

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING
SECOND FLOOR MUNICIPAL COURT ROOM
MONDAY, NOVEMBER 2, 2015**

**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE WORK SESSION MEETING
MUNICIPAL COURT ROOM
MONDAY, NOVEMBER 2, 2015 - 7:30 P.M.**

1. 7:30 pm Work Session Meeting called to order by Mayor Kevin J. Rooney
2. Roll call of Township Committee
3. Reading of "Open Work Session" statement by Mrs. Santimauro
4. Meeting open for the Work Session ten minute total public comment period for any item on or off the agenda. Two (2) minutes per speaker.
5. Mayor and Municipal Clerk to sign documents
6.
 - a. Finance Committee to review and sign vouchers
 - b. Report of Township Committee
 - c. Report of Administrator
 - d. Report of Attorney
7. Recess Work Session Meeting to conduct 8:00 pm Business Meeting
8. Reconvene Work Session Meeting
9. Adjourn

**PAYMENT OF CLAIMS MAY BE PAID AT ALL WORK SESSION MEETINGS
AND ALL TOWNSHIP COMMITTEE BUSINESS MEETINGS**

FORMAL ACTION MAY BE TAKEN AT THIS WORK SESSION

**TOWNSHIP OF WYCKOFF
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**TOWNSHIP OF WYCKOFF
TOWNSHIP COMMITTEE BUSINESS MEETING
MUNICIPAL COURT ROOM
MONDAY, NOVEMBER 2, 2015 - 8:00 PM**

1. Regular Meeting of the Wyckoff Township Committee called to order by Mayor Kevin J. Rooney
2. Flag Salute
3. Invocation will be given by Reverend Fred Provencher from Cornerstone Christian Church
4. Reading of the "Open Public Meetings Act" statement by Mrs. Santimauro
5. Roll call of the Township Committee
6. Discussion regarding the 2016 Park & Ride
7. Meeting open for public comment on any item on or off the Agenda; five (5) minutes per speaker
8. Presentation of Proclamation to Flotilla 10-13 for Receiving Three National Awards at the Coast Guard's 2015 National Conference
9. Approval of the following Township Committee meeting minutes:

Township Committee Regular Work Session and Regular Business Meeting Minutes from October 20, 2015.

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

10. **Consent Agenda:** All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately:

I Resolutions (Adoption of the following):

- | | |
|---------|---------------------------------------------------------------------------------------|
| #15-262 | Permission for a Dedication by Rider |
| #15-263 | Authorize Payments to Court Appointed Special Master in Affordable Housing Litigation |
| #15-264 | Confirm Endorsement of Community Development Project |
| #15-265 | Payment of Bills |
| #15-266 | Extending Affordable Housing Restrictions at Turtle Creek Condominiums of Wyckoff |
| #15-267 | Invoke Title 59 Purchase of Fire Command Vehicle |
| #15-268 | Return of Certain Overpaid Taxes, Escrow Monies, etc. |
| #15-269 | 2015 League of Municipalities |
| #15-270 | Authorize Redemption of Tax Sale Certificate #15-00016 |
| #15-271 | Authorize Redemption of Tax Sale Certificate #15-00008 |
| #15-272 | Transfer of Funds |
| #15-273 | Release Performance Bond – 562 Farview Avenue |
| #15-274 | Release Performance Bond – 750 Wyckoff Avenue |
| #15-275 | Release Performance Bond – 310 Franklin Avenue |

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II Motions

- a. Approve the ten (10) day temporary sign request from Wyckoff Reformed Church to advertise their annual Holiday Fair scheduled for November 21st.

Following is the vote on the Consent Agenda:

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

III Ordinances – Public Hearings/Further Consideration

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

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

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

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

IV Adjourn

**PAYMENT OF CLAIMS MAY BE PAID AT ALL TOWNSHIP COMMITTEE
WORK SESSION MEETINGS AND ALL TOWNSHIP COMMITTEE REGULAR
MEETINGS**

FORMAL ACTION MAY BE TAKEN DURING THIS MEETING

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Meeting Called To Order

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

Flag Salute

The Township Committee proceeded with the Pledge of Allegiance led by Flotilla 10-13.

Invocation

The Invocation was given by Reverend Fred Provencher from Cornerstone Church.

