



**BOROUGH OF WOODCLIFF LAKE
MAYOR AND COUNCIL MINUTES
DECEMBER 21, 2020
6:30 PM**

CALL TO ORDER

Notice of this meeting, in accordance with the "Open Public Meetings Law, 1975, C. "231", has been posted at the Borough Hall and two newspapers, The Record and The Ridgewood News, have been notified. This meeting is being held via zoom and televised.

ROLL CALL

Mayor Rendo asked for a roll call. Council members Falanga, Gadaleta, Gross, Marson and Singleton were present. Borough Attorney John Schettino was present, as well as Borough Administrator Tomas Padilla and Borough Clerk Debbie Dakin. Councilwoman Hayes was absent.

CLOSED SESSION

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | | X | | | |
| Hayes | | | | | | X |
| Marson | X | | X | | | |
| Singleton | | X | | | | |
| Mayor Rendo | | | | | | |

**A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS
OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12**

**RESOLUTION NO. 20-260
DECEMBER 21, 2020**

WHEREAS, the Borough of Woodcliff Lake is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, 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 is necessary for the Borough of Woodcliff Lake 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:

_____ 1. Matters Required by Law to be Confidential. Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

_____ 2. Matters Where the Release of Information Would Impair the Right to Receive Funds. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

_____ 3. Matters Involving Individual Privacy. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

_____ 4. Matters Relating to Collective Bargaining Agreements. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

_____ 5. Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed specifically with respect to _____. The minutes will be released on or before _____, 20__ when the issues pertaining to the property located at _____ have been approved and finalized.

_____ 6. Matters Relating to Public Safety and Property. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

X 7. Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege, any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, specifically with respect to: contract negotiations

The minutes will be released in approximately ninety (90) days or upon the resolution through settlement or court decision and the time period for any and all appeals.

_____ 8. Matters Relating to the Employment Relationship. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely

affected request in writing that such matter or matters be discussed at a public meeting, specifically: personnel discussion.

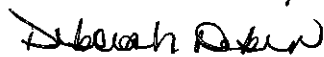
The minutes will be released within ninety (90) days or earlier upon the resolution of the matter through settlement or court decision and the time period for any and all appeals.

____ 9. Matters Relating to the Potential Imposition of a Penalty. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, assembled in public session on December 21, 2020 that an Executive Session closed to the public shall be held on December 21, 2020 at 6:30 P.M. at the Borough of Woodcliff Lake offices located at 188 Pascack Road, Woodcliff Lake, New Jersey, for the discussion of matters relating to the specific items designated above.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK

PLEDGE OF ALLEGIANCE

All present recited the Pledge of Allegiance.

PUBLIC COMMENT

(limited to 3 minutes per speaker)

MOTION to open to the public was made by Councilman Singleton, second by Councilwoman Gross and unanimously approved.

Gwenn Levine, Woodcliff Lake, stated that she hopes the Mayor and Council will delay the vote on funding for the Master Plan for a month or two so that more residents will have time to be aware of this Ordinance and comment on it if they wish to do so. However, since she expects Ordinance No. 20-08 to be approved tonight, she would sincerely make the following request. Please read into the record tonight that one of the goals of the updated Master Plan will be to preserve the single-family residential nature of the east side. Personally, she has no knowledge of or concerns about development along Chestnut Ridge Road, which is a commercial district, but development along Broadway is something that residents along the east side care about. The stores along Broadway are surrounded by single-family homes, the sidewalk along Broadway is a popular walking and jogging path. Some views along Broadway include our beautiful lake. The traffic congestion near the train station, of course, is an ongoing concern as is the future of 188

Broadway. We do not want the kind of overdevelopment that has occurred in neighboring towns. In conclusion, she is asking the Mayor and Council to please read into the record tonight that one of the goals of the updated Master Plan will be to preserve the single-family residential nature of the east side. This would mean a great deal to her and many other east side residents.

Robin Malley, Woodcliff Lake, stated that she is a longtime resident of Woodcliff Lake and the Vice-Chair of our Zoning Board and she watched the replay of the last meeting of the Mayor and Council. It appears that there are many misconceptions about the Master Plan. She kept hearing that people think that the new Master Plan was going to be pushed through and developers would get what they want. This is probably just the exact opposite of what will happen. It is a long process that we the residents will have a chance to figure out what we want in our town. Right now, applicants that want something that is not permitted in the Master Plan come before the Planning or the Zoning Board. The merits, pros and cons are discussed. The public can comment and question and then decisions are up to the Board to vote on whether an applicant should be given the requested variances. As she said, this is the simplified version, and this could take months. When the Master Plan is updated, the owners and applicants have a much more up-to-date guideline for uses that the town wants and the people in the town. Restaurants, outdoor dining, mixed-use buildings, perhaps housing for seniors on smaller lots. There are seniors that would love to stay in town but can no longer afford to. Some of these changes were recently permitted in some zones but all areas need to be reviewed. The residents, along with the Mayor and Council, Planning and Zoning representatives need to make suggestions and have input in all areas of the town. Woodcliff Lake is not just the Broadway Corridor and Chestnut Ridge Road. We have empty buildings on Tice Boulevard and Chestnut Ridge and Broadway. Should some of these areas be rezoned for residential, mixed-use or kept as office? Vacancies can cause building owners to appeal taxes and that is something that none of us want to see is them to get their taxes reduced and our homeowners to see our taxes increase. We should be the ones to decide what we want in our town, not the developers. Woodcliff Lake needs to make decisions now before the next application comes in. Let's try and control our destiny and update our town with a plan. Let's not put ourselves in the position where developers force us into making the decisions. We need to move forward with updated the Master Plan now.

Leslie Maltz, Woodcliff Lake, stated that she would like to ask the Council to please hold off on the vote for the Master Plan for this meeting because we are in the mist of a pandemic, we are going to have major budget adjustments because of all the people out of work, this is not the season or the time for it. Stick to the things that must get done right now and put this off to a later date. This is also not the time when most people are not participating in tonight's meeting because of Christmas shopping.

MOTION TO CLOSE to the public was made by Council President Singleton, second by Councilwoman Gadaleta and unanimously approved.

APPROVAL OF MINUTES

Motion to approve the Minutes of December 7, 2020 (Open) was made by Councilwoman Gross, second by Councilwoman Gadaleta and approved by Councilman Falanga, Councilwoman Gadaleta, Councilwoman Gross, Councilman Marson and Council President Singleton.

Motion to approve the Minutes of December 7, 2020 (Closed) was made by Councilman Falanga, second by Councilwoman Gross and approved by Councilman Falanga, Councilwoman Gadaleta, Councilwoman Gross, Councilman Marson and Council President Singleton.

MAYOR'S REPORT

Mayor Rendo stated that this weekend he was joined by Councilwoman Gadaleta, former Councilman Corrado Belgiovine and Borough resident Michael Casale and participated in the Santa drive-by festivities at Dorchester. Mayor thanked Elizabeth for help putting this together along with the police and fire departments who were there directing traffic and making sure that everyone was fine. It was a wonderful event just seeing the joy and happiness on the children's faces made it all worthwhile. This came about late because we couldn't find anyone to play Santa (Mayor was Santa). From there we asked Councilwoman Gadaleta to be Mrs. Clause, Mr. Belgiovine was the Grinch and Mr. Casale was the big elf. Thank you to all for participating. They received many positive comments from the residents, parents and children. There was no ill intent do anything otherwise. Our intent was to bring joy and love to our community. However, he did receive three emails from Borough residents basically objecting to the way that they conducted the activities. They said that they did not follow CDC guidelines which is not true. They were very careful. They also stated that some of the participants didn't wear masks. Mayor Rendo stated that they were masked. The Santa beard had a double mesh cover to the mask. Before the event, he put his hand in front to see if any air came through the mask and nothing came through. He was particularly concerned about that and would never want to jeopardize the health and safety of our residents. In fact, the mask covered his mouth so well that he had to take breaks just to breathe and lean against the fire truck. To say that he was reckless and careless was untrue. What Mayor Rendo was particularly hurt by was the insinuation from one of the residents that his children go to catholic school so therefore he doesn't care about getting public school children sick. That is outrageous. The decision to send his children to private school is a private decision and it is outrageous to think that just because he sends his children to private school means that he does not care about the life, safety and welfare of our children. He attended probably one of the worst public-school systems in the nation, the most densely populated system in the nation where some of his classmates only meal was the lunch that they received. He graduated from public grammar school, public high school, public college and public law school. Mayor Rendo thanked all the parents that brought their children to the event and thanked the children who enjoyed the event. Mayor Rendo thanked Woodcliff Lake for giving him the opportunity to serve and to bring a smile to the faces of our community during COVID. We took every precaution possible and that is why it was a drive-by. We allowed the parents to make the decision if they wanted to attend. There were children there from every religious persuasion in our Borough.

Mayor Rendo stated that there was a gingerbread contest and he announced the winners. The

winners will be posted on our Borough website. There were over 20 entries.

