

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR MEETING
MUNICIPAL COURT ROOM
TUESDAY, NOVEMBER 20, 2007**

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

Reverend Richard Higby 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. At least 48 hours prior to this meeting the Agenda thereof was similarly posted, filed and mailed to said newspapers."

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

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

Absent: Committeeman Fiorenzo and Deputy Mayor Alnor.

APPROVAL OF MINUTES

Approval of the following Township Committee minutes:

Township Committee Public Meeting and Work Session Meeting from November 12, 2007.

MOTION: Galenkamp **SECOND:** McNamara
GALENKAMP Yes **ALNOR** Absent **MC NAMARA** Absent
FIORRENZO Absent **CONNOLLY** Yes

MEETING OPEN FOR PUBLIC COMMENT

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

Diane Sobin, 355 Lakeview Drive, stated she would like to take this opportunity to congratulate Bob Shannon on his administration and the Township award for the website. She said Wyckoff was one of fifty-seven entrants out of 500, so about 10% of the towns in New Jersey had entered. Ms. Sobin noted that Bob had been extremely responsive throughout the year to the suggestions that were "lobbed" in by the public, herself being one of them. Bob always got back in a timely way. This year the fact that the minutes are now available online was extremely helpful, and that had come from suggestions of civic groups in town. She hoped the Township would continue to improve the website. She had sent some links from other towns (websites) to Bob which she was not sure were entrants, but could find out. These towns had their full ordinance books online. This was interesting because it gave a searchable record in a PDF file. If you were looking for one particular part of a code you could just go online and search though. She sent the Township of Boonton website which was a "kind of neat thing". She said folks in the town were responsive to e-mail through a "contact us" button, but if it could be made more explicit it would be interesting. She suggested maybe "Ask the Mayor" which she had suggested last year. Again, updating the calendars on a timely basis for public meetings also had been done. Also, she was sure the Township Committee saw the editorial in *The Record* from July 10th on Wyckoff's digital divide and they clearly responded to that, which was terrific. Ms. Sobin said the town now had great audio equipment. She suggested, based upon responses she had received from residents, it would be great to have video equipment. She knew video equipment had been donated to the middle school, but as a matter of civic duty she had gotten a lot of suggestions that folks, particularly seniors and people with young families who can't attend the meetings, would like to spend their late nights leaning back in a soft chair and listening to the Planning Board, Zoning Board and the Township Committee meetings, believe it or not. She, again, thanked Bob and said he had done a great job of being responsive. Mr. Shannon said "Thank you" and Mrs. Sobin said "Happy Thanksgiving".

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George Pitts, 675 Terrace Heights, said the Township and residents had come a long way debating the ravine question and he assumed it was in the final stages of memorialization. One of the things he had brought up in front of the Planning Board, when the public commented on several things, was that it was very important to try to preserve the nature of the ravine as much as possible. He was hoping the builder would decide not to build on two of the lots closest to the ravine and that perhaps those lots could be purchased with open space funds. He was concerned that houses would hang over the lip of the ravine hurting the aesthetics and the beauty of this piece of land. He wondered if Wyckoff real estate was affected along with other towns. He hoped that if the builder decided that, very simply, demand wasn't there and he had a lot of money tied up, there would be a chance of some of the property being open for sale. In other words he (the builder) would be willing to give up some of the land to protect whatever he had invested to a certain degree and still get some houses built. He reminded the Committee of what he brought up in 1978 concerning 64 acres of the Pulis property that were up for sale. A number of citizens had gotten together and asked the Township for a non-binding resolution on the ballot, which won protecting the 64 acres and asking for the Town to purchase it. He felt the Township had done a good job and when the Town entered with Pulis to buy 20 acres, Pulis tossed in 19 acres free. Ultimately 39 acres were acquired and the Y sat on about 20 acres of development along with Spring Meadow. The town ended up with 39 acres at a cost of about \$4,500 an acre. Several things were accomplished – open space and land protection, yet there was also some development. So, if it was at all possible and if the builder would allow these two lots not to be developed, for the Township to go ahead with the new open space funds. The County had already said they would like to see the ravine protected, that hopefully the Township could go to the front of the line in trying to get money from the open space County and State funds. This would be a more scenic use and could have a path through it for passive use. People had said they would like a path going through that property from the school to allow the children to get to school without going out on the main road. He requested that if something came up the Township could purchase those two (2) acres and attach them to the ravine easement. He felt this would be helpful for the Town and people would appreciate it. He then thanked the Committee.

