TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE OPEN PUBLIC WORK SESSION
SECOND FLOOR MUNICIPAL COURT ROOM
MONDAY, SEPTEMBER 21, 2015 – 7:30 P.M.

Mayor Kevin J. Rooney opened the Work Session Meeting at 7:30 p.m. in the second floor municipal court room.

Municipal Clerk Santimauro read the Open Public Work Session statement: "This Open Public Work Session Meeting of the Wyckoff Township Committee is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our Annual Schedule of meetings. A copy of said Annual Schedule has been posted on the Bulletin Board in Memorial Town Hall; a copy has been filed with the Municipal Clerk, The Record, The Ridgewood News and the North Jersey Herald and News – all newspapers having general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting the Agenda thereof was similarly posted, filed and mailed to said newspapers."

Present: Mayor Kevin J. Rooney, Committeemen Haakon C. Jepsen, Brian D. Scanlan, Rudolf E. Boonstra and John A. Carolan
Also Present: Township Administrator Robert J. Shannon, Jr., Township Attorney Robert Landel and Municipal Clerk Joyce C. Santimauro

Mayor Rooney advised that the Finance Committee has reviewed and signed vouchers.

Mayor Rooney stated since there are many residents in attendance this evening and to assure that everyone in the audience has ample opportunity to provide public comments; Mayor Rooney respectfully requested that if any member of the audience is in attendance for the Public Hearing on Ordinance #1782 Open Space Funds in which utilizing $300,000.00 for the completion of the Pulis Field Recreation Facility to please hold your comments until that Public Hearing. There will be three opportunities to speak this evening; one at the work session which is two (2) minutes per speaker total of ten (10) minutes, second at the Public Business Meeting at 8:00 pm which will be five (5) minutes per speaker and the last opportunity to speak will be on the Public Hearing for Ordinance #1782 five (5) minutes per speaker.

Mayor Rooney asked the Administrator if there were any items for this evening.

1. The Administrator indicated that distributed tonight were two resolutions that if adopted will establish liens for properties which have not maintained their property in accordance with the property maintenance code and in the manor that all other citizen maintains their property. These are two properties that are unfortunately in foreclosure in which the home are not occupied.

2. A resolution was requested from Lieutenant Van Dyk the Traffic Safety Officer to establish October 10, 2015 as a day for everyone in the State of New Jersey to try to prevent driving fatalities.

3. The Administrator indicated that he had performed research as requested into the Bergen County Open Space Preservation Grant and two resolution were received from the Zabriskie House Trust requesting that the Township Committee authorize two grant applications to help fund the improvements and the rehabilitation of the Zabriskie House. A resolution to approve those grant applications is presented on the agenda.

4. The Administrator reported that a notice has been published in the Ridgewood News alerting the public that the Police Department will be receiving applications from towing vendors for calendar year 2016 in the month of October. Chief Fox and the Administrator will be working on specific revisions to the towing procedures for purpose of clarity and ease of enforcement and monitoring.

5. The Administrator congratulated Police Chief Fox, Public Works Manager Scott Fisher and Traffic Safety officer Lieutenant Van Dyk for the diligent effort

they did working with Bergen County and the paving contractor. Thanks are also extended to Elaine Booth who forwarded the road closures PSA to over 20 contacts which included the post office, garbage pick-up vendor, school bus companies, schools and NJ Transit. Wyckoff Avenue from Lafayette Avenue to Atwood Place was closed for only two and a half (2 ½) days for the milling and the resurfacing.

6. The Administrator reported that he has completed the renewal of the Municipal Insurance Coverage which the Township is a member of the Joint Insurance Fund Consortium for 2016.

7. The Administrator indicated that in the packet was a letter from Susan Seybolt of NJDEP regarding the $450,000.00 grant the Township obtained for the purchase of the Maple Lake property. The Administrator indicated he has been able to maintain this grant offer for the past four years. However, the NJDEP has requested the Township advise them one way or the other if the Township will process the grant. Unfortunately the Town, not because of lack of effort was not able to purchase the Maple Lake property. The Township made an offer consistent with the appraisal that was performed in accordance with Green Acres regulations and the amount of the tax appeal that the property owner successfully obtained. However the property owner still wanted millions of more dollars exceeding that amount and a purchase was not agreed upon.

