

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR MEETING
MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 18, 2007**

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.

Committeeman Harold Galenkamp 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 a copy of the schedule of meetings has also been filed with the Township Clerk, and copies of this agenda and the 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: Committeemen Galenkamp, Fiorenzo, McNamara, Deputy Mayor Alnor, Mayor David N. Connolly.

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

Absent: None.

APPROVAL OF MINUTES

Approval of the following Township Committee minutes:

Township Committee Public Meeting and Work Session Meeting from September 4, 2007.

**MOTION : GALENKAMP SECOND: : ALNOR
GALENKAMP YES ALNOR YES MC NAMARA ABSENT FIORENZO YES CONNOLLY
ABSENT**

MEETING OPEN 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.

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CONSENT AGENDA

The Municipal Clerk read the following into the record: "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):

#07-217 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. 64053 - 64140 Payroll A/C, checks no. 050229 - 050316 Claims A/C and checks no. 02046 – 02050 Acutrack A/C.

Listing of said checks is attached to the official minutes.

#07-218 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:

TAX REFUND:

Michael I. Schneck, Trustee for Richard & Dierdre Curran, 33 Clinton Road, Suite 108, West Caldwell, New Jersey 07006 – State Tax Court Reduction for 2006 & 2007 – Block 437/Lot 5 – 820 Mountain Avenue - \$1,859.00

James & Marie Lyttle, P.O. Box 295, Wyckoff, New Jersey 07481 – County Board of Taxation Reduction for 2007 – Block 455/Lot 24 – 459 Manchester Way - \$405.29

Christopher & Donna Love, 319 Kenneth Place, Wyckoff, New Jersey 07481
Refund of 3rd qtr 2007 tax payment - \$2,649.01

Joel & Susan Winton, 80 Logan Lane, Wyckoff, New Jersey 07481 – Block 217 Lot 9 – County Board of Taxation reduction for 4th qtr. 2006

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RECREATION:

Sharon Suchora, 729 Willow Run, Wyckoff, New Jersey 07481 – Flag Football Refund - \$45.00

Maryann Otero, 387 Cherry Lane, Wyckoff, New Jersey 07481 – Kinderkicker Refund - \$30.00

Elizabeth Karl, 391 Wyckoff Avenue, Wyckoff, New Jersey 07481 – Cheering Refund - \$30.00

Janice Dittelman, 440 Victor Way, Wyckoff, New Jersey 07481 – Kinderkicker Refund - \$30.00

Sue Ann Hulack, 387 Heights Road, Wyckoff, New Jersey 07481 – Kinderkicker Refund - \$30.00

Diane Clarke, 457 Weisch Lane, Wyckoff, New Jersey 07481 – Cheerleading Refund - \$30.00

#07-219 Accept Grant

WHEREAS, the Governing Body of the Township of Wyckoff received notice from the SHARE Program of its eligibility to receive a SHARE Grant in the amount of \$30,000.00; and,

WHEREAS, the purpose of the award is for the municipalities of Wyckoff and Midland Park for a study to assess and evaluate possible shared or consolidated police services and, if feasible, develop a plan to share or merge all or a portion of those services;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Township of Wyckoff that the Governing Body does hereby accept the award of \$30,000.00, for the municipalities of Wyckoff and Midland Park for a study to assess and evaluate possible shared or consolidated police services and, if feasible, develop a plan to share or merge all or a portion of those services;

BE IT FURTHER RESOLVED, that the Mayor of the Township of Wyckoff be and hereby is authorized to execute a Grant Agreement with the New Jersey Department of Community Affairs on behalf of the Township of Wyckoff and all other local units that are party to the SHARE Grant Agreement, and upon execution of said Agreement, the Township of Wyckoff does accept the Terms and Conditions specified in the Agreement in connection to this grant award.

BE IT FURTHER RESOLVED, that the required 10% municipal matching appropriation will be provided as follows: Wyckoff - \$2,200.00 and Midland Park - \$1,100.00.

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#07-220 Award Contract

WHEREAS, the Township of Wyckoff and the Borough of Midland Park have operated a successful Interlocal Services Agreement for emergency dispatch of police, fire and ambulance since 1999; and

WHEREAS, the Township of Wyckoff and the Borough of Midland Park has determined to further study Interlocal Service Agreements to assess and evaluate possible shared or consolidated police services and, if feasible, develop a plan to share or merge all or a portion of those services; and

WHEREAS, the Borough of Midland Park adopted Resolution 07-28 and the Township of Wyckoff adopted Resolution 06-247 which authorizes a grant application to the NJDCA Grant Program which provides funding for evaluations of possible shared services or mergers for municipal government services; and

WHEREAS, on August 21, 2007 the Township of Wyckoff received a letter from the NJDCA advising that Wyckoff (the lead agency) was awarded a Sharing Available Resources Efficiency (SHARE) Grant of \$30,000 to perform the aforementioned study; and

WHEREAS, NJSA 40A:11-5(1)a(ii) lists Extraordinary Unspecificable Services (EUS) as a professional service excepted from formal bidding; and