Attendance

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

Township Committee Absent: Committeeman Brian D. Scanlan

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

Open Public Meeting Act Statement

Municipal Clerk Santimauro read the "Open Public Meeting Act" Statement: "This regular meeting of the Township Committee of the Township of Wyckoff is now in session. In accordance with the provisions of Section 8 of the Open Public Meetings Act, I wish to advise that notice of this meeting has been posted in the lower level of the Memorial Town Hall and that a copy of the schedule of meetings has also been filed with the Township Clerk, and copies of this agenda and the annual notice of meetings, of which this is a part, have been heretofore sent to the Ridgewood News, The Record, and The North Jersey Herald and News all papers with general circulation throughout the Township of Wyckoff. At least 48 hours prior to this meeting the Agenda thereof was similarly posted, filed and mailed to said newspapers."

Meeting Open for Public Comment

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

Mr. Timothy Buchman, 430 Meer Avenue. Mr. Buchman stated that although it's always important to entertain different points of view, on the topic of environmental matters, when 99.99% of the scientists say that certain environmental items are a fact entertaining opposing points of view is comparable to inviting folks to advocate that the world is flat. It is not appropriate for an intellectual debate.

Karen Blumenfeld, Global Advisors Smoke Free Policy, Summit, NJ. Ms. Bloomfeld said she supports the Township Committee's efforts to adopt an ordinance that would prohibit the selling of tobacco and tobacco delivery products to individuals under 21 years of age. Ms. Blumenfeld indicated that there were approximately 21 other municipalities in northern New Jersey who have adopted this ordinance and the adoption of this ordinance is very important for tobacco policy and public health.

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

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Presentation of Proclamation to Flotilla 10-13 for Receiving Three National Awards at the Coast Guard's 2015 National Conference

WHEREAS, Flotilla 10-13 is one of 1,000 Flotillas in the United States of America; and

WHEREAS, Flotilla 10-13 received three national awards at the Coast Guard's 2015 National Conference (NACON) held in San Antonio, Texas; and

WHEREAS, Flotilla 10-13 was first in Vessel Safety Checks and Marine Dealer Visits; and

WHEREAS, Flotilla 10-13 is a consistent top achiever at the March District Conference, taking home awards and plaques in many areas, including Meritorious Flotilla many years running; and

WHEREAS, the certificate is a national award from the Commodore for achieving Diversity goals; and

WHEREAS, Flotilla Commander Bruce Pugh was in attendance to receive the awards and to bring them home.

NOW, THEREFORE, BE IT PROCLAIMED by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that Flotilla 10-13 is hereby extended congratulations on behalf of our entire community for earning three national awards, and our thanks for all of those serving on Flotilla 10-13 for their commitment and diligence in pursuing excellence.

Kevin J. Rooney, Mayor

Park & Ride Discussion

Mayor Rooney said he had a request from the Township Clerk, Joyce Santimauro that the time is near to send out the park & ride renewal notices for parking permits at the Cornerstone Christian Church commuter parking lot and the township committee needs to address the number of parking spaces that will be sold. Mayor Rooney indicated that the current lot before expansion had 178 parking spaces, with the additional newly installed 50 parking spaces, we arrive at 228 parking spaces. In 2015 we oversold the parking permits at 300 permits. It is always difficult to determine how many permits to sell, and difficult to sell a permit when there is not a guarantee of a parking space, so Mayor Rooney asked that Joyce follow the same procedure with mailing notices for the sale of park & ride permits by opening up sales to Wyckoff residents first for the first two weeks starting November 9th, then non-residents and resident second permit sales starting on November 23rd. Mayor Rooney proposed selling 300 parking permits.

Township Committeeman John Carolan who purchases a permit as a commuter said that if you arrive to the parking lot later in the morning on Tuesday, Wednesday and Thursdays the parking lot is full. Parking spaces are not guaranteed. Mr. Carolan agreed with selling 300 parking permits, however, he requested that Chief Fox monitor the usage of the lot in December and January and possibly at the end of January the governing body can revisit the park and ride sales and based on the input from Chief Fox additional parking permits could be considered at that time.

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Committeeman Boonstra commented that the justification to spend the funds to pave and to add parking lot security lighting at Community Park was to create an additional revenue stream by selling more permits and Mr. Boonstra is in favor of revisiting the number of permits to sell in January. Mr. Boonstra also indicated he would prefer Chief Fox's opinion after monitoring this situation.

