

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, OCTOBER 20, 2015**

**TOWNSHIP OF WYCKOFF
48 HOUR NOTICE**

The purpose of this Notice is to comply with the Open Public Meeting Act and advise the public that the Township Committee of the Township of Wyckoff shall begin their regularly scheduled Tuesday, October 20, 2015, 7:30 p.m. Open Work Session Meeting in the Municipal Court Room, Wyckoff Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey at 7:00 pm. The Township Committee will call to order the Open Work Session Meeting at 7:00 p.m., adopt a resolution to enter into Closed Session discussion in the Small Conference Room immediately behind the Municipal Court Room regarding pending Affordable Housing litigation with its attorney and professional planner. The Township Committee will re-enter the Open Work Session section of the Open Work Session Meeting between 7:30 p.m. and 8:00 p.m. in the Municipal Court Room and discuss its regularly scheduled and posted Open Work Session Agenda.

The Township Committee may take formal action.

Joyce C. Santimauro

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**(Revised 10-20-15)
TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE WORK SESSION MEETING
MUNICIPAL COURT ROOM
TUESDAY, OCTOBER 20, 2015 - 7:00 P.M.**

1. 7:00 pm Work Session Meeting called to order by Mayor Kevin J. Rooney
2. Roll call of Township Committee
3. Reading of "48 Hour Open Work Session" statement by Mrs. Santimauro
4. Adoption of Resolution #15-C8 to enter closed session discussion for pending litigation NJSA 10:4-12b(7)

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

5. Reconvene open Work Session discussion.
6. 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.
7. Mayor and Municipal Clerk to sign documents
8.
 - a. Finance Committee to review and sign vouchers
 - b. Report of Township Committee
 - c. Report of Administrator
 - d. Report of Attorney
9. Recess Work Session Meeting to conduct 8:00 pm Business Meeting
10. Reconvene Work Session Meeting
11. 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
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TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE BUSINESS MEETING
MUNICIPAL COURT ROOM
TUESDAY, OCTOBER 20, 2015 - 8:00 PM

- 1. Regular Meeting of the Wyckoff Township Committee called to order by Mayor Kevin J. Rooney
- 2. Flag Salute
- 3. Invocation will be given by Pastor Rich Higby from Cornerstone Church
- 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 – St. Nicholas Greek Orthodox Church presents a donation to the Township Committee and Police Chief Fox for the purchase of vests for Wyckoff Police Officers
- 8. Recognition of Wyckoff's School Crossing Guards hard work and dedication keeping our school children safe during the school year
- 9. Approval of the following Township Committee meeting minutes:

Township Committee Regular Work Session and Regular Business Meeting Minutes from October 6, 2015.

MOTION: SCANLAN SECOND CAROLAN
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN
SCANLAN YES ROONEY YES

10. **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 <u>Resolutions</u> (Adoption of the following):	
#15-252	Approval to Submit a Grant Application the New Jersey Department of Transportation to Improve a Section of Crescent Avenue
#15-253	Invoke Title 59 Plan and Design Defense Purchase of Portable Generator on Trailer
#15-254	Invoke Title 59 & Design Defense Purchase of DPW Vehicle
#15-255	Award a Contract for the Purchase of Four Wheel Drive Vehicle for Fire Department Use
#15-256	Award Contract for the Purchase, Delivery and Erection of a Pole Building and Open Air Pavilion at Pulis Field Recreation Complex
#15-257	Invoke Title 59 Plan & Design Defense Purchase of Police Vehicle
#15-258	Payment of Bills
#15-259	Endorse Community Development Grant Application
#15-261	Return of certain overpaid taxes, escrow monies, etc

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II Motions

- a. Patrolman Ryan Noon, regular police department employment status, after completing two (2) year probationary period.
- b. Patrolman Michael Teegan, regular police department employment status, after completing two (2) year probationary period.
- c. Patrolman James Bakelaar, regular police department employment status, after completing two (2) year probationary period.
- d. Approve 51st Annual Eastern Christian Children's Retreat Country Fair on Memorial Field Saturday, September 24, 2016 (rain date October 1, 2016).
- e. Authorize the request from Activities Unlimited to park 15-20 cars on the west side of town hall on Sunday, December 6, 2015 from 8:45 am to 4:00 pm.
- f. Authorize the request from Stephen Kupshaw, Fitness Together, for an 10 day temporary 12'X18" banner for a "Grand Reopening Celebration" to be safely and adequately secured.