ADMINISTRATOR'S REPORT

Administrator Padilla stated there were over 300 cars that attended the drive-by with Santa. The Engineer's report will be made part of the record. There is a Resolution on the Agenda tonight for the Recycling Contract to go to an outside vendor for pick-up of our recyclables. Recyclables are co-mingled, bottles, cans, plastics, paper and cardboard. Administrator commended Chris Behrens for his hard work regarding the research he did for this project. The best way to approach this (which is posted on the website) is a recycling curbside pickup comparison. Right now, we come to your home, at the curb, separated bottles and cans, 12 times per year. With the new contract, that will be 26 times a year, basically every other week. Right now, we come for separated paper and cardboard pickup, to the curb, 10 times per year. With the new contract it will be 26 times per year. One week will be bottles, cans and plastics and the following week will be paper and cardboard. We have been looking into this in the past and when COVID hit, more and more residents asked why we don't just continue with curbside pickup. This is a matter of quality of life as Councilwoman Gadaleta previously stated. We will still have the ecology center open, but it will be with a reduced staff. We need to have regular maintenance of our sewers and we need to have regular flushing of our sewers. This prevents long term issues and long-term costs. There are more savings than originally thought. It will cost approximately \$8.04 per month, per household to pick up 12 times a year and 10 times a year. The contract that is in front of you that was bid out, totally transparent, which averages about \$6.49 per month, per household over the life of the 5-year program. Right now, we have 3 guys devoted to garbage. If one of those men gets hurt, out sick or on vacation, they must be backed up by one of the other workers. If the recycling person gets hurt, we must provide a back-up. Council President Singleton asked if he could make a motion for this or do, we must wait. Attorney Schettino stated that a Motion must be done to suspend the regular order of business and then this Resolution can be moved on. Administrator Padilla stated that until the bid was opened, he had no idea who Sterling was. Unless the Mayor or a Council member has a relationship that we are not aware of with Sterling, that will answer Mr. Marson's question. Chris Behrens stated that he appreciates Mr. Padilla's assistance with this. In the past years, we generated rebates for these materials. You could argue that that was a good reason and that it offset a good amount of the costs. That is not the case anymore. We are now getting hit with contamination fees for the way that we have always handled the material. We don't see that going away. Chris stated that he takes his job seriously and he is constantly analyzing how we could provide services whether it is private or public. We analyzed this in depth and believe the numbers work. This is not apples to apples. We will be getting an enhanced service and believe it is the direction to go and Mr. Behrens believes that this service will be well received. Councilman Marson stated that on the spreadsheet that talks about recycle costs and the expected savings, the largest number is the 13th man if we hire. Is the 13th man something that would have been required regardless of the scenario because the 13th man seems to be fully attributable to the recycle center and then becomes 100% savings which actually turns this from a significant money loser into something that really does say net profit. The question is if that 13th man, if not hired, is not required at this

point. Mr. Behrens stated that hiring another man for DPW is just related to recycling. We felt that this was a way to look at this data. We have one worker who spends most of the week dealing with recyclables if you calculate the hours. If we stay with the way we do it, we will need a 13th man and DPW will be asking for another one. There are a lot of man hours done behind the scenes dealing with recycling as well as other DPW duties.

MOTION to suspend the regular order of business and take a vote on Resolution No. 20-271 was made by Council President Singleton, second by Councilwoman Gadaleta and unanimously approved.

**RESOLUTION AUTHORIZING CONTRACT FOR RECYCLING AND DISPOSAL SERVICES
RESOLUTION NO. 20-271
DECEMBER 21, 2020**

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | X | X | | | |
| Gross | | | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

We will be finalizing this contract over the next week or so. It will be set to begin February 1, 2021. For now, please follow the recycling guidelines that went out and are posted on our website. Mayor Rendo thanked the Council for taking this vote. Each one of us understands the importance of this and this is what the residents wanted. This will make recycling a lot easier and this is a quality of life issue. This was a very good vote. Mayor Rendo thanked Jenn Ambrosio for taking pictures on Saturday at the Santa drive-by.

ENGINEER'S REPORT

(see attached)

COUNCIL MEMBERS' REPORTS

Councilwoman Gadaleta thanked Chris Behrens and Administrator Padilla for the job they did regarding the recycling contract. They were proactive, they did their research and they got us a great deal. Councilwoman Gadaleta thanked the DPW for the work they did during the last

snowstorm. Councilwoman Gadaleta thanked the fire department for their help with the drive-by Santa event since they are all volunteers.

ORDINANCES

Public Hearing Ordinance No. 20-07

An Ordinance Entitled "Abandoned Properties"

MOTION to adopt Ordinance No. 20-07 was made by Councilwoman Gross, second by Council President Singleton.

MOTION to open to the public was made by Councilwoman Gross, second by Councilwoman Gadaleta and unanimously approved.

No comment.

MOTION to close to the public was made by Council President Singleton, second by Councilwoman Gross and unanimously approved.

MOTION to adopt Ordinance No. 20-07 was made by Councilwoman Gross, second by Council President Singleton and approved by Councilman Falanga, Councilwoman Gadaleta, Councilwoman Gross, Councilman Marson and Council President Singleton.

Public Hearing Ordinance No. 20-08

An Ordinance Authorizing a Special Emergency Appropriation for Funding of the Borough's Master Plan

MOTION to adopt Ordinance No. 20-08 was made by Councilman Falanga, second by Councilwoman Gadaleta.

MOTION to open to the public was made by Councilman Falanga, second by Councilwoman Gadaleta and unanimously approved.

Gwenn Levine, Woodcliff Lake, stated that she didn't realize that we were going to open again beyond the original public comments so she would just like to repeat what she asked. She hopes someone will read into the record tonight that one of the goals of the updated Master Plan will be to preserve the single-family residential nature of the east side. This is important to them.

Councilwoman Gadaleta stated that while we are waiting for Ms. Appelle to text her with her comments, she wanted to ask Mr. Schettino what Mrs. Levine had asked for, is that possible to read something into the record regarding the residential nature of the east side or would it be her comments that are read into the record for the Master Plan? Mr. Schettino replied that if she wanted the Mayor and Council to take that as a position you must vote but he thinks as everyone is aware, the Master Plan is approved by the Planning Board. It is his understanding

that Mr. Preiss, our Planner, and the Mayor has agreed to have all the stakeholders in the community participate in the Master Plan. It would be non-binding but the Mayor and Council could take a vote that says that it is the position of the Mayor and Council with respect to redoing the Master Plan that the Master Plan shall maintain the residential character of the community or specific to an area and that is your prerogative but it is non-binding because the Master Plan is actually approved by the Planning Board. Councilwoman Gross asked if there was a process and studies and comparisons done with respect to the Master Plan? Mr. Schettino stated yes that that is the way it is laid out. The Planning Board could decide to go through the process by themselves but that is not the process that was recommended. The Mayor and Council wish to proceed with a process that includes a committee for the Master Plan, the Mayor and Council as a group and the Planning Board. That process will also include, not only committee meetings, but public hearings. It is a very inclusive process that has been outlined by the Governing Body that the Planner has recommended. Mr. Schettino stated that he has not seen a more thorough process outlined in terms of including so many stakeholders and allowing everyone to have input as Woodcliff Lake. Councilman Marson stated that to the extend possible he would be in support, even if it is informal, of supporting Ms. Levine with some type of resolution regarding what she said. Personally, he fully supports the single-family pattern of the east side and anything he could do, however informal to support it, he wants to make that "formal" although in an informal manner. Mr. Schettino replied that he would need a motion, a second and then a roll call. Mr. Marson asked if he could make a motion now. Mr. Schettino stated that we are still waiting for Ms. Appelle's comment.

Councilwoman Gadaleta stated that she just got off the phone with Ms. Appelle, and what Ms. Appelle said is that she is not opposed to the Master Plan and she knows most people are not opposed to it. Her concern is that she wanted to give the new people who will be on the Council next year the opportunity to partake in the whole development of it, which because we will have a Committee and that it will take 8-9 months to finalize this, she believes they will. Ms. Appelle also wanted to double-check with Mr. Schettino about the timing. Do we have to do it this year? You had mentioned in the last meeting that we don't have to do it this year, it could be done next year. Could you just comment on that again? Mr. Schettino stated that there is no statutory requirement that it must be done at this meeting at this time. It was a just a question about starting the process from the Governing Body. If you want to start the process next month, that is your prerogative. You introduced the Ordinance so one way or the other you must take a vote on this Ordinance before the end of the year. You could take a vote on the Ordinance tonight; you could call a special meeting, or you could do it at the Sine Die meeting right before the new Reorganization meeting. Mr. Schettino's recommendation is to conclude the public hearing tonight, so you do not have to re-advertise.

MOTION to close to the public was made by Councilwoman Gadaleta, second by Council President Singleton and unanimously approved.

Mayor Rendo asked Mr. Schettino what the process is now regarding the Ordinance. Mr. Schettino stated that you will continue with the Ordinance and if you decide to vote on the Ordinance at a later meeting you could then take up Councilman Marson's motion. At this point,

Mayor Rendo stated that it is critically important that we have the participation of every single one of our Council people on this Ordinance. Since Councilwoman Hayes is not present today, Mayor Rendo is going to pull the vote on this Ordinance for a future date and ask our Borough Administrator to contact each and every Council member to see your availability in the upcoming days for a special meeting to ensure that every Council person is available for 5 minutes to vote on this Ordinance.

MOTION to table Ordinance No. 20-08 for a future date this year was made by Council President Singleton, second by Councilman Marson and unanimously approved.

CONSENT AGENDA

MOTION to approve the Consent Agenda as amended by adding Resolution No. 20-273 was made by Council President Singleton, second by Councilwoman Gross and approved by Councilman Falanga, Councilwoman Gadaleta, Councilwoman Gross, Councilman Marson and Council President Singleton.

NON-CONSENT AGENDA

MOTION to table Resolution No. 20-269 and Resolution No. 20-270 until the next meeting was made by Councilman Marson, second by Council President Singleton and unanimously approved.

RESOLUTION OF THE BOROUGH OF WOODCLIFF LAKE TO AUTHORIZE FUNDING FOR CERTAIN LEGAL MATTERS

RESOLUTION NO. 20-272 DECEMBER 21, 2020

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | | X | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

ADJOURNMENT

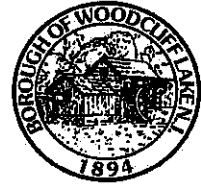
MOTION to adjourn was made by Council President Singleton, second by Councilwoman Gross and unanimously approved by voice call vote. Meeting was adjourned at 8:15 PM.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deborah Dakin". The signature is written in a cursive, flowing style.

Deborah Dakin, RMC, CMR
Borough Clerk

NOVEMBER-DECEMBER 2020 ENGINEER'S REPORT
BOROUGH OF WOODCLIFF LAKE
DECEMBER 18, 2020



1. Glen Road Bridge

NEA was recently authorized by the Borough to commence the design and permitting work for the new replacement bridge. NEA has retained a geotechnical engineer who will be performing a subsurface investigation in the near future, which will involve temporarily closing the roadway intermittently during the day to allow for drill rigs and personnel to occupy the roadway. NEA has begun the preliminary design of the bridge improvements and permitting due diligence. NEA anticipates being able to submit permitting plans and documents to the NJDEP in February-March, as well as review by the NJDOT for funding purposes. NEA will provide an update on the status of the project at the next meeting.