8. The Administrator congratulated Chief Fox and the Police Department. Their efforts with traffic and pedestrian safety will again be recognized by the American Automobile Association of North Jersey. A letter was received inviting the Police Chief to a ceremony where an award to the Wyckoff Police Chief and his Traffic Safety Staff will be presented in October.

9. The Administrator reported that the very popular and well enjoyed service called “Free Personal Paper Shredding” will again be held by the Township. The event will be held on October 24, 2015 from 9:00 am to noon or as soon as the truck is filled up. The event will be held at the Department of Public Works, 475 West Main Street.

10. The Administrator reported that the annual curbside leaf collection program will begin on Monday, October 19, 2015. If the residents see the vacuum truck in their neighborhood prior to this date it does not mean that the program started early. It means that we are field testing the equipment and ensuring everything is in mechanical working order so we can begin on October 19, 2015.

Township Attorney Report:

Robert Landel:

1. Mr. Landel reported that he had requested a close session discussion regarding a pending litigation concerning affordable housing. Wyckoff is a member of the Municipal Consortium of Municipalities that have formed to challenge the housing quota numbers that have been prepared by the Builders Association and the Fair Share Housing Agency. The municipal expert suffered a minor stroke and we need to substitute a replacement expert to complete the project.

Township Committee Reports:

Rudolf Boonstra:

1. Mr. Boonstra reported that the Board of Adjustment last week at its monthly meeting selected David Becker as its new Attorney through December 31, 2015. Mr. Boonstra stated that some questions have been raised to him regarding the

process of selecting an attorney. Mr. Boonstra would like to state the process clearly. The Board of Adjustment Chairman announced publicly at their meetings and through the media that the Board of Adjustment will accept applications from qualified land use attorneys. Eight application were received from land use attorneys. A sub-committee of the Board of Adjustment was established which reviewed all eight of the applications and determined to interview four of the applicants. After conducting four interviews and careful consideration the sub-committee recommended to the Board of Adjustment they select Attorney David Becker. All applicants were asked the same questions as well as Play 2 Pay information which was prepared by Robert Shannon. The Board of Adjustment voted to appoint David Becker.

Mayor Kevin J. Rooney:

Mayor Kevin J. Rooney stated that this evening he would like to make two important announcements:

1. On Thursday, October 24, 2015 at 5:00pm at McBride Field in Franklin Lakes, Mayor Rooney, Mayor Frank Bivona of Franklin Lakes and Mayor Linda H. Schwager, of Oakland will be making an announcement regarding the three communities in the FLOW Regional High School districts will be changing their approach to fighting the heroin and drug epidemic that is plaguing our communities today. Very specific improvements will be announced at that time. The Mayors have been working very closely with the three Chiefs of Police and the new approach will include proposed legislation and a different curriculum taught at the schools to replace the D.A.R.E. program.

2. Mayor Rooney indicated he was pleased to report a number of Municipal Officials and volunteers have been working on the Acess for All Committee, the Mayors Wellness Committee and the adoption of the Stigma Free Status. Tonight he is pleased to announce that special needs housing will become a reality in the Township of Wyckoff at the corner of Clinton Avenue and Morse Avenue in the business zone. The Township will arrive at to a decision to partner with the United Way in Bergen County. Mayor Rooney displayed an architectural rendering of a Dutch Colonial building proposed to be built at 370 Clinton Avenue that would include up to ten (10) residents for people with developmental disabilities. Significant work has been devoted towards this plan which includes practical considerations such as the inclusion of an emergency generator an areas for plowed snow.

Mr. Carolan commented that this is a great location in the business triangle zone and the rendering of the building will fit appropriately into the architectural style of the structures in this area.

Mr. Jepsen also commented that the rendering looked appropriate and the style matches the older existing Dutch Colonial homes in this mixed use (houses and businesses) neighborhood.

