

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR MEETING
MUNICIPAL COURT ROOM
TUESDAY, OCTOBER 16, 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.

Reverend Wesley Kenyon 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, Alnor and Mayor David N. Connolly.
Also Present: Township Administrator Robert J. Shannon, Jr., Municipal Clerk Joyce C. Santimauro and Township Attorney Robert Landel.
Absent: Committeemen Fiorenzo and McNamara,.

APPROVAL OF MINUTES

Approval of the following Township Committee minutes:

Township Committee Public Meeting and Work Session Meeting from October 2, 2007.

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

MEETING OPEN FOR PUBLIC COMMENT

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

Mr. Edward Oldziej, 285 Wyckoff Avenue, commended the governing Township bodies, specifically the Planning Board, for the unanimous vote on the passage of the Ravine application. He had been attending meetings since the beginning of the year and felt the Planning Board had acted in the best interests of the Township. He felt the decision was made on the merits of the case and the Board was not intimidated by a mob waving banners and placards. He appreciated their efforts.

Mayor Connolly and Committeeman Galenkamp noted all Board members had proven qualifying credentials and each spent a considerable amount of time on each application.

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):

#07-228 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. 64232 - 64341 Payroll A/C, checks no. 050421 - 050521 Claims A/C and checks no. 2051 – 2053 Accutrack A/C.

Listing of said checks is attached to the official minutes.

#07-229 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:

PLANNING BOARD:

Everett Properties, LLC, 247 Everett Avenue, Wyckoff, New Jersey 07481 – Return of Escrow – Block 241/Lot 2(B1A) - \$301.28

TAX REFUND:

Joseph & Tracy Parker, 604 Bridle Path, Wyckoff, New Jersey 07481 – Refund for overpayment on Sewer Service Account – \$205.00

Daniel & Jacqueline Lauer, 359 Wyckoff Avenue, Wyckoff, New Jersey 07481 – Refund for overpayment on Sewer Service Account - \$205.00

First American Real Estate Tax Service, P.O. Box 961250, Fort Worth, Texas 76161-0250 – Refund for 3rd Quarter 2007 Taxes for overpayments - \$8,646.17

John A. Spizziri, Sr., Esq., for Michael Norton et al, 356 Franklin Avenue, Wyckoff, New Jersey 07481 – Refund for a State Tax Court Reduction – Block 284/Lot 2 – 567 Wyckoff Avenue - \$4,186.11

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James & Deborah Muirhead, 550 Lee Court, Wyckoff, New Jersey 07481 – Refund for overpayment on Sewer Service Account - \$205.00

Aref Izzat Abuhadba (etal), 693 Mountain Avenue, Wyckoff, New Jersey 07481 – Refund for overpayment on Sewer Service Account - \$211.09

BUILDING:

Joan Agag, 479 Ivy Lane, Wyckoff, New Jersey 07481 Refund for Permit #06-0429 – Block 423/Lot 1 - \$123.20

#07-230 Award Contract

WHEREAS, the Township of Wyckoff has eight (8) lighted public tennis courts that have reached their useful life and require replacement; and,

WHEREAS, the Township of Wyckoff has successfully obtained a Bergen County Open Space Grant for recreational facility enhancements of \$212,500 for the reconstruction of the Wyckoff public tennis court facility; and,

WHEREAS, the Township Committee approved the bid specifications and authorized public bidding; and,

WHEREAS, a legal advertisement was published in the October 5, 2007 issue of the Ridgewood News; and,

WHEREAS, on October 16, 2007 at 11:00 a.m. the following bids were publicly opened and read aloud:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Edward W. Stapp & Sons Inc. 520 Hopper Avenue Wyckoff, NJ 07481	\$91,400.00

WHEREAS, the project team of the DPW Manager, Township Engineer and Recreation Director recommend an award of a contract to the low bidder; and,

WHEREAS, the Administrator and Township Attorney have reviewed the procurement and concur with the recommendation to award; and,

WHEREAS, the CFO has issued a certification of available funds indicating adequate funds exist for this purchase in accounts #C 04 55 972 013 and #C 04 56 990 995, said certificate is attached as if set forth at length.

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NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that a contract in strict accordance with the bid specifications is awarded to the lowest responsive and responsible bidder Edward W. Stapp & Sons Inc., 520 Hopper Avenue, Wyckoff, NJ 07481 for the construction of the Wyckoff tennis courts in the amount of \$91,400.00.

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 ACCOUNTS #C 04 55 972 013 and #C 04 56 990 995.

