

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

**TOWNSHIP OF WYCKOFF
48-HOUR MEETING NOTICE**

The purpose of this Notice is to comply with the Open Public Meeting Act and advise the public that the Township Committee of the Township of Wyckoff has cancelled their regularly scheduled Tuesday, March 19, 2013 7:30 pm work session meeting and 8:00 pm regular business meeting due to scheduling conflicts. The meetings are rescheduled to Wednesday, March 27, 2013. The March 27, 2013 work session will be held at 3:30 pm in the second floor municipal court room and the 4:00 pm regular business meeting will be held in the second floor municipal court room; both meetings are at Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ. The agenda will consist of the items that would have been considered on March 19, 2013 including a public hearing and further consideration of Ordinance #1707 regarding a stream lined process for commercial property owners to install natural gas generators, a public hearing and further consideration of Ordinance #1708, sewer fees for 2013, and the introduction of the 2013 municipal budget and payment of bills. The Township Committee will take action at the March 27, 2013 3:30 pm work session meeting and the 4:00 pm regular business meeting.

Joyce C. Santimauro
Municipal Clerk

**PAYMENT OF CLAIMS MAY BE PAID AT ALL REGULAR WORK
SESSION MEETINGS, SPECIAL MEETINGS AND ALL REGULAR
TOWNSHIP COMMITTEE MEETINGS**

FORMAL ACTION WILL BE TAKEN DURING THIS MEETING

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

(Rev. 3/27/13)

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE SPECIAL WORK SESSION MEETING
MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013 - 3:30 P.M.**

1. 3:30 pm Work Session Meeting called to order by Mayor Rudolf E. Boonstra
2. Roll call of Township Committee
3. Reading of "Open Work Session" statement by Mrs. Santimauro
4. Meeting open for the Work Session ten minute total public comment period for any item on or off the agenda. Two (2) minutes per speaker.
5. Mayor and Municipal Clerk to sign documents
6.
 - a. Finance Committee to review and sign vouchers
 - b. Report of Township Committee
 - c. Report of Administrator
 - d. Report of Attorney
7. Recess Work Session Meeting to conduct 8:00 pm Business Meeting
8. Reconvene Work Session Meeting
9. Adjourn

**PAYMENT OF CLAIMS MAY BE PAID AT ALL WORK SESSION
MEETINGS AND ALL TOWNSHIP COMMITTEE BUSINESS MEETINGS**

FORMAL ACTION MAY BE TAKEN AT THIS WORK SESSION

TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013

TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE SPECIAL BUSINESS MEETING
MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013 - 4:00 PM

1. Regular Meeting of the Wyckoff Township Committee called to order by Mayor Rudolf E. Boonstra
2. Flag Salute
3. Invocation will be given by Mayor Rudy Boonstra
4. Reading of the "48 Hour Notice Open Public Meetings Act" statement by Mrs. Santimauro.
5. Roll call of the Township Committee
6. Meeting open for public comment on any item on or off the Agenda; five (5) minutes per speaker
7. Approval of the following Township Committee meeting minutes:

Township Committee Special Meeting Minutes from March 22, 2013

MOTION: ROONEY SECOND SCANLAN
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

Township Committee Work Session and Regular Meeting Minutes from the March 5, 2013 meeting (Absent: Boonstra/Scanlan)

MOTION: ROONEY SECOND JEPSEN
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN ABSTAIN BOONSTRA ABSTAIN

8. **Consent Agenda:** All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately:

I Resolutions (Adoption of the following):

- #13-117 Self Examination of Budget
- #13-119 Return of certain overpaid taxes, escrow monies, recreation fees, etc.
- #13-120 2012 Reserve Budget Transfers
- #13-122 Release Performance Guarantee – GSA, LLC - 511 Goffle Road
- #13-123 Introduction of 2013 Municipal Budget
- #13-124 Establish Fees for Use of Recreational Facilities and Participation in Recreation Programs
- #13-125 Emergency Temporary Appropriation
- #13-126 Release Landscape /Driveway Bond – 43 Midland Avenue
- #13-127 Release Performance Bond - BC Estates – 231 Madison Avenue
- #13-129 Release Closed Session Minutes

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

II Motions

a. Approve the request from the Wyckoff Family YMCA for temporary signs advertising Wyckoff Day. The temporary signs will be erected on May 30 and removed June 8, 2013 (ten days), the temporary signs must be set back 10 feet from the road and permission for placement of the temporary signs must be obtained from all property owners. Locations: YMCA entrance, Lukoil at the corner of Franklin and Godwin Avenues, Advent Lutheran Church, Cornerstone Church, Vottero resident at 521 Russell Avenue, Ray residence 295 Wyckoff Avenue.

III Ordinance – Introduction

#1709 – AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Following is the vote on the Consent Agenda:

MOTION: ROONEY SECOND CHRISTIE
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

IV Resolutions (Not on the Consent Agenda):

#13-118 Payment of Bills
MOTION: SCANLAN SECOND CHRISTIE
CHRISTIE YES JEPSEN YES ROONEY ABSTAIN
SCANLAN YES BOONSTRA YES

#13-121 Authorize 2012 LOSAP Qualifying Participants
MOTION: SCANLAN SECOND JEPSEN
CHRISTIE ABSTAIN JEPSEN YES ROONEY ABSTAIN
SCANLAN YES BOONSTRA YES

#13-128 Authorize Sale of Fire Department Apparatus
MOTION: ROONEY SECOND JEPSEN
CHRISTIE ABSTAIN JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

V Ordinances (Further Consideration/Public Hearings)

#1707 - AN ORDINANCE TO AMEND CHAPTER 168, "SUBDIVISION SITE PLAN REVIEW," OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SECTION 168-5 "SITE PLAN REVIEW," TO REMOVE THE SITE PLAN REQUIREMENT IN CONNECTION WITH APPLICATIONS TO INSTALL NATURAL GAS EMERGENCY GENERATORS ON COMMERCIAL PROPERTIES.

MOTION: _____ ROONEY _____ SECOND _____ SCANLAN _____
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

#1708 - AN ORDINANCE TO AMEND CHAPTER 157 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SEWERS, BY REPLACING SECTION 157-62, SCHEDULE OF CHARGES, CHARGES FOR SEWER SERVICE, ESTABLISHING 2013 SEWER CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE TOWNSHIP OF WYCKOFF, BERGEN COUNTY, NEW JERSEY.

MOTION: _____ SCANLAN _____ SECOND _____ CHRISTIE _____
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

VI Adjourn

**PAYMENT OF CLAIMS MAY BE PAID AT ALL TOWNSHIP
COMMITTEE WORK SESSION MEETINGS AND ALL TOWNSHIP
COMMITTEE REGULAR MEETINGS**

FORMAL ACTION MAY BE TAKEN DURING THIS MEETING

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

Meeting Called To Order

Mayor Rudy Boonstra called the regular meeting of the Wyckoff Township Committee in the Municipal Court Room to order at 4:00 pm.

Flag Salute

The Township Committee proceeded with the Pledge of Allegiance led by Billy Griffin.

Invocation

The Invocation was given by Mayor Rudy Boonstra.

48 Hour Notice Open Public Meeting Act

Municipal Clerk Santimauro read the "48 Hour Notice Open Public Meeting Act": "The purpose of this Notice is to comply with the Open Public Meeting Act and advise the public that the Township Committee of the Township of Wyckoff has cancelled their regularly scheduled Tuesday, March 19, 2013 7:30 pm work session meeting and 8:00 pm regular business meeting due to scheduling conflicts. The meetings are rescheduled to Wednesday, March 27, 2013. The March 27, 2013 work session will be held at 3:30 pm in the second floor municipal court room and the 4:00 pm regular business meeting will be held in the second floor municipal court room; both meetings are at Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, NJ. The agenda will consist of the items that would have been considered on March 19, 2013 including a public hearing and further consideration of Ordinance #1707 regarding a stream lined process for commercial property owners to install natural gas generators, a public hearing and further consideration of Ordinance #1708, sewer fees for 2013, and the introduction of the 2013 municipal budget and payment of bills. The Township Committee will take action at the March 27, 2013 3:30 pm work session meeting and the 4:00 pm regular business meeting."

Attendance

Township Committee Present: Mayor Rudolf E. Boonstra; Committee Present: Douglas J. Christie, Kevin J. Rooney, Brian D. Scanlan and Haakon C. Jepsen.

Staff Present: Township Administrator Robert J. Shannon, Joyce C. Santimauro, Municipal Clerk and Township Attorney Robert Landel.

The Township Committee voted unanimously to open the public portion of the meeting.

No one came forward

The Township Committee voted unanimously to close the public portion of the meeting.

Consent Agenda: The Municipal Clerk read the following: "All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately".

I Resolutions (Adoption of the following):

#13-117 Self Examination of 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,

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Wyckoff 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 local government meets the necessary conditions to participate in the program for the 2013 budget year.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that in accordance with N.J.A.C. 5:30-7.6a & 7.6b 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 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 appropriation 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 be forwarded to the Director of the Division of Local Government Services.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

#13-119 Return of certain overpaid taxes, escrow monies, recreation fees, etc.

BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the Treasurer is hereby authorized and directed to return certain monies as follows:

BOARD OF ADJUSTMENT:

Bart & Tracey Gerber, 514 Spencer Drive, Wyckoff, New Jersey 07481 – Return of Escrow – Block 511/Lot - \$144.93

Raymond Vetterlein, 77 Homewood Avenue, Allendale, New Jersey 07401 – Return of Escrow – Block 491/Lot 25 – 429 Lincoln Avenue - \$223.50

TAX REFUND:

Robert Traitz, 331 Blue Hill Terrace, Wyckoff, New Jersey 07481 – State Tax Court Judgement – Block 207/Lot 6 - \$3729.43

John Schmittberger, 408 Drury Lane, Wyckoff, New Jersey 07481 – State Tax Court Reduction – Block 349/Lot 20.02 - \$5313.00

Robert J. DeFalco, 46 Dale Avenue, Wyckoff, New Jersey 07481 – State Tax Court Judgement – Block 278/Lot 21 - \$6250.40

Drita Haznedari, 419 Lake Road, Wyckoff, New Jersey 07481 – State Tax Court Judgement – Block 201.01/Lot 7 - \$1302.44

Guardian Title Services, LLC, 187 Washington Avenue, Suite 2G, Nutley, New Jersey 07110 – Refund on 1st Quarter taxes due to overpayment – Block 293/Lot 16.02 C1 – 40 Heather Lane - \$1,942.43

Georgette O'Donnell, 11 Alex Court, Wyckoff, New Jersey 07481 – State Court Tax Judgement – Block 245/Lot 51.06 - \$13,532.74

Scott & Gretchen Boardman, 369 Annette Court, Wyckoff, New Jersey 07481 – State Tax Court Judgement – Block 462/Lot 33 - \$6692.14

Emil Geering, 447 Lake Road, Wyckoff, New Jersey 07481 – County Tax Board Judgement – Block 201/Lot 2 - \$594.19

James R. Goldie, 105 Colona Street, Wyckoff, New Jersey 07481 – State Tax Court Judgement – Block 268/Lot 9 - \$697.53

John & Denise Colaneri, 353 Orchard Road, Wyckoff, New Jersey 07481 – Refund of 1st Quarter taxes due to an overpayment – Block 349/Lot 11 - \$692.43

Marcus, Brody, Kessler, 5 Becker Farm Road, Roseland, New Jersey 07068 – State Tax Court Reduction – Rochelle Zucker, 536 Old Post Road – Block 202/Lot 6.04 - \$3,052.00

Victoria & Mitchell Green, 309 West Stevens Avenue, Wyckoff, New Jersey 07481 – Refund of 1st Quarter taxes due to overpayment - Block 291/Lot 8 - \$110.07

Corelogic, 95 Methodist Hill Road, Suite 100, Rochester, New York 14623 – Tax Refunds for the following overpayments totaling **\$15,652.19**:

1. Randolph & Christine Cochran, 49 Van Syckel Lane, Block 211/Lot 5 - \$3,449.97

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

2. Ronald & Jennifer Cochran, 118 Colona Street, Block 269/Lot 26 - \$1,827.00
3. Cataldo & Dolores Cacace, 106 Midland Avenue, Block 303/Lot 3.03 - \$3,891.76
4. Timothy Huntington, 267 Merlin Place, Block 352/Lot 28 - \$2,066.69
5. Richard & Michele Morrow, 109 Ullman Avenue, Block 451/Lot 2 - \$2,422.57
6. Robert & Tara Brady, 218 Deep Brrok Road, Block 497/Lot 7.06 - \$1,994.20

Bac Tax Services Corp., 1757 Tapo Canyon Valley Road, Simi Valley, CA 93063 – Refund of 4th Quarter taxes due to overpayment – Ragone, 371 Harvey Court – Block 218/Lot 4 - \$2,522.00

Michael I. Schneck, 33 Clinton Road, Suite 108, West Caldwell, New Jersey 07006 – State Tax Court Reduction – Edward & Caroline Henning, Sr., 188 Jeffer Court – Block 292/Lot 13 - \$2,367.19

Thomas L. Murphy, 113 White Horse Road, Suite 3, Voorhees, New Jersey 08043 – State Tax Court Reduction – Willard Allman – 330 James Way – Block 349/Lot 78 - \$1,940.72 - Michael & Kathleen Wiener, 514 Lydia Lane – Block 377.07/Lot 74 - \$3,018.24

Christopher & Angela Santhouse, 393 Cornell Street, Wyckoff, New Jersey 07481 – State Tax Court Judgement – Block 466/Lot 44 - \$1,048.78

Scott & Nichola Ewing, 339 Meadowbrook Road, Wyckoff, New jersey 07481 – Refund on 1st Quarter taxes due to overpayment – Block 206/Lot 6 - \$2,951.42

RECREATION:

Toni Ann Butler, 596 Farview Avenue, Wyckoff, New Jersey 07481 – Lacrosse Refund - \$60.00

Joan Gill, 50 Van Schiak Lane, Wyckoff, New Jersey 07481 – Softball Refund - \$55.00

Lisa Carollo, 425 Red Rock Road, Wyckoff, New Jersey 07481 – Baseball Refund - \$110.00

Lori Heffernan, 562 Eder Avenue, Wyckoff, New jersey 07481 – Lacrosse Refund - \$60.00

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

#13-120 2012 Reserve Budget Transfers

WHEREAS, N.J.S.A. 40:A4-59 permits the transfer of funds from January 1 through March 31 for the prior year's appropriation reserve.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wyckoff that the transfer of the following funds is hereby authorized and directed.

From:

Solid Waste	O/E	15,000
Natural Gas		1,025

\$16,025

To:

LOSAP	12,025
Street Lighting	4,000

\$16,025

#13-122 Release Performance Guarantee – GSA, LLC- 511 Goffle Road

WHEREAS, GSA, LLC (Mr. Peter Salerno) deposited the following with the township clerk's office for 511 Goffle Road Block 498 Lot 104.01:

Performance Bond	\$281,800
Performance Cash/Surety	\$ 31,320
Professional/Engineering Escrow	\$ 13,050

WHEREAS, Mr. Peter Salerno has requested the release of the performance guarantee and Mr. Pete TenKate the township's consulting engineer with Boswell Engineering has recommended the following release of the performance guarantee:

<u>Release</u>	<u>Maintain</u>
Performance Bond - \$281,800	Two Year Maintenance Bond - \$35,235
Performance cash/surety - \$27,405	Two Year Maintenance Cash/Surety - \$3,915

WHEREAS, performance bond amounting to \$281,800 will be released when the \$35,235 maintenance bond is submitted to the municipal clerk's office.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they concur with the recommendation of the Township's Consulting Engineer as follows:

<u>Release</u>	<u>Maintain</u>
Performance Bond - \$281,800	Two Year Maintenance Bond - \$35,235
Performance cash/surety - \$27,405	Two Year Maintenance Cash/Surety - \$3,915

BE IT FURTHER RESOLVED, that the municipal clerk will forward a copy of this resolution to Mr. Peter Salerno, 511 Goffle Road, Wyckoff, NJ 07481 and the

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

Township's Consulting Engineer, Mr. Peter TenKate, Boswell McClave
Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606-1722

#13-123 Introduction of 2013 Municipal Budget

(See the resolution attached below).

TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013

#13-123

2013
MUNICIPAL BUDGET

Municipal Budget of the Township of Wyckoff County of Bergen for the Fiscal Year 2013.

It is hereby certified the Budget and Capital Budget annexed hereto and hereby made a part hereof is a true copy of the Budget and Capital Budget approved by resolution of the Governing Body on the 27th day of March, 2013 and that public advertisement will be made in accordance with the provisions of N.J.S. 40A:4-6 and N.J.A.C. 5:30-4.4(d).
Certified by me, this 27th day of March, 2013

Joyce C. Santimauro
Clerk
Memorial Town Hall
Address
Wyckoff, NJ 07481
Address
201-891-7000 X100
Phone Number

It is hereby certified that the approved Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof, and the total of anticipated revenues equals the total of appropriations.

Certified by me, this 27th day of March, 2013
Gary W Higgins
Registered Municipal Accountant
Fair Lawn, NJ 07410
Address
17-17 Route 208
Address
201-791-3035
Phone Number

It is hereby certified that the approved Budget annexed hereto and hereby made a part is an exact copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof, the total of anticipated revenues equals the total of appropriations and the budget is in full compliance with the Local Budget Law, N.J.S. 40A:4-1 et seq.

Certified by me, this 27th day of March, 2013
Diana E McLeod-Lindner
Chief Financial Officer

DO NOT USE THESE SPACES

CERTIFICATION OF ADOPTED BUDGET
It is hereby certified that the amount to be raised by taxation for local purposes has been compared with the approved Budget previously certified by me and any changes required as a condition to such approval have been made. The adopted budget is certified with respect to the foregoing only.
STATE OF NEW JERSEY
Department of Community Affairs
Director of the Division of Local Government Services
By: _____
Dated: 2013

CERTIFICATION OF APPROVED BUDGET
It is hereby certified that the Approved Budget made part hereof complies with the requirements of law, and approval is given pursuant to N.J.S. 40A:4-79.
STATE OF NEW JERSEY
Department of Community Affairs
Director of the Division of Local Government Services
By: _____
Dated: 2013

TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013

13-123

MUNICIPAL BUDGET NOTICE

Section 1.

Municipal Budget of the Township of Wyckoff, County of Bergen for the Fiscal Year 2013

Be it Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2013

Be it Further Resolved, that said Budget be published in the Ridgewood News

in the issue of April 26, 2013

The Governing Body of the Township of Wyckoff does hereby approve the following as the Budget for the year 2013.