Following is the vote on the Consent Agenda:

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

III Resolution (Not on Consent Agenda)

#15-260 Cancel Taxes & Establish Tax Exemption as per
NJSA 54:4-3.3 for Block 288 Lot 38

MOTION: BOONSTRA SECOND JEPSEN
BOONSTRA YES CAROLAN YES JEPSEN YES
SCANLAN ABSTAIN ROONEY YES

IV Ordinances – Introductions (Not on Consent Agenda)

#1784 - AN ORDINANCE TO CREATE NEW CHAPTER 84, "SMOKING AND RETAIL SALE OF TOBACCO PRODUCTS," OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO PROHIBIT SMOKING IN PUBLIC PLACES AND TO PROHIBIT THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) WITHIN THE TOWNSHIP OF WYCKOFF

MOTION: BOONSTRA SECOND ROONEY
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN
SCANLAN ABSTAIN ROONEY YES

1785 - AN ORDINANCE TO AMEND CHAPTER 186 "ZONING," SECTION 186-23, "REGULATIONS APPLYING TO SPECIFIC ZONES."

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MOTION: _____ BOONSTRA _____ SECOND _____ ROONEY _____
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN _____
SCANLAN ABSTAIN ROONEY YES _____

#1786 - AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 146, "PARKS, PLAYGROUNDS AND RECREATIONAL AREAS," TO DELETE SECTION 146-36B.

MOTION: _____ BOONSTRA _____ SECOND _____ ROONEY _____
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN _____
SCANLAN ABSTAIN ROONEY YES _____

V Ordinance – Public Hearing/Further Consideration

#1783 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 54, "POLICE DEPARTMENT", SECTION 54-4, "ORGANIZATION", TO INCREASE THE RANKS OF THE POLICE DEPARTMENT THAT MAY BE FILLED BY APPOINTMENT BY THE TOWNSHIP COMMITTEE

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

VI 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

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Meeting Called To Order

Mayor Kevin J. Rooney 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 Kevin Rooney.

Invocation

The Invocation was given by Pastor Rich Higby from Cornerstone Church.

Attendance

Township Committee Present: Mayor Kevin J. Rooney; Committee Present: Rudolf E. Boonstra, John Carolan, Haakon C. Jepsen and Brian D. Scanlan

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

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Presentation – St. Nicholas Greek Orthodox Church Presents a Donation to the Township Committee and Police Chief Fox

Police Chief Fox and the Township Committee were presented with a \$2,500.00 donation from the parishioners of St. Nicholas Greek Orthodox Church for bullet proof vests and other safety equipment. The presentation was made by Father Basil C. Gikas, Pastor; Evans Agrapidis, Parish Council President; Nick Karras, Parish Council Vice President; George Gasparis, Past President of AHEPA, Ramapo Chapter #453 & John Psomas, Chapter Secretary of AHEPA, Ramapo Chapter #453. Mayor Rooney, the Township Committee and Police Chief thanked the St. Nicholas parish board for the kind gesture and the Mayor said the donation showed St Nicholas church's commitment to our community. Photographs were taken.

Recognition of Wyckoff's School Crossing Guards

Mayor Rooney and the Township Committee thanked Wyckoff's School Crossing Guards for their hard work and dedication and for keeping our school children safe during the school year. Patrolmen Kasak and Tully were also present and thanked the crossing guards for being so responsible and for keeping our children safe. Photographs were taken.

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Meeting Open for Public Comment

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

Joy Lengyel, 89 Crescent Avenue. Ms. Lengyel expressed her concerns about the lighting at Pulis Field Recreation Facility, the use of open space funds and asked how this was going to affect her taxes. Ms. Lengyel said the field is for children and does not agree with the need for lighting. She asked to speak to Committeeman Scanlan who responded that she could contact him.

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

Approval of the following Township Committee meeting minutes:

Township Committee Regular Work Session and Regular Business Meeting Minutes from October 6, 2015.

MOTION: SCANLAN SECOND CAROLAN
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN
SCANLAN YES ROONEY YES

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):

#15-252 Approval to Submit a Grant Application the New Jersey Department of Transportation to Improve a Section of Crescent Avenue

NOW, THEREFORE BE IT RESOLVED, that the Township of Wyckoff formally approves 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-2016-Crescent Avenue Improvements - 00387 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.

