

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE OPEN WORK SESSION MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
TUESDAY, APRIL 17, 2018 – 7:00 P.M.**

Mayor Brian D. Scanlan opened the Open Work Session Meeting at 7:00 p.m. in the second floor municipal court room.

Municipal Clerk Santimauro read the Open Public Work Session statement: "This Open Public Work Session Meeting of the Wyckoff Township Committee is now in session. In accordance with the Open Public Meetings Act, notice of this meeting appears on our Annual Schedule of meetings. A copy of said Annual Schedule has been posted on the Bulletin Board in Memorial Town Hall; a copy has been filed with the Municipal Clerk, The Record, The Ridgewood News and the North Jersey Herald and News – all newspapers having 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."

Present: Mayor Brian D. Scanlan, Committeemen Thomas J. Madigan, Timothy E. Shanley and Melissa D. Rubenstein

Also Present: Township Administrator Robert J. Shannon, Jr., Township Attorney Robert Landel, Attorney Thomas Garlick, Municipal Clerk Joyce C. Santimauro and Fire Chief Tim Brock.

Absent: Committeeman Rudolf E. Boonstra

Mayor Scanlan opened the meeting for the ten (10) minute public comment period, two (2) minutes per speaker for public comment on any governmental issue that a member of the public feels may be of concern to the residents of the Township of Wyckoff, with a motion from Committeeman Shanley, seconded by Committeewoman Rubenstein.

There was no public comment.

Committeeman Shanley motioned to close the public comment period, seconded by Committeewoman Rubenstein with an affirmative voice vote.

Mayor Scanlan advised that the Finance Committee has reviewed and signed vouchers.

At this time, Mayor Scanlan advised that it was his privilege and pleasure to present proclamations to the Ramapo High School Varsity Cheerleading Squad which recently won the national championship. The proclamation was read and governing members provided the team and coaches with their proclamations. A photo was taken after the presentation.

It is now 7:15 p.m. and Township Committeeman Rudolf E. Boonstra joins the meeting.

Mayor Scanlan asked the Administrator to review any items that require discussion prior to the 8:00 p.m. regular business meeting.

1. The Administrator reviewed two (2) resolutions in draft form placed on this evening's Agenda. One (1) resolution is to submit an application under the Bergen County Open Space Land Acquisition Program to purchase a portion of Maple Lake. The Township Committee approved. The second resolution is to submit an application to the Bergen County Open Space Park Improvement Grant Program for project ideas to include: (1) construction of a playground for smaller aged children at the Russell Farms Community Park; (2) a grant for partial funding of the community effort to construct artificial turf on ball fields 2 & 3 at the Memorial Field Athletic Complex; (3) the construction of a pedestrian path around the perimeter of the five (5) acre Larkin House Park and (4) the construction of a pedestrian pathway through the Memorial Field Athletic Complex beginning at Woodland Avenue and terminating at the crosswalk on Franklin Avenue. The Township Committee discussed

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these projects in detail, the time frame to complete such projects and maintain the grant funding and a “batting” order of projects for the next succeeding years. After careful and thorough discussion, the Township Committee determined to combine the grant application idea for artificial turf and the pedestrian path through the Memorial Field Athletic Complex into one (1) application for approximately \$200,000. This application appeared to reach a majority consensus to move forward at the 8:00 p.m. Agenda.