2. Municipal Pool Shell Reconstruction

The pool shell reconstruction is complete, and the pool has been temporarily filled for the plaster curing process. The pool must run as if it was open for about two weeks, then it can be winterized. The only outstanding work involves the installation of the three replacement water spray features near the shallow end. This is scheduled to occur in the early Spring of 2021.

3. MS4 Permitting Support

NEA was recently authorized by the Borough to prepare a digital stormwater outfall map and provide updates to the Borough's Municipal Stormwater Management Plan and the Stormwater Pollution Prevention Plan. NEA is working diligently to complete these tasks for submission to the NJDEP, and for posting on the Borough's website for the public's education.

4. Galaxy Gardens – Phase I - Remediation

There is additional environmental work to be done based on conditions encountered on-site during the work. NEA understands that the contractor will be remobilizing to perform this additional remediation work within the next few weeks, however the contractor has had staffing issues related to Covid-19. NEA will provide an update as the work progresses.

5. 2020 NJDOT Municipal Aid Grant Award

The Borough was recently awarded a grant from the NJDOT towards the resurfacing of Woodmont Drive in the amount of \$200,000.00. NEA preliminarily estimated the total project cost to be approximately \$440,100.00, inclusive of engineering and inspection. NEA will provide the Borough with a proposal to provide professional services to prepare bidding/construction documents in advance of the next meeting.

6. 2021 NJDOT Transportation Alternatives Set-Aside Grant Program

NEA coordinated with the Borough's Grant Writer to provide information for the grant application for streetscape improvements to Broadway, near the train station. These improvements would include new sidewalks, curbs, street lighting, landscaping, as well as pedestrian safety improvements and enhance access. The preliminary construction cost was estimated at approximately \$556,000.00. NEA understands that the grant application was submitted to the NJDOT by the Grant Writer in advance of the November 24, 2020 deadline.



7. **Woodcliff Lake Reservoir Walking Trail**

NEA understands that Suez is coordinating with the NJDEP regarding certain conditions of a user agreement between Suez, Woodcliff Lake, and Park Ridge. Once finalized by the NJDEP and Suez, the construction would be able to commence. NEA will provide an update as soon as more information is available.

We trust you will find the above in order. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Respectfully submitted,
Neglia Engineering Associates

Evan M. Jacobs, P.E., P.P., C.F.M.
For the Borough Engineer
Borough of Woodcliff Lake

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**AN ORDINANCE OF
THE BOROUGH OF WOODCLIFF LAKE, NEW JERSEY**

ORDINANCE NO. 20-07

AN ORDINANCE ENTITLED "ABANDONED PROPERTIES"

WHEREAS, the Borough of Woodcliff Lake ("Borough") has determined that the following shall constitute Abandoned Properties in the Borough.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen, State of New Jersey, as follows:

Article 1. Abandoned Property Rehabilitation Act.

Sec. 233-1. Definitions.

Abandoned Property – Any property that is determined to be abandoned pursuant to P.L. 2003, C. 210 (N.J.S.A. 55:19-78 et al)

Public Officer – A person designated or appointed by the municipal Governing Body pursuant to Section 3 of P.L. 1942, C. 112 (N.J.S.A. 40:48-2.5).

Article II: Registration Requirements.

Sec. 233-2.

Effective August 1, 2017, the owner of any vacant property as defined herein shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later; or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Borough for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number and email address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in a connection with the enforcement of any applicable code; and the name, street address, telephone number and email (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two

entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.

- C. The registration shall remain valid for one year from the date of registration except for the initial registration which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant and/or abandoned property and shall pay a registration or renewal fee for each vacant property registered.
- D. The annual renewal shall be completed by January 1st of each year. The initial registration fee shall be pro-rated for registration statements received less than 10 months prior to that date.
- E. The owner shall notify the Property Maintenance Inspector within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Property Maintenance Inspector for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owner or owners of the building.

Article III. Access to Vacant Properties.

Sec. 233-3.

The owner of any vacant property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 9:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and the Borough.

Article IV. Responsible Owner or Agent.

Sec. 233-4.

- A. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section

shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough in writing of a change of authorized agent or until the owner files a new annual registration statement.

- C. Any owner who files to register vacant/abandoned property under the provisions of this article shall further be deemed to consent to receive, by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

Article V. Fee Schedule.

Sec. 233-5.

The initial registration fee for each building shall be five hundred (\$500.00) dollars. The fee for the first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars.

Vacant Property Registration Fee Schedule

| | |
|----------------------|------------|
| Initial Registration | \$ 500.00 |
| First Renewal | \$1,500.00 |
| Second Renewal | \$3,000.00 |
| Subsequent Renewal | \$5,000.00 |

Sec. 233-6. Inventory of Abandoned Property.

Inventory of abandoned property; list to be maintained; publication in official newspaper; notice to owner of record; challenge by owner (from N.J.S.A. 55:19-55): The Borough of Woodcliff Lake may direct the public officer to identify abandoned property for the purpose of establishing an abandoned property list through the Borough, or within those parts of the Borough as the Governing Body may designate. Each item of abandoned property so identified shall include the tax block and lot number, the name of the owner of record, if known, and the street address of the lot.

- A. The public officer shall establish and maintain a list of abandoned property, to be known as the "abandoned property list." The Borough of Woodcliff Lake may add properties to the abandoned property list at any time and may delete properties at any time when the public officer finds that the property no longer meets the definition of an abandoned property. An interested party may request that a property be included on the abandoned property list following that procedure set forth in Section 31 of L. 2003, C. 210 (N.J.S.A. 55:19-105).
- B. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A

property on which an entity other than the Borough has purchased or taken assignment from the Borough of a tax sale certificate which has been placed on the abandoned property list may be removed in accordance with the provisions of Section 29 of P.L. 2003, C. 210 (N.J.S.A. 55:119-103).

- C. The public officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Borough of Woodcliff Lake which publication shall constitute public notice and, within 10 days after publication, shall send a notice by certified mail, return receipt requested, and by regular mail to the owner of record of every property included on the list. The published and mailed notices shall identify property determined to be abandoned, setting forth the owner of record, if known, the tax lot and block number and street address. The public officer, in consultation with the Tax Collector shall also send out a notice by regular mail to any mortgagee, servicing organization or property tax processing organization that receives a duplicate copy of the tax bill pursuant to subsection d. of N.J.S.A. 54:4-64. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in Section 5 of P.L. 1942, C. 112 (N.J.S.A. 40:48-2.7). The mailed notice shall indicate the factual basis for the public officer's finding that the property is abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54) and the rules and regulations promulgated thereunder, specifying the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the public officer in the office of the county clerk or register of deeds and mortgages, as the case may be, of the county wherein the property is situated. This filing shall have the same force and effect as a notice of list pendens under N.J.S.A. 2A:15-6. The notice shall be indexed by the name of the property owner as defendant and the name of the Borough as plaintiff, as though an action had been commenced by the Borough against the owner.
- D. An owner or lienholder may challenge the inclusion of his property on the abandoned property list determined pursuant to Subsection B of this section by appealing that determination to the public officer within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the public officer shall have 40 days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the public officer shall accept a late filing of an appeal. Within 30 days of receipt of a request of an appeal of the findings contained in the notice pursuant to Subsection D of this section, the public officer shall schedule a hearing for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification by the property owner averring that the property is not abandoned and stating the reasons for such averment, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as but not limited

to photographs, and repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54). The public officer shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

- E. The property owner may challenge an adverse determination of an appeal with the public officer pursuant to Subsection E of this section, by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in the county in which the property is located, which action shall be tried de novo. Such action shall be instituted within 20 days of the date of the notice of decision mailed by the public officer pursuant to Subsection E of this section. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined in Section 35 of P.L. 1996, c. 62 (N.J.S.A. 55:19-54). The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- F. The public officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.
- G. The abandoned property list shall become effective, and the Borough shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to that property or upon the denial of an appeal sought by the property owner.

Section 233-7. Sale of Tax Lien.

Sale of tax lien on abandoned property; remediation costs (from N.J.S.A. 55:19-56):

- A. Notwithstanding N.J.S.A. 54:5-19 or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Municipal liens due on the property are delinquent six or more quarters as of the date of expiration of the right to appeal inclusion on the list, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures in the "Tax Sale Law", N.J.S.A. 54:5-1 et seq., on or after the 90th day following the expiration of that time of appeal or final determination on an appeal, as appropriate. The Borough of Woodcliff Lake may, at its option, require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the Municipality be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A.

55:19-55) and to post a bond in favor of the Borough to guarantee the rehabilitation or repair of the property. The public officer may waive a requirement to post a bond imposed by the Borough of Woodcliff Lake for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the public officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in Section 3 of P.L. 2003, c. 210 (N.J.S.A. 55:19-0). The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the Tax Collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1500 pursuant to N.J.S.A. 54:4-67 of the Borough in effect for the time period when the amounts were expended. The tax sale certificate purchaser, assignee or transferee, under the auspices and with the authority of the Borough of Woodcliff Lake, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement holding the Borough of Woodcliff Lake harmless is filed with the public officer. If the tax sale certificate is not purchased at the initial auction of the tax sale certificate and the Borough purchases the certificate pursuant to N.J.S.A. 54:5-34, then the Borough of Woodcliff Lake is authorized and empowered to convey and transfer to the authority or any of its subsidiaries, without receiving compensation therefor, all of its right, title and interest in that certificate; however, any portion of the amount paid to the Tax Collector to redeem the tax sale certificate that represents tax or other municipal lien delinquencies and subsequent municipal liens, including interest, shall be returned by the Tax Collector to the Borough of Woodcliff Lake.

B. Remediation.

(1) If the Borough of Woodcliff Lake or the authority or its subsidiaries acquires the tax sale certificate for a property on the abandoned property list, then, upon 10 days written notice to the property owner and any mortgagee as of the date of the filing of the lis pendens notice under subsection d. of Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), that entity shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that ten day period the owner or mortgagee shall have notified the Borough of Woodcliff Lake of authority or its subsidiary, as appropriate, in writing, that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Borough of Woodcliff Lake or authority or its subsidiaries, as appropriate, in order to ensure performance. The amount and conditions of the bond shall be determined by the public officer.