Mr. Jepsen said that overselling is a tried and true practice and he would be in favor as well.

A consensus existed for Mrs. Santimauro to move forward with selling the parking permits in the same manner as last year with a total of 300 parking permits.

Approval of the following Township Committee meeting minutes:

Township Committee Regular Work Session and Regular Business Meeting Minutes from October 20, 2015.

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

Consent Agenda: All matters listed below are considered by the Township Committee to be routine in nature. There will be no separate discussion of these items. If any discussion is desired by the Township Committee, that item will be removed from the Consent Agenda and considered separately:

I Resolutions (Adoption of the following):

#15-262 Permission for a Dedication by Rider

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, N.J.S.A. 40A:5-29 provides for receipt of donations for the Mayor's Wellness Campaign for Healthy Families by the municipality to provide for health and wellness education expenditures; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Mayor's Wellness Campaign for Healthy Families are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, New Jersey as follows:

1. The Township Committee does hereby request permission of the Director of the Division of Local Government Services (for the Township of Wyckoff) to pay expenditures of the Mayor's Wellness Campaign for Healthy Families Trust, N.J.S.A. 40A:5-29.
2. The Municipal Clerk of the Township of Wyckoff, County of Bergen is hereby directed to forward two (2) certified copies of this Resolution to the Director of the Division of Local Government Services.

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#15-263 Authorize Payments to Court Appointed Special Master in Affordable Housing Litigation

WHEREAS, the New Jersey Supreme Court's 1983 Mount Laurel II decision established a constitutional obligation for municipalities in the exercise of their delegated power to zone a realistic opportunity for the construction of their fair share of the present and prospective regional need for low and moderate income housing; and,

WHEREAS, following the 1983 Mount Laurel II decision, the New Jersey Legislature adopted the Fair Housing Act in 1985, establishing the Council on Affordable Housing (COAH) as the administrative entity to set fair share numbers and evaluate municipal fair share housing compliance plans; and,

WHEREAS, The Township of Wyckoff has diligently and consistently complied with its fair share obligations over the years, having earned a first round Judgment of Response for the Superior Court in 1992, earning a second round Substantive Certification from COAH in 1999, and having submitted two versions of a third round plan to COAH in 2005 and 2008 to comply with COAH's third round regulations, which regulations were subsequently invalidated by the Jersey Supreme Court; and,

WHEREAS, the New Jersey Supreme Court's 3/15/2015 decision required municipalities to submit a petition of declaratory judgement and submit its' Third Round Fair Share Plan and Housing Element if it desires protection from builders remedy lawsuits; and,

WHEREAS, Robert Landel filed a declaratory judgement and obtained an order granting temporary immunity from the Court on 8/7/15; and,

WHEREAS, the Court has issued a 9/21/15 order appointing Frank Banisch, PP, AICP to serve as "Special Master" to review the Township of Wyckoff's Housing Element and Fair Share Plan at an hourly compensation rate of \$250 per hour to be paid by the Township.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that the Court order appointing Mr. Banisch in the affordable housing litigation be provided to the Chief Financial Officer and the Accounts Payable Clerk and Resolution #15-263 be recorded on all payments in this regard for purposes of compliance with payments of claims and other financial compliance regulations.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall provide a certified copy of this resolution to the Chief Financial Officer, Accounts Payable Clerk, Township Attorney, Township Planner and Municipal Auditor.

#15-264 Confirm Endorsement of Community Development Project

WHEREAS, a Bergen County Community Development grant of One Hundred Eighty Thousand Dollars and no cents (\$180,000) has been proposed by Christian Health Care Center for the installation of a new elevator in the building known as Building 2 which supports the Christian Health Care Counseling Center and Pathways Partial Hospitalization Program in the Township of Wyckoff; and,

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and,

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

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WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of The Township of Wyckoff, County of Bergen, State of New Jersey hereby confirms endorsement of the aforesaid project; and,

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

#15-265 Payment of Bills

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

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

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

WHEREAS, the Township Committee has a practice of each Township Committee member participating in the reviewing and signing of vouchers; and,

WHEREAS, the vouchers which comprise this bill list have been reviewed and signed by two (2) Township Committee members and they have found them to in order; and,

WHEREAS, the Township Treasurer has certified that sufficient funds are available for payment of said vouchers.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the action of the said Finance Committee be approved; and, that the payments of these bills are hereby authorized and the Chief Financial Officer is directed to issue checks for their payments as listed on the bill list attached to this date's meeting minutes and covered by checks no. 14244 – 14285 Payroll A/C, Direct Deposit Vouchers no. 5175 - 5218, Library Payroll check nos. 1178 & 1179, Library Direct Deposit Vouchers no. 1614 - 1646, Payroll voided check nos. 14230 – 14243, Claims Wire nos. 151101 & 151102, check no.02321 Accutrack A/C, Claims check nos. 072598 – 072704, Affordable Housing Development Trust check no. 1005 and Voided Claims check no. 072597.