#15-253 Invoke Title 59 Plan and Design Defense Purchase of Portable Generator on Trailer

WHEREAS, the Township Committee of the Township of Wyckoff has awarded a contract for the purchase of one (1) new 2014 Magnum portable generator from HD Supply Facilities Maintenance, LLC., P.O. Box 9004, Gurnee, Illinois, 60031-9004 through the New Jersey state contract system, contract number A82216; and,

WHEREAS, before the manufacture of the portable generator, the unit was recommended by the certified Public Works Manager and approved by the Township Committee and the complete generator was reflected in the purchase order contract issued; and,

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WHEREAS, the portable generator has been received, the vehicle has been inspected and is able to be put in service.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey that the governing body of the Township of Wyckoff approves the final “as built” condition of the one (1) 2014 Magnum portable generator (vin # 5AJGS1311EB411616), purchased, manufactured and delivered in accordance with the purchase order/contract, and the Township Committee now invokes Title 59 defenses.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be placed in the Township’s risk management file together with one (1) copy of successful vendor’s purchase order with a notation referring to the Resolution of Approval placed thereon and a copy be provided to the DPW Manager and the Township Safety Committee Chairman.

#15-254 Invoke Title 59 Design Defense Purchase of DPW Vehicle

WHEREAS, the Township Committee of the Township of Wyckoff has awarded a contract for the purchase of one (1) new 2016 Ford F350 Pick-up Truck with snow plow through advertised sealed competitive bidding to Route 23 Auto Mall, LLC, 1301 Route 23, Butler, New Jersey 07405; and,

WHEREAS, before the manufacture of the pick-up truck, various alternate safety features were recommended by the DPW Manager and approved by the Township Committee and reflected in the purchase order contract issued; and,

WHEREAS, the truck has been received, the vehicle has been inspected and is able to be put in service.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey that the governing body of the Township of Wyckoff approves the final “as built” condition of the one (1) 2016 Ford 350 Pick-up Truck (VIN #1FTRF 3B6XG EA389 38), purchased, manufactured and delivered in accordance with the purchase order/contract, and the Township Committee now invokes Title 59 defenses.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be placed in the Township’s risk management file together with one (1) copy of successful vendor’s purchase order with a notation referring to the Resolution of Approval placed thereon and a copy be provided to the DPW Manager and the Township Safety Committee Chairman.

#15-255 Award a Contract for the Purchase of Four Wheel Drive Vehicle for Fire Department Use

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

WHEREAS, a legal advertisement soliciting competitive bids was published in the October 9, 2015 issue of the Ridgewood News; and,

WHEREAS, the Township of Wyckoff posted a notice that this bid specification is available to bidders on the Township’s “Bids and Jobs” quick link easily accessed from the Township’s Home Page at www.wyckoff-nj.com, and to further encourage competition, the specifications were available with no fee; and,

WHEREAS, on October 20, 2015 at 11:00 a.m. the following bids were publicly opened and their contents read aloud:

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<u>Bidder</u>	<u>Price</u>
Hawthorne Chevrolet 591 Goffle Road Hawthorne, NJ	\$48,306.00
Day Chevrolet 1600 Golden Mile Hwy. Monroeville, PA	\$69,999.00

WHEREAS, the Certified Public Works Manager and the Fire Chief recommend awarding a contract to the lowest responsive and responsible bidder, Hawthorne Chevrolet, 591 Goffle Road, Hawthorne, NJ; and,

WHEREAS, the Township Attorney and Township Administrator have reviewed the procurement and concur with the recommendation to award a contract to the lowest responsive and responsible bidder; and,

WHEREAS, the Chief Financial Officer of the Township of Wyckoff certifies that adequate funds are available in the Township of Wyckoff Capital Account # C-04-55-930-203 and 5-1-25-255-020.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that a contract for the purchase of a 4 wheel drive in strict compliance with the bid specifications especially delivery(no exceptions) is awarded to Hawthorne Chevrolet, 591 Goffle Road, Hawthorne, NJ for the not to exceed bid price of \$48,306.00. This contract award shall be subject to, and the successful bidder shall comply with the liquated damages clause in the specifications.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall provide a copy of this resolution to the Accounts Payable Clerk, Chief Financial Officer, Fire Chief and Department of Public Works Manager.

