

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014**

(Rev. 9/16/14)

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE WORK SESSION MEETING
MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014 - 7:30 P.M.**

1. 7:30 pm Work Session Meeting called to order by Mayor Douglas J. Christie
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
TUESDAY, SEPTEMBER 16, 2014

TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE BUSINESS MEETING
MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014 - 8:00 PM

1. Regular Meeting of the Wyckoff Township Committee called to order by Mayor Douglas J. Christie
2. Flag Salute
3. Invocation Given by Pastor Wesley Kenyon
4. Reading of the "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. Presentation to Peter Goodman recognizing him for 25 years of service to the Township as a Police Officer.
8. Approval of the following Township Committee meeting minutes:

Township Committee Regular Work Session and Regular Business Meeting Minutes from September 2, 2014

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

9. **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):

- #14-228 Award Purchase Order
- #14-229 Payment of Bills
- #14-230 Return of certain overpaid taxes, escrow fees, etc.
- #14-231 Approval to Submit Grant Application to NJDOT for a Section of Crescent Avenue
- #14-232 Support A-366/5-1713 Fair Taxing of Telecommunication Providers
- #14-C4 Closed Session–NJSA 10:4-12(7)–Contract Negotiations

II Motions

- a. Approve the request from Township Employee, Mary Ellen Tafrate, to hang pink ribbons on Town Hall property for "Breast Cancer Awareness Month".
- b. Approve the New Jersey State Firemen's Association membership application for William E. Pettit into Volunteer Fire Company #1.
- c. Approve the request from Wyckoff Reformed Church for 10 day temporary signs advertising their Holiday Fair from November 13-22.
- d. Authorize Wyckoff Parks and Recreation Foundation's request for temporary signs promoting Octoberfest 2014 for ten days from October 4-14.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
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TUESDAY, SEPTEMBER 16, 2014**

III Ordinance – Introduction

#1753 - AN ORDINANCE TO AMEND CHAPTER 186 "ZONING",
SECTION 186-23, "REGULATIONS APPLYING TO SPECIFIC ZONES"

Following is the vote on the Consent Agenda:

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

IV 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
TUESDAY, SEPTEMBER 16, 2014**

Meeting Called To Order

Mayor Douglas J. Christie called the regular meeting of the Wyckoff Township Committee in the Municipal Court Room to order at 8:00 pm.

Flag Salute

The Township Committee proceeded with the Pledge of Allegiance led by Mayor Douglas J. Christie.

Invocation

The Invocation was given by Pastor Wesley Kenyon.

Open Public Meeting Act Statement

Municipal Clerk Santimauro read the "Open Public Meeting 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."

Attendance:

Township Committee Present: Mayor Douglas J. Christie; Committee Present: Rudolf E. Boonstra, Haakon C. Jepsen, Kevin J. Rooney and Brian D. Scanlan
Staff Present: Township Administrator Robert J. Shannon, Joyce C. Santimauro, Municipal Clerk and Township Attorney Robert Landel.

Meeting Open for Public Comment

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

Doug Swenson 190 Hillcrest Avenue. Mr. Swenson said he is a Wyckoff resident who uses the Wyckoff commuter park and ride facility at the Cornerstone Church. Mr. Swenson moved into town in 1985 and began using the commuter parking lot. He currently pays \$65.00 per year as does his wife for commuter parking permits for Cornerstone Church. He appreciates that the Township Committee does not utilize the commuter parking lot as a revenue producer and that fees are charged simply to cover costs for maintenance. Mr. Swenson said he is willing to pay any reasonable fee, however, he requested the Township Committee to reconsider the fee increases that were reported in last week's newspaper.

