DONNA ABENE/John Glaser
Public Information, Newsletters, Ordinances	KENNETH BAUM/John Glaser
Fire – Volunteer/Fire Prevention	KENNETH BAUM/ROBERT ROSENBLATT
Library	ROBERT ROSENBLATT/John Glaser
Senior Citizens' Program	JOHN GLASER/Michael Struk

OLD BUSINESS.

NEW BUSINESS.

- 2011 report on goals and objectives
- Discussion of 2012 goals and objectives
- By-Law discussion

PUBLIC FORUM

Motion to open to the public

Abene Bader
Baum Glaser
Rosenblatt Struk
Goldsmith

Motion to close to the public

Abene Bader
Baum Glaser
Rosenblatt Struk
Goldsmith

CONSENT AGENDA DISCUSSION.

CONSENT AGENDA VOTE.

ADJOURNMENT

CONSENT AGENDA – January 19, 2012
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1. Authority to Pay Claims, **page 5**
2. Payroll, **page 5**
3. Resolution Authorizing the Submission of an Application for the Woodcliff Lake Municipal Alliance Grant for Year 2012, **page 5, 6**
4. Resolution Authorizing a Settlement Between the Borough of Woodcliff Lake and Firefighter One and the Acceptance of These Funds, **page 6**
5. Resolution Authorizing a Refund of Overpaid Taxes Caused by Tax Court Judgment Docket 017864-2012 for the Year 2011, **page 6, 7**
6. Resolution Requesting Appointment of Probationary Patrolman Keith Kalmbach to Patrolman Ninth Class Effective, January 1, 2012, **page 7**
7. Resolution Requesting Appointment of Probationary Patrolman Simon Sherfer to Patrolman Ninth Class Effective, January 1, 2012, **page 8**
8. Resolution Authorizing a Refund of Overpaid Taxes Caused by Tax Court Judgment Docket 017864-10 for the Year 2011, **page 8, 9**
9. Resolution Authorizing Raffle License for the Woodcliff Lake Education Foundation, **page 9**
10. Resolution Authorizing Contract with Approved State Contract Vendor for Contracting Units Pursuant to N.J.S.A. 40A:11-12a to Purchase a Ford F-450 4WD State Contract Vendor Beyer-Warnock Fleet, Contract A78848, **page 9, 10**
11. Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M Poer &C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake Docket No. 001994-2008, **page 10**
12. Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M Poer &C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake Docket No. 001337-2009, **page 11**
13. Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M Poer &C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake Docket No. 009456-2010, **page 11, 12**
14. Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M Poer &C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake Docket No. 005718-2011, **page 12, 13**

RESOLVED, that the Consent Agenda is hereby approved as presented.

Abene Bader Baum Glaser Rosenblatt Struk **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:	\$	TO BE GIVEN ON TUESDAY, January 18, 2012 after the Bill List is run
Animal Fund	\$	
Capital Fund	\$	

Abene Bader Baum Glaser Rosenblatt Struk **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	\$	178,015.69
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Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

Resolution Authorizing the Submission of an Application for the Woodcliff Lake Municipal Alliance Grant for Calendar Year 2012

(Consent Agenda-3)

WHEREAS, The Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and,

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Bergen;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Woodcliff Lake, County of Bergen, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Woodcliff Lake Municipal Alliance Grant for calendar year 2012 in the amount of \$10,356.00
2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

APPROVED: _____
Jeffrey Goldsmith, Mayor

CERTIFICATION

I, Lori Sciara, Municipal Clerk of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough of Woodcliff Lake on this 19th day of January, 2012

Lori Sciara, Municipal Clerk

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

Resolution Authorizing a Settlement between the Borough of Woodcliff Lake and Firefighter One and the Acceptance of These Funds (Consent Agenda-4)

WHEREAS, the Borough of Woodcliff Lake had purchased air bottles through the bidding process for the volunteer fire department from Fire Fighter One of Sparta, NJ; and

WHEREAS, it was discovered that the air bottles were not NIOSH approved which is a violation of the PEOSH Respiratory Protection Act; and