<p>RECORDED VOTE (INSERT LAST NAME)</p>	<p style="text-align: center;">Ayes</p> <p style="text-align: center;">Boonstra Christie Jepsen Rooney Scanlan</p>	<p style="text-align: center;">Nays</p>	<p style="text-align: center;">Abstained</p>	<p style="text-align: center;">Absent</p>
--	--	---	--	---

Notice is hereby given that the Budget and Tax Resolution was approved by the Township Committee of the Township

of Wyckoff, County of Bergen, on March 27, 2013

A Hearing on the Budget and Tax Resolution will be held at Memorial Town Hall Court Room, on May 7, 2013 at

8:00 o'clock (A.M./P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other

interested persons.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

#13-124 Established Fees for Use of Recreational Facilities and Participation in Recreation Programs

WHEREAS, Section 58-6A of Chapter 58 of the Township of Wyckoff Code provides that the Township Committee annually establish fees to be charged for participation in recreation programs and the use of recreation facilities; and,

WHEREAS, this resolution amends Resolution #13-21 adopted on February 7, 2013.

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

The following shall be the user fees for participation in the various recreation programs for the current year:

<u>PROGRAM</u>	<u>FEE PER PERSON</u>
1. <u>Recreation Basketball</u>	
Summer Clinic	55.00
Boys & Girls grades 1-4	60.00
Boys & Girls grades 5-8	80.00
High School, winter	85.00
Men Open Gym, winter	65.00
2. <u>Traveling Select Basketball</u>	150.00
3. <u>Recreation Baseball</u>	
Kindergarten T-Ball & 1 st Grade	60.00
Grades 2 – 8	80.00
Summer Clinic	55.00
4. <u>Traveling Select Baseball</u>	
<u>Leagues:</u>	
Clemente (8u), Glanville (9u)	150.00
Mays (10u), Hodges (11u)	175.00
Reese (12u), Murphy (13), Koufax (14u)	200.00
High School Level & Above	200.00
5. <u>Cheerleading</u>	
Summer Clinic	55.00
Basketball Select; Football Recreation	75.00
Competition Squad	125.00
6. <u>Football</u>	
Pee Wee, Junior, Senior (Grades 3-8)	185.00
Flag Football (Grades K-2)	60.00
7. <u>Recreation Soccer</u>	
Kindergarten Soccer	60.00
Kinder-Kickers (Grades 1-2)	60.00
Fall League (Grades 3-4)	80.00
Northwest Bergen (Grades 5-8)	80.00
Northwest Bergen (Grades 9-12)	85.00

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

Summer Clinic	55.00
8. <u>Recreation Softball</u>	
Grade K-1	60.00
Grade 2 - 8	80.00
Women; Men (Summer)	65.00
9. <u>Traveling Select Softball</u>	
u10, u12, u14, u17	150.00
10. <u>Summer Camp Programs:</u>	
Grades K-5	
per week	85.00
Grades 6-8	
per week	125.00
Tennis	
Clinics-Spring & Fall	75.00
Summer Camp:	
Pee Wee - K&1	85.00
2 nd grade-adult	230.00
11. <u>Wrestling:</u>	
Winter League	80.00
12. <u>Roller Hockey</u>	
Winter Clinic (Grades 3-4)	60.00
League (Grades 4-12)	80.00
Summer Clinic	55.00
13. <u>Lacrosse</u>	
Winter Clinic	60.00
Spring League:	
a. Registration fee	85.00
14. <u>Adult Team Tennis</u>	
Summer	65.00
15. <u>Tennis Badges</u>	
Family badge	55.00
Adult badge	35.00
Child badge	25.00
Senior citizen badge	25.00
One day guest pass	5.00

Late Fee Policy - A late fee of \$25.00 will be added to all registration fees accepted after the publicized registration dates.

REFUND PROCEDURE:

Upon withdrawal from any program, a \$20.00 processing fee will be deducted

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

from any refunds due. For programs that are cancelled there will be no processing fee.

Refunds will be made only if the program has not begun. A program is deemed to have started: (1) effective with the first session of the program or (2) in those programs where a draft is conducted, the program is considered started effective with the completion of each particular league's draft.

After May 4th, no refunds for the summer programs will be issued. (This is due to the fact that the summer staff will already have been hired.)

A charge of \$15.00 will be imposed for all checks returned for insufficient funds. This shall be paid before a person is permitted to register for any other program.

The option to purchase your game jersey will be made available to you at registration for the following sports: Football, Roller Hockey, and Lacrosse. The additional fee will be the cost of the jersey plus \$10.

The Township of Wyckoff recreation facilities are available for use to certain groups identified as Group 1 and Group 2 below. The fee for use of the recreation facilities shall be \$25.00/hr. during the day and \$50/hr at night payable to the Department of Recreation and Parks upon application for use. Each group shall also be required to provide a Hold Harmless Agreement with its application. The \$25.00/\$50.00/hr. fee is waived for Group 1.

In the event a 1c group wishes to rent a recreational field for a ten (10) week summer camp program the following is required: Township Committee approval, a fee of \$10.00 per camper attending a weekly traditional summer camp shall be charged and a \$25.00 per camper fee for attending a sports related weekly camp shall be charged.

Group 1 shall consist of the following:

- a. Local school district & regional school district-affiliated groups: Parent-teacher-student organizations; Board of Education advisory groups, employee organizations, adult education.
- b. Municipal government agencies; Recreation Board, volunteer ambulance corps, civil defense and appointed groups of the municipal government.
- c. Community recreation youth sports groups; Boys and Girls Scouts, and church-sponsored youth groups for sports.

Group 2 shall consist of the following:

- a. Local civic organizations
- b. Local religious group
- c. Local political organizations
- d. Local community service organizations
- e. Local sports clubs
- f. Local training facilities

In Group 2, 50% of the participants must be Wyckoff residents.

#13-125

Emergency Temporary Appropriation

WHEREAS, an emergent condition has arisen with respect to temporary appropriation for payment of claims and no adequate provisions has been made in the 2013 temporary appropriations for the aforesaid purpose, and the N.J.S. 40A:40-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

WHEREAS, the total emergency temporary resolutions adopted in the year 2013 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total \$4,242,269.00

NOW, THEREFORE, BE IT RESOLVE, (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriations be and the same is hereby made for temporary appropriations for payment of claims as per attached list in the amount of \$4,242,269.00
2. That said emergency temporary appropriation will be provided for the 2013 budget under the titles as per attached list.
3. That one certified copy of this resolution be filed with the Director of Local Government Services.

#13-126 Release Landscape/Driveway Bond – 43 Midland Avenue

WHEREAS, Ms. Jessica Poniatowski, 43 Midland Avenue, Block 265 Lot 115 submitted a driveway/landscape bond valued at \$4,900. with the municipal clerk's office in May of 2012; and,

WHEREAS, Ms. Poniatowsky has requested the release of the \$4,900. driveway/landscape bond and the township engineer recommends releasing the \$4,900. bond.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that they hereby concur with the recommendation of the township engineer to return the driveway/landscape bond valued at \$4,900.00 to Ms. Jessica Poniatowsky, 43 Midland Avenue, Wyckoff, NJ 07481

BE IT FURTHER RESOLVED, that the Municipal Clerk forward a copy of this resolution to the township engineer and Ms. Jessica Poniatowsky, 43 Midland Avenue, Wyckoff, NJ 07481.

#13-127 Release Performance Bond – BC Estate - 231 Madison Ave.

WHEREAS, J Bushman, LC, (BC Estates) 231 Madison Avenue posted the following with the municipal clerk's office for a building renovation: in August 2008:

Performance cash/surety	\$ 4,560.00
Performance bond	\$41,040.00
Professional/Engineering escrow	\$ 3,000.00

WHEREAS, Township of Wyckoff Resolution #10-240 dated November 1, 2010 authorized the release of the balance of performance cash/surety and professional/engineering escrow in the amount of \$3,990 and a two year maintenance bond was established utilizing the \$41,040 performance bond since the developer did not submit a \$5,130 two (2) year maintenance bond; and,

WHEREAS, Dr. Jennifer Curreri in a letter dated January 16, 2013 has requested the release of the \$41,040 two (2) year maintenance bond; and,

WHEREAS, the Township Consulting Engineer Pete TenKate from Boswell Engineering is recommending the release of the \$41,040 two (2) year

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

maintenance bond.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that they concur with the recommendation of the Township Consulting Engineer Pete TenKate to release the two (2) year maintenance bond in the amount of \$41,040 to Dr. Jennifer Curreri, BC Estates, 378 Clinton Avenue, Wyckoff, NJ 07481.

#13-129 Release Closed Session Minutes

WHEREAS, Section 8 of the "Open Public Meetings Act" provides for the release of Closed Session Minutes at the discretion of the governing body or as soon as the issue has been resolved.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the release of the following Closed Session Minutes is hereby authorized and directed:

<u>Resolution</u>	<u>Date</u>
#09-C25(c)	December 8, 2009
#12-C2(c)	February 7, 2012
#12-C4(a)	March 20, 2012
#12-C5(a)	April 3, 2012
#12-C6(a)	April 17, 2012
#12-C7(b)	May 1, 2012
#12-C9(a)	June 4, 2012
#12-C9(c)	June 4, 2012
#12-C10(a)	June 19, 2012
#12-C15 (c)	December 4, 2012
#12-C15(b)	December 4, 2012
#12-C14	November 5, 2012
#13-C1(b)	January 15, 2013
#13-C3(b)	February 26, 2013
#13-C2	February 5, 2013

Copies of said minutes are attached hereto and made a part hereof as though set forth herein at length.