#15-266 Extending Affordable Housing Restrictions at Turtle Creek Condominiums of Wyckoff

WHEREAS, N.J.A.C. 5:80-26.25(a) provides that “a municipality shall have the right to determine that the most desirable means of promoting an adequate supply of low and moderate income housing is to prohibit the exercise of the repayment option and maintain controls on lower income housing units sold within the municipality beyond the period required by N.J.A.C. 5:93-9.2”; and,

WHEREAS, the New Jersey Supreme Court in its March 10, 2015 decision endorsed the extension of expiring affordability controls as a means of complying with municipal affordable housing obligations; and,

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WHEREAS, such a determination shall be made by resolution of the municipal governing body and shall be effective upon filing with the Superior Court, Bergen County Law Division (Court); and,

WHEREAS, the municipality’s resolution must specify the time period for which the repayment option shall not be applicable, and that during such period, no seller in the municipality may utilize the repayment option permitted by N.J.A.C. 5:93-9.8; and,

WHEREAS, pursuant to N.J.A.C. 5:80-26.25(b), a municipality that exercises the option outlined above shall: (1) provide public notice in a newspaper of general circulation; and (2) notify the administrative agent and the Court of its governing body’s action; and,

WHEREAS, the municipality’s administrative agent shall ensure that the deed restriction on all affected housing units reflects the extended period of controls; and,

WHEREAS, N.J.A.C. 5:80-26.25 is the successor regulation to N.J.A.C. 5:93-9.9, effective January 5, 1998 and N.J.A.C. 5:92-12.8, effective July 17, 1989; and,

WHEREAS, the master deed for the Turtle Creek Condominiums of Wyckoff dated January 1, 2000 and recorded in the Bergen County Clerk’s Office in January 28, 2000 in deed book 8244, page 096 with the accompanying Township of Wyckoff zoning ordinance #1117, The Revised Housing Element and Fair Share Plan, To Satisfy The Township’s Affordable Housing Obligation, dated June 24, 1992 as the same may be lawfully amended (“The Master Deed and Affordable Housing Element and Fair Share Plan”); and,

WHEREAS, the Turtle Creek Condominiums of Wyckoff include two (2) low and moderate income units identified as:

<u>UNIT ADDRESS</u>	<u>BLOCK NUMBER</u>	<u>LOT NUMBER</u>
58 Heather Lane	293	16.02
78 Heather Lane	293	16.02

WHEREAS, Section 186-53, H, Control and Affordability of the Housing Element and Fair Share Plan states that the terms, restrictions, provisions and covenants of the Affordable Housing Plan, including the restrictions on the resale of the Units (the “Affordability Controls”), were to expire at the earliest of the following: (1) 20 years from the initial rental date for low and moderate income units, or (2) the date upon which the right of redemption expires with respect to the foreclosure of the first purchase money mortgage lien upon a unit by the first mortgagee of the unit as the Affordable Housing Plan applies to the specific unit which is subjected to a foreclosure; and,

WHEREAS, the Township of Wyckoff (“Wyckoff”) has determined that most desirable means of promoting an adequate supply of low and moderate income housing in Wyckoff pursuant to N.J.A.C. 5:80-26.25 is to prohibit the exercise of any repayment option on the two (2) Units and to maintain the Affordability Controls on the two (2) Units for a longer period than the initial 20 years for the low and moderate income units.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, as follows:

1. The Repayment Option shall not be permitted for the two (2) low and moderate income units at the Turtle Creek Condominiums of Wyckoff (“Units”) from the date of the resolution until January 31, 2050.