#15-256 Award Contract for the Purchase, Delivery and Erection of a Pole Building and Open Air Pavilion at Pulis Field Recreation Complex

WHEREAS, the Township Committee approved bid specification and authorized competitive sealed bidding for a pole building and open air pavilion at the Pulis Field Recreation Complex; and,

WHEREAS, the Township of Wyckoff published a legal advertisement in the October 2, 2015 issue of the Ridgewood News soliciting competitive sealed proposals; and,

WHEREAS, the Township of Wyckoff posted a notice that this bid specification is available to bidders on the Township’s “Bids and Jobs” quick link easily accessed from the Township’s Home Page at www.wyckoff-nj.com and to further encourage competition, the specifications were available with no fee; and,

WHEREAS, on October 15, 2015 at 11:00 a.m. the following bid was publicly opened and the contents read aloud:

<u>Bidders</u>	<u>Price</u>
1. CB Structures Inc. 202 Orland Road New Holland, PA	\$55,579.00

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WHEREAS, the Public Works Manager and the Township Administrator have reviewed the bid submitted and recommend an award to the lowest responsive and responsible bidder; and,

WHEREAS, the Chief Financial Officer has issued a certificate indication adequate funds exist for their purchase and such funds shall be encumbered for this procurement.

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

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen State of New Jersey that a contract is awarded to CB Structures, Inc., 202 Orland Road, New Holland, PA to supply, deliver and erect one new, unused pole building and open air pavilion at the Pulis Field Recreation Complex at a location indicated by the Township's Project Inspector for the not to exceed cost of \$55,579.00.

BE IT FURTHER RESOLVED, that the Municipal Clerk provide a copy of this resolution to the Department of Public Works Manager, the Chief Financial Officer and the Accounts Payable Control Officer.

#15-257 Invoke Title 59 Plan & Design Defense Purchase of Police Vehicle

WHEREAS, the Township Committee of the Township of Wyckoff has awarded a contract for the purchase of one (1) new 2016 Ford Explorer police vehicle from Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034 through the New Jersey state contract system, contract number A88728; and,

WHEREAS, the vehicle was recommended by the Chief of Police and approved by the Township Committee and the complete purchase was reflected in the purchase order contract issued; and,

WHEREAS, the police vehicle has been received, the vehicle has been inspected and is able to be put in service.

NOW THEREFORE BE TI RESOLVED, by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey that the governing body of the Township of Wyckoff approves the final "as built" condition of the one (1) 2016 Ford Explorer police vehicle (vin #1FM5K8AR1GGA78747), purchased, manufactured and delivered in accordance with the purchase order/contract, and the Township Committee now invokes Title 59 defenses.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be placed in the Township's risk management file together with one (1) copy of successful vendor's purchase order with a notation referring to the Resolution of Approval placed thereon and a copy be provided to the Police Chief and the Township Safety Committee Chairman.

#15-258 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,

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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. 14197 – 14229 Payroll A/C, Direct Deposit Vouchers no. 5115 - 5173, Library Payroll check nos. 1176 & 1177, Library Direct Deposit Vouchers no. 1580 - 1612, Claims Wire nos. 151003 - 151006, check no. 1004 Affordable Housing Development Fee Trust A/C, Claims check nos. 072499 – 072596, \$33.34 Dog Trust Wire and Voided Claims checks no. 072498, 072584 & 072587.

#15-259 Endorse Community Development Grant Application

WHEREAS, a Bergen County HOME Investment Partnerships application of \$200,000 has been proposed by Madeline Corporation for Wyckoff Supportive Housing in the municipality of Wyckoff, and

WHEREAS, pursuant to the State Interlocal Services Act, HOME funds may not be spent in a municipality without authorization by the Mayor and Council, and

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

WHEREAS, this resolution does not obligate the financial resources of the Township of Wyckoff and is intended solely to expedite expenditure of the aforesaid HOME application,

NOW THEREFORE BE IT RESOLVED, that the Mayor and Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they hereby confirm endorsement of the aforesaid project, and

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

#15-261 Return of Certain Overpaid Taxes, Escrow Monies, 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:

DEVELOPMENT FEE:

Eastern Christian Children's Retreat, 700 Mountain Avenue, Wyckoff, New Jersey 07481 – Return of residential development – 832 Mountain Avenue – Block 437/Lot 2 - \$3,705.00

PLANNING BOARD:

Cedar Hill Condominium Assoc., 152 Brewster Road, Wyckoff, New Jersey 07481 – Return of Escrow – Block 449/Lot 1.02 - \$350.62