RESOLUTION #09-C25

WHEREAS, the Township Committee of the Township of Wyckoff is subject to certain requirements of the "Open Public Meetings Act", N.J.S.A. 10:4-6, 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 is 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. **NJSA 10:4-12(4)**
- b. **NJSA 10:4-12(5)**
- c. **NJSA 10:4-12(7) – Beekmere vs Township of Wyckoff et als**

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

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 December 8, 2009, that an Executive Session closed to the public shall be held on December 8, 2009, 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.

**c. N.J.S.A. 10:4-12(7)
Pending Litigation
Beekmere vs Township of Wyckoff, et als**

8:30 pm

Present: Mayor Joseph B. Fiorenzo; Township Committeemen Richard C. Alnor, Rudy Boonstra, David N. Connolly and Brian D. Scanlan

Staff present: Township Administrator Robert J. Shannon, Jr., Township Clerk Joyce C. Santimauro

Recused: Township Attorney Robert Landel left the room.

Page 2

**c. N.J.S.A. 10:4-12(7) –
Beekmere vs
Township of Wyckoff et als**

The Administrator and Clerk reviewed an OPRA request which asks for information relating to the law suit and is considered privileged information as part of a defense and therefore not a typical request for records. A discussion resulted on being helpful and not replying that would be inappropriate and harmful to the defense of the township in the current litigation.

A consensus existed to reply to items 1 & 2 since the township does not own the property and to provide the DEP letter to the requestor as requested in item #3.

The Township Committee voted unanimously to adjourn the closed session and go back into the regularly scheduled work session at 8:40 pm.

RESOLUTION #12-C2

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:

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

- a. **NJSA 10:4-12b(7)**
- b. **NJSA 10:4-12b(5)**
- c. **NJSA 10:4-12b(5)**

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 February 7, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on February 7, 2012, 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.

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C2C
NJSA 10:4-12b(5)**

C NJSA 10:4-12b(5)

February 7, 2012
10:35 pm

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor, Township Committeemen: Douglas J. Christie, Kevin J. Rooney, Brian D. Scanlan

Staff Present: Robert E. Landel, Township Attorney Robert J. Shannon, Township Administrator, Joyce C. Santimauro, Municipal Clerk,

Township Attorney Rob Landel provided an update to the Township Committee regarding a legal petition he submitted to Superior Court, Bergen County Law Division, titled "An Order to Show Cause" letter brief. This document attempts to address the resident complaints and violations occurring at Rousseau's Nursery, 765 Wyckoff Avenue.

Dumping has occurred on this 3.95 acre site that exceeds the allowable permitted volume of 7,500 cubic yards of wood chips. The Township Engineer has estimated in excess of 15,000 cubic yards of wood chips exist exceeding the height limitation and encroaching into restricted buffer setback areas. The order to show cause letter brief seeks to compel compliance with the Court Order dated March 24, 2004. Questions, consequences and scenarios of further non-compliance were discussed.

A consensus existed for the Township Attorney to continue his efforts to compel compliance.

Adjourn 11:00 pm.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

RESOLUTION #12-C4

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. NJSA10:4-12b (7)
- b. NJSA 10:4-12b(5)

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 March 20, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on March 20, 2012, 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.

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C4A**

NJSA 10:4-12b(7)

March 20, 2012
8:14 pm

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor, Township Committeemen: Douglas J. Christie, Kevin J. Rooney, Brian D. Scanlan
Staff Present: Robert E. Landel, Township Attorney, Robert J. Shannon, Township Administrator, Joyce C. Santimauro, Municipal Clerk

Township Attorney reported that he is due in court regarding the Rousseau's Nursery litigation this Friday, March 23, 2012. The nursery owners filed bankruptcy which allows them access to the property to operate.

A follow-up report will be provided after the next court date.

Adjourn 8:20 pm.

RESOLUTION #12-C5

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,

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

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. **NJSA10:4-12b (7)**
- b. **NJSA 10:4-12b(5)**

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 April 3, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on April 3, 2012, 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.

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C5A
NJSA 10:4-12b(7)**

April 3, 2012
8:45 pm

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor, Township Committeemen: Douglas J. Christie, Kevin J. Rooney, Brian D. Scanlan
Staff Present: Robert E. Landel, Township Attorney, Robert J. Shannon, Township Administrator, Joyce C. Santimauro, Municipal Clerk

Township Attorney Robert E. Landel reported on the status of the litigation with Rousseau's Nursery. The owner has filed for bankruptcy which creates an enforcement problem. Although some wood chips were removed, approximately 2,000 cubic yards of chips exceeding the permitted quantity are present. The owner is outside of the time frame the court settlement allows for grinding wood chips. If the owner performs this work outside of the permitted time, an order to the court to stop the work will be the next step.

A new owner cannot grind wood chips or use the site as a transfer station.

The property is zoned for single-family homes and the nursery is a pre-existing use that could continue in the event of a sale.

Adjourn 8:55 pm.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

RESOLUTION #12-C6

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. **NJSA 10:4-12b(5)**
- b. **NJSA 10:4-12b(7)**

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 April 17, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on April 17, 2012, 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.

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C6A**

NJSA 10:4-12b(7)

April 17, 2012
8:47 pm

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor, Township Committeemen: Douglas J. Christie, Kevin J. Rooney
Absent: Township Committeeman Brian D. Scanlan
Staff Present: Taryn L. Sardoni, Esq. , Robert J. Shannon, Township Administrator, Joyce C. Santimauro, Municipal Clerk

A. Pending litigation – Rousseau’s Nursery
Mayor DePhillips requested an update. Ms. Sardoni reported that Mr. Landel is scheduled to appear in court next on May 1, 2012 to address all issues. Township Committee members reported that landscapers are telling them that Rousseau’s Nursery staff are planning to tub grind material which is not permitted this time of year by the Court Order. Ms. Sardoni reported that either she or Mr. Landel drive by the nursery weekdays on their way to work to monitor for this activity; the Township will respond if it occurs.

Adjourn 9:00 pm.

RESOLUTION #12-C7

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

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. **NJSA 10:4-12b(7)**
- b. **NJSA 10:4-12b(5)**
- c. **NJSA 10:4-12b(7)**

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 May 1, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on May 1, 2012, 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.

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C7B
NJSA 10:4-12b(7)**

May 1, 2012
10:21 pm

Present: Christopher P. DePhillips, Mayor; Township Committeemen:
Douglas J. Christie, Kevin J. Rooney

Absent: Township Committeeman Rudolf E. Boonstra

Staff Present: Robert E. Landel, Township Attorney, Robert J. Shannon,
Township Administrator, Joyce C. Santimauro, Municipal Clerk

B Rousseau Nursery Litigation.

Robert E. Landel, Township Attorney reported that he appeared in Superior Court earlier today and reported:

- Tub grinder is not on site.
- An Order was issued for the owner to remove the wood chips that exceed the volume allowed by previous court order.
- The Court ordered 100% of the Township Attorney fees to be paid by the Nursery owner.
- The excessive volume of wood chips that extended almost into the road and next to the structures were removed by the owner to alleviate the fire concern.

Adjourn 10:26 pm.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

RESOLUTION #12-C9

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) Rousseau's Nursery**
 - B. N.J.S.A. 10:4-12b (7)**
 - Township of Wyckoff vs. Ridgewood Water**
 - C. N.J.S.A. 10:4-12b (7)**
- Passaic Valley Sewage Commission 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 June 4, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on June 4, 2012, 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.

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C9A
NJSA 10:4-12b(7)**

June 4, 2012
8:26 pm

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor, Township Committeemen: Douglas J. Christie, Kevin J. Rooney
Absent: Brian D. Scanlan
Staff Present: Robert E. Landel, Township Attorney, Robert J. Shannon, Township Administrator, Joyce C. Santimauro, Municipal Clerk and Fred Depken, Fire Marshal

A Litigation pending.

The Township Attorney reported that litigation is still pending on the Township's efforts to compel Rousseau's Nursery to comply with the Court Order and pay municipal costs to enforce the requirements of the Court Order. Last week a fire in the wood chip/wood parts pile and the fact that the owners have filed bankruptcy and will no longer operate the nursery business, has complicated the enforcement. The Fire Marshal advised the Township Committee regarding the potential or lack thereof of a fire in the wood chip

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

pile and the expected response from the Fire Department. The Township Committee discussed different actions to compel compliance. The Fire Marshal has issued a compliance notice under the authority of the State Fire Code.

The Township Attorney suggested sending abatement notices to the owner and the bank holding the primary mortgage as the next responsible step.

The nursery property at 765 Wyckoff Avenue is posted for sale. The zoning is RA-25 for the 3.95acre property and the operation of a nursery is a pre-existing use. A consensus existed that any new owner should comply with the zoning requirements and the Court Order which set forth constraints on the nursery use.

Adjourn 9:00 pm.

RESOLUTION #12-C9

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) Rousseau's Nursery**
 - B. N.J.S.A. 10:4-12b (7)**
 - Township of Wyckoff vs. Ridgewood Water**
 - C. N.J.S.A. 10:4-12b (7)**
- Passaic Valley Sewage Commission 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 June 4, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on June 4, 2012, 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.