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2. The Affordability Controls are extended until January 31, 2050, and during this period of extended Controls no seller of any of the two (2) Units may utilize the repayment option as permitted by N.J.A.C. 5:93-9.8.
3. The Municipal Clerk is authorized and directed to print this resolution in full in the Bergen Record and the Ridgewood News and to notify the administrative agent and the Court of the Governing Body's action.
4. The administrative agent shall ensure the deed restriction on all affected two (2) Units extend until January 31, 2050.
5. This resolution shall evidence pursuant to N.J.A.C. 5:97-6.14(b)(2) (Extension of Expiring Controls) that the Controls have been extended in accordance with the Uniform Housing Affordability Controls ("UHAC"), and that Wyckoff is entitled to credit against its affordable housing obligation through the extension of affordability controls in accordance with UHAC and any applicable regulations adopted by COAH and/or the Department of Community Affairs, as may be amended and supplemented from time to time.
6. The sale and use of the Units is governed by UHAC, found in the New Jersey Administrative Code at the Title 5, Chapter 80, subchapter 26 (N.J.A.C. 5:80-26.1, et seq., the "Regulations") and any amendments, changes or supplements thereto.

All of the restricted Units shall remain subject to the requirements of N.J.A.C. 5:80-26.5, as may be amended and supplemented from time to time, during the extended Control period until Wyckoff elects to release the Units from such requirements.

#15-267

Invoke Title 59 Purchase of Fire Command Vehicle

WHEREAS, the Township Committee of the Township of Wyckoff has awarded a contract for the purchase of one (1) new 2015 Chevy Tahoe through advertised sealed competitive bidding to Hawthorne Chevrolet, 5916 Goffle Road, Hawthorne New Jersey 07506; and,

WHEREAS, before the manufacture of the vehicle, various alternate safety features were recommended by the Fire Chief and approved by the Township Committee and reflected in the purchase order contract issued; and,

WHEREAS, the truck has been received, the vehicle has been inspected and the vehicle is in service.

NOW THEREFORE BE TI RESOLVED, by the Township Committee of the Township of Wyckoff, in the County of Bergen, State of New Jersey that the governing body of the Township of Wyckoff approves the final "as built" condition of the one (1) 2015 Chevy Tahoe (VIN #1GNSKBKC9FR609055), purchased, manufactured and delivered in accordance with the purchase order/contract, and the Township Committee now invokes Title 59 defenses.

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

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#15-268 Return of Certain Overpaid Taxes, Escrow Monies, etc.

BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that the Treasurer is hereby authorized and directed to return certain monies as follows:

ADMINISTRATIVE:

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

BOARD OF ADJUSTMENT:

Michael Sparozic, 319 Calvin Court, Wyckoff, New Jersey 07481 Return of Escrow – Block 349/Lot 62 - \$392.16

Paul Fine, 611 Buena Vista Way, Wyckoff, New Jersey 07481 – Return of Escrow – Block 215/Lot 8 - \$262.93

Jared & Amy Minatelli, 368 Dartmouth Street, Wyckoff, New Jersey 07481 – Block 476/Lot 4 - \$479.16

King-Yuen Chu, 44 Wild Duck Road, Wyckoff, New Jersey 07481 – Return of Escrow – Block 265/Lot 125 - \$459.43

Richard & Laurie Gordon, 300 Saw Mill Lane, Wyckoff, New Jersey 07481 – Return of Escrow – Block 354/Lot 57 - \$499.93

Anthony & Ashley Mungiello, 147 Wyckoff Avenue, Wyckoff, New Jersey 07481 – Block 483/Lot 2 - \$342.16

Emin Aydin, 524 Clinton Avenue, Wyckoff, New Jersey 07481 – Return of Escrow – Block 231/Lot 4 - \$237.61

Richard Damato, 371 Newtown Road, Wyckoff, New Jersey 07481 – Return of Escrow – Block 394/Lot 6 - \$391.76

Eric Sean Parker, 19 Ravine Avenue, Wyckoff, New Jersey 07481 – Return of Escrow – Block 515/Lot 16 - \$477.93

CLERK:

Peter Salerno, GSA, LLC, 511 Goffle Road, Wyckoff, New Jersey 07481 – Refund of Maintenance Guarantee & Engineering Escrow – Block 498/Lot 104.01 - \$4,207.83

TAX REFUND:

Clemente Enterprises, P.O. Box 141, Wyckoff, New Jersey 07481 – Refund Tax Sale Payment on Block 491/Lot 7 – due to payment to “Stay out of Sale” by property owner on 10/22/15 - \$5,334.70

