

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR MEETING
MUNICIPAL COURT ROOM
TUESDAY, APRIL 10, 2007 - 8:00 PM**

Mayor David N. Connolly called the regular meeting of the Wyckoff Township Committee in the Municipal Court Room to order at 8:00 p.m.

Reverend Wiley gave the Invocation.

Clerk Santimauro read the "Open Public Meetings Act" Statement: "This regular meeting of the Township Committee of the Township of Wyckoff is now in session. In accordance with the provisions of Section 8 of the Open Public Meetings Act, I wish to advise that notice of this meeting has been posted in the lower level of the Memorial Town Hall and that copy of the annual schedule of meetings has also been filed with the Township Clerk, and that copies of this agenda and annual notice of meetings, of which this is a part, have been heretofore sent to the Ridgewood News, The Record, and The North Jersey Herald and News all papers with general circulation throughout the Township of Wyckoff."

She noted those present: Mayor Connolly, Committeemen Galenkamp, Alnor, and Fiorenzo.

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

Absent: Committeeman McNamara

APPROVAL OF MINUTES

Approval of the following Township Committee minutes:

Township Committee Regular and Work Session Meeting from
March 27, 2007

MOTION: Galenkamp SECOND: Alnor **GALENKAMP Yes
ALNOR Yes MC NAMARA Absent FIORENZO Yes CONNOLLY Yes**

MEETING OPENED FOR PUBLIC COMMENT

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

Clerk Santimauro read the following Consent Agenda into the record: "All matters listed below are considered by the Township Committee to be routine in nature. There will be

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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)

#07-114 Payment of Bills

WHEREAS, the two Committeemen acting as the Finance Committee have approved and signed vouchers, also recommending 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. 62928 - 63022 Payroll A/C, checks no. 048503 - 048615 Claims A/C and checks no. 2010 & 2011 Accutrack A/C.

Listing of said checks is attached to the official minutes.

#07-115 Return of Certain Overpaid

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:

TAX REFUND:

Wells Fargo Real Estate Tax Service, 1 Home Campus, Des Moines, IA 50328 – Refund for overpayment for Taxes – Block 354/Lot 35.01 – 218 Henry Place - \$2,102.84

Karl & Eileen Black, 288 Morse Avenue, Wyckoff, New Jersey 07481 – 2005 County Board Tax Reduction – Block 255/Lot 12 - \$1,140.36

First American Real Estate Tax Service, 95 Methodist Hill Drive, Rochester, New York 14623 – Refund for 1st Quarter 2007 Taxes – due to overpayments - \$16,103.32

Gregg & Lori Van Olden, 709 Albemarle Street, Wyckoff, New Jersey 07481 – State Tax Board Reduction of 1999 Omitted Assessment – Block 421/Lot 7 - \$332.53

RECREATION:

Beth Bonsignore, 389 Oakwood Drive, Wyckoff, New Jersey 07481 – Baseball & Lacrosse Refund - \$85.00

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C. Sieber, 595 Overlook Drive, Wyckoff, New Jersey 07481 – Baseball Refund - \$40.00

#07-116 Declare April 2007 As Child Abuse Prevention Month

WHEREAS, all children deserve to be nurtured, protected and free of physical or emotional harm; and,

WHEREAS, child abuse and neglect is a significant social problem that damages the lives of children physically, mentally and emotionally and inflicts immeasurable harm to our society as a whole; and,

WHEREAS, the Township of Wyckoff is committed to building a continuum of child abuse prevention and intervention programs that are culturally competent, strength-based and family-centered, with a strong emphasis on primary child abuse prevention; and,

WHEREAS, the Township of Wyckoff promotes and supports community-based programs designed to prevent injury, abuse or neglect of children, achieve positive outcomes for parenting behavior and family functioning and relationships, and empower and increase safety for domestic violence victims and their children; and,

WHEREAS, all sectors of the community, including law enforcement, medical professionals, schools, courts, the media and private and public agencies have joined forces to promote public awareness and community involvement to prevent child abuse during the month of April and throughout the year.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they hereby proclaim April 2007 “**AS CHILD ABUSE PREVENTION MONTH**” in the Township of Wyckoff, and urge all fellow residents to become involved in efforts aimed at preventing our children from being abused and neglected.