(2) The cost of remediation incurred by the Borough or the authority or its subsidiaries pursuant to this subsection, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to or after the filing of any lien by the Borough of Woodcliff Lake or the authority, except for municipal taxes, liens and assessments and any lien imposed pursuant to the "Spill Compensation and Control Act" P.L. 1976, c. 141 (N.J.S.A. 58:10-23.11 et seq), together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the county clerk or register of deeds and mortgages, as appropriate, in the county in which the property is located.

C. Failure to Remediate.

(1) Failure of an owner or lienholder to remove a property from the abandoned property list within the period of time for appeal of inclusion of the property on the list pursuant to Subsection e. of Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) shall be prima facie evidence of the intent of the owner to continue to maintain the property as abandoned property.

(2) The clearance, development, redevelopment or repair of property being maintained as an abandoned property pursuant to Subsection C(1) of this section shall be a public purpose and public use for which the power of eminent domain may be exercised.

Section 233-8. Removal from List.

A. An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and municipal liens due including interest and penalties, and:

- (1) By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) and posting cash or bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the public officer stating that the cash or bond adequately covers the cost of the cleanup; or
- (2) By demonstrating to the satisfaction of the public officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the public officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), as evidenced by significant rehabilitation activity on the property, the public officer may grant an extension of time of not more than 120 days for the owner to complete all work,

during which time no further proceedings will be taken against the owner or the property.

- B. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property as determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the Department of Environmental protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Borough which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

Section 233-9. Action to Foreclose Right of Redemption.

- A. When a person other than the Borough of Woodcliff Lake or the authority or its subsidiaries acquired a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of six months following the date of the seal of the tax sale certificate.
- B. When the Borough of Woodcliff Lake is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J.S.A. 4:5-34, or when the authority or any of its subsidiaries acquires the tax sale certificate pursuant to subsection a of Section 37 of P.L. 1996, c. 62 (N.J.S.A. 54:5-104.34), an action to foreclose the right of redemption may be instituted in accordance with the provisions of subsection b. of N.J.S.A. 54:5-77.
- C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemptions shall be permitted except where the owner:
 - (1) posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-56), as determined by the court; or
 - (2) demonstrates to the court that the conditions because of which the property was determined to be abandoned pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-56) have been remedied in full.

Section 233-10. Final Judgment.

Entry of final judgment barring right of redemption; grounds for reopening judgment (form N.J.S.A. 55:19-59). Once a final judgment barring the right of redemption with respect to a property on the list of abandoned properties has been recorded, no court shall reopen such judgment at any time except on the grounds of lack of jurisdiction or fraud in the conduct of the action; in any such proceeding, the provisions of P.L. 1996, c. 62 (N.J.S.A. 55:19-20 et al) shall be construed liberally in favor of the purchaser, assignee or transferee of the tax sale certificate.

Article VII. Rehabilitation of Abandoned Properties.

Section 233-11. Legislative Findings and Declarations.

- A. Abandoned properties create a wide range of problems for the Borough of Woodcliff Lake, fostering criminal activity, creating public health problems and otherwise diminishing the quality of life for residents and business operators in those areas.
- B. Abandoned properties diminish the property values of neighboring properties and have a negative effect on the quality of life of adjacent property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization.
- C. For these reasons, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those properties.
- D. The continued presence of abandoned properties in the Borough of Woodcliff Lake acts as a significant barrier to the Borough's continued progressive development and revitalization.
- E. The responsibility of a property owner to maintain a property in sound condition and prevent it from becoming a nuisance to others extends to properties which are not in use and "demolition by neglect", leading to the deterioration and loss of the property, or failure by an owner to comply with legitimate orders to demolish, stabilize or otherwise repair his or her property creates a presumption that the owner has abandoned the property.

Section 233-12. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Department – The New Jersey Department of Community Affairs.

Lienholder of Mortgage Holder – Any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

Owner – The holder or holders of title to an abandoned property.

Property – Any building or structure and the land appurtenant thereof.

Public Officer – The person designated by the Borough of Woodcliff Lake pursuant to Section 3 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.5), or any officer of the borough of Woodcliff Lake qualified to carry out the responsibilities set forth in P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) and designated by the Mayor and Council of the Woodcliff Lake.

Qualified Rehabilitation Entity – An entity organized or authorized to do business under the New Jersey statutes, which shall have as one of its purposes the construction or rehabilitation of residential or nonresidential buildings, the provision of affordable housing the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in P.L. 2003, c. 10 (N.J.S.A. 55:19-78 et al.) to carry out the rehabilitation of vacant buildings in urban areas.

Section 233-13. Abandoned Property; Criteria.

- A. Except as provided in Section 6 of P.L. 2003, c. 210 (N.J.S.A. 55:19-83), any property that has not been legally occupied for a period of six months and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the public officer that:
 - (1) the property is in need of rehabilitation in the reasonable judgment of the public officer and no rehabilitation has taken place during that six-month period;
 - (2) construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months as of the date of a determination by the public officer pursuant to this section;
 - (3) at least one installment of property tax remains unpaid and delinquent on that property in accordance with Chapter 4 of Title 54 of the Revised Statutes as of the date of a determination by the public officer pursuant to this section; or
 - (4) the property has been determined to be a nuisance by the public officer in accordance with Section 5 of P.O. 2003, c. 210 (N.J.S.A. 55:19-82).
- B. A property which contains both residential and nonresidential space may be considered abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55: 119-78 et al.) so long as 2/3 or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the public officer and the property meets the criteria of either Subsection A(1) or A(4) of this section.

Section 233-14. Nuisance Property; Criteria.

- A. A property may be determined to be a nuisance if:
 - (1) the property has been found to be unfit for human habitation, occupancy or use pursuant to Section 1 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3);

(2) the condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;

(3) the property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the Borough of Woodcliff Lake has secured the property in order to prevent such hazards after the owner has failed to do so;

(4) the presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or

(5) the dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the resident of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

B. A public officer who determines a property to be nuisance pursuant to Subsections A(2) through A(5) of this section shall follow the notification procedures set forth in P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3 et seq.)

Section 233-15. Property Deemed Not Abandoned; Criteria; Certification of Abandonment Provided Upon Request.

1. If an entity other than the Borough of Woodcliff Lake has purchased or taken assignment from the Borough of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be placed on the abandoned property list pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A.55:19-55) if: (1)the owner of the certificate has continued to pay all Borough taxes and liens on the property in the tax year when due; and (2)the owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either subsection a. or subsection b. of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
2. A property which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two of the additional criteria set forth in Section 4 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81).
3. A determination that a property is abandoned property under the provisions of P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.
4. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to Subsection B of N.J.S.A. 54:5-86, the public officer or the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in Section 4 and 5 of P.. 2003, c. 210 (N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82)

Section 233-16. Transfer of Possession and Control of Abandoned Property.

- A. A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to the Borough of Woodcliff Lake may be brought by the Borough in the Superior Court in the county in which the property is situated. If the court shall find that the property is abandoned pursuant to Section 4 of P.L. 2003, c. 210 (N.J.S.A. 55:19-81) and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the court may authorize the Borough to take possession and control of the property and develop a rehabilitation plan.
- B. The Borough of Woodcliff Lake granted possession and control may commence and maintain those further proceedings for the conservation, protection or disposal of the property or any part thereof that are required to rehabilitate the property, necessary to recoup the cost and expenses of rehabilitation and for the sale of the property; provided, however, that the court shall not direct the sale of the property if the owner applies to the court for reinstatement of control of the property as provided in Section 15 of P.L. 2003, c. 20 (N.J.S.A. 55:19-92).
- C. Failure by the owner, mortgage holder or lienholder to submit plans for rehabilitation to the Borough, obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding within that six month period shall be deemed prima facie evidence that the owner has failed to take any action to further the rehabilitation of the property.

Section 233-17. Filing of Complaint; Required Information.

A complaint filed pursuant to Section 7 of P.O. 2003, c. 210 (N.J.S.A. 55:19-84) shall include:

- A. Documentation that the property is on the municipal abandoned property list or a certification by the public officer that the property is abandoned; and
- B. A statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

Section 233-18. Filing of Complaint; Notice Requirements; Entry to Secure, Stabilize Repair or Inspect the Property.

- A. Within ten days of filing a complaint pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.), the plaintiff shall file a notice of lis pendens with the county recording officer of the county within which the building is located.
- B. At least thirty (30) days before filing the complaint, the Borough shall serve a notice of intention to take possession of an abandoned building. The notice shall inform the owner and interested parties that the property has not been legally occupied for six months and of those criteria that led to a determination of abandonment pursuant to Section 4 of P.L. 2003, c. 210- (N.J.S.A. 55:19-81).

- (1) the notice shall provide that unless the owner or a party in interest prepares and submits a rehabilitation plan to the appropriate Borough officials, the Borough will seek to gain possession of the building to rehabilitate the property and the associate cost shall be a lien against the property, which may be satisfied by the sale of the property, unless the owner applies to the court for reinstatement of control of the property as provided in Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92).
- (2) after the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.
- C. After serving the notice of intent pursuant to Subsection B of this section, the Borough or its designee may enter upon that property after written notice to the owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the court pursuant to Section 12 of P.L. 2003, c. 210 (N.J.S.A. 55:19-89).

Section 233-19. Property Owner, Defense Against Complaint; Requirements.

- A. Any owner may defend against a complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (N.J.S.A. 55:19-84) by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125% of the amount determined by the public officer or the court to be the projected cost of rehabilitation. Any plan submitted by an owner to defend against a complaint shall be submitted within 60 days after the complaint has been filed, unless the court provides the owner with an extension of time for good cause shown.
- B. A plan submitted by an owner pursuant to this section shall include, but not be limited to:
 - (1) a detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
 - (2) a budget for the rehabilitation of the property including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans.
 - (3) a timetable for the completion of rehabilitation and reuse of the property; including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and
 - (4) documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.
- C. Court Approval.

(1) the court shall approve any plan that, in the judgment of the court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property which is the subject of the complaint.

(2) if the court approves the owner's plan, then it may appoint the public officer to act as monitor of the owner's compliance. If the owner fails to carry out any step in the approved plan, then the Borough may apply to the court to have the owner's bond forfeited, possession of the building transferred to the Borough to complete the rehabilitation plan and authorization to use the bond proceeds for rehabilitation of the property.