Anthony Brienza, 308 Voorhis Avenue, Wyckoff, New Jersey 07481 – Refund of property taxes due to tax exempt status as of 3/20/14 – Block 288/Lot 38 - \$16,949.56

RECREATION:

Rachel Bergman, 392 Atwood Place, Wyckoff, New Jersey 07481 – Tennis Refund - \$85.00

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#15-269 2015 League of Municipalities

WHEREAS, the Township Committee of the Township of Wyckoff authorize the following officials to attend the 2015 New Jersey League of Municipalities Conference in Atlantic City on November 17, 18 & 19, 2015: Township of Wyckoff Mayor and Township Committee, Township Administrator, Township Attorney, Township Engineer, Township Clerk, Department of Public Works Manager and Police Chief; and,

WHEREAS, hotel accommodations at a rate not to exceed \$150.00 per night and the conference registration fee of \$55.00 per official and mileage and toll reimbursement up to \$25.00 are the only expense items attendees are reimbursed for by the township; meals are the responsibility of attendees; and,

WHEREAS, authorization for township employees attending the conference is limited to November 17, 18 & 19, 2015; absence on November 20, 2015 shall be through the use of a personal day or vacation day.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that the allowance for said attendance shall not exceed the amount of \$405.00 per attendee. Said amount shall include hotel accommodation(s), and conference registration(s) and mileage and tolls if any. Meals are the responsibility of the attendees. All requests for reimbursement must be accompanied by receipts.

#15-270 Authorize Redemption of Tax Sale Certificate #15-00016

WHEREAS, the Tax Collector of the Township of Wyckoff has previously determined that there was due and owing to the Township of Wyckoff outstanding tax and interest for tax year 2014 on Block 506/Lot 6.02/C5072, aka 507 Franklin Terrace, within the Township of Wyckoff, County of Bergen, State of New Jersey; in the amount of \$2,022.70 and;

WHEREAS, on the 22nd day of October 2015, the Township of Wyckoff executed a "Certificate of Sale of Unpaid Municipal Liens" numbered 15-00016, hereinafter referred to as a Tax Sale Certificate on the above-described property in the amount above-recited; and,

WHEREAS, said Tax Sale Certificate was purchased by Clemente Enterprises, P.O. Box 141, Wyckoff, NJ 07481; and,

WHEREAS, subsequent to the execution and filing of said Tax Sale Certificate and prior to the commencement of foreclosure proceedings against the property owner's right to redemption of said Tax Sale Certificate, the mortgagor has paid to the Tax Collector of the Township of Wyckoff any and all charges deemed due and owing on the above-described property and the property owner is therefore entitled to a redemption of said Tax Sale Certificate pursuant to N.J.S.A. 54:5-55.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, that the Tax Collector be, and the same is hereby authorized and directed to cancel and endorse Tax Sale Certificate 15-00016 for redemption and make refund in the amount of \$2,022.70 being lien amount of \$522.70 and a premium of \$1,500.00 to Clemente Enterprises, and deliver said Tax Sale Certificate to the mortgagor for cancellation with the County Clerk in accordance with N.J.S.A. 54:5-55.

#15-271 Authorize Redemption of Tax Sale Certificate #15-00008

WHEREAS, the Tax Collector of the Township of Wyckoff has previously determined that there was due and owing to the Township of Wyckoff

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outstanding tax and interest for tax year 2014 on Block 354/Lot 59, aka 312 Sawmill Lane, within the Township of Wyckoff, County of Bergen, State of New Jersey; in the amount of \$1,271.87 and;

WHEREAS, on the 22nd day of October 2015, the Township of Wyckoff executed a "Certificate of Sale of Unpaid Municipal Liens" numbered 15-00008, hereinafter referred to as a Tax Sale Certificate on the above-described property in the amount above-recited; and,

WHEREAS, said Tax Sale Certificate was purchased by Clemente Enterprises, P.O. Box 141, Wyckoff, NJ 07481; and,

WHEREAS, subsequent to the execution and filing of said Tax Sale Certificate and prior to the commencement of foreclosure proceedings against the property owner's right to redemption of said Tax Sale Certificate, the mortgagor has paid to the Tax Collector of the Township of Wyckoff any and all charges deemed due and owing on the above-described property and the property owner is therefore entitled to a redemption of said Tax Sale Certificate pursuant to N.J.S.A. 54:5-55.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, that the Tax Collector be, and the same is hereby authorized and directed to cancel and endorse Tax Sale Certificate 15-00008 for redemption and make refund in the amount of \$1,271.87 being lien amount of \$271.87 and a premium of \$1,000.00 to Clemente Enterprises, and deliver said Tax Sale Certificate to the mortgagor for cancellation with the County Clerk in accordance with N.J.S.A. 54:5-55.