The Township Committee discussed their comments from the September 2, 2014 meeting regarding an increase in the Cornerstone commuter parking lot permit fees for the third consecutive governing body meeting. Cost figures were required to review the Township's obligation for both annual maintenance as well as expanding the gravel parking area into the adjacent Wyckoff Community Park parking area if an improvement were to go forward. Committeeman Rooney, Finance Committee Chairman, reviewed costs that he obtained from Scott Fisher, Public Works Manager, over the past four (4) years for snow plowing and salting the Cornerstone Church parking lot, which is part of the Township's agreement with the church to utilize a portion of their parking lot for commuter parking. The figures provided by Mr. Rooney did not include the additional cost to remove plowed snow from the Cornerstone Church parking lot due to the 72 inches that fell last winter in Wyckoff. The average maintenance cost for the past four (4) years is approximately \$13,000.00 per year.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014**

It was explained that the commuter parking lot, the Town Hall for police car access, the three fire stations for fire truck deployment and the Ambulance Corp for ambulance deployment are priority assignments for Department of Public Works snow plowing during a snow storm. The paving cost to repave the commuter parking lot, which is part of the Township's obligation with the church, that is due in approximately three (3) to five (5) years is estimated at \$200,000.00 (viewed over 15 years would be approximate \$14,000.00 per year). The Township raises approximately \$30,000.00 a year in commuter parking fees. The estimate to resurface and provide security lighting in the parking lot for the gravel area in the Wyckoff Community Park is approximately \$210,000.00. The Township Committee reviewed these costs in the context of the program and indicated that the total available parking spaces at the church lot and the overflow parking area by the soccer field portion of the Wyckoff Community Park total 178 parking spots and the this year the Township sold 338 parking spaces and in the past has sold even more. The Township Committee discussed the policy and implication of selling more permits than spots available and the discussion resulted regarding the right number of parking permits to sell. It was also indicated that currently there is a waiting list of 65 individuals who have requested parking permits of which 58 are Wyckoff residents. A discussion resulted regarding church members who may be parking in the church spaces and utilizing the park and ride service.

Mr. Richard Koenigsberg, coordinator of the FLOW Rider Group which is a group of residents from Franklin Lakes, Oakland and Wyckoff who utilize the Cornerstone Church commuter parking, stated that the Cornerstone commuter parking lot is rarely ever full; and the reason is many folks who purchase permits do not use them every day due to business travel, vacation schedules and commuters who are not required to commute into the city to their office every day. Mr. Koenigsberg indicated the job growth in this post-depression time has been primarily in New York City, not out in the corporate parks of New Jersey, and this may be the reason why we have folks who have expressed an interest for a parking permit and who do not use the commuter parking lot every day. Mr. Koenigsberg said that the church employees are very good to the commuters and when it is cold they often open the lobby and give the commuters coffee. Police Chief Benjamin Fox was present, he described the efforts of the police officers to enforce parking with permits, the history of selling more permits than the number of parking spaces available and the concern of providing everyone with a parking space when selling more permits than spaces available.

The Township Committee's approach to a fee increase is not to establish a revenue producer, but to cover costs so that the tax payers who are not commuters do not shoulder that burden. A discussion resulted regarding the cost estimate to pave and light the gravel section of Wyckoff Community Park, the need is only to satisfy commuter parking, there is not a recreational program need to perform the improvement. Mr. Scanlan suggested selling 325 to 350 commuter parking permits on the condition that it is daily first come first service until the parking lot could be expanded, the permit would not be a guarantee for a parking space, and this would be an interim solution until after 2015 when the improvements are finished. Mr. Jepsen indicated that the problem appears to be capacity management and stated that oversubscription may not be the only way to approach this. He suggested additional data from monitoring the parking.

In summary the Township Committee decided to refer this issue back to the Finance Committee consisting of Committeeman Rooney and Committeeman Scanlan for another review based on this evenings discussion and to bring a report back to the full governing body for further discussion next week with a possible ordinance introduction on October 21, 2014 and adoption on November 3, 2014. Mr. Boonstra indicated that the current commuter parking fee equates to

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014**

a \$1.25 per week for a resident and \$4.80 per week for a non-resident. All agreed that this evenings' discussion was a positive dialogue.