2. The Township Committee discussed at length a request from the Memorial Day Parade Chairman, James Sheehan to serve beer after the parade adjacent to the firehouse grounds where the hot dogs and soda are provided each year. Various concerning issues at hand were discussed specifically, how the distribution of the beer would be managed, the need to distinguish adults from underage parade patrons (the use of a fenced off area that only wrist banded patrons could access), precisely where the parade committee proposes to locate this function and how to maintain the family environment and remembrance day atmosphere throughout the event.
A consensus existed that the governing body requested additional information from the Mr. Sheehan in order to reach an informed decision. The Liaison to the Parade Committee, Mr. Madigan will obtain this information including a drawing showing exactly where this operation would be conducted as well as the required one day liquor license.
3. A resolution to grant a liquor license renewal to the Brownstone Inn, 625 Wyckoff Avenue. The Administrator provided clarification that this action contemplated this evening approval is on for the period 7/1/17 thru 6/30/18. The Township Committee asked why this action was placed on the agenda this evening. It was explained that every year the Municipal Clerk presents the liquor license renewals in June for the next license year. Ms. Santimauro was prevented from submitting the Brownstone Inn license renewal to the governing body because the Alcohol Beverage Control Commission (ABC) advised that the applicant’s tax clearance certificate had not been obtained. Ms. Santimauro discovered that the tax clearance certificate was issued and posted on the ABC website on 12/17/2017, hence, the resolution is now being presented to the governing body.
The Township Committee asked a number of questions of the Township Attorney as to why this liquor license has been inactive for approximately seven (7) years. Mr. Landel advised that the applicant made application to the State ABC and the ABC permitted the liquor license application to remain in an inactive status for this period.
4. The Township Committee discussed a draft resolution initiated by Committeeman Madigan to express displeasure to the Bergen County Executive and Freeholders regarding their snow plowing performance during the 2018 Winter Storms Quinn and Riley. Mr. Madigan explained that the plow operators who are inexperienced damaged lawns, catch basins and an incomplete job of snow plowing. The Township of Wyckoff pays a large portion of the Bergen County taxes and this minimal effort was overwhelmingly unacceptable.
The Township Committee determined to place this resolution on the agenda for a separate vote at the public business meeting.
5. The 8:00 p.m. Agenda includes three (3) public hearings for ordinances which implement governing body approved capital improvement projects previously approved in the municipal budget. A resolution to enter into Closed Session discussion regarding the water rate litigation and the introduction of two (2) ordinances are also listed on the agenda.

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At 8:05 p.m. the Township Committee recesses the Open Work Session discussion of the Open Public Meeting to conduct the Public Business Meeting.

At 8:20 p.m. the Township Committee reconvenes the Open Work Session discussion of the Open Public Work Session Meeting voting as follows:

MOTION: SHANLEY SECOND BOONSTRA
BOONSTRA YES MADIGAN YES RUBENSTEIN YES
SCANLAN YES SHANLEY YES

Township Committee Report:

Rudy Boonstra:

1. The Special Storm Debris Branch Curbside Collection is currently in Districts 7 & 8 today.

Melissa Rubenstein:

1. The Wyckoff Board of Health has not met in two (2) months – the next meeting is scheduled for Thursday, May 10, 2018.
2. The Boards of Education are addressing their operating budgets and their next meetings will focus primarily on that subject.
3. The Memorial Field Athletic Complex Committee consisting of herself and Committeeman Shanley are working on a date to meet with the two (2) resident coordinators.
4. Committeewoman Rubenstein congratulated the Coolidge School Parents and Teachers for entering into a nationwide competition to win a playground comprised of recycled plastics. The school is currently in sixth place.

Thomas Madigan:

1. Mr. Madigan and Committeeman Shanley attended the Ridgewood water public hearing on Wednesday, April 11, 2018 at Ridgewood Village Hall. The Village Council has introduced an ordinance which seeks to confirm as reasonable the water rates which Judge Friscia struck down as illegal, arbitrary and capricious in the Ridgewood Water Rate Litigation. At this meeting, the Ridgewood Village Council announced the hearing will be carried for a second public hearing until Wednesday, April 18, 2018 at 7:00 p.m. Mr. Madigan and Mr. Shanley will attend and urged all governing body members attend and provide comments. Mr. Madigan expressed frustration that the Village of Ridgewood limited the public hearing to forty-five (45) minutes of which most of that time was consumed by a water rate expert discussing his study. However, this “expert” could not explain the fact on why such a large increase was needed while Ridgewood Water is “hording” a large multimillion dollar surplus.
2. Yesterday afternoon, members of the governing body, the Administrator and Mr. Buchmann attended the Board of Public Utilities Public Hearing on the utility companies performance related to Winter Storms Quinn & Riley conducted at the Mahwah Town Hall. Mr. Madigan stated that the most speakers from any one municipality were from Wyckoff. Three (3)

