**BOROUGH OF WOODCLIFF LAKE**

**MAYOR AND COUNCIL AGENDA**

**May 7, 2012**

**8:00 p.m.**

**CALL TO ORDER**.

Notice of this meeting, in accordance with the "Open Public Meetings Law, l975, C. "23l", 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.**

**(Mayor)** I appoint Jason P. Scatena of Woodcliff Lake, New Jersey as a Woodcliff Lake Volunteer Firefighter.

**RESOLVED**, that this appointment is confirmed.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**(Mayor)** I appoint Mark Siegler to the Mayor’s Advisory Committee for a term ending December 31, 2012.

**PRESENTATION.**

Growth Award presented to Mayor and Council by Marilyn Clark and Clay Bosch, Shade Tree Committee members.

Students from Pascack Hills to perform.

**APPROVAL OF MINUTES.**

**RESOLVED,** that the Minutes of the **of the Mayor and Council meeting April 16, 2012** copies of which have been received by all Councilpersons, are hereby approved as presented.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**PUBLIC HEARING**

**Ordinance 12-05**

1. Clerk offers Proof of Publication.
2. Ordinance is read by title only

**Be it Resolved, that the Ordinance entitled**

**“**An Ordinance Amending Various Portions of Chapter 86 of the Ordinances of the Borough of Woodcliff Lake Entitled, “Alcoholic Beverages”

1. **Motion to open to the public** **Motion to close to the public**

Abene Bader Abene Bader

Baum Glaser Baum Glaser

Rosenblatt Struk Rosenblatt Struk

Goldsmith Goldsmith

D. Adoption.

**Be it Resolved, that the Ordinance entitled**

**“**An Ordinance Amending Various Portions of Chapter 86 of the Ordinances of the Borough of Woodcliff Lake Entitled, “Alcoholic Beverages”

introduced at a Regular Meeting of the Mayor and Council held on April 16, 2012 published in the form presented to and read at this Meeting, shall be appended to the Minutes of this Meeting, and made part of this Resolution and shall be passed on second and final reading, and the Borough Clerk is authorized to advertise the same according to law.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Ordinance 12-07**

1. Clerk offers Proof of Publication.
2. Ordinance is read by title only

**Be it Resolved, that the Ordinance entitled**

**“**An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)

1. **Motion to open to the public** **Motion to close to the public**

Abene Bader Abene Bader

Baum Glaser Baum Glaser

Rosenblatt Struk Rosenblatt Struk

Goldsmith Goldsmith

D. Adoption.

**“Be it Resolved, that the Ordinance entitled**

**“**An Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (N.J.S.A. 40A:4-45.14)”

introduced at a Regular Meeting of the Mayor and Council held on April 16, 2012 published in the form presented to and read at this Meeting, shall be appended to the Minutes of this Meeting, and made part of this Resolution and shall be passed on second and final reading, and the Borough Clerk is authorized to advertise the same according to law.

**ENGINEER’S REPORT**

**Intersection Improvements at Woodcliff Avenue and Werimus Road**

The County painted the proposed curb and center island configuration on Woodcliff Avenue for the resident to review. Boswell is awaiting the resident and her attorney to respond in writing as to her acceptance. At the last Mayor and Council meeting it was advised that the Borough Attorney would contact the resident and/or her attorney to schedule a meeting. Boswell will evaluate the budget to determine if additional funds are required due to the number of alternate designs that have been proposed and number of meetings attended in order and try to accommodate the resident’s concerns. The County has advised Boswell that they would like to dovetail this project along with the Improvements with Chestnut Ridge Road/Saddle River Road Project.

**ADMINISTRATOR’S REPORT**

**OLD BUSINESS.**

**NEW BUSINESS.**

Review of tax appeals year -to -date

**Introduction of Ordinance 12-06**

**Be it Resolved that the Ordinance Entitled,**

**“An Ordinance of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, to Revise Chapter 227-2.H to Amend the Hours Permitting Use of Lawn Mowers/Blowers”**

Heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to held on the 21st day of May, 2012 at 8:00 p.m. or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given any opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said Ordinance be further considered for final passage.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Introduction of Ordinance 12-08**

**Be it Resolved that the Ordinance Entitled,**

**“An Ordinance of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, to Amend Article XII, Entitled “Police Department” at §5-44, Contracted Extra Duty Employment”**

Heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to held on the 21st day of May, 2012 at 8:00 p.m. or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given any opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said Ordinance be further considered for final passage.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Introduction of Ordinance 12-09**

**Be it Resolved that the Ordinance Entitled,**

**“An Ordinance of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, to Revise Ordinance 250-3.E(1) to Limit Time Allowable for Parking in Borough Parking Lots”**

Heretofore introduced, does now pass on first reading, and that said Ordinance be further considered for final passage at a meeting to held on the 21st day of May, 2012 at 8:00 p.m. or as soon thereafter as the matter can be reached, at the regular meeting place of the Borough Council, and that at such time and place all persons interested be given any opportunity to be heard concerning said Ordinance, and that the Borough Clerk is hereby authorized and directed to publish said Ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said Ordinance be further considered for final passage.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**PUBLIC FORUM**

**Motion to open to the public** **Motion to close to the public**

Abene Bader Abene Bader

Baum Glaser Baum Glaser

Rosenblatt Struk Rosenblatt Struk

Goldsmith Goldsmith

**CONSENT AGENDA DISCUSSION.**

**CONSENT AGENDA VOTE.**

**ADJOURNMENT**

**CONSENT AGENDA – May 7, 2012**

1. Authority to Pay Claims, **page 7**
2. Payroll, **page 7**
3. Resolution Authorizing 2012 Mayor and Council Goals, **page 7**
4. Resolution Supporting Participation in the Sustainable Jersey Municipal Certification, **page 7, 8**
5. Resolution for Application for a Grant from New Jersey Department of Community Affairs to Provide a Comprehensive and Specialized Recreation Program for Pascack Valley Communities, **page 8**
6. Resolution Authorizing a “No” Cash Policy for Park and Recreation Fees for Pool, Tennis and Camp Memberships Collect at the Borough Hall, **page 9**
7. Resolution Authorizing George Washington Bridge Challenge Determination, **page 9**
8. Resolution Authorizing Solicitor License to Ahmad Yasin, **page 9, 10**
9. Resolution Adopting Personnel Policies and Procedures, **page 10, 11**
10. Resolution to Affirm the Borough of Woodcliff Lake’s Civil Rights Policy With Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors and Members of the Public That Come Into Contact With Municipal Employees, Officials and Volunteers, **page 11, 12**
11. Resolution Authorizing Professional Services Including Cost Benefit Analysis for the Development of a Sanitary Sewer Excess User Fee System, **page 12, 13**
12. Resolution Authorizing Release of Escrow Balance, **page 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 $2,255,392.08

Animal $ 1,062.40

Capital $ 18,002.14

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Payroll**  **(Consent Agenda-2)**

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

Payroll released $169,778.87

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution Authorizing 2012 Mayor and Council Goals (Consent Agenda-3)**

**WHEREAS**, the Mayor and Council develop goals on a yearly basis for the Mayor and Council; and

**WHEREAS**, the Mayor and Council have suggested, reviewed and ranked various goals for 2012;

**NOW, THEREFORE, BE IT** **RESOLVED** by the Mayor and Council of the Borough of Woodcliff Lake that the attached 2012 Goals are hereby approved.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution Supporting Participation In the Sustainable Jersey® Municipal Certification Program**

**(Consent Agenda-4)**

**WHEREAS,** a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

**WHEREAS,** the Borough of Woodcliff Lake strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

**WHEREAS**, the Borough of Woodcliff Lake hereby acknowledges that the residents of Woodcliff Lake desire a stable, sustainable future for themselves and future generations; and

**WHERE**AS, Woodcliff Lake wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

**WHEREAS,** by endorsing a sustainable path Woodcliff Lake is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

**WHEREAS,** as elected representatives of Woodcliff Lake, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

**NOW THEREFORE BE IT RESOLVED,** that to focus attention and effort within Woodcliff Lake on matters of sustainability, the Mayor and Council wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

**BE IT FURTHER RESOLVED,** by the Mayor and Council of Woodcliff Lake that we do hereby authorize the Borough Administrator to serve as Woodcliff Lake’s agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf of Woodcliff Lake.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution for Application for a Grant from New Jersey Department of Community Affairs to Provide a Comprehensive and Specialized Recreation Program for Pascack Valley Municipalities (Consent Agenda-5)**

**WHEREAS**, the Borough of Woodcliff Lake desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately $10,000 with a $3,150.00 local share for a total contract of $12, 250.00 for 2012 to provide a comprehensive and specialized Recreation Program for the Pascack Valley Municipalities.