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C9C
NJSA 10:4-12b(7) Pending Litigation**

June 4, 2012
9:05 pm

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor,
Township Committeemen: Douglas J. Christie, Kevin J. Rooney
Absent: Brian D. Scanlan
Staff Present: Robert E. Landel, Township Attorney, Robert J. Shannon,
Township Administrator and Joyce C. Santimauro, Municipal Clerk

In regard to the pending litigation, the Attorney representing the Bergen JIF, (of which the Township of Wyckoff is one of 85 municipalities defended as a member of the JIF), has requested each municipality adopt a resolution he drafted. The resolution is an urgent plea to the legislature to intervene. The legislature had previously created an exemption for sewage waste in the Spill Act to protect public agencies. The municipalities attempted to obtain dismissal of the lawsuit under the exemption and the Court denied the motion.

The Township Committee reviewed the fact that the Township of Wyckoff sanitary sewer system does not connect into the Passaic Valley Sewage Commission system, the Township of Wyckoff is not a member of the Passaic Valley Sewage Commission and the Township of Wyckoff has never provided flow into the Passaic Valley Sewage Commission system and the Township of Wyckoff has been named in the suit and should be released.

The Township Attorney will contact the JIF attorney and obtain further information. A consensus existed to adopt the sample resolution drafted by Bergen JIF's attorney, once the Township Committee re-convenes the Open Discussion section of the Open Public Meeting.

Adjourn 9:14 pm.

RESOLUTION #12-C10

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) 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 June 4, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on June 4, 2012, 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.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

**TOWNSHIP OF WYCKOFF
RESOLUTION 2012-C10
NJSA 10:4-12b(7)**

June 19, 2012
8:34 pm

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor,
Township Committeemen: Douglas J. Christie, Kevin J. Rooney, Brian D.
Scanlan
Staff Present: Robert E. Landel, Township Attorney and Robert J. Shannon,
Township Administrator

A Litigation pending – Rousseau’s Nursery.

Township Attorney Landel explained that a second fire occurred last Sunday, June 17, 2012 in the wood chip/wood parts pile at the nursery located at 765 Wyckoff Avenue. The Township Committee discussed litigation strategies, the pending actions and abatement letters all issued to compel the nursery owner or the mortgage holder, Atlantic Stewardship Bank, to abate the fire hazard. A consensus existed to re-contact the nursery owners and the bank and urge them to abate the nuisances before additional fires result.

Adjourn 8:56 pm.

RESOLUTION #12-C-15

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; and,

- a. **N.J.S.A. 10:4-12b (5) – Acquisition of Maple Lake**
- b. **N.J.S.A. 10:4-12b (7) – Pending Litigation - Passaic Valley Sewerage Commissioners (PVSC)**
- c. **N.J.S.A. 10:4-12b (7) – Pending Litigation – Rousseau’s Nursery**

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 December 4, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on December 4, 2012 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

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

Municipal Clerk shall attach to this resolution when completed the Closed Session Meeting Minutes related to the specific items designated above.

**Township of Wyckoff
RESOLUTION 2012-C15
NJSA 10:4-12b(7)
c Rousseau's Nursery Litigation**

12/04/12

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor,
Township Committeemen: Douglas J. Christie and Brian D. Scanlan

Absent: Kevin J. Rooney, Township Committeeman

Staff Present: Robert E. Landel, Township Attorney
Joyce Santimauro, Municipal Clerk
Robert J. Shannon, Jr., Township Administrator

10:12 PM

Township Attorney Landel explained that a contract purchaser of Rousseau's Nursery has met with the adjacent area neighbors to address the concerns the residents had with the nursery when it was operated by Mr. Rousseau. The nursery use is a pre-existing use in the RA-25 Zone, operating under a judicial consent order which limits the tree mulching operation to specific times of the year. The contract purchaser can operate the nursery without applying for site-plan approval.

The contract purchaser has no desire to continue the tree mulching operation and has requested the consent order be amended to abandon that operation. The Township Attorney concurs, however, the contract purchaser has been requested to voluntarily apply to the Planning Board for a conceptual review to memorialize in a site-plan the operation on the property as a component of amending the consent order. This approach will allow property owners within 200 feet to receive notice and attend and make comments. The purpose is to limit the use of a garden center operation by abandoning the right to operate a tree mulching business and memorialize the physical lay out and conditions of the pre-existing use.

Adjourn 10:30 PM

RESOLUTION #12-C-15

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; and,

- d. N.J.S.A. 10:4-12b (5) – Acquisition of Maple Lake**
- e. N.J.S.A. 10:4-12b (7) – Pending Litigation - Passaic Valley Sewerage Commissioners (PVSC)**

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

**f. N.J.S.A. 10:4-12b (7) – Pending Litigation –
Rousseau’s
Nursery**

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 December 4, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on December 4, 2012 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.

**Township of Wyckoff
RESOLUTION 2012-C15
NJSA 10:4-12b(7)**

b Passaic Valley Sewerage Commissioners

12/04/12

Present: Christopher P. DePhillips, Mayor; Rudolf E. Boonstra, Deputy Mayor,
Township Committeemen: Douglas J. Christie and Brian D. Scanlan

Absent: Kevin J. Rooney, Township Committeeman

Staff Present: Robert E. Landel, Township Attorney
Joyce Santimauro, Municipal Clerk
Robert J. Shannon, Jr., Township Administrator

10:12 PM

Township Attorney Landel reported to the Township Committee that he was contacted by Peter King, Esq., the attorney appointed by JIF to defend the municipalities. NJDEP is attempting to broker a settlement which would be applied towards the clean-up cost where each municipality would pay \$90,000 covered by insurance and \$45,000 paid by the municipalities out of pocket. A Township Committee consensus existed against such a proposal.

Adjourn 10:30 PM

RESOLUTION #12-C14

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. NJSA10:4-12b (7) – Pending Litigation

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

Rousseau's Nursery

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 November 5, 2012, hereby authorize, that an Executive Session closed to the public shall be conducted on November 5, 2012, 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.

**TOWNSHIP OF WYCKOFF
November 5, 2012
Resolution #12-C14
NJSA 10:4-12(b) – Pending Litigation**

10:08 pm

Present: Mayor Christopher P. DePhillips, Township Committeemen Kevin J. Rooney, Douglas J. Christie, Rudy Boonstra and Brian D. Scanlan.

Staff Present: Municipal Clerk Joyce C. Santimauro, Township Administrator Robert J. Shannon, Jr., and Township Attorney Robert E. Landel

Robert Landel, Township Attorney, updated the Township Committee regarding the on-going litigation with Rousseau's Nursery, the efforts to collect court awarded fees for the township and a pending sale, which would require an application to the Wyckoff Planning Board.

A consensus existed to continue the current efforts.

Closed session meeting adjourned at 10:25 pm.

RESOLUTION #13-C1

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. **NJSA10:4-12b (7) – Anticipated Litigation**
- b. **NJSA 10:4-12b(7) – Pending Litigation**
- c. **NJSA 10:4-12b (7) – Anticipated 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 January 15, 2013 hereby authorize, that an Executive Session

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

closed to the public shall be conducted on January 15, 2013, 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.

**Township of Wyckoff
RESOLUTION 2013-C1
NJSA 10:4-12b(7)
B Pending Litigation**

01-15-13

Present: Rudolf E. Boonstra, Mayor, Douglas J. Christie, Deputy Mayor,
Township Committeemen: Haakon Jepsen and Kevin J. Rooney

Absent: Brian D. Scanlan, Township Committeeman

Staff Present: Robert E. Landel, Township Attorney
Joyce Santimauro, Municipal Clerk
Robert J. Shannon, Jr., Township Administrator

9:20 pm

Mr. Landel reported to the Township Committee regarding his reply to a records request lawsuit filed in Superior Court, Bergen County by a South Jersey attorney who specializes in OPRA litigation. Mr. Landel described the lawsuit as frivolous and other than this attorney's client, (a garbage container vendor located in Camden County) no one has used an OPRA form for a bid package. At issue is the cost of \$50 for the bid package. The garbage and recycling collection specifications include four colorized different route district collection maps for which the charge is \$50. The Township does not have a policy for charging for bid specifications and this charge was an anomaly.

Adjourn 9:40 PM

RESOLUTION #13-C3

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:

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

**NJSA 10:4-12b (5) – Maple Lake Acquisition
NJSA10:4-12b (7) – PVSC 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 February 26, 2013 hereby authorize, that an Executive Session closed to the public shall be conducted on February 26, 2013, 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.

**Township of Wyckoff
RESOLUTION 2013-C3
NJSA 10:4-12b(7)
Passaic Valley Sewerage Commissioners**

02-26-13

Present: Rudolf E. Boonstra, Mayor, Douglas J. Christie, Deputy Mayor, Township Committeemen: Haakon Jepsen, Kevin J. Rooney and Brian D. Scanlan

Staff Present: Robert E. Landel, Township Attorney
Joyce Santimauro, Municipal Clerk
Robert J. Shannon, Jr., Township Administrator

Consultant Present: Peter King, JIF Attorney

8:30 PM

Peter King, the JIF Attorney representing Wyckoff and eleven other municipalities explained that the litigation stems from the NJDEP law suit against four (4) chemical companies who the NJDEP alleges has polluted the Passaic River. These four (4) chemical companies have sued eighty (80) municipalities and two hundred (200) non-municipal entities which they claim, have polluted the Passaic River. Many municipalities were named in the litigation as a result of sending sewage waste to the Passaic Valley Sewerage Commission.