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RECREATION:

Margaret Hogan, 175 Fox Hollow Road, Wyckoff, New Jersey 07481 – Basketball Refund - \$78.00

Julie Begley, 410 Meer Avenue, Wyckoff, New Jersey 07481 – Refund for late fee not applicable - \$25.00

Patrizia Tirri, 339 Village Place, Wyckoff, New Jersey 07481 – Refund due to duplicate registration - \$65.00

II Motions

- a. Patrolman Ryan Noon, regular police department employment status, after completing two (2) year probationary period.
- b. Patrolman Michael Teegan, regular police department employment status, after completing two (2) year probationary period.
- c. Patrolman James Bakelaar, regular police department employment status, after completing two (2) year probationary period.
- d. Approve 51st Annual Eastern Christian Children’s Retreat Country Fair on Memorial Field Saturday, September 24, 2016 (rain date October 1, 2016).
- e. Authorize the request from Activities Unlimited to park 15-20 cars on the west side of town hall on Sunday, December 6, 2015 from 8:45 am to 4:00 pm.
- f. Authorize the request from Stephen Kupshaw, Fitness Together, for an 10 day temporary 12’X18” banner for a “Grand Reopening Celebration” to be safely and adequately secured.

Following is the vote on the Consent Agenda:

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

Resolution (Not on Consent Agenda)

#15-260 Cancel Taxes & Establish Tax Exemption as per NJSA 54:4-3.3 for Block 288 Lot 38

WHEREAS, N.J.S.A. 54:4-3.3 authorizes the New Jersey Department of Veterans Affairs to certify Veteran service connected with total disability and,

WHEREAS, the Tax Assessor has deemed the property listed below as qualifying for tax exempt status as per the certification from the New Jersey Department of Veterans Affairs.

BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the Tax Collector is hereby authorized and directed to cancel all taxes as indicated below as per the date of tax exempt status certification.

<u>Block/Lot</u>	<u>Name</u>	<u>Address</u>	<u>Effective date</u>
288/38	Anthony Brienza	308 Voorhis Avenue	03/20/2014

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MOTION: _____ BOONSTRA _____ SECOND _____ JEPSEN _____
BOONSTRA YES CAROLAN YES JEPSEN YES
SCANLAN ABSTAIN ROONEY YES

III Ordinances – Introductions (Not on Consent Agenda)

ORDINANCE #1784

AN ORDINANCE TO CREATE NEW CHAPTER 84, “SMOKING AND RETAIL SALE OF TOBACCO PRODUCTS,” OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO PROHIBIT SMOKING IN PUBLIC PLACES AND TO PROHIBIT THE SALE OF TOBACCO AND NICOTINE DELIVERY PRODUCTS TO PERSONS UNDER THE AGE OF TWENTY-ONE (21) WITHIN THE TOWNSHIP OF WYCKOFF

WHEREAS, the Township Committee of the Township of Wyckoff is committed to ensuring the health and wellbeing of its citizens; and

WHEREAS, the Township Committee of the Township of Wyckoff is committed to preserving the health and welfare of the children of the Township; and

WHEREAS, the Township Committee of the Township of Wyckoff finds that the use of tobacco and nicotine delivery products that deliver nicotine and/or vapor including, but not limited to, cigarettes, chewing tobacco, “e-cigarettes,” and/or other types of electronic smoking devices are detrimental to the health of the citizens and youth of the Township of Wyckoff; and

WHEREAS, the citizens of the Township of Wyckoff have a right to enjoy public property without the nuisance of and exposure to nicotine delivery products; and

WHEREAS, the Township Committee of the Township of Wyckoff has concluded that it is appropriate to prohibit smoking in public places and the sale of tobacco and nicotine delivery products to persons under the age of twenty-one (21) within the Township of Wyckoff; and

WHEREAS, the Township of Wyckoff is authorized to enact ordinances not contrary to the laws of the State or the United States as it may deem necessary and proper for the protection of persons and for the preservation of the public health, safety, and welfare of the Township of Wyckoff and its residents; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that new Chapter 84, “Smoking and Retail Sale of Tobacco Products,” is hereby created as follows:

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SECTION 1. Chapter 84. Smoking and Retail Sale of Tobacco Products.

84-1. Definitions.