**BE IT FURTHER RESOLVED,** that the Borough of Woodcliff Lake does hereby authorize the application for such grant; and upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the agreement; authorize the expenditure of such funds pursuant to the terms of said agreement between the Borough of Woodcliff Lake and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED,** that the Mayor and Administrator, whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith.

Jeffrey R. Goldsmith Wolfgang Albrecht

Mayor Borough Administrator

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Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution Authorizing a “No” Cash Policy for Park and Recreation Fees for Pool, Tennis and Camp Membership Collected at the Borough Hall (Consent Agenda-6)**

**WHEREAS,** the governing body of the Borough of Woodcliff Lake has deemed it necessary to establish a no-cash policy restricting Park and Recreation Pool Fees on April 2, 2012 (Resolution R12-91) to personal checks, bank checks, certified checks, money orders or credit card only; and

**WHEREAS,** it is in the best interests and safety of the staff at the Borough Hall and the fiscal security of the Borough itself and that the Borough of Woodcliff Lake will no longer accept cash payments for Park and Recreation Pool fees.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodcliff Lake wish to hereby approve and adopt a no cash policy for the payment of Tennis and Camp in addition Park and Recreation Fees.

**BE, IT FURTHER RESOLVED THAT** the only acceptable form of payment for Tennis and Camp Membership will be in the form of personal checks, bank checks, certified checks, money orders or credit card only.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution Authorizing George Washington Bridge Challenge Determination**

**(Consent Agenda-7)**

**WHEREAS,** the American Cancer Society is asking authorization for its participating cyclists 24th annual George Washington Bridge Challenge to ride through the Borough of Woodcliff Lake; and

**WHEREAS,** over 100 cyclists will be traveling through Woodcliff Lake over a short period of time in the early morning.

**NOW, THERFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodcliff Lake approves this worthwhile cause and their ride through Woodcliff Lake on June 10, 2012.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution Authorizing Solicitor License to Ahmad Yasin (Consent Agenda – 8)**

**WHEREAS,** Ahmad Yasin has applied for a Solicitor License to the Borough Clerk’s office specifically to sell ice cream within the municipality of Woodcliff Lake; and

**WHEREAS,** the Police Department has stated that there is no reason to deny this applicant a license; and

**WHEREAS,** the applicant has been advised of the rules and guidelines established in the Borough of Woodcliff Lake and the strict adherence to this policy must be followed.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodcliff Lake authorize the Borough Clerk to issue a solicitors license to Ahmad Yasin to sell ice cream within the municipality of Woodcliff Lake pending a Board of Health inspection..

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution Adopting Personnel Policies and Procedures (Consent Agenda – 9)**

**WHEREAS**, it is the policy of the Borough of Woodcliff Lake to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS,** the Borough of Woodcliff Lake has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

**NOW, THEREBY, BE IT RESOLVED** by the Borough of Woodcliff Lake that the Personnel Policies and Procedures Manual attached hereto is hereby adopted.

**BE IT FURTHER RESOLVED** that these personnel policies and procedures shall apply to all Borough of Woodcliff Lake officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**BE IT FURTHER RESOLVED** that this manual is intended to provide guidelines covering public service by Woodcliff Lake employees and is not a contract. The provisions of this manual may be amended and supplemented from time to time without notice and at the sole discretion of the Woodcliff Lake Mayor and Council and/or Borough Administrator.

**BE IT FURTHER RESOLVED** that to the maximum extent permitted by law, employment practices for the Borough of Woodcliff Lake shall operate under the legal doctrine known as “employment at will.”

**BE IT FURTHER RESOLVED** that Frederick Danser III of Apruzzese, McDermott, Mastro & Murphy has been appointed as Labor Attorney to advise the Borough of Woodcliff Lake in personnel matter; and

**BE IT FURTHER RESOLVED** that the Borough Administrator and all managerial/supervisory personnel are responsible for these employment practices. The Labor Attorney shall assist the Borough Administrator in the implementation of the policies and procedures in this manual.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**RESOLUTION TO AFFIRM THE BOROUGH OF WOODCLIFF LAKE’S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT**

**CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO**

**CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**(Consent Agenda – 10)**

**WHEREAS**, it is the policy of Woodcliff Lake to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS,** the governing body of Woodcliff Lake has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Borough of Woodcliff Lake that:

**Section 1:** No official, employee, appointee or volunteer of the Borough of Woodcliff Lake

by whatever title known, or any entity that is in any way a part of the Borough of Woodcliff Lake shall engage, either directly or indirectly in any act including the failure to

act that constitutes discrimination, harassment or a violation of any person’s

constitutional rights while such official, employee, appointee volunteer, or entity

is engaged in or acting on behalf of the Borough of Woodcliff Lake’s business or using the

facilities or property of the Borough of Woodcliff Lake.