Mr. Scanlan indicated he was delighted that this project was moving forward at this site, which he first proposed in 2014. Mr. Scanlan described the United Way of Bergen County as a good partner and stated that over 100 people attended the Acess for All meeting at the Wyckoff Library in April and this improvement addresses an urgent need in our state. It puts to good use a municipal owned asset which is not currently well used. This is a great accomplishment.

Rudolf Boonstra reported he has attended all of the sub-committee meetings and recognized Mayor Rooney for his leadership and the United Way for their enthusiasm and especially the United Way's Architect for listening to all the sub-committees suggestions and the architectural rendering is very reasonably done to blend into the neighborhood and this will truly help a number of Wyckoff

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families as well as helping the Township comply with its affordable housing mandated obligations.

Mayor Rooney opened the meeting for the ten (10) minute total public comment period for any item on or off the Agenda, two (2) minutes per speaker, with a motion from Committeeman Jepsen, seconded by Committeeman Scanlan.

Athena Nicholas, 378 Van Beekman Place, Ms. Nicholas indicated she has an 18 year old son with developmental disabilities and the architectural renderings exceed her expectation; this is a great location and she thanked the Township Committee for addressing this very real need.

Valentina Hicks, 238 Van Houten Avenue, Ms. Hicks indicated that she has previously worked with Tom Toronto and the United Way of Bergen County. Every dollar she donates to United Way is spent in her zip code. She expects this project to be very successful and offered to assist the Township.

Maria Reda, 379 Wyckoff Avenue, Ms. Reda said she has a 25 year old daughter with special needs. This plan to build special needs housing in Wyckoff is a prayer that has been answered. This housing will let her daughter grow independently and the fact that she knows her community will make her life so much more enriched. Ms. Reda also offered her assistance.

Christina Marval, 323 Canturbury Lane, Ms. Marval indicated she is a parent of a special needs child and she experiences the terror that grips the parent of a special needs child when she awakes at night and starts thinking about what will happen to her child if she passes away before her child. Ms. Marval thanked Brain Scanlan, Mayor Rooney and Rudy Boonstra for all their efforts and stated this is an important improvement that will change the lives of ten (10) families significantly.

Sue Salek, 58 Burma Road, Ms. Salek stated she is in favor of the special needs housing and thanked the Township Committee for supporting the residents of Wyckoff.

Sandy Cohen, 290 Birch Parkway, Ms. Cohen stated she is employed as the Service Coordinator at Orchard Commons (which is a special needs housing community in Allendale). She described Orchard Commons as the happiest place on earth. The residents that live in this special needs housing love where they live and their close proximity to their families really improves their quality of life. Ms. Cohen offered to help in any way she could.

Committeeman Jepsen motioned to close the public comment period, seconded by Committeeman Scanlan with an affirmative voice vote.

Mayor Rooney thanked the residents who spoke in favor of the special needs housing and indicated that the next step will be United Way applying to the Planning Board for public input and approval. There are some minor variances that are needed. It is hopeful that United Way will be able to apply at the November 2015 meeting and this project will progress from concept to construction quickly. Mayor Rooney indicated that the Township has additional plans to maintain this positive momentum for special needs housing and address other issues.

Mayor Rooney asked for Township Committee Reports.

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Haakon Jepsen:

1. Mr. Jepsen commented regarding the resolution on this evening's agenda authorizing a grant application to the Bergen County Open Space and Historic Preservation Program. Mr. Jepsen stated the resolutions were received from the Zabriskie House Trust indication all four trustees have requested the Township Committee to authorize the grant applications. The grant applications will include an upgrade to the security system and for the preparation for an historic preservation plan moving forward for the Zabriskie House. Mr. Jepsen thanked Robert J. Shannon, Township Administrator and Richard Lynch for their efforts and energies to make this happen.

Mr. Jepsen indicated that the grape arbor in the back of the Zabriskie House desperately needs painting and he thought it would make a great Eagle Scout Project or Community Improvement Project and asked for volunteers. Mr. Jepsen requested that the Township Administrator through his contacts as a Boy Scout leader inquire if any scout troops or Eagle Scout candidates desire to paint the arbor as a project.