Mr. King advised that Wyckoff is unique since we do not send any sewage to the Passaic Valley Sewerage Commission, however; we were listed on their web site as a member. The Township Committee discussed this fact in the context of the four chemical companies and the Passaic Valley Sewerage Commission not agreeing to allow any entity out of the litigation.

A settlement has been proposed. Each municipality would pay \$95,000 with \$50,000 for each municipality paid from JIF. The non-municipal entities would pay \$195,000 each. If 50% of the JIF municipalities agree and 75% of the non-municipalities agree, a settlement agreement will be prepared.

A Township Committee consensus existed; not to agree to the settlement proposed. The Township Committee asked Mr. King to visit the NJDEP and ask

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

that they let Wyckoff out of the litigation based on the facts. Mr. King will file the appropriate summary judgment motion to remove Wyckoff from the case and the Township Committee will contact Senator O'Toole to enlist his assistance.
Adjourn 9:10 PM

RESOLUTION #13-C2

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:

NJSA10:4-12b (7) – Anticipated 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 February 5, 2013 hereby authorize, that an Executive Session closed to the public shall be conducted on February 5, 2013, 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.

**Township of Wyckoff
RESOLUTION 2013-C2
NJSA 10:4-12b(7)
Anticipated Litigation
Anticipated Order of Revaluation**

02-05-13

Present: Rudolf E. Boonstra, Mayor, Douglas J. Christie, Deputy Mayor,
Township Committeemen: Haakon Jepsen and Kevin J. Rooney, Brian D. Scanlan

Staff Present: Robert E. Landel, Township Attorney
Joyce Santimauro, Municipal Clerk
Robert J. Shannon, Jr., Township Administrator

8:45 PM

Finance Committee Chair Mr. Rooney advised the Township Committee that the Tax Assessor reported that the County Tax Administrator has told her Wyckoff will be ordered by the Bergen County Board of Taxation to perform a revaluation at their February 13, 2013 meeting. The Finance Committee (who is developing the municipal budget) met with John Lloyd, Tax Appeal Counsel and the Tax Assessor to address this anticipated order. They explained that Wyckoff's ratio of

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

sales to market value is one hundred seven (107) and that due to the four hundred (400) lawsuits filed in 2012 to reduce individual property assessments, the Bergen County Board of Taxation will order Wyckoff and three other municipalities to perform a revaluation.

The various options were discussed; filing a lawsuit to challenge the revaluation order, filing a lawsuit for a delay to update tax maps, a combination of both and the cost to conduct a revaluation which is estimated at \$500,000.

It was mentioned that a significant number of residents have contacted individual Township Committee members and suggested a revaluation as a way to lower local and regional school taxes. Those questions were reviewed with the Tax Appeal Counsel. He stated that comment is a common misconception because with or without a revaluation, the same tax levies are need to fund the local entities and due to the State required calculation for school taxes after a revaluation, (known as the “page 8 calculation”), the amount of the tax levy needed to fund the regional school doesn’t always decrease. These resident contacts may indicate residents are in favor of a revaluation and that was part of the consideration of options.

It was suggested if the Township Committee does not appeal the revaluation order, a significant public education program will be required. No action will be authorized until the Township Committee members review and receive the revaluation order.

Adjourn 9:10 PM

II Motions

a. Approve the request from the Wyckoff Family YMCA for temporary signs advertising Wyckoff Day. The temporary signs will be erected on May 30 and removed June 8, 2013 (ten days), the temporary signs must be set back 10 feet from the road and permission for placement of the temporary signs must be obtained from all property owners. Locations: YMCA entrance, Lukoil at the corner of Franklin and Godwin Avenues, Advent Lutheran Church, Cornerstone Church, Vottero resident at 521 Russell Avenue, Ray residence 295 Wyckoff Avenue

III Ordinance - Introduction

ORDINANCE #1709

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

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% 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,

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

WHEREAS, the Township Committee of the Township of Wyckoff in the County of Bergen find it 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 Township Committee hereby determines that a 1.5% increase in the budget for said year, amounting to \$188,616.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee 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 Township Committee of the Township of Wyckoff in the County of Bergen authorized membership of this governing body affirmatively concurring that, in the CY 2013 budget year, the final appropriations of the Township of Wyckoff shall, in accordance with this ordinance and N.J.S. A. 40A:4-45, be increased by 1.5% amounting to \$188,616.00 and that the CY 2013 municipal budget for the Township of Wyckoff be approved and adopted in accordance with the ordinance; and

BE IT FURTHER ORDAINED, 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; 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 Direction within 5 days after such adoption.

Township Committee Discussion Prior to Consent Agenda Vote

Mrs. Santimauro asked for a Motion and a Second on the Consent Agenda.

Kevin Rooney, Chair of the Finance Committee stated that he would like to provide some comments regarding the introduction of the municipal budget which is on the consent agenda. Mr. Rooney said he would like to explain the work that went into it, where we started from and how we got to where we are.

Mr. Rooney indicted that there are a number of factors that went into this year's budget some of which started in year 2010. Mr. Rooney announced that in 2013 the Township of Wyckoff was mandated by the Bergen County Board of Taxation to perform a revaluation. Currently the township is waiting for the State Department of Treasury's approval of the Bergen County Board of Taxation order before the process of preparing for a revaluation begins. On Monday, Mr. Rooney attended a meeting regarding the revaluation; at the meeting was Committeeman Christie, Pam Steele Tax Assessor, John Lloyd Tax Appeal Counsel and Bob Shannon Township Administrator. This project team discussed strategy on how to move forward, the Tax Assessor has requested a two (2) year extension to perform the revaluation, because she believes the more time that a revaluation program has the better information they will obtain, for example, it's very important to get accurate information from entry into everyone's homes to ensure each assessment reflects the improvements at each property. Again, the

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

revaluations' purpose is to spread the tax burden fairly so that all tax payers pay their fair share of taxes. Our tax counsel recommends requesting a one (1) year extension because both the tax counsel and tax assessor have advised that it is virtually impossible to complete the revaluation and all the state mandated requirements prior to 10/1/13. The last time the township performed a revaluation they received the order in 2004, obtained a one (1) year extension and were able to complete the revaluation by 10/1/2005 for the 2006 tax year, therefore, the township will be approaching this mandate in the same manner as in 2004 by seeking a one (1) year extension.

Mr. Rooney made a motion to seek a one year extension from the Bergen County Board of Taxation, Seconded by Mr. Jepsen, all governing body members voted yes.

Mr. Rooney also indicated that in 2012 our ratio of assessed value to sales value is 107% and our coefficient of deviation is 10.86. From 2010 to 2012 the township lost \$45,000,000 in ratables due to tax appeals, during that five (5) year period the township experienced 1,100 tax appeals of which 50% were successfully defended. The mandate of performing a revaluation will impact our budget; it will cost the tax payers \$500,000 plus and that does not include any additional costs for the tax assessor's office. Mr. Rooney recommended the personnel committee meet with the tax assessor to determine what her needs are in terms of upgrading computer systems, staffing for the revaluation process and make a recommendation to the finance committee. The process of revaluation also includes approval from the New Jersey Department of Treasury for municipal tax maps to ensure they are up to date regarding the mandated components of the tax maps.

A common process in a revaluation is to make three (3) attempts to gain access into a home with one additional letter indicating the need to enter the home to perform a thorough inspection. The township's public information campaign to notify the residents of the revaluation will include a special edition newsletter, emails and notification and updates on the township's website. The cost of the revaluation is not in the 2013 budget, but there is approximately \$30,000 of additional costs to defend assessment's from tax appeal law suits.

Also impacting the 2013 budget is a request from the Wyckoff Volunteer Fire Department for a new pumper to replace a 30 year old pumper. We also have on this agenda a resolution authorizing the public selling of our second rescue truck, the fire department has been willing to part with it and the minimum price is \$45,000. Once sold this money will be applied towards the purchase of a replacement pumper. The township will most likely bond for the purchase of this pumper later in 2013. The township has been exploring many different cost savings options such as an option to pay for the cab and chassis when manufactured to obtain cost savings if indicated in the competitive bidding process.

As everyone knows we have experienced three (3) 100 year storms in the last three (3) years; these storms indicate the township needs to be thoroughly prepared for these emergencies. The 2013 budget includes the purchase of a new generator for town hall and bearing recycling in mind, taking the existing generator from town hall that does not power the entire building, and relocating it to Fire Company #1 to power that building which does not have a properly functioning generator. The budget also includes additional emergency management improvements, such as, the purchase of an OEM trailer to store emergency management supplies so that we can store and transport to the site of emergencies all emergency equipment, such as cones, emergency traffic signal stop signs, flares, barricades and other supplies and equipment. But, in keeping with Wyckoff's tradition of being frugal and recycling the new trailer will go to the recreation department, because they use a trailer on a daily basis. The

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

12 year old trailer from the recreation department will become the OEM trailer because we do not have emergencies 365 days a year.