DIANA MCLEOD
CHIEF FINANCIAL OFFICER

#07-231 Award Contract

WHEREAS, the Township of Wyckoff has eight (8) lighted public tennis courts that have reached their useful life and require replacement; and,

WHEREAS, the Township of Wyckoff has successfully obtained a Bergen County Open Space Grant for recreational facility enhancements of \$212,500 for the reconstruction of the Wyckoff public tennis court facility; and,

WHEREAS, the Township Committee approved the bid specifications and authorized public bidding; and,

WHEREAS, a legal advertisement was published in the October 5, 2007 issue of the Ridgewood News; and,

WHEREAS, on October 16, 2007 at 11:00 a.m. the following bids were publicly opened and read aloud:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Tilcon New York, Inc.	Base \$69,322.50
625 Mt. Hope Road	Alt. 1 38,025.00
Wharton, NJ 07885	

WHEREAS, the project team of the DPW Manager, Township Engineer and Recreation Director recommend an award of a contract to the low bidder; and,

WHEREAS, the Administrator and Township Attorney have reviewed the procurement and concur with the recommendation to award; and,

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WHEREAS, the CFO has issued a certification of available funds indicating adequate funds exist for this purchase in accounts #C 04 55 972 013 and #C 04 56 990 995, said certificate is attached as if set forth at length.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that a contract in strict accordance with the bid specifications is awarded to the lowest responsive and responsible bidder Tilcon New York, Inc., 625 Mt. Hope Road, Wharton, NJ 07885 for the grading and resurfacing of the tennis court base surface for base bid and alternate 1 in the amount of \$107,347.50.

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 #C 04 55 972 013 and #C 04 56 990 995.

DIANA MCLEOD
CHIEF FINANCIAL OFFICER

#07-232 Reject bids and authorize re-bid

WHEREAS, the Township of Wyckoff maintains a fleet of DPW vehicles for all season work and snow plowing services; and,

WHEREAS, a 1989 DPW truck has reached its useful life and requires replacement; and,

WHEREAS, the Township Committee approved the bid specifications and authorized public bidding; and,

WHEREAS, a legal advertisement was published in the October 5, 2007 issue of the Ridgewood News; and,

WHEREAS, on October 16, 2007 at 11:00 a.m. the following bids were publicly opened and read aloud:

<u>BIDDER</u>	<u>BID AMOUNT</u>
Truis, Inc. Equipment Sales & Service 458 Johnson Avenue P.O. Box 158 Bohemia, New York 11716	No Bid
Deluxe International Trucks, Inc. 600 South River Street Hackensack, New Jersey 07601	\$176,327.00

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WHEREAS, the DPW Manager has recommended not to award a contract because the price bid exceeds the budget appropriation; and,

WHEREAS, the Administrator and Township Attorney have reviewed the recommendation and concur with the recommendation; and,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the bid be rejected since the bid price significantly exceeds the budget appropriation as permitted by NJSA 40A:11-13.2 (a) & (b) and authorization is provided for the Purchasing Agent to re-advertise for bids.

#07-233 Release Performance Guarantee 202/74, 76 & 77

WHEREAS, Hartgers Diamonds Ltd, 699 Wyckoff Avenue, deposited the following with the Township Clerk for a minor site plan approval and required bulk variances to connect two existing buildings:

Performance Cash	\$6,960.00
Engineering Escrow	\$2,900.00

WHEREAS, Robert Hartgers has requested the release of the Performance Guarantee; and,

WHEREAS, the Township’s Consulting Engineer, Peter Ten Kate from Boswell Mc Clave Engineering, in a letter dated September 19, 2007 is recommending the release of the Performance Guarantee.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they hereby accept the recommendation of the Township’s Consulting Engineer to release the Performance Guarantee in the amount of \$6,960 and remaining engineering escrow \$562.00.

#07-234 Release Performance Guarantee 336/14.02

WHEREAS, John C. Tonelli, Inc. 36 Hickory Hill deposited the following with the Township Clerk to connect a sewer lateral to the sewer main:

Performance Guarantee	\$5,000.00
Maintenance Guarantee	\$ 750.00
Engineering Escrow	\$ 300.00

WHEREAS, John C. Tonelli in a letter dated September 5, 2007 has requested the release of the Performance Guarantee; and,

WHEREAS, the Township Engineer in a notation dated October 12, 2007 is recommending the release of the Performance Guarantee and recommends the Township retain the \$750.00 Maintenance Guarantee for two (2) years.

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NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they accept the recommendation of the Township Engineer to release the \$5,000.00 Performance Guarantee and retain the \$750.00 Maintenance Guarantee for two (2) years.