Kim Pacanovsky, 322 Village Place, said she was talking to the Committee today because they appointed the members of the Planning Board. Some of Committeemen, not all whom were present, were on the Planning Board. She was against "McMansioning" in Wyckoff which she thought the Planning Board appeared to support. She was also against the free granting of variances and had been to a lot of meetings where it seemed they were very freely granted. She was appalled at the decision to build nine homes at the ravine and felt the Township could have legally reduced the number of homes by not granting the steep slope variance. She opined the desire of the builder trumped the environment. Ms. Pacanovsky felt the codes gave the right to legally preserve the little space left in the town. She was not sure how the Town benefited from these homes all being granted, which was one of the requirements of the C-2 variance. The Planning Board members last month, especially Mr. Fiorenzo, had repeatedly indicated that by permitting the nine homes they would prevent the potential construction of 99 low income condos. She thought the condos had been off the board for many years and that wasn't a consideration. She had attended several Planning Board committee meetings and her observations, coupled with looking at a huge McMansion at the end of her street, confirmed the following: In this town, builders win. She reminded the Committee of what was said when her neighbor, Greg Cousalis, was told when he was building a home at 322 Voorhis which was significantly larger than the allowable footprint – the Board said the codes were just guidelines and if the garage were detached he would be allowed to build with a greater footprint. She brought up this example because she felt it was indicative of what's been going on here. She opined there were reasons that there were codes for a detached garage and there were reasons there were codes for an attached garage. She felt you couldn't take the situation of apples and apply it to oranges and that was what was being done. The codes were being changed or ignored to allow builders to do certain things that were clearly are not in the best interests of the town. McMansions and homes where there were environmental issues were not in the best interests of the town. She opined when the town ignored the codes that the Planning committee and the predecessors had enacted, they supported the builders and they let down the community. Ms. Pacanovsky stated people in this town had insinuated that there was a conflict of interest and noted that the most recent person enacted to the Township Committee,

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Mr. Boonstra, was voted in with less than 50% of the vote. She felt those two things together should not make the Committee surprised and that the people in the town were tired of losing to developers. She wanted to say that the citizens of the Knolls and the citizens of the Town were tired of variances and of the codes not being held to. They will fight not to have McMansions built on her block. This was the first Township Committee meeting she been to – she been to a lot of the Planning Committee meetings. On an unrelated note she just wanted to say she was surprised that there was no separation of church and state at this meeting. She was surprised to see a prayer led before the meeting and she hoped, on that note, that “God would grant you all wisdom.”

Brian Scanlon, 51 Ravine Avenue, wanted to express his disappointment at the ravine decision. He was away on business the night that the vote was taken, however, even though there's not a Township video, there was one taken that night so he was able to watch the proceedings right through to the end of the discussion. What really surprised him were the comments he got afterwards from people who had come to many of the meetings. They felt that the Planning Board basically decided to approve the development and that was seen in their attitude before the hearings got underway. He noticed that Mr. Missey was not permitted to be cross-examined by the public but as soon as the objectors' witnesses were brought forward, like Mr. Merle or Mr. Zimmerman, the planner, they were cross-examined by the public. He felt it was “open season” on them while the people who wanted to ask Mr. Missey questions were told that they could do it at some point in the future, which he said never happened. He suggested that maybe now the public will have the right to question witnesses who are testifying on behalf of the developer at the end of their testimony. He said he would like not to think this was done to “stick it to the people” who really objected to the complete absence of interest in preserving any of the ravine site for use as openly accessed open space. He noted two lots on the site, 8.01 and 8.02 where the Township Engineer said these lots appeared extremely close to the ravine. His concern was that future homeowners who may desire to install pools, additions, sheds and retaining walls would need to encroach that much closer to the ravine and that variances would be needed. He felt the Board didn't have to allow building on those two lots. He opined they were much too narrow and the buildable space was much too small. He suggested changing the name of “Grandview” because of when two of the proposed large houses went in they would be butting up against Ravine Avenue and across from the one that was just put up (a tear down where the whole front yard and most of the street trees were clear-cut). He felt this would create a monstrosity and the people who will go in there will be before the Planning Board or they're going to be caught by the Building Inspector when they try to use their back yards by putting up retaining walls and fences. He just wanted to say he was really disappointed with that. He was at the last Planning Board meeting and noted that the application had not been memorialized yet. He felt this was a mistake and opined even the builder was surprised he received permission to build on these two lots. He than thanked the Committee.