WHEREAS, NJAC 5:34 2.2(b) provides that management and consulting services are considered an EUS service; and

WHEREAS, the Township has selected the fair and open procurement option to comply with P.L. 2004, c.19 as amended by P.L. 2005, C.51. and to comply with NJAC 5:34-2.3; and,

WHEREAS, a report is attached in accordance with Local Finance Bulletin AU-2002-2, dated February 26, 2002 and NJAC 5:34 2.3(b) as if set forth at length; and,

WHEREAS, a notice was posted on the Township of Wyckoff official Municipal web site, requesting proposals for a management consulting service to study if Wyckoff and Midland Park should consolidate their Police Departments to achieve efficiencies and save costs; and

WHEREAS, on July 3, 2007 at 3:00 PM the following proposal was received and publicly opened and contents read aloud as follows:

VENDOR

Jersey Professional Management Corporation
23 North Avenue East
Cranford, NJ 07016

PRICE BID

\$33,300.00

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WHEREAS, the Township Administrator and Chiefs of Police and Borough Administrator of Midland Park have reviewed the proposal and recommend an award to Jersey Professional Management Corporation; and

WHEREAS, the Township Attorney has reviewed this procurement and concurs; and

WHEREAS, this Resolution of Contract Award is contingent upon the Borough of Midland Park adopting a resolution authorizing the Midland Park Mayor and Municipal Clerk to sign a contract consenting to the contract and appropriating the Midland Park share of \$1,100.00.

WHEREAS, the CFO has provided a certificate of available funds indicating that adequate funds of the \$30,000.00 NJDCA grant and the Township's share of \$2,200.00 exist for this contract.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that a not to exceed contract for \$33,300 in accordance with the request for proposal specification and the vender proposal is awarded to Jersey Professional Management Corporation, 23 North Avenue East, Cranford, NJ 07016.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerks are hereby authorized to sign a contract in this regard.

BE IT FURTHER RESOLVED, that in accordance with NJSA 40A:11-5(4) (a)(i) a brief notice of contract award shall be published.

CERTIFICATION OF AVAILABILITY OF FUNDS

I, DIANA MCLEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF, CERTIFY THAT ADEQUATE FUNDS HAVE BEEN APPROPRIATED IN THE 2007 BUDGET ACCOUNT .

DIANA MCLEOD
CHIEF FINANCIAL OFFICER

#07-221 Endorsement of Community Development Grant Application

WHEREAS, a Bergen County Community Development Grant of \$205,000 has been proposed by Eastern Christian Children's Retreat for ADA Compliant Toilet and Shower Rooms in the municipality of Wyckoff; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent l a municipality without authorization by the Governing Body; and

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WHEREAS, the aforesaid project is in the best interest of the people of Wyckoff; and

WHEREAS, this resolution does not obligate the financial resource of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the governing Body of Wyckoff hereby confirms endorsement of the aforesaid project.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

#07-222 Authorize Change Order #1

WHEREAS, the Township Committee of the Township of Wyckoff has awarded a contract to the lowest bidder to Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, New Jersey 07885 via Resolution #07-144 dated June 4, 2007 for \$119,825.66; and

WHEREAS, the Township Administrator has filed with the Township Committee, in accordance with a recommendation from the Consulting Engineer Representative, a written request for a change order in accordance with NJAC 5:34-4.4 prior to the adoption of this resolution; and

WHEREAS, the Chief Financial Officer has attached a Certificate of Available Funds indicating that funds are available in accounts # C04-56-980-989 for this purpose; and,

WHEREAS, the Township Attorney has reviewed this information and NJAC 5:34-4 and recommends the Township Committee adopt this resolution as to form and procedure.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the Change Order is hereby authorized in the amount of \$16,990.14 or 0.14% for a combined total contract of \$136,815.80.

BE IT FURTHER RESOLVED that the attached amendatory contract be approved.

CERTIFICATION OF AVAILABILITY OF FUNDS

I, DIANA MCLEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF, CERTIFY THAT ADEQUATE FUNDS HAVE BEEN APPROPRIATED IN THE 2007 BUDGET ACCOUNT.

DIANA MCLEOD
CHIEF FINANCIAL OFFICER

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#07-223 Endorsement of Community Development Grant Applicant

WHEREAS, a Bergen County Community Development Grant of \$111,000.0

has been proposed by the Township of Wyckoff at its property at 269 Voorhis Avenue utilized to house the Wyckoff Volunteer Ambulance Corps to construct an ADA compliant ramp into the first floor and an ADA elevator to access the second floor of this building in the municipality of Wyckoff; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of Wyckoff; and

WHEREAS, this resolution does not obligate the financial resource of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the governing Body of Wyckoff hereby confirms endorsement of the aforesaid project.