WHEREAS, Mayor and Council requested the borough attorney to pursue this matter on behalf of the Borough to obtain a return of the air bottles to Fire Fighter One and be reimbursed funds; and

WHEREAS, the Borough Attorney has successfully resolved this matter with Fire Fighter One with the Borough of Woodcliff Lake receiving an \$18,000 settlement and all air bottles will be returned; and

WHEREAS, a notice of dismissal will be filed ending this litigation with prejudice.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council authorize the acceptance of the aforementioned funds and that the Mayor be authorized to sign the settlement documents.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET 017864-2010 FOR THE YEAR 2011

(Consent Agenda-5)

WHEREAS, the owners of Block 1805 Lot 2.01, 79 Glen Road, Woodcliff Lake N.J. 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:

2011 Assessment from Tax Duplicate**Tax Court Judgment**

216,600.00 LAND
 559,200.00 IMPROVEMENTS
775,800.00 TOTAL ASSESSMENT
 17,354.65 taxes paid

216,600.00 LAND
 478,400.00 IMPROVEMENTS
695,000.00 TOTAL ASSESSMENT
 15,547.15 taxes

WHEREAS, this has resulted in their overpaying their property tax for the year **2011** in the amount of **\$1,807.50** and,

TOTAL REFUND FOR 2011= \$1,807.50

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 **\$1,807.50** for the year **2011** to the owner of record **Hornsey, Christopher c/o Thomas L. Murphy, Esquire**

MAIL VOUCHER TO:

Christopher Hornsey c/o Thomas Murphy
 113 W. White Horse Road Suite 4
 Voorhees, N.J 08043

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

Resolution Requesting Appointment of Probationary Patrolman Keith Kalmbach to Patrolman Ninth Class effective January 1, 2012 (Consent Agenda-6)

WHEREAS, Keith Kalmbach has successfully completed his probationary year as police officer in the Borough of Woodcliff Lake; and

WHEREAS, his immediate supervisor/training officer have agreed that his performance is well above the standard; and

WHEREAS, it is the recommendation of the Chief of Police that Keith Kalmbach be appointed as a Patrolman, Ninth Class made effective on his anniversary date January 1, 2012.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of Woodcliff Lake authorize the appointment of probationary police officer Keith Kalmbach to Patrolman Ninth Class effective January 1, 2012.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

Resolution Requesting Appointment of Probationary Patrolman Simon Sherfer to Patrolman Ninth Class effective January 1, 2012 (Consent Agenda-7)

WHEREAS, Simon Sherfer has successfully completed his probationary year as police officer in the Borough of Woodcliff Lake; and

WHEREAS, his immediate supervisor/training officer have agreed that his performance is well above the standard; and

WHEREAS, it is the recommendation of the Chief of Police that Simon Sherfer be appointed as a Patrolman, Ninth Class made effective on his anniversary date January 1, 2012.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of Woodcliff Lake authorize the appointment of probationary police officer Simon Sherfer to Patrolman Ninth Class effective January 1, 2012.

Abene Bader Baum Glaser Rosenblatt Struk Goldsmith

RESOLUTION AUTHORIZING A REFUND OF OVERPAID TAXES CAUSED BY TAX COURT JUDGEMENT DOCKET 017864-2010 FOR THE YEAR 2011

(Consent Agenda – 8)

WHEREAS, the owners of Block 1805 Lot 2.01, 79 Glen Road, Woodcliff Lake N.J. 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>2010 Assessment from Tax Duplicate</u>	<u>Tax Court Judgment</u>
278,500.00 LAND	278,500.00 LAND
579,400.00 IMPROVEMENTS	437,500.00 IMPROVEMENTS
<u>857,900.00 TOTAL ASSESSMENT</u>	<u>716,000.00 TOTAL ASSESSMENT</u>
18,522.06 taxes paid	15,458.44 taxes

WHEREAS, this has resulted in their overpaying their property tax for the year 2010 in the amount of \$3063.62 and,

TOTAL REFUND FOR 2010= \$3063.62

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 **\$3063.62** for the year **2010** to the owner of record **CHIN, D&G, c/o ANTIMO A DELVECCHIO, ESQ**