At this point Mr. Rooney suggested the township committee revisit its discussion from the earlier work session meeting regarding grass collection proposed by Committeemen Scanlan and Jepsen. Mr. Rooney questioned what happens if we don't receive 400 residents willing to pay \$150 for grass collection service for the May thru September period. Mr. Scanlan indicated last year we were able to make changes to recycling and garbage collection schedules because of the savings that resulted from Bob Shannon's strategic bidding. Mr. Rooney indicated that he has strong reservations about adding any additional new money into the budget if we don't have certainty that we will receive it back in user fees. Our Chief Financial Officer advises us that every \$10,000 added to the budget, we have a \$2 increase to the average home in increased municipal taxes. Mr. Christie asked the Administrator if the carting company would do this by subscription service, in other words, the residents would pay the carter directly. Mr. Shannon indicated that he asked that particular question numerous times to the carter and in all cases the carter indicated it was not economically feasible for him to gear up a truck, staff, gas and transportation to the recycling market for grass for only a handful of customers and then have his staff deal with the billing and collection of fees. Mayor Boonstra said that the township committee made a choice in 2012 when we funded every week recycling to not provide grass collection because our carter did a survey and only 10-15% of the homes were putting out grass. Additionally, four reasonable options have been provided which included: cut it and leave it which the environmental commission has been promoting for years, have your landscaper haul the grass away, compost grass on your property or bring your grass to the recycling center. Mr. Boonstra said that as an analogy this reminds him of the conversation many years ago when K-8 public school district cut courtesy busing. Similar responses had been received residents made private arrangements to pay private bus companies for the first year, the next year those bus services weren't needed through carpooling and other options. Mr. Scanlan indicated that he would be willing to provide grass collection in May and June only, no consensus was reached for this proposal and the decision in December 2012 remains.

Mr. Rooney thanked the Department Managers, Diana McLeod our Chief Financial Officer and Administrator Bob Shannon for their diligent work and assistance at the 15 meetings that took place to develop and craft the municipal budget. The municipal budget includes at 1.54% in the tax levy, the average home assessed at \$812,200 would have an increased tax of \$34.61, last year the average tax increase was \$32 on an average home. This year again presented itself with many challenges, one being a state mandate increase of 19.2% in the bill the township pays for police pensions, which is established by the State of New Jersey and 11% increase for employee health care costs. Utilities have increased \$4,000, the money to defend tax appeal law suits required an increase of \$30,200 and additional funds have also been provided to the legal line item because private persons have appealed the Aldo's site plan approved by the Planning Board; the first law suit cost us approximately \$5,000 to defend the planning board before the Bergen County Superior Court, now the site plan approval is being appealed to the appellate division and we have to budget more money to defend that. We have set aside \$10,000 for the expected challenge or appeal of the Shop Rite site plan application; if the Christian Health Care Center site plan is appealed we will have to increase taxes to provide additional funds. Police salaries and additional funds for over time for storms as well as DPW salaries and employee salaries also increased the budget. This year we have budgeted additional money to require criminal background checks for our coaches as a way of protecting our children. The township had to add an additional \$8,000 to its' Length of Service Awards Program (LOSAP) for volunteer firefighter and ambulance corps members because we have more volunteers achieving the 100 point system. Mr. Rooney indicated that if we did

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

not have to prudently budget money for emergency management and storm preparedness items as listed in the budget, the budget would have come in as a very flat no tax increase.

Again, Mr. Rooney said that the finance committee thanked the department managers for working with the municipality, especially, the cooperation and support of the new Fire Chief Lou Graglia. The budget also includes \$388,070 which was returned from the library to defray taxation. Much gratitude is extended to the Library Board of Trustees. Again the state kept the amount of what they described as state aid, but it is really municipal taxes that were previously assessed by the municipality and now the state assessed them and they call it "state aid" was held flat. This does not take into account that four (4) years ago the state took \$594,000 of state aid from the municipality and has yet to return it. The information from the local newspapers indicates that the K-8 budget for the average home will increase \$139 per home. The regional school budget increase is not known because they have not received the final numbers from the county board of taxation. Mr. Rooney indicated that another challenge to this year was the fact that the county board of taxation returned tax appeal judgements to us on January 4, 2013 when they were due November 1, 2012 thereby triggering the municipality's responsibility to pay late interest that represented an additional cost of \$5,000-\$10,000. This was due to Bergen County's lack of staffing; Mr. Rooney sent two (2) letters both to the Governor and the Bergen County Board of Taxation objecting to these actions which resulted in additional costs to the local tax payer. It was pointed out that \$.72 of every tax dollar is levied by the school districts and when there is a tax appeal the schools do not reimburse the municipality because the school has already spent their money, the tax appeal refunds come from the municipality. Mr. Jepsen asked the finance committee "how do you know how much to budget for tax appeals?" Mr. Rooney indicated that it is a difficult decision the finance committee tries to limit the amount that it budgets and at the same time provide adequate funds for those defenses as of 4:00 this Monday there were 209 tax appeals filed.

Mr. Scanlan thanked Kevin Rooney and Doug Christie on the finance committee and Diana McLeod and Bob Shannon as staff for the work they did on the budget and asked if the additional monies budgeted for the criminal background checks would be offset by fee increases. Mr. Rooney said it would. Mr. Rooney further stated that during the review of this process the prudent, smart business practice to do would have been to establish a sinking fund; however, the state rules do not allow a municipality to establish a sinking fund for these types of expenses.

Mr. Rooney again thanked the department managers, Diana McLeod, Bob Shannon and especially the new Fire Chief for all their assistance provided to the finance committee had and the answers provided to develop this year's budget. At this point Mayor Boonstra asked the municipal clerk to call for a vote on the Consent Agenda.

Following is the vote on the Consent Agenda:

MOTION: ROONEY SECOND CHRISTIE
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

IV Resolutions (Not on the Consent Agenda):

#13-118 Payment of Bills

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

MOTION: SCANLAN SECOND CHRISTIE
CHRISTIE YES JEPSEN YES ROONEY ABSTAIN
SCANLAN YES BOONSTRA YES

WHEREAS, the Township Committee has a practice of each Township Committee member participating in the reviewing and signing of vouchers; and,

WHEREAS, the vouchers which comprise this bill list have been reviewed and signed by two (2) Township Committee members; and,

WHEREAS, the two (2) Committeemen acting as the Finance Committee recommend payment; and,

WHEREAS, the Township Treasurer has certified that sufficient funds are available for payment of said vouchers.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the action of the said Finance Committee be approved; and, that the proper officers of the Township be, and they are hereby authorized and directed to draw checks against the funds of the Township of Wyckoff in payment of such vouchers covered by checks no. 11311 – 11348 Payroll A/C, Direct Deposit Vouchers no. 1521 - 1580, checks no. 065782 – 065872 Claims A/C, checks no. 2138 & 2139 Dog Trust A/C, check no. 2258 Accutrack A/C, Voided Claims checks no. 065781, 065802, 065874 & 065898, Manual Claims checks no. 065779, 065780 & 065873 and Claims Wire no. 130303 & 130304.

Listing of said checks is attached to the official minutes.

#13-121 Authorize 2012 LOSAP Qualifying Participants

MOTION: SCANLAN SECOND JEPSEN
CHRISTIE ABSTAIN JEPSEN YES ROONEY ABSTAIN
SCANLAN YES BOONSTRA YES

WHEREAS, NJS 5:30 et seq. allows municipalities to create a length of service program for volunteer fire and first aid organizations; and

WHEREAS, Township of Wyckoff Ordinance 1328 was adopted on August 31, 1999 establishing the Township of Wyckoff Length of Service Award Program; and

WHEREAS, on November 11, 1999, a referendum to establish a Length of Service Award Program was approved by the voters of the Township of Wyckoff; and

WHEREAS, a Length of Service Award Program (LOSAP) was established to provide tax-deferred income benefits to active volunteer members of the Township of Wyckoff's Volunteer Fire Department and Volunteer Ambulance Corp.; and

WHEREAS, the 2012 year of active emergency service has been completed and all qualifying volunteer fire department and first aid participants has been calculated in accordance with NJS 5:30 et seq.; and

WHEREAS, the Chief of the Volunteer Fire Department and the Captain of the Volunteer Ambulance Corp have certified that the volunteers on the attached roster have satisfied the minimum requirements of participation established by

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

the Township of Wyckoff LOSAP on a consistent and uniform basis; and

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Wyckoff approves the 2012 Qualifying Volunteer Fire Department and First Aid Squad roster and attached; and

BE IT FURTHER RESOLVED the Township Committee of the Township of Wyckoff hereby requests this resolution be posted at the Municipal Clerk’s Office, each Fire Company and the Ambulance Corp Building.

#13-128 Authorize Sale of Fire Department Apparatus

MOTION: ROONEY SECOND JEPSEN
CHRISTIE ABSTAIN JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

WHEREAS, The Township of Wyckoff has two rescue fire apparatus and is desirable of selling the oldest apparatus; and,

WHEREAS, The Wyckoff Volunteer Fire Department Chief and Board of Fire Officers concur with the sale of the older rescue apparatus; and,

WHEREAS, The Wyckoff Volunteer Fire Department has performed research and has determined that a realistic price for the sale of the apparatus is \$45,000; and,

WHEREAS, NJS A 40A:11-36 regulates the method for the sale of disposition of personal property no longer needed for public use; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the 1989, Model Mack Fire Rescue apparatus Serial #1MH2H197C5KM001088 is no longer needed for public use and a public advertised sale of the apparatus is hereby authorized.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall provide a Certified Copy of this Resolution to Fire Chief Graglia, Company #1 Deputy Chief Joseph Vander Plaats and Department of Public Works Manager Scott A. Fisher.