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

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:

Resolution (Adoption of the following):

#07-243 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.

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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. 64447 - 64559 Payroll A/C, and checks no. 050663 - 050757 Claims A/C.

Listing of said checks is attached to the official minutes.

#07-244 Reject all Bids and Re-Advertise

WHEREAS, the Township of Wyckoff has received a bid challenge in the form of a November 19, 2007 letter from the Chief Counsel for the First Indemnity of America Insurance Company, writing on behalf of their client, Scuffy Carting; and,

WHEREAS, the Township of Wyckoff has researched NJSA 17:13-1 and consulted with the President of Public Entity's Risk Management Association and have confirmed that a government entity cannot require a rated surety (even with a reasonable rating of A M Best A-X) or even when good risk management judgement suggests a public health service like garbage collection would require a rated surety; and,

WHEREAS, the bid opening date of November 27, 2007 is in excess of sixty (60) days of the September 26, 2007 date the notice to bidders legal advertisement was published; and,

WHEREAS, NJSA 40A:11-23 C(3) provides that addendum to the bid specifications are to be published in one newspaper and distributed to vendors who obtained bid specifications no later than five (5) days, Saturdays, Sundays and holidays excepted, prior to the acceptance of bid; and,

WHEREAS, NJSA 40A:11-13e allows vendors to challenge bid specifications no later than three (3) business days prior to the opening of bids and the November 19, 2007 letter is within this time frame; and,

WHEREAS, the November 19, 2007 letter challenging the bid specification is outside of the time required in NJSA:11-23 C(3) to issue an addendum; and,

WHEREAS, the recommendation of the Township Administrator and the Township Attorney is to cancel the November 27, 2007 bid opening and recommends that the Township Committee thereby reject all bids as provided for in NJAC 7:26H 6.7(e) since no bid opening will be conducted and to re-advertise; and,

WHEREAS, the Township of Wyckoff believes this is the reasonable and legal course of action to uphold the integrity of the bid process when a bid challenge is received and NJSA 40A:11-23 C(3) cannot be pursued due to NJSA 40A:11-13e and to ensure that no one is prevented from bidding; and,

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Wyckoff, County of Bergen in the State of New Jersey that the bid opening of November 27, 2007 not be conducted thereby rejecting all bids as per NJSA 40A:11-13.2(e) and the re-advertisement is authorized as per NJAC 7:26H 6.7(e).

BE IT FURTHER RESOLVED that the Township Administrator and Municipal Clerk make this announcement in the Court Room at 3:00 PM on November 27, 2007 in the event any bidders arrive to the Court Room and the staff is not to accept any bids on November 27, 2007 at 3:00 PM.

BE IT FURTHER RESOLVED that all vendors who obtained a bid package be notified by fax with written fax confirmation and a verbal telephone conversation with a representative in each office.

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Motions

- a. Approve the request from the Wyckoff Lions Club for their annual Christmas tree sale beginning December 1, 2007, and for temporary signs advertising the sale in accordance with municipal procedure 186-28D at the following locations: the corner of Godwin and Franklin Avenues; Russell and Wyckoff Avenues and adjacent to the Getty gas station on Franklin Avenue.
- b. Authorize the request from the Wyckoff Family YMCA for temporary signs in accordance with municipal procedures 186-28D advertising the George Winston Concert at the following locations: corner of Franklin Avenue and Main Street; Godwin Avenue Lukoil station; fork of Wyckoff and Godwin Avenues by the Advent Lutheran Church.

Following is the vote on the Consent Agenda:

MOTION: Galenkamp SECOND: _____
GALENKAMP Y ALNOR Absent MC NAMARA Y
FIorenzo Absent CONNOLLY Y

The meeting was adjourned at 8:19 p.m.

David N. Connolly
Mayor

Joyce C. Santimauro
Municipal Clerk