II Motions

- a. Confirm authorization for the Chamber of Commerce to erect temporary signs announcing their annual Halloween Parade in accordance with municipal procedures 186-28d.
- b. Approve the request from the Wyckoff Family YMCA for temporary signs in accordance with municipal procedure 186-28d at the following locations: Corner of Franklin Avenue and Main Street; Godwin Lukoil, 521 Russell Avenue and the intersection of Wyckoff and Godwin (by the Advent Lutheran Church).

Following is the vote on the Consent Agenda:

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

III Ordinance- Further Consideration/Public Hearing

#1571 - AN ORDINANCE TO AMEND CHAPTER 186 OF THE CODE OF TOWNSHIP OF WYCKOFF (ZONING), TO AMEND SECTION 186-29 "FENCES, RETAINING WALLS AND FREE STANDING WALLS", TO MEMORIALIZE THE FACT THAT ALL APPLICATIONS FOR NEW FENCES WITHIN ALL BUSINESS ZONES AND INDUSTRIAL ZONES REQUIRE AMENDED SITE PLAN APPROVAL BY THE PLANNING BOARD OF THE TOWNSHIP OF WYCKOFF

TOWNSHIP CLERK: Mr. Chairman, I have Ordinance #1571, entitled:

#1571 - AN ORDINANCE TO AMEND CHAPTER 186 OF THE CODE OF TOWNSHIP OF WYCKOFF (ZONING), TO AMEND SECTION 186-29 "FENCES, RETAINING WALLS AND FREE STANDING WALLS", TO MEMORIALIZE THE FACT THAT ALL APPLICATIONS FOR NEW FENCES WITHIN ALL BUSINESS ZONES AND INDUSTRIAL ZONES REQUIRE AMENDED SITE PLAN APPROVAL BY THE PLANNING BOARD OF THE TOWNSHIP OF WYCKOFF

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: I move the Ordinance on second reading Title only.
 COMMITTEEMAN ALNOR: Seconded.

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

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1571, and all persons who wish to be heard, please state your name and address before making your statement.

TOWNSHIP CLERK: I would like to put on the record that I have a letter from the Wyckoff Planning Board recommending the adoption of this ordinance and also from the Wyckoff Zoning Officer recommending adoption of this ordinance. The ordinance was initiated by the Wyckoff Zoning Officer.

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 ABSENT
CONNOLLY YES

TOWNSHIP CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1571 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.

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

ORDINANCE #1571

AN ORDINANCE TO AMEND CHAPTER 186 OF THE CODE OF TOWNSHIP OF WYCKOFF (ZONING), TO AMEND SECTION 186-29 "FENCES, RETAINING WALLS AND FREE STANDING WALLS", TO MEMORIALIZE THE FACT THAT ALL APPLICATIONS FOR NEW FENCES WITHIN ALL BUSINESS ZONES AND INDUSTRIAL ZONES REQUIRE AMENDED SITE PLAN APPROVAL BY THE PLANNING BOARD OF THE TOWNSHIP OF WYCKOFF.

WHEREAS, Township Ordinance 168-5A requires site plan approval for any new building and/or structure with the exception of one and two-family dwellings; and

WHEREAS, 168-3 includes fences in the definition of "structure"; and

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WHEREAS, the Township Committee wishes to reinforce and clarify the fact that amended site plan approval by the Planning Board of the Township of Wyckoff is required for the construction of new fences in business zones and industrial zones throughout the Township by further including such requirements in Ordinance Section 186-29, "Fences, Retaining Walls and Free Standing Walls".

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that the Code of the Township of Wyckoff is amended and supplemented to include the following new Sections to Chapter 186-29, as follows:

SECTION 1 - Section 186-29. Fences, Retaining Walls and Free Standing Walls.

- B. All rules and regulations within this section of the Code of the Township of Wyckoff which applies to walls and fences in residential zones shall also apply to fences and walls in all business zones, with the exception of the following:
 - (3) All applications for new fences, with the exception of direct replacement, must be approved by the Planning Board as an amended site plan.

- C. All rules and regulations within this section of the Code of the Township of Wyckoff which apply to walls and fences in residential zones shall also apply to fences and walls in all industrial zones, with the exception of the following:
 - (3) All applications for new fences with the exception of direct replacement, must be approved by the Planning Board as an amended site plan.

SECTION 2 - Except as hereby amended, all other Sections of Chapter 186 shall remain in full force and effect.

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

The meeting was adjourned at 8:10 p.m.

David N. Connolly
Mayor

Joyce C. Santimauro
Municipal Clerk