MAIL VOUCHER TO:

CHIN, D&G c/o ANTIMO A DELVECCHIO ESQ
50 CHESTNUT RIDGE ROAD
PO BOX 244
MONTVALE, NJ 07645

Abene Bader Baum Glaser Rosenblatt Struk Goldsmith

Resolution Authorizing Raffle License for the Woodcliff Lake Education Foundation
(Consent Agenda –9)

WHEREAS, application has been made by the Woodcliff Lake Education Foundation for one (1) one on premise raffle on February 3, 2012 to be held at the Woodcliff Lake Middle School, 100 Dorchester Avenue, Woodcliff Lake, NJ; and

WHEREAS, said application has been submitted to the Woodcliff Lake Police Department for investigation and have been found to be in good order;

NOW, THEREFORE, BE IT RESOLVED, that the application of the Woodcliff Lake Education Foundation is approved and the Borough Clerk is hereby authorized to issue Raffle License(s) No. R012-411.

Abene Bader Baum Glaser Rosenblatt Struk Goldsmith

Resolution Authorizing Contract with Approved State Contract Vendor for Contracting Units Pursuant to N.J.S.A. 40A:11-12a to Purchase a Ford F-450 4WD State Contract Vendor Beyer-Warnock Fleet, Contract A78848
(Consent Agenda –10)

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by Resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Mayor and Council of the Borough of Woodcliff Lake has the need on a timely basis to purchase goods or services utilizing State contracts; and

WHEREAS, the Borough Administrator/QPA and Acting DPW Superintendent has recommended the purchase of the 2011 Ford Mason Dump via State Contract Number A78848 from Beyer-Warnock Fleet, 175 Route 10, East Hanover, NJ 07 per attached quote in the amount of \$44,821.00 attached to this resolution; and

WHEREAS, the Chief Financial Officer has certified that funds are available in Capital Account No. C—04-55-918-004; and

**Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O
M Poer & C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake
Docket No. 001337-2009**
(Consent Agenda – 12)

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

Block: 301	Lot: 3.04	Street Address: 200 Tice Boulevard	
Tax Year: 2009	Original Assessment	County Board Judgment	Requested Tax court Judgment
LAND	\$19,114,000	N/A	\$19,114,000
IMPROVEMENTS	\$17,503,200	DIRECT	\$17,503,200
TOTAL	\$36,617,200	APPEAL	\$25,000,00

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposed of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds resulting from the settlement set forth herein shall be paid to McCarter & English, LLP attorneys for Plaintiff; and forwarded to Frank E. Ferruggia, Esq. McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Post Office Box 652, Newark, New Jersey 07102-0652

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the refund is paid within one hundred twenty (120) days from the date the governing body approves this settlement.

Abene Bader Baum Glaser Rosenblatt Struk Goldsmith

**Resolution Authorizing Stipulation of Settlement Between Deloitte & Touche LLP C/O M
Poer & C , Block 301, Lot 3.04, 200 Tice Boulevard and the Borough of Woodcliff Lake
Docket No. 009456-2010**
(Consent Agenda – 13)

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

2. The undersigned have made such examination of the value and proper assessment of the property and have obtained such analysis and information with respect to the valuation and assessment of the property, as they deem necessary and appropriate for the purposed of enabling them to enter into the Stipulation. The assessor of the taxing district has been consulted by the attorney for the taxing district with respect to this settlement and has concurred.

3. Based upon the foregoing, the undersigned represents to the Court that the above settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law.

4. All refunds resulting from the settlement set forth herein shall be paid to McCarter & English, LLP attorneys for Plaintiff; and forwarded to Frank E. Ferruggia, Esq. McCarter & English, LLP, Four Gateway Center, 100 Mulberry Street, Post Office Box 652, Newark, New Jersey 07102-0652

5. Statutory interest, pursuant to N.J.S.A. 54:3-27.2, having been waived by the taxpayer, shall not be paid provided the refund is paid within one hundred twenty (120) days from the date the governing body approves this settlement.

Abene

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Goldsmith