(3) the owner shall provide quarterly reports to the Borough on its activities and progress toward rehabilitation and reuse of the property. The owner shall provide those reports to the court on its activities that the court determines are necessary.

- C. The court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the owner or his representatives or agents or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.

Section 233-20. Owner Unsuccessful in Defending Against Complaint; Mortgage or Lienholders to be Designated in Possession of Property.

- A. If an owner is unsuccessful in defending against a complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (N.J.S.A. 55:19-84), the mortgage holder or lienholder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in Section 10 of P.L. 2003, c. 210 (N.J.S.A. 55:19-87). The plan shall be submitted within 60 days after the court has rejected the owner's plan, unless the court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the court approves any such mortgage holder's or lienholder's plan it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation and reuse and may appoint the public officer to act as monitor of the party's compliance.

- (1) the mortgage holder or lienholder, as the case may be, shall provide quarterly reports to the court and the borough on its activities and progress toward rehabilitation and the reuse of the property.
- (2) if the mortgage holder or lienholder fails to carry out any material step in the approved plan, then the public officer shall notify the court, which may order the bond forfeit, grant the Borough possession of the property and authorize the Borough to use the proceeds of the bond for rehabilitation of the property.

- B. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lienholder granted possession of a property pursuant to

Subsection A of this section, including court costs and reasonable attorneys' fees, may be added to the unpaid balance due that mortgage holder or lienholder, with interest calculated at the same rate set forth in the note or security agreement or, in the case of a tax lienholder, at the statutory interest rate for subsequent liens.

Section 233-21 Borough of Woodcliff Lake to be Designated in Possession of Property; Submission of Plan to Court.

- A. If no mortgage holder or lienholder meets the conditions of Section 11 of P.L. 2003, c. 210 (N.J.S.A. 55:19-088), then the Borough shall submit a plan to the court which conforms with the provisions of subsection b. of Section 10 of P.L. 2003, c. 210 (N.J.S.A. 55:19-87). The plan shall designate the entity which shall implement the plan, which may be the Borough or that entity designated in accordance with the provisions of Section 13 of P.L. 2003, c. 210 (N.J.S.A. 55:19-90).
- B. The court shall grant the Borough possession of the property if it finds that:
 - (1) the proposed rehabilitation and reuse of the property is appropriate and beneficial;
 - (2) the Borough is qualified to undertake the rehabilitation and reuse of the property; and
 - (3) the plan submitted by the Borough represents a realistic and timely plan for the rehabilitation and reuse of the property.
- C. The Borough shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the court. In making its findings pursuant to this section, the court may consult with qualified parties, including the Department of Community Affairs, and, upon request by a party in interest, may hold a hearing on the plan.
- D. Where either a redevelopment plan pursuant to P.L. 1992, c.79 (N.J.S.A. 40A:12A-1 et seq.) or a neighborhood revitalization plan pursuant to P.L. 2001, c. 415 (N.J.S.A. 52:27D-490 et seq.) has been adopted or approved by the Department of Community Affairs, as appropriate, encompassing the property which is the subject of a complaint, the court shall make a further finding that the proposed rehabilitation and reuse of the property are not inconsistent with any provision of either plan.

Section 233-22. Borough Exercise of Rights to Further Rehabilitation and Reuse of Property; Designation of Qualified Rehabilitation Entity.

- A. The Borough may exercise its rights under P.L. 2003, c. 210 (N.J.S.A. 55:19-778 et al.) directly, or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising the Borough's rights where that designation will further the rehabilitation and reuse of the property consistent with the Borough's plans and objectives. This designation shall be made by resolution of the Mayor and Council of the Borough of Woodcliff Lake. The

governing body or Mayor, as the case may be, may delegate this authority to the public officer.

- B. Regardless of whether the Borough exercises its rights directly or designates a qualified rehabilitation entity pursuant to this section, while in possession of a property pursuant to P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.), the Borough shall maintain, safeguard and maintain insurance on the property. Notwithstanding the Borough's possession of the property nothing in P. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) shall be deemed to relieve the owner of the property of any civil or criminal liability or any duty imposed by reasons of acts or omissions of the owner.

Section 233-23. Borough deemed Possessor of Property; Borrowing of Funds; Reporting and Filing Requirements.

- A. If the Borough has been granted possession of a property pursuant to Section 12 of P.L. 2003, c. 210 (N.J.S.A. 55:19-89), that Borough shall be deemed to have an ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.
 - (1) for the purposes of any state program of grants or loans including but not limited to programs of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this section shall be considered legal control of the property.
 - (2) notwithstanding the granting of possession to the Borough nothing in P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) shall be deemed to relieve the owner of the property of any obligation the owner or any other person may have for the payment of taxes or other municipal liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession.
 - (3) the granting of possession shall not suspend any obligation the owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.
- B. The court may approve the borrowing of funds by the Borough to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the court shall find that: (1) the Borough sought to obtain the necessary financing from the senior lienholder, which declined to provide such financing on reasonable terms; (2) the Borough sought to obtain a voluntary subordination from the senior lienholder, which refused to provide such subordination; and (3) lien priority is necessary in order to induce another lender to provide financing on reasonable terms. No lien authorized by the Court shall take effect unless recorded in the office of the clerk of the county in which the property is located. For the purposes of this section, the cost of rehabilitation shall include

reasonable non-construction costs such as architectural fees or construction permit fees customarily included in the financing of the rehabilitation of residential property.

- C. Where the Borough has been granted possession by the court in the names of the Borough, the Borough of Woodcliff Lake may seek the approval of the court to assign its rights to another entity, which approval shall be granted by the court when it finds that: (1) the entity to which the Borough's rights will be assigned is a qualified rehabilitation entity; and (2) the assignment will further the purposes of this section.
- D. Where the Borough has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Borough of its activities and progress toward rehabilitation and reuse of the property. The Borough or qualified rehabilitation entity, as the case may be, shall provide such reports to the court as the court determines to be necessary. If the court finds that the Borough or its designee have failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the court may request the Borough to designate another qualified rehabilitation entity to exercise its rights, or if the Borough fails to do so, may terminate the order of possession and return the property to its owner.
- E. The Borough shall file a notice of completion with the court and shall also serve a copy on the owner and any mortgage holder or lienholder, at such time as the borough has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the public officer attesting that rehabilitation can realistically be anticipated to be complete within that time period and a statement setting forth such actions as it plans to undertake to ensure that reuse of the property takes place consistent with the plan.

Section 233-24. Petition for Reinstatement of Control and Possession by Owner.

- A. An owner may petition for reinstatement of the owner's control and possession of the property at any time after one year from the grant of possession, but no later than 30 days after the Borough has filed a notice of completion with the court or, in the event the notice of completion is filed within less than one year of the grant of possession, within 30 days after the borough has filed notice.
- B. The court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the borough, or affect any of the terms or conditions under which the Borough has applied for or received financing for the rehabilitation of the property.

Section 233-25. Contents of Petition; Filing and Payment Requirements.

- A. Any petition for reinstatement of the owner's control and possession of the property filed pursuant to Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92) shall:
 - a. Include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the court;

b. Provide legally binding assurances that the owners will comply with all conditions of any grant or loan secured by the Borough to repay those grants or loans in full, at the discretion of the maker of the loan or grant and

c. Be accompanied by payment equal to the sum of:

(1) all Borough liens outstanding on the property;

(2) all costs incurred by the Borough in bringing action with respect to the property;

(3) any costs incurred by the Borough not covered by grants or loans to be assumed or repaid pursuant to this section; and

(4) any costs remaining to complete rehabilitation and reuse of the property, as determined by the public officer, which payment shall be placed in escrow with the Clerk of the Court pending disposition of the petition.

Section 233-26. Obligations of Owner prior to Grant of Petition.

- A. Prior to the granting of a petition on the part of the owner by the court pursuant to Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92), the owner may be required to post a bond or other security in an amount determined by the court, after consultant with the public officer, as likely to ensure that the owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the Borough to make any repair on the property in the event of a code violation which is not corrected in timely fashion by the owner. The bond or other security may be forfeit in full in the event that the owner fails to comply with any requirement imposed as a condition of the reinstatement petition filed pursuant to Section 15 of P.L. 2003, c. 210 (N.J.S.A. 55:19-92).
- B. The owner may seek approval of the court to be relieved of this requirement after five years, which shall be granted if the court finds that the owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that period, and that the owner has remedied other violations in a timely and expeditious fashion.

Section 233-27. Failure of Owner to Petition for Reinstatement of Control and Possession of Property; Granting of Title to the City; Authority to Sell.

If the owner fails to petition for the reinstatement of control and possession of the property within 30 days after the entity in possession has filed a notice of completion or in any event within two years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the court in granting a reinstatement petition filed pursuant to Section 15 of P.L. 2003, c. 219 (N.J.S.A. 55:19-92), upon petition from the entity in possession, the court may grant the Borough title or authorize the Borough to sell the property, subject to the provisions of Section 19 of P.L. 2003, c. 210 (N.J.S.A. 55:19-96)

Section 233-28. Procedure of Borough seeking to gain title to Property; Authorization to Sell; Proceeds.

- A. Whether the Borough seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the court shall approve and may place the proceeds of sale in escrow with the court.
 - (1) The court may authorize the Borough to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement.
 - (2) The proceeds of the purchase of the property shall be distributed as set forth in Section 20 of P.L. 2003, c. 210 (N.J.S.A. 55:19-97).
- B. The Borough may seek approval of the court to sell the property to a third party when the court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property.
- C. Upon approval by the court, the Borough shall sell the property on such terms and at such price as the court shall approve, and may place the proceeds of sale in escrow with the court. The court shall order a distribution of the proceeds of sale after paying court costs in the order of priority set forth in Section 20 of P.L. 2003, c. 210 (N.J.S.A. 55:19-97).

Section 233-29. Distribution of Proceeds.

The proceeds paid pursuant to subsection c of Section 19 of P.L. 2003, c. 210 (N.J.S.A. 55:19-96) shall be distributed in the following order of priority:

- A. the costs and expenses of sale;
- B. other governmental liens.
- C. repayment of principal and interest on any borrowing or indebtedness incurred by the Borough and granted priority lien status pursuant to subsection a of Section 21 of P.L. 2003, c. 210 (N.J.S.A. 55:19-98).
- D. a reasonable development fee to the Borough consistent with the standards for development fees established for rehabilitation programs by the New Jersey Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency.
- E. other valid liens and security interests, in accordance with their priority; and
- F. the owner.