Brian Scanlan reported the Zabriskie House Trustees have prepared an informational card which will be mailed to all residents. The card will request donations and ask for volunteers.

Mayor Rooney indicated this is weekend we have a number of community events in the Township. September 25, 26 and 27th Saint Nicholas Greek Orthodox Church will be conducting their 2015 Greek Festival located on Grandview Avenue. Saturday, September 26, 2015 Eastern Christian Children's Retreat will hold their 50th Annual Country Fair Fundraiser. The Country Fair is held on Memorial Field.

Mayor Rooney provided the Administrator with a bulletin which indicated Bergen County will be providing on Sunday, September 27, 2015 an opportunity for all children with special needs to enjoy the Bergen County Zoo in Paramus 10:00 am to 4:00pm at no admission fee. Mayor Rooney requested that is information be placed on the Township's website and included in the Friday, September 25th e-blast.

Committeeman Boonstra motioned to recess the public comment period, seconded by Committeeman Scanlan with an affirmative voice vote.

To recess the Work Session Meeting so that the Governing Body may conduct their 8:00 pm Public Business Meeting. It is now 7:59 pm.

It is now 8:55 pm and Township Committee reconvenes its Open Public Work Session Meeting.

Mayor Rooney reported that the parking lot at the Wyckoff Community Park will be paved this week. The installation of the security lights in the parking lot will follow in the following week.

Mayor Rooney suggested allowing non-profit Wyckoff groups that raise funds for the schools or the Township government to be able to request a notice regarding their fund raising event to be included in a Township's e-blast for the purpose of obtaining greater participation and thereby greater revenue for the schools or the Township. Examples were suggested; Lincoln School Dads, Coolidge School Dads, FLOW Follies. After a discussion a majority of the governing body members instructed the Administrator to craft the policy to allow participation in the Township's Friday e-blast.

Mayor Rooney asked the Administrator to review any other items.

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The Administrator reviewed the following items:

1. As per Mr. Jepsen's request a new frequently asked question has been placed on the website and that question is, what certifications does a person need to be a volunteer coach in the recreation program?

2. The Administrator thanked the CERTS for their help in directing traffic in the Townships parking lots this past weekend for the football games.

3. The Administrator recognized the Sicomac PTO and Lincoln School PTO for obtaining two Bergen County Utility Authority Environmental Awareness Grants.

4. The Administrator reported two satisfactory reports were received from the NJDEP regarding the Townships compliance with the NJDEP rules for its compost facility located at the end of Charles Avenue behind the new Pulis soccer field. For purposes of prospective the Township has owned this property and has maintained a permit to compost leaves since 1967. The Township pays the NJDEP $21,000.00 per year since former NJDEP Commissioner Bradly Campbell made the NJDEP a revenue producing agency by charging municipalities.

5. Since last meeting the Township has suffered two acts of vandalism on its municipal properties. They included the Tennis Courts nets that were set on fire. Rocks were dropped through the roof of the band shell creating holes and collapse of certain area of the ceiling the band shell is currently roped off and is not available for use. A project team of Municipal Official looked at the state of the structure and a recommendation from the Recreation Office was received that the facility not be used. Because of the current structural state of the band shell it will be demolished by the DEP as a winter task.

6. The Administrator reported he was requested by the Board of Health to prepare an ordinance prohibiting the feeding of wildlife after the Township received complaints that residents were feeding deer in their back yards.

7. The Administrator drafted the Professional Service Resolution to assist the Board of Adjustment with the compliance issue associated with appointing a new attorney; all professional service requirements are completed.

8. The Administrator reported that last week the Planning Board/Board of Adjustment secretary return back to work after an injury. We are glad to have her back. The Administrator recognized project team that pinch hit during a five week period which allowed the Planning Board and Board of Adjustment process to continue. The project team included Joyce C. Santimauro, Municipal Clerk and Mark DiGennaro, Township Engineer with Anna Coscia and Krista Hogne doing the lion's share of the work. Both individuals are both crossed trained for that very specific function and the Administrator thanked all who worked diligently to perform their regular duties and these additional duties during that time.