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

Presentation

The Township Committee presented a plaque including Patrolman Peter Goodman's badge in recognition of his service as a Police Officer for the Township of Wyckoff. Patrolman Goodman was thanked for his service and photos were taken.

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):

#14-228 Award Purchase Order

WHEREAS, the Township of Wyckoff has a need to maintain the heating and cooling system in Town Hall; and,

WHEREAS, a purchase order for \$1,900.00 would result in a total aggregate amount expended in 2014 of \$23,259.00; and,

WHEREAS, N.J.S.A. 19:44A-20.4 et seq., requires contracts procured through price quotations that are below the municipalities bid threshold but over the Pay to Play threshold of \$17,500 to be authorized after municipalities obtain the political contributions disclosure forms and the business entity disclosure certification.

WHEREAS, the aforementioned documentation has be obtained and it is available in the Municipal Clerk's office; and,

WHEREAS, an encumbrance of funds certification was performed on the purchase orders that totals \$1,900.00.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the Township Committee makes award of a contract to Reiner Mechanical Group, Inc., 1275 Bloomfield Avenue, Fairfield, NJ 07007 for \$1,900.00.

BE IT FURTHER RESOLVED, that this contract has been awarded to this contractor based on the merits and abilities of the contractor to provide the goods or service as described herein. This contract was not awarded through a "fair and open process" pursuant N.J.S.A. 19:44A-20-4 et seq. As such, the undersigned does hereby attest that these contractors, their subsidiaries, assigned or principals controlling in excess of 10% of the company has neither made a contribution, that is reportable pursuant to the Election Law Enforcement Commission pursuant to N.J.S.A. 19-:44A-8 or 19:44A-16, in the one (1) year period preceding the award of the contract that would, pursuant to P.L. 2004, c. 19, affect its eligibility to perform this contract, nor will it make a reportable contribution during the term of these one (1) year contracts to any political party committee in the Township of Wyckoff if a member of that political party is serving in an elective public office of the Township of Wyckoff when the contract is awarded, or to any candidate committee of any person serving in an elective public office of the Township of Wyckoff when the contract is awarded.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014**

#14-229 Payment of Bills

WHEREAS, the Township of Wyckoff is a municipality in the State of New Jersey operating under the authority from NJSA 40A:63-1 et seq; and,

WHEREAS, the Township of Wyckoff has received vouchers in claim for payment of materials supplied and/or services rendered; and,

WHEREAS, the said vouchers have been reviewed and the amount indicated on each voucher has been determined to be due and owing; and,

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 they have found them to in order; 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 payments of these bills are hereby authorized and the Chief Financial Officer is directed to issue checks for their payments as listed on the bill list attached to this date's meeting minutes and covered by checks no. 069931 – 070016 Claims A/C, checks no. 02302 – 02304 Accutrack A/C, check no. 2168 Dog Trust A/C and Voided Claims checks no.069930, 069976 and 069986.

#14-230 Return of Certain Overpaid Taxes, Escrow 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:

BUILDING DEPARTMENT:

Barbara DeLorenzo, 27 Manor Road, Wyckoff, New Jersey 07481 – Return of Penalty for work started without permit – Block 208.01/Lot 14 - \$1,000.00

TAX REFUND:

Alan Roman & Heidi Gaetano, 182 Anthony Place, Wyckoff, New Jersey 07481 – Refund of 3rd Quarter Taxes due to overpayment – Block 265/Lot 89 - \$3,257.80

RECREATION:

Tatbong P. Ho, 53 Princeton Avenue, Wyckoff, New Jersey 07481 – Tennis Refund - \$32.50

Bogart Kalata, 42 Sioux Avenue, Oakland, New Jersey 07436 – Tennis Refund - \$15.00

Marissa Williams, 30 Elinora Drive, Wanaque, New Jersey 07465 – Tennis Refund - \$27.50

#14-231 Approval to Submit Grant Application to NJDOT for a Section of Crescent Avenue

WHEREAS, the Township Committee is required to authorize a grant application and execute a grant contract, as a requirement to submit a grant application to the New Jersey Department of Transportation for a Crescent Avenue project; and

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014**

WHEREAS, the Township Committee has received a recommendation from the Chief of Police, Department of Public Works Manager and Township Engineer to apply to the New Jersey Department of Transportation (NJDOT) trust fund grant program to improve a section of Crescent Avenue (between Brookside Avenue and Franklin Avenue).