Section 233-30. Public Officer; Authority to Place Lien on Property; Remedies.

- A. The public officer, with the approval of the court, may place a lien on the property to cover any costs of the Borough in connection with a proceeding under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) incurred prior to the grant by the court of any order of possession under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.), which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost effective manner. Any such lien shall be

considered a Borough lien for the purpose of N.J.S.A. 54:5-9 with the rights and status of a Borough lien pursuant thereto.

- B. With the exception of the holding of special tax sales pursuant to Section 24 of P.L. 2003, c. 210 (N.J.S.A. 55:19-101), the remedies available under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) shall be available to the Borough with respect to any abandoned property, whether or not the Borough has established an abandoned property list as provided in Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55) and whether or not the property has been included on any such list.

Section 233-31. Court's denial of Rights and Remedies to Lienholders and Mortgage Holders.

Notwithstanding any provision to the contrary in P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.), a court may in its discretion deny a lienholder or mortgage holder any or all rights or remedies afforded lienholders and mortgage holders under P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) if the court finds that the owner of a property subject to any of the provisions of P.L. 2003, c. 210 (N.J.S.A. 55:19-78 et al.) owns or controls more than a fifty percent interest in, or effective control of, the lienholder or mortgage holder or that the familial or business relationship between the lienholder or mortgage holder and the owner precludes a separate interest on the part of the lienholder or mortgage holder.

Section 233-32. Recourse of City Against Individuals or Corporations.

With respect to any lien placed against any real property pursuant to the provisions of Section 1 or Section 3 of P.L. 1942, c. 112 (N.J.S.A. 40:48-2.3) or N.J.S.A. 40:28-2.5) or Section 1 of P.L. 1989, c. 91 (N.J.S.A. 40:48-2.3) or any receiver's lien pursuant to P.L. 2003, c. 295 (N.J.S.A. 2A:42-114 et al.), the Borough shall have recourse with respect to the lien against any asset of the owner of the property, if an individual, against any asset of any partner, if a partnership; and against any asset of any owner of a ten percent interest or greater, if the owner is any other business organization or entity recognized pursuant to law.

Section 233-33. Properties Eligible for Tax Sales; Borough Requirements of Municipalities; Notice.

The Borough of Woodcliff Lake may hold special tax sales with respect to those properties eligible for tax sales pursuant to N.J.S.A. 54:5-19 which are also on an abandoned property list established by the Borough pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55). If the Borough elects to hold a special tax sale, it shall conduct that sale subject to the following provisions:

- A. The Borough shall establish criteria for eligibility to bid on properties at the sale, which may include, but shall not be limited to: documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Borough plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property consistent with Borough plans and regulations; commitments by the bidder to take action to foreclose on the tax lien by a date certain; and

such other criteria as the Borough may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;

- B. The Borough may establish minimum bid requirements for a special tax sale that may be less than the full amount of the taxes, interest and penalties due, the amount of such minimum bid to be at the sole discretion of the Borough in order to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
- C. The Borough may combine properties into bid packages and require that bidders place a single bid on each package, and reject any and all bids on individual properties that have been included in bid packages;
- D. The Borough may sell properties subject to provisions that if the purchaser fails to carry out any commitment that has been set forth as a condition of sale pursuant to Subsection A of this section or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Borough and any amount paid by the purchaser to the Borough at the special tax sale shall be forfeit to the Borough;
- E. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Borough may designate the unsuccessful but qualified bidder whose bid was closest to the successful bid as an eligible purchaser;
- F. In the event that the purchaser of that property or bid package fails to meet any of the conditions of sale established by the Borough pursuant to this section, and their interest in the property or properties reverts to the Borough, the borough may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.
- G. The Borough shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the Borough pursuant to Subsection B, C or D of this section. Nothing shall prohibit the Borough from holding a special tax sale on the same day as a standard or accelerated tax sale.

Section 233-34. Eminent Domain Proceedings; Establishment of Fair Market Value.

With respect to any eminent domain proceeding carried out under Section 37 of P.L.1996, c. 62 (N.J.S.A. 55:19-56), the fair market value of the property shall be established on the basis of an analysis which determines independently:

- A. the cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct new building on the site, including

- all costs ancillary to rehabilitation such as, but not limited to marketing and legal costs;
- B. the realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood or subarea of the Borough in which the property is located; and
- C. the extent to which the cost exceeds or does not exceed the market value after rehabilitation or demolition and new construction, and the extent to which any "as is" value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.

Section 233-35. Removal of Property from Abandoned Property List.

If a property, which an entity other than the Borough has purchased or taken assignment from the Borough of a tax sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all Borough taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the list, the property shall be restored to the abandoned property list.

Section 233-36. Request for Property to be Placed on Abandoned Property List.

- A. Any interested party may submit in writing a request to the public officer that a property be included on the abandoned property list prepared pursuant to Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55), specifying the street address and block and lot number of the property to be included and the grounds for its inclusion. Within 30 days of receipt of any such request, the public officer shall provide written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For the purposes of this section, "interested party" shall include any resident of the Borough, any owner or operator of a business within the Borough, or any organization representing the interests of residents or engaged in furthering the revitalization and improvements of the neighborhood in which the property is located.
- B. Any interested party may participate in any redetermination hearing held by the public officer pursuant to subsection e. of Section 36 of P.L. 1996, c. 62 (N.J.S.A. 55:19-55). Upon written request by any interested party, the public officer shall provide the party with at least 20 days' notice of any such hearing. The party shall provide the public officer with notice at least 10 days before the hearing of

its intention to participate and the nature of the testimony or other information that is proposed to submit at the hearing.

Section 233-37. Maintenance of properties in foreclosure.

Responsible Agent – The creditor filing the summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property and if located out of state, shall be responsible for appointing an in-state representative or agent to act for the foreclosing creditor.

Authorized Public Officer – A public officer appointed pursuant to P.L. 1942, c. 112 (C.40:48-2.3 et seq.) or any other local official responsible for administration of any property maintenance or public nuisance code to issue a notice to the creditor filing the summons and complaint in an action to foreclose if the public officer or other authorized municipal official determines that the creditor has violated the ordinance by failing to provide for the care, maintenance, security and upkeep of the exterior of the property. Such notice shall require the person or entity to correct the violation within 30 days of receipt of the notice, or within 10 days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of a notice shall constitute proof that a property is “vacant and abandoned” for the purposes of P.L. 2012, c.70 (C.2A:50-73).

Out of State Creditor – An out of state creditor shall be required to include the full name and contact information of the in state representative or agent in the notice required to be provided.

Creditor Notice Requirement –(1) A creditor serving a summons and complaint in an action to foreclose on a mortgage on residential property in the state shall, within 10 days of serving the summons and complaint, notify the Municipal Clerk of the Borough of Woodcliff Lake that a summons and complaint in an action to foreclose on a mortgage has been filed against the subject property. The notice shall contain the name and contact information for the representative of the creditor who is responsible for receiving complaints of property maintenance and code violations. The notice may contain information about more than one property, and shall be provided by mail or electronic communications, at the discretion of the municipal clerk. In the event the creditor that has served a summons and complaint in an action to foreclose on a residential property is located out of state, the notice shall also contain the full name and contact information of an in state representative or agent who shall be responsible for the care, maintenance, security and upkeep of the exterior of the property if it becomes vacant and abandoned. The municipal clerk shall forward a copy of the notice to the public officer or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code. In the event the property being foreclosed on is an affordable unit pursuant to the “Fair Housing Act” then the creditor shall identify that the property is subject to the “Fair Housing Act.” The notice shall also include the street address, lot and block number of the property and the full name and contact information of an individual located within the State who is authorized to accept service on behalf of the creditor.

The notice shall be provided to the municipal clerk within ten (10) days of service of a summons and complaint in an action to foreclose on a mortgage against the subject property.

(2) Any creditor that has initiated a foreclosure proceeding on any residential property which is pending in Superior Court shall provide to the Municipal Clerk of the Borough of Woodcliff Lake, a listing of all residential properties in the municipality for which the creditor has foreclosure actions pending by street address and lot and block number. The Municipal Clerk shall forward a copy of the notice to the public officer, or shall otherwise provide it to any other local official responsible for administration of any property maintenance or public nuisance code.

Notification by Authorized Municipal Official – If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated or if a residential property becomes vacant at any point subsequent to the creditor's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the creditor or any other third party, and the exterior of the property is found to be a nuisance or in violation of any applicable State or local code, the local public officer, municipal clerk or other authorized municipal official shall notify the creditor or the representative or agent of an out-of-State creditor as applicable, which shall have the responsibility to abate the nuisance or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by State law or municipal ordinance. The municipality shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than 30 days from the creditor's receipt of the notice for the creditor to remedy the violation. If the creditor fails to remedy the violation within that time period, the municipality may impose penalties allowed for the violation of municipal ordinance pursuant to R.S.40:49-5.

Violation – If the municipality expends public funds in order to abate a nuisance or correct a violation on a residential property in situations in which the creditor was given notice pursuant to the provisions of Notification by Authorized Municipal Official, but failed to abate the nuisance or correct the violation as directed, the municipality shall have the same recourse against the creditor as it would have against the title owner of the property, including but not limited to the recourse provided under section 23 of P.L. 2003, c. 210 (C.55:19-100).

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.

BOROUGH OF Woodcliff Lake
Bergen County, New Jersey

ORDINANCE NO. 20-08

**AN ORDINANCE AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION FOR FUNDING OF
THE BOROUGH'S MASTER PLAN – N.J.S. 40A:-4-53(B)**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WOODCLIFF LAKE IN THE
COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:**

WHEREAS, pursuant to N.J.S. 40A:4-53, the sum of \$50,000 is hereby appropriated for expenses incurred for implementing the Master Plan of the Planning Board, by the Borough of Woodcliff Lake and shall be deemed a special emergency appropriation as defined and provided for in N.J.S. 40A:4-53(b); and

WHEREAS, such special emergency appropriation and/or the special emergency noted authorized to finance the appropriation shall be provided for in succeeding annual budgets by the inclusion of at least 1/5 of the amount authorized pursuant to this act (N.J.S. 40A:4-55).