**Section 2:** The prohibitions and requirements of this resolution shall extend to

any person or entity, including but not limited to any volunteer organization or

inter-local organization, whether structured as a governmental entity or a private

entity, that receives authorization or support in any way from the Borough of Woodcliff Lake

to provide services that otherwise could be performed by the Borough of Woodcliff Lake.

**Section 3:** Discrimination, harassment and civil rights shall be defined for

purposes of this resolution using the latest definitions contained in the applicable

Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Borough Administrator shall establish written procedures for any person to

report alleged discrimination, harassment and violations of civil rights prohibited

by this resolution. Such procedures shall include alternate ways to report a

complaint so that the person making the complaint need not communicate with

the alleged violator in the event the alleged violator would be the normal contact

for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged

discrimination, harassment or violation of civil rights, provided however, that any

person who reports alleged violations in bad faith shall be subject to appropriate

discipline.

**Section 6:** The Borough Administrator shall establish written procedures that require all

officials, employees, appointees and volunteers of the Borough of Woodcliff Lake as well as

all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Borough Administrator shall establish a system to monitor compliance and

shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Borough Administrator shall cause a summary of this

resolution and the procedures established pursuant to this resolution to be

communicated within the Borough of Woodcliff Lake. This communication shall include a

statement from the governing body expressing its unequivocal commitment to

enforce this resolution. This summary shall also be posted on the Borough of Woodcliff Lake’s web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper

of the Borough of Woodcliff Lake in order for the public to be made aware of this policy and

the Borough of Woodcliff Lake’s commitment to the implementation and enforcement of this

policy.

Abene Bader Baum Glaser Rosenblatt Struk G**oldsmith**

# RESOLUTION AUTHORIZING PROFESSIONAL SERVICES INCLUDING COST BENEFIT ANALYSIS FOR THE DEVELOPMENT OF A SANITARY SEWER EXCESS USER FEE SYSTEM

**(Consent Agenda – 11)**

**WHEREAS,**  there is a need on the part of the Borough of Woodcliff Lake to enter into a Professional Service Agreement for Professional Services Including Cost Benefit Analysis for the Development of a Sanitary Sewer Excess user fee System; and

**WHEREAS,** the Borough Administrator/QPA was authorized to advertise for and receive RFP’s for Professional Services Including Cost Benefit Analysis For The Development Of A Sewer Excess user fee System; and

**WHEREAS**, on April 24, 2012, the bid opening was held for said professional service; and

**WHEREAS**, two (2) bids were received, opened and read; and

**WHEREAS**, the Borough Administrator/QPA and Finance Committee have reviewed said proposals and are recommending that the proposal submitted by Boswell McClave Engineering, 330 Phillips Avenue, P.O. Box 3152, South Hackensack, New Jersey 07606-1722 dated April 23, 2012 in the amount not to exceed $6,500.00 be awarded at this time; and

**WHEREAS,** the Chief Financial Officer has certified that there are sufficient funds available.

**NOW THEREFORE BE IT RESOLVED** thatthe Mayor and Council of the Borough of Woodcliff Lake as follows:

1. The Borough of Woodcliff Lake is hereby entering in a Professional Service Agreement with Boswell Engineering to provide Professional Services Including Cost Benefit Analysis For The Development Of A Sanitary Sewer Excess user Fee System.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**

**Resolution Authorizing Release of Escrow Balance (Consent Agenda – 12)**

**WHEREAS,** A request has been made for the release of the escrow balances with respect to the following in the Borough of Woodcliff Lake:

**BNS Construction**

**24 Mulholland**

**Escrow Release**

**$715.96**

**WHEREAS**, the Borough Construction Official has confirmed that all is satisfactory and has recommended that the escrow balances be released;

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of the escrow balances in the amount of **$715.96 i**n connection with the aforementioned.

Abene Bader Baum Glaser Rosenblatt Struk **Goldsmith**