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other residents made comments regarding Orange & Rockland Utility's poor performance and which the Township of Wyckoff requested the Board of Public Utility remove the Orange & Rockland franchise from the area of Wyckoff and extend it to PSE&G. The entire municipality would then be provided critical electric service from PSE&G.

3. The Memorial Day Parade Committee met last week and a second meeting is slated for Wednesday, April 18, 2018. Mr. Madigan will not attend the meeting as he will attend the Ridgewood Water Litigation Meeting.
4. The Environmental Commission met last evening where members continue to work on the Environmental Inventory Assessment. A tour of the Covanta Waste To Energy Disposal Plant in Newark was conducted on Saturday, April 14, 2018. The two (2) high school Junior Environmental Commission Members have completed power point presentations and would like to visit the governing body on Monday, June 4, 2018 to present their projects. Mr. Madigan noted that one of the projects was developed utilizing the student's personal drone. The governing body approved the meeting.
5. Mr. Madigan explained the following events that are scheduled for Saturday, April 28, 2018:
 - (1) The Personal Paper Shredding Event will be held at 475 West Main Street at 8:30 a.m.
 - (2) The Arbor Day Celebration will commence at 9:00 a.m. at the Wyckoff Community Park.
 - (3) The Annual Team Up to Tidy Up Event begins at 9:00 a.m. at Town Hall.
 - (4) The Mayor will throw out the first pitch of the 2018 Baseball/Softball Season at 11:00 a.m. at the Wyckoff Community Park.

Timothy Shanley:

1. The Shade Tree Commission will conduct their Annual Arbor Day Celebration on Saturday, April 28, 2018 at 9:00 a.m. at Wyckoff Community Park. A number of trees will removed from the tree farm at Russell Farms Community Park and replanted at the Wyckoff Community Park in the area of the patrons seating to provide shade.
2. Mr. Shanley extended condolences to Shade Tree Commission Member Dan Kindergan on the passing of his father.
3. Mr. Shanley reviewed the public hearing and his comments provided from the Ridgewood Village Council Meeting on Wednesday, April 11, 2018. A forty-five (45) minute public hearing was conducted on the ordinance which would re-establish the water rates at the same rates that Judge Friscia declared were illegal, arbitrary and capricious for the years 2010 thru 2017.

Mr. Shanley advised that the Ridgewood Water Rate Expert attempted to show the Village of Ridgewood Council's past actions were justified. Coincidentally, the Village Council spent \$80,000 to hire this expert which was paid for by the water rate payers in Wyckoff, Glen Rock, Midland Park and Ridgewood.

Prior to the beginning of the public hearing, a number of Ridgewood residents spoke to the Council for the need of a nepotism ordinance after the Mayor of Ridgewood administered the Oath of Office to her sons who work as either policemen or firefighters. The Mayor of Ridgewood argued

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that such an ordinance would not be retroactive as ordinances may not be retroactive.

When it was Mr. Shanley's turn to speak at the public hearing, he reminded the Mayor that the ordinance that the Village of Ridgewood is contemplating this evening is retroactive back to 2010 therefore, ordinances can be retroactive. Mr. Shanley suggested that the ordinance and the public hearing appeared to have a pre-determined outcome and asked that all governing body members attend the hearing tomorrow evening in Ridgewood.