NICOTINE DELIVERY PRODUCT shall mean any product that is designed to deliver nicotine or vapor including, but not limited to, what are commonly known as "e-cigarettes" or other types of electronic smoking devices, or any cartridge or other component of such device, or related products including, but not limited to, any substances used in such devices, such as liquids or powders or other forms of tobacco, but excluding United States Food and Drug Administration approved nicotine patches or nicotine chewing gum.

PERSON shall mean an individual, partnership, cooperative, association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

TOBACCO shall mean any product made from the tobacco plant for the purpose of smoking, chewing, inhaling, and other personal use, including cigars, chewing tobacco, pipe tobacco, snuff, and cigarettes in any form.

TOBACCO RETAILER shall mean any person or entity that operates a store, stand, booth, concession, or place at which sales of tobacco or nicotine delivery products are made to purchasers for consumption or use. The term shall also mean any person or entity that owns, operates, or uses a tobacco vending machine and/or a tobacco vending machine location as defined herein.

TOBACCO VENDING MACHINE shall mean any automated, self-service device which, upon insertion of money, tokens, or other form of payment, dispenses nicotine delivery products, cigarettes, or other tobacco products.

TOBACCO VENDING MACHINE LOCATION shall mean the room, enclosure, space, or area where a tobacco vending machine is installed and operated.

ENCLOSED AREA shall mean all areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL BUILDINGS shall mean all structures owned, leased, rented, and/or operated by the Township of Wyckoff, and/or occupied by Township employees and used for official business of the

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PARKS AND RECREATIONAL FACILITIES shall mean all public parks, playgrounds, and ball fields publicly owned or leased by the Township of Wyckoff and all property owned or leased by the Township of Wyckoff upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities including, but not limited to, any parking area, driveway, or drive aisle.

SMOKING shall mean the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

84-2. Retail Sale of Tobacco Products.

- A. No person shall sell tobacco or nicotine delivery products in the Township of Wyckoff unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco or nicotine delivery products shall be prohibited.
- B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of twenty-one (21) years or give tobacco or nicotine delivery products to any person under the age of twenty-one (21).
- C. Tobacco retailers shall conspicuously post and reasonably maintain signs having a minimum size of six (6) inches by eight (8) inches where tobacco or nicotine delivery products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco or nicotine delivery products.
- D. Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than twenty-one (21) years of age.

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No such verification is required for any person over the age of twenty-six (26). No clerk shall sell tobacco or nicotine delivery products to a person less than twenty-one (21) years of age who has a note or any form of communication from any person, including an adult.

- E. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Wyckoff Township Ordinances and State laws pertaining to the sale or distribution of tobacco and nicotine delivery products and the business owner or manager has signed a statement that the employee has read such Ordinances and State laws. Such form statement will be supplied by the Township of Wyckoff and the signed original statement shall be filed with the Township of Wyckoff and a copy shall be kept on file by the tobacco retailer and made available for review by the Township of Wyckoff.

84-3. Prohibition of Smoking in Public Places; Signs.

- A. Smoking shall be prohibited in all municipal buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be clearly, sufficiently, and conspicuously posted at each municipal building entrance and within each closed area where smoking is prohibited by this Chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- B. Smoking shall be prohibited within a thirty-five (35) foot radius of the front entrance of all municipal buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be clearly, sufficiently, and conspicuously posted both on the building and at the thirty-five (35) foot perimeter of the front entrance of all municipal

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buildings where smoking is prohibited by this Chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

- C. Smoking shall be prohibited in all public parks and recreational facilities owned or leased by the Township of Wyckoff and all property owned or leased by the Township of Wyckoff upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities including, but not limited to, any parking area, driveway, or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be clearly, sufficiently, and conspicuously posted in all areas regulated by this Chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.
- D. Smoking shall be prohibited in any vehicle registered to the Township of Wyckoff.

84-4. Enforcement.

The enforcement authority of this Chapter shall be the Police Department and Health Department of the Township of Wyckoff.

84-5. Violations and Penalties.

Any person who violates any provision of this Chapter shall be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense, and \$1,000 for each subsequent offense.

SECTION 2. Except as hereby amended, all other sections of the Code of the Township of Wyckoff shall remain in full force and effect.

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

MOTION: BOONSTRA SECOND ROONEY
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN
SCANLAN ABSTAIN ROONEY YES

ORDINANCE #1785

AN ORDINANCE TO AMEND CHAPTER 186 “ZONING,” SECTION 186-23, “REGULATIONS APPLYING TO SPECIFIC ZONES.”