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

#07-224 Permission for AT & T to lease Conduit Space and Access Poles from Verizon

WHEREAS, the Township Committee of the Township of Wyckoff has received a request from AT&T Corp. to grant permission for AT&T's leasing of conduit space and/or access to poles from Verizon New Jersey, Inc.; and

WHEREAS, AT&T is a telecommunications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AT&T, as a public utility and common carrier has requested approval to install telecommunication facilities in the Township of Wyckoff rights-of-way; and

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles from other utilities, particularly Verizon New Jersey, Inc., and Verizon has required that AT&T obtain approval of the Wyckoff Township Committee as a condition of such access;

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

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Permission and authority are hereby granted to AT&T to lease or obtain for telecommunications facilities existing conduit space in the public right-of-way in the Township of Wyckoff in order to connect local customers for telecommunications services, and to operate, maintain and repair such facilities subject to the following:

1. The facility shall be installed in existing underground conduits and/or onto existing utility poles in the public right-of-way, provided that the authorization shall not permit installation of equipment boxes on the lower one-half portion of such poles without the prior written consent of the Township of Wyckoff or on the surface of the public right-of-way adjacent to such poles, and provided further that all cable shall be placed sufficiently close to other cables to ensure that there will be no material alteration in the need to trim trees in excess of current trimming practices. The facilities shall be installed at a location as more specifically depicted on Schedule "A" annexed hereto and incorporated herein.
2. AT&T, its successors and assigns, shall adhere to all applicable Federal, State and local laws regarding safety requirements for the use of the public right-of-way.
3. AT&T, its successors and assigns, shall adhere to all Federal, State and local laws requiring permits prior to beginning construction.
4. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless the Township of Wyckoff, its offices, agents, and servants, from any claims whatsoever arising from or in any way connected with the granting or use of the public right-of-way, but shall agree on behalf of the Township to defend any action at law or equity which may be brought against the Township upon such claims or from claims arising during the construction period.
5. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns, shall at its own cost and expense procure and keep at all times, in full force and effect, paid up policies for comprehensive general liability insurance in favor of the Township, in the amount of at least \$5,000,000.00 (Five Million and 00/100 Dollars), covering bodily injury and property damage arising out of any one incident. Proof of said coverage, naming the Township as an insured and including the indemnification clause in Section 4 shall be filed with the Township Clerk prior to the installation of any plant. The Township shall have the right to increase the amount of comprehensive general liability insurance and to alter the terms of insurance called for under this section. The insurance shall not be subject to cancellation or change until thirty (30) days after the Township Clerk has received written notice thereof evidenced by return receipt of certified or registered letter.

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6. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way, AT&T, its successors and assigns, shall become subject to any lawful ordinance or resolution now or hereafter adopted by the Township.
7. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Township and that AT&T shall pay in addition to the fees associated with such permits, an annual permit fee of \$100.00 per mile or portion thereof, of AT&T fiber optic cable located in the public rights-of-way within the Township, with a minimum annual fee of \$500.00, and provided that if any Federal or State statute or regulation hereafter adopted authorizes or permits any fee or payment to the Township in excess of that required herein, the Township may impose such fee or payment in accordance with such new applicable law, and the provisions herein shall not be construed as a waiver by the Township of such fee or payment. In addition, AT&T shall deposit with the Township the sum of \$2,000.00 as escrow to defer legal and engineering review of the within application with a statement of expenses and a refund of any unexpended funds to be provided to AT&T promptly upon completion of the installation. In addition, AT&T will pay for any and all expenses associated with traffic control.
8. AT&T shall be responsible for the repair of damage to paving, existing utility lines, any surface or sub-surface installations, etc., arising from the construction, installation or maintenance of said plant. All such repairs must be done consistent with the requirements of all applicable Township ordinances.
9. This instrument shall be adopted on behalf of the Township Committee of the Township of Wyckoff and attested to by the Township Clerk, who shall fix the Township's seal thereto. Said execution, approval and filing shall constitute the existence of public notification.
10. The permission and authority herein granted shall be for a period of fifteen (15) years from the effective date of this Resolution. However, this Agreement shall automatically renew each year after such 15-year period unless the Township shall terminate permission and authority, by resolution with a minimum one-year notice to AT&T, to sell or liquidate its local facilities on the Township rights-of-way. In addition, AT&T shall be allowed to terminate permission and authority, after such 15-year period by request of resolution with a minimum of one year passage of such resolution to sell or liquidate its local facilities on the Township rights-of-way.

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II Motions:

- a. Approve the request from the Wyckoff Chamber of Commerce to use Memorial Field and the band shall from 1:00 pm to 3:30 pm on October 27, 2007 for their annual Halloween Parade and Safe Trick or Treating event.
- b. Authorize the request from St. Elizabeth's Church to waive the building permit fees for the ladies room renovation.
- c. Appoint Brian Zivkovich and Kevin Kasak as Regular Police Officers.

Following is the vote on the Consent Agenda:

MOTION : GALENKAMP SECOND: FIorenzo
GALENKAMP YES ALNOR YES MC NAMARA YES FIORENZO YES
CONNOLLY YES

III The meeting was adjourned at 8:05 pm.

David N. Connolly
Mayor

Joyce C. Santimauro
Municipal Clerk