4. Mr. Shanley reviewed the public comments at Monday's public hearing conducted by the Board of Public Utilities at Mahwah Town Hall. Mayor Scanlan, himself, Committeemen Boonstra, Madigan, Administrator Shannon and the District 40 Legislators, Senator Corrado, Assemblymen Rooney and DePhillips all spoke about Orange & Rockland Utility's inability to restore critical electric power during Winter Storms Quinn & Riley. A fourth resident, Mr. Zimmer appeared later in the hearing and provided similar comments.
Mr. Shanley was pleased that three (3) of the five (5) Board of Public Utilities Commissioners were present including the New Commissioner and former Senator Gordon who resides in Fair Lawn.
5. Mr. Shanley provided an update regarding yesterday's Parks and Recreation Advisory Board Meeting. The Recreation Department will be conducting a "Lacrosse Day" at the Pulis Field Complex also on Saturday, April 28, 2018. Also, two (2) new football teams were added to the league that the Wyckoff Recreation participates in for football.
6. On Saturday, April 21, 2018 the Wyckoff Education Foundation Volunteers will be conducting their annual fundraiser, Fun Run & Race. The proceeds from the fundraiser are utilized for educational enhancements at the Wyckoff K-8 School System.
7. Mr. Shanley extended his congratulations to the Ramapo High School Varsity Cheerleading Squad for winning the national championship.

Mayor Scanlan:

1. Mayor Scanlan noted that no reporter is in the audience this evening.
2. Mayor Scanlan and Committeemen Boonstra and Madigan attended the Grand Opening Ceremony for the new Shop Rite Supermarket off of Greenwood Avenue on Monday, April 16, 2018.
3. Mayor Scanlan asked Road Commissioner Boonstra the status of the Spring Leaf Collection and whether this is an opportunity to switch to only one town-wide collection rather than two (2) as a cost savings measure. A discussion ensued with the governing body and Committeeman Boonstra will review this suggestion with the Public Works Manager.

Policy Action Items:

1. The Administrator suggested as it relates to the reports this evening on the status of the Ridgewood Water rates and the Village Council's actions, the Township Committee may want to consider advocating with their District 40 Legislators for a law that would provide some degree of transparency, notice and consideration to the governing bodies of the municipalities in which Ridgewood Water provides water rate services

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when they take fiscal actions to increase water rates. Additionally, when the law was adopted which allowed Ridgewood Water and three (3) other small municipally owned water providers to avoid the cost of applying to the New Jersey Board of Public Utilities for a rate increase and allowed their governing bodies to simply adopt an ordinance with a simple majority, the Township of Wyckoff adopted a resolution in opposition to this bill and communicated their objection to the Legislature. However, Glen Rock and Midland Park supported said law. The result is the law does not seem to underscore the fact that the Village voters who elect the Ridgewood governing body members also have a dual fiduciary role when they serve as the water rate governing body to represent the water rate payers of Wyckoff, Glen Rock, Midland Park as they do the rate payers of the Village of Ridgewood. Proposed legislation could require this fiduciary responsibility and some transparent procedures might be helpful in obtaining future transparent benefits to the water rate payers of all four (4) towns.

The Utility Subcommittee of Mayor Scanlan and Committeeman Shanley indicated they would work with Mr. Shannon on this suggestion.