#07-117 Award Contract

WHEREAS, Ordinance No.1100 authorized a cooperative pricing system with municipalities in Northwest Bergen County; and,

WHEREAS, Resolution #02-200 authorized extending Wyckoff’s participation in the cooperative pricing system for another five (5) years; and,

WHEREAS, the Township Committee previously has directed the Township Administrator to participate in the Cooperative Pricing Systems 2007 Road Resurfacing bids; and,

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WHEREAS, the Borough of Ramsey (the lead agency) has complied with the Local Public Contracts Law and publicly opened and read the bids as indicated on the attached bid summary sheet; and,

WHEREAS, attached please find the Lead Agency's resolution of contract award and analysis of bids submitted from the Shared Services Coordinator; and,

WHEREAS, the Borough of Ramsey awarded a contract to the low bidder on February 28, 2007 to English Paving Contractors, Inc.; and,

WHEREAS, the participating municipalities are required to pass a resolution to participate and execute individual contracts; and,

WHEREAS, the Chief Financial Officer has issued a certificate attached to this resolution which indicates that available funds exist for this purchase subject to the adoption of the 2007 Capital Budget - \$300,000; and,

WHEREAS, the Lead Agency is responsible for Affirmative Action requirements, prevailing wage requirements, bonding requirements and compliance with the Local Public Contracts Law.

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they do hereby authorize a contract to the low bidder, English Paving Contractors, Inc., 1087 Edgewater Avenue, Ridgefield, New Jersey 07657 at a rate of \$58.85 per ton of installed asphalt and milling at \$2.15 a square yard at an estimated contract amount up to \$300,000.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are authorized to execute a contract.

CERTIFICATE OF AVAILABLE FUNDS

I, DIANA MCLEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF, CERTIFY THAT ADEQUATE FUNDS ARE AVAILABLE SUBJECT TO THE ADOPTION OF THE 2007 CAPITAL BUDGET

DIANA McLEOD
CHIEF FINANCIAL OFFICER

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#07-118

Request For Change In Cost Generative Law

WHEREAS, in 2005 the Township of Wyckoff was mandated by the Bergen County Board of Taxation to conduct a town-wide property revaluation; and,

WHEREAS, Programs of Revaluation can only be conducted by companies approved by the New Jersey Department of the Treasury, Division of Taxation; and,

WHEREAS, this revaluation, conducted by a company authorized by the New Jersey Department of the Treasury, Division of Taxation, has determined that property values within the Township of Wyckoff have increased dramatically; and,

WHEREAS, as a result of the revaluation an average residential property within the Township of Wyckoff exceeds \$780,000.00; and,

WHEREAS, the New Jersey Legislature requires these State approved Revaluation Companies to defend their property assessment values before the County Boards of Taxation for two (2) years after the implementation of Programs of Revaluation at no additional cost to the municipalities; and,

WHEREAS, N.J.S.A. 54:3-21 sets forth the regulations regarding the appeals of all tax assessments and the New Jersey Legislature last amended that section of N.J.S.A. 54:3-21 in 1983 with respect to the language regarding service of the petition of appeal only and did not amend or revise the threshold that sets forth a minimum (dollar) amount of \$750,000 of assessed value required before an appeal can be filed to the Tax Court directly for all types of properties including, but not limited to, residential, commercial and industrial; and,

WHEREAS, in 2007 the average assessment of a residential property in the Township of Wyckoff is \$780,000 and exceeds the \$750,000 threshold established by the Legislature more than 25 years ago and allows property owners to bypass the Bergen County Board of Taxation and file a direct appeal to the Tax Court of New Jersey thereby eliminating any benefit provided by the two year defense provision in the revaluation contract and forcing the municipality to suffer additional expenses with respect to the defense of the tax appeals following the revaluation as well as those that are filed in the years subsequent to the revaluation; and,

WHEREAS, this creates additional costs and expenses to the Township to defend tax appeals when the revaluation company authorized by the Division of Taxation should perform this at the County Board of Taxation level; and,

WHEREAS, the current language of the statute is based upon an antiquated base amount for the minimum assessment value with respect to all property types required to

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file a direct appeal to the Tax Court of New Jersey and until it is amended it will negatively effect the ability of local governments in their efforts to control property taxes as it is cost generative and prevents compliance with the relief mandate issued by the Governor of the State of New Jersey; and,

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the current legislation is outdated and must be amended to accurately reflect current real estate values and establish a realistic threshold for appeals commensurate with these values to eliminate the additional burden of this unintended, cost generative consequence caused by the current language of the statute reflecting a figure of \$750,000 for the minimum assessment required in order to file a direct appeal to the Tax Court of New Jersey.