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | | X | | | |
| Hayes | | | | | | X |
| Marson | X | | X | | | |
| Singleton | | X | X | | | |
| Mayor Rendo | | | | | | |

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12

RESOLUTION NO. 20-260 DECEMBER 21, 2020

WHEREAS, the Borough of Woodcliff Lake is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, 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 is necessary for the Borough of Woodcliff Lake 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:

____ 1. Matters Required by Law to be Confidential. Any matter which, by express provision of Federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of the Open Public Meetings Act.

____ 2. Matters Where the Release of Information Would Impair the Right to Receive Funds. Any matter in which the release of information would impair a right to receive funds from the Government of the United States.

____ 3. Matters Involving Individual Privacy. Any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing,

relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly.

____ 4. Matters Relating to Collective Bargaining Agreements. Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

____ 5. Matters Relating to the Purchase, Lease or Acquisition of Real Property or the Investment of Public Funds. Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed specifically with respect to _____. The minutes will be released on or before _____, 20__ when the issues pertaining to the property located at _____ have been approved and finalized.

____ 6. Matters Relating to Public Safety and Property. Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations of possible violations of the law.

X 7. Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege, any pending or anticipated litigation or contract negotiation in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer, specifically with respect to: litigation update and contract negotiations

The minutes will be released in approximately ninety (90) days or upon the resolution through settlement or court decision and the time period for any and all appeals.

____ 8. Matters Relating to the Employment Relationship. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting, specifically: personnel discussion.

The minutes will be released within ninety (90) days or earlier upon the resolution of the matter through settlement or court decision and the time period for any and all appeals.

____ 9. Matters Relating to the Potential Imposition of a Penalty. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party bears responsibility.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, assembled in public session on December 21, 2020 that an Executive Session closed to the public shall be held on December 21, 2020 at 6:30 P.M. at the Borough of Woodcliff Lake offices located at 188 Pascack Road, Woodcliff Lake, New Jersey, for the discussion of matters relating to the specific items designated above.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

RESOLUTION AUTHORIZING PAYMENT OF PAYROLL & PAYMENT OF CLAIMS

**RESOLUTION NO. 20-261
DECEMBER 21, 2020**

BE IT RESOLVED, that the following Payroll Disbursements made by the Treasurer since the last meeting are proper and hereby ratified and approved:

Payroll Released 12/15/2020 \$255,038.61

BE IT FURTHER RESOLVED that the following current claims against the Borough for materials and services have been considered and are proper and hereby are approved for payment:

| | |
|--------------------------|--------------|
| Current Fund: | \$ 91,143.13 |
| General Capital: | \$ 18,394.74 |
| Animal: | \$ 17.60 |
| Trust/Other: | \$ 974.21 |
| Police Private Duty: | \$ 288.00 |
| Affordable Housing: | \$ 1,182.25 |
| State Unemployment: | \$ 100.08 |
| Public Assistance Trust: | \$ 21.85 |

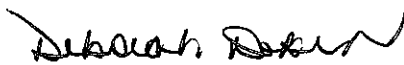
CERTIFICATION OF FUNDS

I, Harold Laufeld, Chief Financial Officer of the Borough of Woodcliff Lake, hereby duly certify that fund(s) are available for Payroll Disbursements and Payment of Claims.

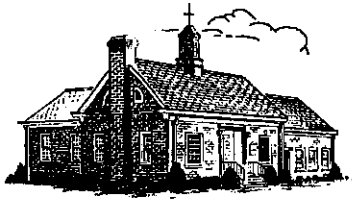
Harold Laufeld
Chief Financial Officer

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 21, 2020.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

RESOLUTION AUTHORIZING A REFUND OF PERMIT FEES

RESOLUTION NO. 20-262

DECEMBER 21, 2020

WHEREAS, Cavalucci Construction, Inc., the contractor for owners of the property at 10 Franklin Street submitted a permit to replace an air conditioning unit and paid a permit fee of \$333 (Permit 20-0253); and

WHEREAS, the replacement of the air conditioning unit was cancelled by the homeowner and work was never performed; and

WHEREAS, the contractor of the property has requested a refund of the permit fees. Twenty percent of permit fees may be retained for Plan review fees. Eighty percent of permit fee or \$266.40 should be refunded.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, that the CFO be authorized to refund the payment of \$266.40 to the contractor listed below:

PAYMENT TO:

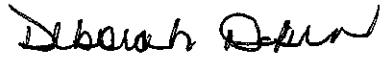
CAVALUCCI CONSTRUCTION, INC.

PO Box 306

Park Ridge, NJ 07656

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 21, 2020.

A handwritten signature in black ink, appearing to read "Deborah Dakin", written over a horizontal line.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

201-391-4977
Fax 201-391-8830

RESOLUTION APPROVING HOLD HARMLESS AGREEMENT WITH OUR LADY MOTHER OF THE CHURCH

RESOLUTION NO. 20-263
DECEMBER 21, 2020

WHEREAS, Our Lady Mother of the Church located at 209 Woodcliff Avenue has requested that the Borough plant trees along its property in order to improve the visual attractiveness of same;

WHEREAS, the Shade Tree Committee in order to improve the visual aesthetics of the property located at 209 Woodcliff Avenue owned by Our Lady Mother of the Church and the neighborhood, has agreed to provide and plant ten (10) Yoshino Cherry Trees on the Church's property adjacent to the Borough's right-of-way as the right-of-way provides no room for same; and

WHEREAS, as a condition of same, the Borough of Woodcliff Lake is requiring Our Lady Mother of the Church enter into a Hold Harmless Agreement with the Borough wherein Our Lady Mother of the Church agrees to indemnify and hold the Borough of Woodcliff Lake harmless for any and all liability claims, costs and attorneys' fees arising out of or associated with the planting of the ten Yoshino Cherry Trees on the Church's property; and

WHEREAS, the Borough Attorney has prepared a Hold Harmless Agreement between the Borough and the Church, a copy of which is attached hereto and incorporated herein by reference.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the attached Hold Harmless Agreement

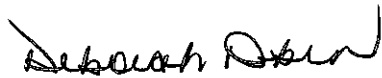
between the Borough and Our Lady Mother of the Church, the owner of the property located at 209 Woodcliff Avenue, Woodcliff Lake, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the Hold Harmless Agreement attached hereto and incorporated herein by reference on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a certified copy of this resolution together with the Hold Harmless Agreement to Our Lady Mother of the Church upon its passage for her signature.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

2020 BUDGET TRANSFERS FOR DECEMBER 21, 2020 MEETING

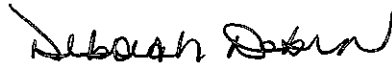
RESOLUTION NO. 20-264 DECEMBER 21, 2020

| <u>DEPARTMENT</u> | <u>ACCOUNT NUMBER</u> | <u>FROM</u> | <u>TO</u> |
|--|-----------------------|-------------|-----------|
| Revenue Administration – Salaries and Wages | 0-01-20-145-010 | 1,000 | |
| Administration – Salaries and Wages | 0-01-20-100-010 | | 1,000 |
| Uniform Construction Code-Other Expenses | 0-01-22-195-020 | 3,000 | |
| Uniform Construction Code-Salaries and Wages | 0-01-22-195-010 | | 3,000 |
| Revenue Administration-Salaries and Wages | 0-01-20-145-010 | 10,000 | |
| Legal – Other Expenses | 0-01-20-155-020 | 25,000 | |
| Streets and Roads – Salaries and Wages | 0-01-26-290-010 | 25,000 | |
| Social Security | 0-01-36-472-000 | 10,000 | |
| Police – Salaries and Wages | 0-01-25-240-010 | | 70,000 |
| Library – Other Expenses | 0-01-29-390-225 | 1,500 | |
| Police Dispatch 911 – Other Expenses | 0-01-25-250-020 | | 1,500 |
| Fire Prevention – Other Expenses | 0-01-25-265-020 | 2,500 | |
| Fire Prevention – Salaries and Wages | 0-01-25-265-010 | | 2,500 |
| Building and Grounds – Other Expenses | 0-01-26-310-020 | 2,000 | |
| Buildings and Grounds – Salaries and Wages | 0-01-26-310-010 | | 2,000 |

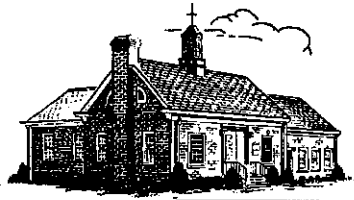
| | | | |
|--------------------------------------|-----------------|---------|---------|
| Solid Waste – Salaries and Wages | 0-01-26-305-010 | 15,000 | |
| Vehicle Maintenance – Other Expenses | 0-01-26-315-020 | | 15,000 |
| Sewer – Other Expenses | 0-01-31-455-020 | 6,000 | |
| Sewer – Salaries and Wages | 0-01-31-455-010 | | 6,000 |
| TOTAL | | 101,000 | 101,000 |

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.



DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

201-391-4977
Fax 201-391-8830

RESOLUTION APPROVING TERMINATION OF INTERLOCAL SERVICES AGREEMENT WITH BOROUGH OF PARAMUS FOR SHARED USE OF TAX ASSESSOR

**RESOLUTION NO. 20-265
DECEMBER 21, 2020**

WHEREAS, the Borough of Woodcliff Lake and the Borough of Paramus previously entered into an Interlocal Services Agreement in December 2013 to share the services of a Tax Assessor; and

WHEREAS, the Interlocal Services Agreement became effective on July 1, 2013; and

WHEREAS, the Agreement automatically extends for an additional year unless terminated by the 31st day of March of each year; and

WHEREAS, the Governing Body believes that for economy and efficiency, the Interlocal Services Agreement should be terminated; and

WHEREAS, the Borough Administrator has reviewed this matter and recommends the termination of the Interlocal Services Agreement.