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that Section 186-23 “Regulations Applying to Specific Zones” is amended to replace subsection 186-23L., as follows:

SECTION 1 – Chapter 186, Zoning

Section 186-23, Regulations Applying to Specific Zones.

- L. Within the B-1, B-1A, B-2, B-3, B-5, B-5/SDAH-2, L-1, and L-2 Zones, there shall be no outdoor display or storage of products, merchandise, or other goods. Notwithstanding the preceding sentence, the following will be permitted:
- (i) The display of live plants between the hours of 7:00 a.m. and 6:00 p.m.
 - (ii) Seasonal decorations that do not include products or merchandise for sale, for no more than thirty (30) consecutive days.
 - (iii) The display of merchandise in connection with special sales, up to six (6) consecutive days and no more than five (5) times per year, within the hours of 7:00 a.m. and 6:00 p.m.
 - (iv) The display of outdoor decorative items for sale, located in the rear yard and outside of any parking areas.

With respect to displayed items as permitted above, an unobstructed paved surface for pedestrian traffic, at least six (6) feet wide, shall be maintained upon any private sidewalk or sidewalk within the public right of way.

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.

MOTION: BOONSTRA SECOND ROONEY
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN
SCANLAN ABSTAIN ROONEY YES

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ORDINANCE #1786

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 146, "PARKS, PLAYGROUNDS AND RECREATIONAL AREAS," TO DELETE SECTION 146-36B.

BE IT ORDAINED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that Chapter 146, "Parks, Playgrounds and Recreational Areas," Section 146-36, "Smoke-free area," is hereby amended to delete subsection B., so that smoking shall be prohibited within the parking lots and vehicular access lanes to parks, playgrounds and/or recreational areas, as follows:

SECTION 1 - Chapter 146. Parks, Playgrounds and Recreational Areas;

Section 146-36. Smoke-free area.

A. It shall be unlawful for any person to smoke within the boundaries of any of the parks, playgrounds or recreational areas which are defined within § **146-4** of this chapter. To the extent possible, "smoke-free area" signs shall be clearly, sufficiently and conspicuously posted at properties where smoking is prohibited by this chapter. The signs shall have the words "smoke-free area" in lettering that is not less than two inches in height and shall contain the international no-smoking sign.

~~B. Notwithstanding the above, smoking shall not be prohibited within the parking lots or vehicular access lanes to such parks, playgrounds and/or recreational areas unless prohibited by other applicable law.~~

SECTION 2 - Except as hereby amended, all other Sections of Chapter 146 shall remain in full force and effect.

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

MOTION: BOONSTRA SECOND ROONEY
BOONSTRA YES CAROLAN YES JEPSEN ABSTAIN
SCANLAN ABSTAIN ROONEY YES

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Mr. Scanlan said he did not have a problem with the above three ordinances in principle, but that he was abstaining because they had been added to the agenda late and he had not been given the opportunity to read them. Mr. Scanlan said therefore he would abstain from voting on these three ordinances. Mr. Jepsen said he would abstain for the same reason.

IV Ordinance – Public Hearing/Further Consideration

#1783 - AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 54, "POLICE DEPARTMENT", SECTION 54-4, "ORGANIZATION", TO INCREASE THE RANKS OF THE POLICE DEPARTMENT THAT MAY BE FILLED BY APPOINTMENT BY THE TOWNSHIP COMMITTEE

FINAL PASSAGE

MUNICIPAL CLERK: Mr. Chairman, I have Ordinance No. 1783, entitled:

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 54, "POLICE DEPARTMENT", SECTION 54-4, "ORGANIZATION", TO INCREASE THE RANKS OF THE POLICE DEPARTMENT THAT MAY BE FILLED BY APPOINTMENT BY THE TOWNSHIP COMMITTEE AND TO PROVIDE CLARIFYING LANGUAGE IN SECTIONS: 54-6.6, "SUSPENSION PRIOR TO HEARING," AND SECTION 54-6.8, "DETERMINATION OF TYPE OF COMPENSATION; PAYMENT," AND SECTION 54-7, "COMPENSATION."

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 BOONSTRA: I move the Ordinance on second reading by Title only.

COMMITTEEMAN CAROLAN: Seconded.

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

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1783, and all persons who wish to be heard, please state your name and address before making your statement.

Township Administrator Robert Shannon stated that modern language modifications have been recommended by the township's labor counsel. They are:

SECTION 2.