BE IT FURTHER RESOLVED, an alternative solution may be to amend the current statutory requirements to require that all residential properties be initially filed to the County Board of Taxation as the residential appeals tend to be less complex and can be adjudicated swiftly in a less formal proceeding than in the Tax Court, the County Board of Taxation must complete their hearings by June of the same year while the appeals filed directly to the Tax Court may take a year or more, the proximity of the county offices for the location of the hearings is more appealing to the taxpayers as well as the agents of the municipality than the location of the various Tax Courts, the residential appellants typically appear pro-se and often cause the municipality to incur increased costs due to their unfamiliarity with the requirements for the Tax Court with respect to the tax appeal process and the accommodations that must be made as a result, the procedures relating to Tax Court appeals are significantly more involved and costly for both the municipality and the taxpayer and because this proposed change would result in a decreased burden to the Tax Court that may result from the additional appeals that are filed following a municipal revaluation.

BE IT FURTHER RESOLVED, that the Municipal Clerk mail a certified copy of this resolution to Governor Jon Corzine, State Senator Henry P. McNamara, New Jersey State Legislators representing portions of Bergen County, Bill Dressel, Executive Director of the New Jersey League of Municipalities and Mayors and Governing Body members of Northwest Bergen County Municipalities.

#07-119 Cancellation of 2006 Sewer Bill

WHEREAS, 256 Madison, known as Block 238 Lot 8 in the Township of Wyckoff has applied for and completed demolition of the structure on this property; and,

WHEREAS, Kevin Schmidt requests the 2006 sewer usage billing be canceled until a new structure is completed and sewer usage is resumed; and,

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WHEREAS, the Wyckoff Building Department has produced documentation and has confirmed the home was demolished in November 2005 and therefore this resolution is provided.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the sewer usage billing for 2006 is hereby canceled until the replacement structure is connected to the sewer and a Certificate of Occupancy is issued.

BE IT FURTHER RESOLVED, that the Municipal Clerk will forward a copy of this resolution to the Tax Collector, Sewer Utility Clerk and Township Engineer.

#07-120 Cancellation of 2007 Sewer Bill

WHEREAS, 177 Godwin Avenue, known as Block 293 Lot 7 in the Township of Wyckoff has applied for and completed demolition of the residential home on this property; and,

WHEREAS, the Finance Department requests the 2007 sewer usage billing be prorated and balance of 2007 canceled and all future billings be canceled as a residential home will be replaced by a parking lot; and,

WHEREAS, the Wyckoff Building Department has produced documentation and has confirmed the home was demolished and therefore this resolution is provided.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the balance of sewer usage billing for 2007 is hereby canceled.

BE IT FURTHER RESOLVED, that the Municipal Clerk will forward a copy of this resolution to the Tax Collector, Sewer Utility Clerk and Township Engineer.

#07-121 National Safe Kids Week

WHEREAS, unintentional injury is the number one killer of children fourteen (14) and under; and,

WHEREAS, each year, more than 5,000 children fourteen (14) and under die from unintentional injuries; and,

WHEREAS, emergency rooms experience nearly 2.4 million visits from children fourteen (14) and under each summer; and,

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III Ordinance- Further Consideration/Public Hearing

FINAL PASSAGE

TOWNSHIP CLERK: Chairman, I have Ordinance #1555 entitled:

AN ORDINANCE TO INCREASE THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA:4-45.14)

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 GALENKAMP: The Ordinance on second reading Title only.

COMMITTEEMAN ALNOR: Seconded.

**MOTION: Galenkamp SECOND: Alnor GALENKAMP Yes
ALNOR Yes MC NAMARA Absent FIorenzo Yes CONNOLLY Yes**

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1555, and all persons who wish to be heard, please state your name and address before making your statement.

No one came forward.

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

COMMITTEEMAN ALNOR: Seconded.

**MOTION: Galenkamp SECOND: Alnor GALENKAMP Yes
ALNOR Yes MC NAMARA Absent FIorenzo Yes CONNOLLY Yes**

TOWNSHIP CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1555 be, and the same is hereby adopted, and the Township 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 GALENKAMP: I move the ordinance.

COMMITTEEMAN ALNOR: Seconded.

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MOTION: Galenkamp **SECOND:** Alnor **GALENKAMP** Yes
ALNOR Yes **MC NAMARA** Absent **FIorenZO** Yes **CONNOLLY** Yes

ORDINANCE 1555

AN ORDINANCE TO INCREASE THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% 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 (2) succeeding years; and,

WHEREAS, the Township Committee of the Township of Wyckoff, County of Bergen finds it advisable and necessary to increase its CY2007 Budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$104,084.85 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 (2) succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Wyckoff, County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY2007 Budget year, the final appropriations of the Township of Wyckoff shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to \$364,296.98 and that the CY 2007 Municipal Budget for the Township of Wyckoff be approved and adopted in accordance with this 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 (2) succeeding years; and,

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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 five (5) days of introduction; and,

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

This meeting adjourned at 8:05 p.m.

David N. Connolly
Mayor

Joyce C. Santimauro
Municipal Clerk