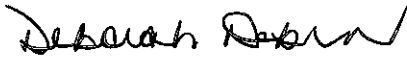
NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the Interlocal Services Agreement between the Borough of Woodcliff Lake and the Borough of Paramus for the shared use of the Tax Assessor be and is hereby terminated; and

BE IT FURTHER RESOLVED, that the Borough Attorney be and is hereby authorized and directed to notify the Borough of Paramus of the termination of the Interlocal Services

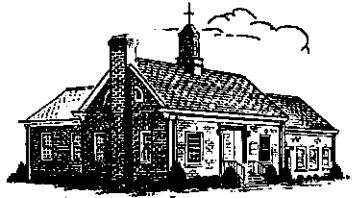
Agreement and request an early release from the present term of same.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.

A handwritten signature in dark ink, appearing to read "Deborah Dakin", is written over a horizontal line.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

201-391-4977
Fax 201-391-8830

RESOLUTION APPROVING HOLD HARMLESS AGREEMENT FOR PROPERTY LOCATED AT 18 BRIARWOOD COURT

RESOLUTION NO. 20-266
DECEMBER 21, 2020

WHEREAS, Adam and Gabrielle Hoffman, the owners of property located at 18 Briarwood Court, Block 508, Lot 15 in the Borough of Woodcliff Lake desire to construct a new pool and backyard with a section of fence and grading improvements within the Borough's drainage easement together with the construction of two (2) 6-foot gates at each end of the easement in order to provide for DPW, construction and/or emergency vehicles access to the full width of the easement; and

WHEREAS, as a condition of same, the Borough of Woodcliff Lake is requiring that Adam and Gabrielle Hoffman enter into a Hold Harmless and License Agreement with the Borough wherein Adam and Gabrielle Hoffman agree to indemnify and hold the Borough of Woodcliff Lake harmless for any and all liability claims, costs and attorneys' fees arising out of or associated with this Hold Harmless and License Agreement for the property located at 18 Briarwood Court; and

WHEREAS, the Borough Attorney has prepared a Hold Harmless and License Agreement between the Borough and the property owners, a copy of which is attached hereto and incorporated herein by reference.

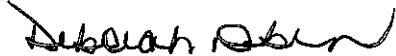
NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the attached Hold Harmless and License Agreement between the Borough and Adam and Gabrielle Hoffman, owners of the property located at 18 Briarwood Court, Block 508, Lot 15 in the Borough, be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized and directed to execute the Hold Harmless and License Agreement attached hereto and incorporated herein by reference on behalf of the Borough; and

BE IT FURTHER RESOLVED, that the Borough Clerk be and she is hereby authorized and directed to forward a certified copy of this resolution together with the Hold Harmless and License Agreement to Adam and Gabrielle Hoffman upon its passage for her signature.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.



**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

201-391-4977
Fax 201-391-8830

RESOLUTION APPROVING INTER-LOCAL SERVICES AGREEMENT WITH THE BOROUGH OF OLD TAPPAN

RESOLUTION NO. 20-267
DECEMBER 21, 2020

WHEREAS, the Borough of Woodcliff Lake seeks to enter into an Inter-Local Services Agreement with the Borough of Old Tappan for the use of its sewer camera; and

WHEREAS, the Borough of Old Tappan seeks to enter into an Inter-Local Services Agreement with the Borough of Woodcliff Lake for the use of its bucket truck; and

WHEREAS, it is beneficial to both the Borough of Woodcliff Lake and the Borough of Old Tappan to allow each other the use of the within referenced equipment at no charge; and

WHEREAS, an Interlocal Services Agreement may be entered into without competitive bidding pursuant to N.J.S.A. 40:8A-1 and N.J.S.A. 40A:11-5(21); and

WHEREAS, the Interlocal Services Agreement attached hereto and incorporated herein by reference provides for (a) the Borough of Woodcliff Lake to utilize the Borough of Old Tappan's sewer camera; and (b) the Borough of Old Tappan to utilize the Borough of Woodcliff Lake's bucket truck; and

WHEREAS, there will be no charge to either Borough for the use of the shared equipment; and

WHEREAS, the Borough Administrator and the Borough Attorney have reviewed the Interlocal Services Agreement attached hereto and incorporated herein by reference between

the Borough of Woodcliff Lake and the Borough of Old Tappan and hereby approve of same.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the Interlocal Services Agreement with the Borough of Old Tappan attached hereto and incorporated herein by reference be and is hereby approved; and

BE IT FURTHER RESOLVED, that the Mayor be and he is hereby authorized and directed to execute the Interlocal Services Agreement on behalf of the Borough of Woodcliff Lake; and

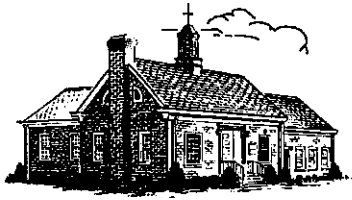
BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a certified copy of this resolution and signed Interlocal Services Agreement to the Borough of Old Tappan.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.

A handwritten signature in dark ink, appearing to read "Deborah Dakin", is written over a horizontal line.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

RESOLUTION AUTHORIZING RELEASE OF ESCROW BALANCE - ROWBOTTOM

**RESOLUTION NO. 20-268
DECEMBER 21, 2020**

WHEREAS, a request has been made for the release of the escrow balances with respect to the following in Woodcliff Lake:

**Fran Rowbottom
9 Meadow Lane
Woodcliff Lake, NJ 07677
Escrow Refund: \$240.00**

WHEREAS, the Borough Construction Code Official and Borough Engineer have confirmed that all is satisfactory and has recommended that the escrow balances be released.

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the recommendation of the above, the Mayor and Council does hereby authorize the release of escrow balances in the amount of \$240.00 in connection with the aforementioned.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Mayor and Council at the meeting of December 21, 2020.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | | X | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

RESOLUTION OF THE BOROUGH OF WOODCLIFF LAKE TO AUTHORIZE FUNDING FOR CERTAIN LEGAL MATTERS

**RESOLUTION NO. 20-272
DECEMBER 21, 2020**

WHEREAS, the Borough of Woodcliff Lake, et al has been involved in a lawsuit entitled Valley Chabad v. Woodcliff Lake; and

WHEREAS, the matter has recently been resolved; and

WHEREAS, the Borough of Woodcliff Lake has incurred costs in the amount of \$600,000 in connection with these legal matters; and

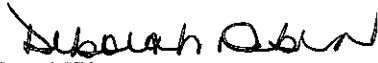
WHEREAS, the Municipal Excess Liability Joint Insurance Fund will advance \$600,000 towards the Borough of Woodcliff Lake's share of said settlement and costs.

NOW, THEREFORE, BE IT RESOLVED, the that Mayor is hereby authorized to execute any and all documents to effectuate a repayment agreement in the amount of \$600,000 to the Municipal Excess Liability Joint Insurance Fund for a term of five (5) years commencing on January 1, 2021 to be paid in equal installments of \$120,000 on January 1st of each year up to and including January 1, 2025 which will total \$600,000 in addition to any interest outlined in the Repayment Agreement between the Borough and the MEL.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute a Re-Payment Agreement with the Municipal Excess Liability Joint Insurance Fund for said funds being paid as settlement proceeds in the aforesaid litigation.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.

A handwritten signature in black ink, appearing to read "Deborah Dakin", written over a horizontal line.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

201-391-4977
Fax 201-391-8830

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | X | X | | | |
| Gross | | | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

RESOLUTION AUTHORIZING CONTRACT FOR RECYCLING AND DISPOSAL SERVICES

RESOLUTION NO. 20-271 DECEMBER 21, 2020

WHEREAS, the Borough of Woodcliff Lake advertised for bids for Recycling Collection Services and Disposal Services; and

WHEREAS, the Borough received three bids as follows: (a) Sterling Carting, Inc. (b) Suburban Disposal; and (c) Get-A-Can, Inc; and

WHEREAS, the Borough Clerk and Borough Attorney have reviewed the bids submitted and have determined that bid received by Sterling Carting, Inc. dual stream, including collection and disposal fees, in the amount of \$759,438.00 for five (5) years, broken down as follows: year 1: \$135,158, year 2: \$142,952, year 3: \$151,291, year 4: \$160,225 and year 5: \$169,812 which represents the lowest responsible bidder.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodcliff Lake, County of Bergen and State of New Jersey that the bid submitted by Sterling Carting, Inc for the Recycling Collection Services and Disposal Services dual stream, including collection and disposal fees, in the amount of \$759,438.00 for five (5) years be and is hereby approved.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.

A handwritten signature in black ink, appearing to read "Deborah Dakin", written over a horizontal line.

**DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK**



BOROUGH OF WOODCLIFF LAKE

188 PASCACK ROAD, WOODCLIFF LAKE, NEW JERSEY 07677

Carlos Rendo, Mayor
Tomas J. Padilla, Borough Administrator

| Council Member | Motion | Second | Yea | Nay | Abstain | Absent |
|----------------|--------|--------|-----|-----|---------|--------|
| Falanga | | | X | | | |
| Gadaleta | | | X | | | |
| Gross | | X | X | | | |
| Hayes | | | | | | X |
| Marson | | | X | | | |
| Singleton | X | | X | | | |
| Mayor Rendo | | | | | | |

201-391-4977
Fax 201-391-8830

RESOLUTION AUTHORIZING THE PROMOTION OF PAUL BROWN AND KEITH KALMBACH TO THE POSITION OF SERGEANT

RESOLUTION NO. 20-273
DECEMBER 20, 2020

WHEREAS, the Borough of Woodcliff Lake has conducted a hiring process for the promotion of police officers in the Borough of Woodcliff Lake to the position of Sergeants, which has included but is not limited to written applications, interviews, and background checks; and

WHEREAS, the Borough of Woodcliff Lake has identified 2 candidates to be promoted to the position of Sergeant, Paul Brown and Keith Kalmbach; and

WHEREAS, the promotion of Paul Brown and Keith Kalmbach to the position of Sergeant is in the best interest of the Borough.

NOW THEREFORE, BE IT RESOLVED, that Paul Brown and Keith Kalmbach are hereby promoted to the position of Sergeant.

CERTIFICATION

I, Deborah Dakin, Municipal Clerk of the Borough of Woodcliff Lake in the County of Bergen and the State of New Jersey, do hereby certify that the foregoing resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting of December 21, 2020.

DEBORAH DAKIN, RMC, CMR
BOROUGH CLERK