9. The Administrator indicated that an application has been sent to the Rutgers Public Information Contest.

10. The Administrator reported that in the committee's packet was a copy of a UCC penalty for the property owner 36 Edgewood Avenue who performed work without a permit. When residents perform work without a permit it is the primary reason why the Township is then mandated to perform costly revaluations.

11. The Administrator advised that he continues to review an affordable housing administration complaint. A reply is expected to be issued next week.

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12. In regard to the Township's safety efforts for employee, visitors and municipal operations, a third quarter JIF safety meeting was conducted last week and the Township Committee received copies of the safety improvements projects and efforts.

The Chief of Police will attend the October 20, 2015 Township Committee meeting with our 17 school crossing guards to recognize the important function they perform.

Mayor Rooney asked for a motion to enter closed session to address pending litigation and threatened litigation at 9:10pm.

#15-C7 **Closed Session**

WHEREAS, the Township Committee of the Township of Wyckoff is subject to certain requirements of the "Open Public Meetings Act", N.J.S.A. 10:4-12, et seq.; and

WHEREAS, the "Open Public Meetings Act", N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and,

WHEREAS, it was necessary for the Township Committee of the Township of Wyckoff to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

A. N.J.S.A. 10:4-12b (7) Threatened Litigation
B. N.J.S.A. 10:4-12b (7) Pending Litigation

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey assembled in public session on September 21, 2015, hereby authorize, that an Executive Session closed to the public shall be conducted on September 21, 2015, in the Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey 07481, for the discussion of matters relating to the specific items designated above.

BE IT FURTHER RESOLVED, that the minutes of the said closed session will be made public when the Township Committee of the Township of Wyckoff determines the reason for the minutes to remain closed no longer exists and the Municipal Clerk shall attach to this resolution when completed the Closed Session Meeting Minutes related to the specific items designated above.

The Township Committee re-entered the Open Work Session portion of the meeting at 9:30 pm.

1. The Mayor asked the Township Committee to consider the following resolution regarding the pending litigation closed session conversation.

#15-243 **Authorizing of MSSDA to hire new Expert**

WHEREAS, the Township Committee of the Township of Wyckoff entered into the Municipal Shared Services Defense Agreement ("MSSDA") for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action ("Litigation") that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision"); and

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WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA ("Amendment") has been prepared to effectuate the modification; an

WHEREAS, the Township Committee of the Township of Wyckoff recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Committee of the Township of Wyckoff has determined that it is in the best interests of the citizens of the Wyckoff to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.

2. The Mayor and Township Clerk, be and are hereby authorized to execute the aforesaid Amendment.

3. The Township Committee of the Township of Wyckoff hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Wyckoff with Econsult Solutions, Inc.

   The Township Committee of the Township of Wyckoff hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of Wyckoff with the approval of the Wyckoff's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Committee of the Township of Wyckoff further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

   In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of Wyckoff shall only be responsible for such funding if it authorizes same.

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5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township of Wyckoff.

6. This Resolution shall take effect immediately.

MOTION: _____JEPSEN_____ SECOND _____SCANLAN_____
BOONSTRA_YES_ CAROLAN _YES_ JEPSEN _YES_ SCANLAN_YES_
ROONEY_YES_

1. Township Attorney Robert Landel indicated he has been working on the agreement to allow the railroad to preform improvements at Charles Avenue for the purpose of establishing a public crossing such work will be funded by the Wyckoff YMCA.

After Mr. Landel's review and modification he recommends that the Township Committee authorize the Mayor and the Municipal Clerk to sign the agreement to move this improvement forward.

MOTION: _____BOONSTRA_____ SECOND _____CAROLAN_____
BOONSTRA_YES_ CAROLAN _YES_ JEPSEN _YES_ SCANLAN_YES_
ROONEY_YES_

Motion to Adjourn Work Session AT 9:35 pm

MOTION: _____BOONSTRA_____ SECOND _____SCANLAN_____
BOONSTRA_YES_ CAROLAN _YES_ JEPSEN _YES_ SCANLAN_YES_
ROONEY_YES_

Kevin J. Rooney
Mayor

Joyce C. Santimauro
Municipal Clerk