2. The New Jersey Board of Public Utilities Hearing conducted yesterday in Mahwah had the most speakers and/or representatives of Wyckoff and the governing body members spoke passionately, emphatically and positively that change is needed. Mr. Shannon expressed optimism with the appointment of former Senator Gordon who resides in Bergen County as the newest member of the New Jersey Board of Public Utilities.
3. The finalist from Wyckoff for the 2018 New Jersey League of Municipalities Essay Contest – “What My Local Government Does for Me” was Matthew Chagares. His essay was provided for the finalist competition.
4. Notice was received that Orange & Rockland Utility will be trimming trees as part of their vegetation management program. A public service announcement has been issued to the public via municipal social media.
5. A Notice of Penalty was issued to the property owner at 375 Brownstone Court for performing work without a building permit. When work is performed without a permit it skews the sales to assessed value ratio resulting in a costly revaluation for all taxpayers.
6. The Administrator provided an update that a project team is working on responding to the communication from Verizon that they will no longer service copper telephone lines in the Township (copper phone lines used for emergency communication). More information to follow.
7. The Administrator asked the governing body to contemplate the suggestion, both as a cost avoidance measure and an action to encourage more residents to sign up for the e-news weekly update and utilization of the Township’s website, by not printing and mailing the Spring & Fall Newsletters. Committeeman Madigan advised that as a member of the Rotary, such a move was made with their newsletter and reading is down by 20%. A governing body consensus existed that printing and mailing the newsletters was a value worth maintaining.
8. The governing body members were asked to consider the survey presented which represents municipalities which have turned over the responsibility for trees in the unpaved right-of-way to the property owners. The survey was conducted with the thirteen (13) Northwest Bergen Communities as well as the two (2) adjacent Passaic County Municipalities. The Township Committee was not in favor of considering

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such an action. It was explained that such an action may result in property owners removing trees in the front of their property in the area of the unpaved right-of-way. The Administrator advised that the volume of calls for service from residents require significant time and actions on ninety-two (92) miles of roads is impossible to resolve unless additional employment positions are funded. A Township Committee consensus existed that the allocation of resources to this function, despite the volume of requests for service was adequate and that resources are not unlimited. The Township Committee asked for a broader survey and suggested a possible intern to perform such a survey throughout the State.

Township Attorney Report:

1. Mr. Landel is working on two (2) sewer extension documents and anticipates the complete the sewer extension agreement between the Township and the Northwest Bergen Sewer Utilities Authority.
2. Mayor Scanlan inquired if any update can be provided in Open Session concerning the affordable housing litigation. Mr. Landel replied that Intervenor #2 is revising his site plan conceptual model and must be resubmitted to the court. The resubmission is pending. However, a settlement may have to move forward without a final court approved site. The governing body requested a closed session discussion at the May 1, 2018 meeting to address the status of the affordable housing litigation.
3. Mayor Scanlan asked Mr. Landel if he had an opportunity to review the shared service agreement presented by Fire Chief Brock for the utilization of quick water rescue boats to be housed at the Township of Wyckoff. Mr. Landel responded that he had just received the agreement and has not reviewed the document yet. A concern was disclosed that the agreement contemplates Wyckoff as being liable for any costs of the boats. A question was asked if the Joint Insurance Fund (JIF) would insure the Township for this shared service. (Chief Brock exists the meeting at this point).

Committeeman Boonstra provided an update from the last Planning Board Meeting where the board approved a subdivision to straighten out three (3) lot lines on Newtown Road. During the public hearing for the Jersey Mike's application on Godwin Avenue, it was discovered that a use variance was required and the Planning Board is not able to grant a use variance. The public hearing is carried and Jersey Mike's will be removing the location of the solid waste dumpster from the residential area of the property to the B1 section of the property to alleviate the need for a use variance.

At 9:05 p.m. the Township Committee recesses the Open Work Session discussion of the Open Public Meeting to enter into Closed Session discussion via Resolution #18-C12.

At 9:25 p.m. the Township Committee reconvenes the Open Work Session discussion of the Open Public Work Session Meeting voting as follows:

MOTION: SHANLEY SECOND MADIGAN
BOONSTRA YES MADIGAN YES RUBENSTEIN YES
SCANLAN YES SHANLEY YES

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Resolution – (Adoption of the following):

#18-166 Professional Service Appointment for Rate Expert

WHEREAS, the Township of Wyckoff has a need and requires the professional services of a Rate Expert to review and report on the Village of Ridgewood's Expert Report in connection with the pending litigation before Judge Friscia; and,