Section 54-6.6, "Suspension prior to hearing".

The Chief of Police or Director of Public Safety or the Township Committee may suspend any member of the Department from active duty with or without pay

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pending hearing on charges preferred against such member, pursuant to and as required by N.J.S.A. 40A:14-147, 14-149, and 14-149.1, as amended and supplemented.

SECTION 3

Section 54-6.8, "Determination of type of compensation; payment".

The Chief of Police or the Director of Public Safety, subject to the review and approval of the Township Committee, shall determine whether a member shall receive compensatory time off from regular duty hours or additional compensation for required court appearances. All compensation shall be paid in accordance with the Salary Ordinance and the collective bargaining agreement between the Township and members of the Police Department, but the total for any calendar year shall not exceed the budget allocation therefore.

SECTION 4

Section 54-7, "Compensation".

The compensation of all members of the Department shall be determined by the Township Committee at the first of each year subject to the applicable collective bargaining agreement and shall be paid at such times as the said Committee shall provide.

Robert Landel, Township 'attorney, opines that the modifications are de minimis and the township committee may adopt the ordinance with these modifications tonight at the conclusion of the public hearing.

Administrator Robert Shannon stated that for purposes of clarity and possible future questions, the township committee's legislative intent is not to establish a finite staffing level, it simply raises the number of patrol officers to allow the township committee and the chief flexibility in addressing and planning for retirements and successor candidates. Township Committee confirmed this intent.

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

COMMITTEEMAN CAROLAN: Seconded.

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

MUNICIPAL CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1783 be, and the same is hereby adopted, and the Municipal 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 BOONSTRA: I move the resolution.

COMMITTEEMAN CAROLAN: Seconded.

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

ORDINANCE #1783

AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF WYCKOFF, CHAPTER 54, “POLICE DEPARTMENT”, SECTION 54-4, “ORGANIZATION”, TO INCREASE THE RANKS OF THE POLICE DEPARTMENT THAT MAY BE FILLED BY APPOINTMENT BY THE TOWNSHIP COMMITTEE AND TO PROVIDE CLARIFYING LANGUAGE IN SECTIONS: 54-6.6, “SUSPENSION PRIOR TO HEARING,” AND SECTION 54-6.8, “DETERMINATION OF TYPE OF COMPENSATION; PAYMENT,” AND SECTION 54-7, “COMPENSATION.”

BE IT ORDAINED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that Chapter 54, “Police Department” is amended as follows:

SECTION 1.

Section 54-4, “Organization”.

The Police Department of the Township of Wyckoff shall consist of a Director of Public Safety or Chief of Police, who shall be the administrative head of the Department, and the regular members who shall be appointed by the Township Committee to their respective ranks. The ranks of the Police Department, which may be filled by appointments by the Township Committee, shall be as follows:

Rank	Number
Chief of Police or Director of Public Safety	Up to 1
Captain	Up to 1
Lieutenant	Up to 3
Sergeant	Up to 10
Patrolman	Up to 14 <u>18</u>

SECTION 2.

Section 54-6.6, “Suspension prior to hearing”.

The Chief of Police or Director of Public Safety or the Township Committee may suspend any member of the Department from active duty with or without pay pending hearing on charges preferred against such member, pursuant to and as required by N.J.S.A. 40A:14-147, 14-149, and 14-149.1, as amended and supplemented.

SECTION 3

Section 54-6.8, “Determination of type of compensation; payment”.

The Chief of Police or the Director of Public Safety, subject to the review and approval of the Township Committee, shall determine whether a member shall receive compensatory time off from regular duty hours or additional compensation for required court appearances. All compensation shall be paid in accordance with the Salary Ordinance and the collective bargaining agreement between the Township and members of the Police Department, but the total for any calendar year shall not exceed the budget allocation therefore.

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SECTION 4

Section 54-7, "Compensation".

The compensation of all members of the Department shall be determined by the Township Committee at the first of each year subject to the applicable collective bargaining agreement and shall be paid at such times as the said Committee shall provide.

SECTION 5

Except as hereby amended all other sections of the Code of the Township of Wyckoff, Chapter 54, "Police Department" remain in full force and effect.

SECTION 6

This ordinance shall take effect upon final passage and publication according to law.

V Meeting adjourned 8:40 p.m.

Kevin J. Rooney
Mayor

Joyce C. Santimauro
Municipal Clerk

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