V Ordinances (Further Consideration/Public Hearing)

1707 AN ORDINANCE TO AMEND CHAPTER 168, “SUBDIVISION SITE PLAN REVIEW,” OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SECTION 168-5 “SITE PLAN REVIEW,” TO REMOVE THE SITE PLAN REQUIREMENT IN CONNECTION WITH APPLICATIONS TO INSTALL NATURAL GAS EMERGENCY GENERATORS ON COMMERCIAL PROPERTIES.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

FINAL PASSAGE

MUNICIPAL CLERK: Mr. Chairman, I have Ordinance No. 1707, entitled:

AN ORDINANCE TO AMEND CHAPTER 168, "SUBDIVISION SITE PLAN REVIEW," OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SECTION 168-5 "SITE PLAN REVIEW," TO REMOVE THE SITE PLAN REQUIREMENT IN CONNECTION WITH APPLICATIONS TO INSTALL NATURAL GAS EMERGENCY GENERATORS ON COMMERCIAL PROPERTIES

for second reading, by title only, and a copy of this Ordinance has been posted on the bulletin board in Town Hall where public notices are customarily posted, and copies have been made available to members of the general public of the Township who have requested the same.

COMMITTEEMAN ROONEY: I move the Ordinance on second reading by Title only.

COMMITTEEMAN SCANLAN: Seconded.

MOTION: ROONEY SECOND SCANLAN
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1707, and all persons who wish to be heard, please state your name and address before making your statement.

COMMITTEEMAN ROONEY: I move that the Public Hearing on the Ordinance be closed.

COMMITTEEMAN SCANLAN: Seconded.

MOTION: ROONEY SECOND SCANLAN
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

MUNICIPAL CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1707 be, and the same is hereby adopted, and the Municipal Clerk is hereby authorized and directed to publish the Notice of Final Passage of said Ordinance in the official newspaper for the Township as provided by law.

COMMITTEEMAN ROONEY: I move the resolution.

COMMITTEEMAN SCANLAN: Seconded.

MOTION: ROONEY SECOND SCANLAN
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013

TOWNSHIP OF WYCKOFF
ORDINANCE #1707

AN ORDINANCE TO AMEND CHAPTER 168, "SUBDIVISION SITE PLAN REVIEW," OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SECTION 168-5 "SITE PLAN REVIEW," TO REMOVE THE SITE PLAN REQUIREMENT IN CONNECTION WITH APPLICATIONS TO INSTALL NATURAL GAS EMERGENCY GENERATORS ON COMMERCIAL PROPERTIES.

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that Chapter 168-5, "Site Plan Approval," is hereby amended to add the following new sub-section to Section 168-5:

SECTION 1 - Chapter 168 Subdivision Site Plan Review

Section 168-5 Site Plan Approval

F. Notwithstanding anything to the contrary within this Chapter, site plan review and approval shall not be required in connection with applications to install a single (one per site) standby emergency generator, powered by natural gas, to be utilized in connection with commercial uses located within commercial zones if the following criteria is met:

- (1) The installation of the generator shall not result in any change to the existing parking, traffic and/or building layout.
- (2) The location of the generator must conform to all setbacks and require no variances in connection with the installation.
- (3) The location of the generator shall be no less than 15 feet from any residential property line provided that the generator is 20KW or less in size. Generators of larger capacity must apply to the Planning Board if the property is adjacent to a residential property.
- (4) Screening shall be required and as specified by the Township Engineer.
- (5) The applicant for permit shall provide a current site plan as part of its application depicting the exact location and size of the proposed generator. If no site plan is on file with the Township, a new site plan must be prepared in accordance with requirement of Section 168-11 of the Code of the Township of Wyckoff and the same shall be filed with the Township as part of the property's record.
- (6) All generators of alternate fuel types must apply to the Planning Board for approval.

SECTION 2 - Except as hereby amended, all other Sections of Chapter 168 shall remain in full force and effect.

SECTION 3 - This Ordinance shall take effect upon final passage and publication according to law.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

#1708 AN ORDINANCE TO AMEND CHAPTER 157 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SEWERS, BY REPLACING SECTION 157-62, SCHEDULE OF CHARGES, CHARGES FOR SEWER SERVICE, ESTABLISHING 2013 SEWER CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE TOWNSHIP OF WYCKOFF, BERGEN COUNTY, NEW JERSEY.

ORDINANCE

FINAL PASSAGE

MUNICIPAL CLERK: Mr. Chairman, I have Ordinance No. 1708, entitled:

AN ORDINANCE TO AMEND CHAPTER 157 OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SEWERS, BY REPLACING SECTION 157-62, SCHEDULE OF CHARGES, CHARGES FOR SEWER SERVICE, ESTABLISHING 2013 SEWER CHARGES FOR THE USE OF THE SANITARY SEWER SYSTEM OF THE TOWNSHIP OF WYCKOFF, BERGEN COUNTY, NEW JERSEY.

for second reading, by title only, and a copy of this Ordinance has been posted on the bulletin board in Town Hall where public notices are customarily posted, and copies have been made available to members of the general public of the Township who have requested the same.

COMMITTEEMAN SCANLAN: I move the Ordinance on second reading by Title only.

COMMITTEEMAN CHRISTIE: Seconded.

MOTION: SCANLAN SECOND CHRISTIE
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1708, and all persons who wish to be heard, please state your name and address before making your statement.

COMMITTEEMAN SCANLAN: I move that the Public Hearing on the Ordinance be closed.

COMMITTEEMAN CHRISTIE: Seconded.

MOTION: SCANLAN SECOND CHRISTIE
CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

MUNICIPAL CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1708 be, and the same is hereby adopted, and the Municipal Clerk is hereby authorized and directed to publish the Notice of Final Passage of said Ordinance in the official newspaper for the Township as provided by law.

COMMITTEEMAN SCANLAN: I move the resolution.

COMMITTEEMAN CHRISTIE: Seconded.

MOTION: SCANLAN SECOND CHRISTIE

TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013

CHRISTIE YES JEPSEN YES ROONEY YES
SCANLAN YES BOONSTRA YES

TOWNSHIP OF WYCKOFF
ORDINANCE #1708

AN ORDINANCE TO AMEND CHAPTER 157 OF THE CODE OF THE
TOWNSHIP OF WYCKOFF, SEWERS, BY REPLACING SECTION 157-62,
SCHEDULE OF CHARGES, CHARGES FOR SEWER SERVICE,
ESTABLISHING 2013 SEWER CHARGES FOR THE USE OF THE SANITARY
SEWER SYSTEM OF THE TOWNSHIP OF WYCKOFF, BERGEN COUNTY,
NEW JERSEY.

BE IT ORDAINED, by the Township Committee of the Township of Wyckoff,
Bergen County, New Jersey, that an Ordinance entitled "An Ordinance Providing
for and Establishing Sewer Service Charges for the Use of the Sanitary Sewer
System of the Township of Wyckoff, Bergen County, New Jersey," (adopted April
1, 1970 as Ordinance No. 607), be amended as follows:

SECTION 1. Chapter 157, Sewers, Part 2, Article XI, Section 157-62, Schedule
of Charges, is hereby replaced with the following:

- A. The sewer service charge hereby established for 2013 shall be sufficient to:
(1) cover all the charges, costs and expenses related to the sewer
service, such as, but not limited to, the charges of the Northwest Bergen County
Utility Authority, the charges of the Boroughs of Midland Park and Waldwick,
pump stations and ejector station operation and maintenance costs, and all the
costs incurred by the Township of Wyckoff in collecting its sewer service
charges; and,
(2) create a reasonable reserve for maintenance and repairs.

B. The sewer service charge shall be an annual charge commencing upon the
date upon which a building connection is approved by the Township, and such
charge shall be on the following basis and this rate shall stay in effect until
subsequently modified by ordinance amendment:

Table with 2 columns: TYPE OF SERVICE and ANNUAL CHARGE. Rows include Single Family Residential Dwelling Unit, Two Family Residential Dwelling, Three (3) to Five (5) Family Residential dwelling units, Commercial, and Combination Commercial/Residential Dwelling Unit.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
WEDNESDAY, MARCH 27, 2013**

dwelling unit.....\$861.00
plus \$2.74 per 1,000 gallons for flow in excess of 145,600 gallons.

2. Commercial with one residential dwelling
unit within same
structure.....\$624.00
plus \$2.74 per 1,000 gallons for flow in excess of 145,600 gallons

F. Commercial(s) with two (2) to five (5) residential
dwelling units.....charge per unit - \$466.00
plus \$209.00 per dwelling unit. Flow in excess of
104,000 gallons plus 41,600 gallons for
each residential dwelling unit will
be charged at \$2.74 per 1,000 gallons.

SECTION 2. Except as hereby amended, Chapter 157 is hereby ratified and
reaffirmed and shall continue in full force and effect.

SECTION 3. The invalidity of any section or provisions of this amendment to the
ordinance shall not invalidate any other sections or provisions thereof.

SECTION 4. This ordinance shall take effect upon passage and publication as
required by law.

VI Meeting adjourned 4:55 p.m.

Mayor Rudy E. Boonstra

Joyce C. Santimauro
Municipal Clerk