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they formally approve the grant application for the above stated project.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2015-Wyckoff Township-00220 to the New Jersey Department of Transportation on behalf of the Township of Wyckoff.

BE IT FURTHER RESOLVED, that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Wyckoff, and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

#14-232 Support A-366/5-1713 Fair Taxing of Telecommunication Providers

WHEREAS, the Township of Wyckoff received a letter from Verizon, dated 9/3/2014 notifying the Township of Verizon's interpretation of State law that Verizon is exempt from payment of Business Personal Property Taxes of \$93,000 to the Township of Wyckoff; and,

WHEREAS, beginning in 2008, Verizon claimed itself tax exempt from the payment of Business Personal Property Taxes in five (5) municipalities, based on its own interpretation of the 1997 law, when it unilaterally determined that it no longer provided dial tone access to at least 51% of the local telephone exchanges; and,

WHEREAS, in 2012, the Tax Court issued a preliminary decision, supporting Verizon's self-serving interpretation of the law; and,

WHEREAS, both the Appellate Division and the State Supreme Court have denied the New Jersey League of Municipalities request to consider this issue, opting instead to await the Tax Court's final decision on the level of Verizon's current service. As the Tax Court proceedings drag on, with no end in sight, the taxpayers in over 100 municipalities including Wyckoff have been, effectively, denied the opportunity for relief; and,

WHEREAS, the New Jersey League of Municipalities and member municipalities including Wyckoff oppose the interpretation that Verizon can unilaterally determine whether it is subject to the tax in a given municipality; and,

WHEREAS, the statute specifically provides that those telecommunications carriers formerly subject to the New Jersey Franchise and Gross Receipts Tax Act would continue to be taxed, and that the law contains no provision for an annual "test" to determine whether the tax continues to apply.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that it supports A-366/S-1713 as a legislative action to protect taxpayers and to provide clear direction to the court's regarding State Taxation of Telecommunication Providers.

BE IT FURTHER RESOLVED, that a copy of this resolution be provided to Governor Christie, Senate Leader Stephen Sweeney, Assembly Leader Jon Bramnick, Senator Kevin O'Toole, Assemblyman David Russo, Assemblyman Scott Rumana, William Dressel, Executive Director of the New Jersey League of Municipalities and Assemblyman Declan O'Scanlon, Jr.

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014**

#14-C4 Closed Session-NJSA 10:4-12(7)-Contract Negotiations

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:

NJSA 10:4-12 (7) – Contract Negotiations

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 September 16, 2014 hereby authorize, that an Executive Session closed to the public shall be conducted on September 16, 2014 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.

II Motions

- a. Approve the request from Township Employee, Mary Ellen Tafrate, to hang pink ribbons on Town Hall property for "Breast Cancer Awareness Month".
- b. Approve the New Jersey State Firemen's Association membership application for William E. Pettit into Volunteer Fire Company #1.
- c. Approve the request from Wyckoff Reformed Church for 10 day temporary signs advertising their Holiday Fair from November 13-22.
- d. Authorize Wyckoff Parks and Recreation Foundation's request for temporary signs promoting Oktoberfest 2014 for ten days from October 4-14.

III Ordinance – Introduction

#1753 - AN ORDINANCE TO AMEND CHAPTER 186 "ZONING", SECTION 186-23, "REGULATIONS APPLYING TO SPECIFIC ZONES"

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, SEPTEMBER 16, 2014**

Following is the vote on the Consent Agenda:

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

IV Meeting adjourned 9:06 p.m.

Mayor Douglas J. Christie

Joyce C. Santimauro
Municipal Clerk