WHEREAS, the Township Committee has determined to appoint Exeter Associates, Inc. of Columbia, MD as its Rate Expert after a careful and thorough review of their experience performing examinations before utility commissions multiple times in ten (10) different states and the Federal Energy Regulatory Commission, their experience developing a uniform system of accounts and Financial Data Collection Template for five (5) countries participating in the National Association of Regulatory Utility Commissioners East Africa Regional Energy Regulatory Partnership, their experience testifying multiple times in fifteen (15) different states and the Federal Energy and Regulatory Commission, their experience in a variety of rate matters including water, energy, natural gas and electricity. This professional services firm is recommended by Special Legal Counsel. Their extensive and consistent experience with rate cases in multiple states makes them significantly qualified in this matter; and,

WHEREAS, the Purchasing Agent and the Chief Financial Officer have determined that the cost of these services may exceed \$17,500 and believe it is prudent to anticipate the value of these services in excess of \$17,500 to ensure compliance with NJSA 19:44A-20.5 et.seq.; and,

WHEREAS, this business entity has completed and submitted a Business Entity Disclosure Certification which certifies that this business entity has not made any reportable contributions (\$300 or more) to a political or candidate committee in the Township of Wyckoff with the elected officials in the previous one year, and that the contract will prohibit each business entity from making any reportable contributions (\$300 or more) through the term of the contract; and,

WHEREAS, the Township Committee awards a one year contract for rate expert services in accordance with the alternate process pursuant to the provisions of NJSA 19:44A-20.5; and,

WHEREAS, the Local Public Contracts Law NJSA 40A:11-5 requires the resolution authorizing award of contracts for professional services without competitive bids and the contract itself to be made available for public inspection; and,

WHEREAS, the Chief Financial Officer, in accordance with the Local Public Contracts Law, has duly executed a Certificate of Available of Funds indicating that adequate funds have been appropriated in account #8-01-20-155-020 for \$11,750.00.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that a one year contract is hereby awarded to Exeter Associates, Inc., Consulting Economists, 10480 Little Patuxent Parkway, Suite 300, Columbia, Maryland 21044 for Professional Service Rate Expert Services for an amount of \$11,750.00, billing rates of \$175.00 per hour for Lafayette K. Morgan and \$195.00 per hour for Jerome D. Mierzwa.

1. The Township Committee Chairman and Clerk are hereby authorized and directed to execute contracts with each of said professionals and to take all other steps necessary to carry this resolution into effect.
2. Said appointments are made without competitive bidding under the provisions of the Local Public Contracts Law which excepts from competitive bidding "Professional Services" rendered by persons authorized law to practice a

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recognized profession and whose practice is regulated by law in accordance with NJSA 40A:11-1 et seq and in accordance with NJSA 19:44A-20.5 alternate process.

3. The Business Entity Disclosure Certification and the Political Contribution Disclosure Forms are in the professional services files.
4. The Municipal Clerk shall execute a public notice of said appointments in the official newspaper of the Township as required by law.

BE IT FURTHER RESOLVED that these contracts have been awarded to these contractors based on the merits and abilities of the contractors to provide the goods or services as described herein. This contract was not awarded through a “fair and open process” pursuant to N.J.S.A. 19:44A-20-4 et seq. As such, the undersigned does hereby attest that these contractors, their subsidiaries, assigns 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.

CERTIFICATE OF AVAILABLE FUNDS

I, DIANA MCLEOD, CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF WYCKOFF, CERTIFY THAT SUFFICIENT FUNDS HAVE BEEN APPROPRIATED IN THE 2018 BUDGET ACCOUNT # 8-01-20-155-020 FOR \$11,750.00.

DIANA MC LEOD
CHIEF FINANCIAL OFFICER

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MOTION: SHANLEY SECOND MADIGAN
BOONSTRA YES MADIGAN YES RUBENSTEIN YES
SCANLAN YES SHANLEY YES

The Open Work Session Meeting adjourned at 9:30 p.m.

Brian D. Scanlan
Mayor

Joyce C. Santimauro
Municipal Clerk