#15-272 Transfer of Funds

WHEREAS, N.J.S.A. 40A:4-58 permits the transfer of funds from November 1st through December 31st of current year's appropriations.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Wyckoff that the transfer of the following funds is hereby authorized and directed.

From:

Engineering		20-165	5,800
Gasoline		31-460	9,900
Solid Waste	O/E	32-465	24,000
UCC	S/W	22-195	1,000

\$40,700

To:

Shade Tree	O/E	26-292	8,000
Legal	O/E	20-155	12,000
Recycling	O/E	26-306	3,000
Parks	O/E	26-375	10,000
Health Benefit Waivers	O/E	23-221	2,000
UCC	O/E	22-195	1,000
Interest on Notes	O/E	45-935	4,700

\$40,700

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#15-273 Release Performance Bond – 562 Farview Avenue

WHEREAS, Driveways R Us performed a road opening/curb extension at 562 Farview Avenue Block 411 Lot 29 & deposited \$500.00 performance guarantee with the Municipal Clerk on June 5, 2015; and,

WHEREAS, owner of Driveways R Us has requested the release of the performance guarantee; and,

WHEREAS, the Township Engineer, Mark DiGennaro has recommended the release of the \$500.00 performance guarantee; and,

WHEREAS, the Chief Financial Officer, Diana McLeod, has verified the funds.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that they hereby concur with the recommendation of the Township Engineer to refund the \$500.00 performance bond to Driveways R Us.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward a copy to the Township Engineer and to Driveways R Us, 675 Ellington Road, Ridgewood, NJ 07450-5512

#15-274 Release Performance Bond – 750 Wyckoff Avenue

WHEREAS, Perfection Excavating on January 14, 2014 deposited a \$1,000.00 performance bond for a road opening at 750 Wyckoff Avenue Block 215 Lot 8; and,

WHEREAS, in a letter dated September 16, 2015 Mr. Michael Sprofera from Perfection Landscaping has requested the release of the performance guarantee; and,

WHEREAS, the Township Engineer, Mark DiGennaro in a notation letter dated September 22, 2015 is recommending refunding the performance guarantee to Perfection Excavating; and,

WHEREAS, the Chief Financial Officer, Diana McLeod, has verified the funds.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that they hereby concur with the recommendation of the Township Engineer to release the \$1,000.00 performance bond to Perfection Excavating.

BE IT FURTHER RESOLVED, that the Municipal Clerk shall forward a copy to the Township Engineer & Mr. Michael Sprofera, Perfection Excavating, PO Box 642, Franklin Lakes, NJ 07417.

#15-275 Release Performance Bond – 310 Franklin Avenue

WHEREAS, Celco's Construction LLC for 310 Franklin Avenue Block 259 Lot 18 deposited \$1,000 with the Municipal Clerk on September 8, 2015 for a road/curb opening permit performance cash bond; and,

WHEREAS, in a letter dated October 7, 2015 Mr. Celso, Celso's Construction, LLC is requesting the release of the \$1,000.00 performance cash bond; and,

WHEREAS, the Township Engineer, Mark DiGennaro in a notation dated October 7, 2015 is recommending refunding the performance cash bond; and,

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WHEREAS, the Chief Financial Officer, Diana McLeod, has verified the funds.

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Wyckoff, County of Bergen and State of New Jersey that they hereby concur with the recommendation of the Township Engineer to refund the \$1,000.00 performance cash guarantee for the road/curb opening at 310 Franklin Avenue.

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a copy of this resolution to the Township Engineer and to Celso's Construction. LLC, 370 First Street, Hackensack, NJ 07601.

II Motions

- a. Approve the ten (10) day temporary sign request from Wyckoff Reformed Church to advertise their annual Holiday Fair scheduled for November 21st.

Following is the vote on the Consent Agenda:

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

III Ordinances – Public Hearings/Further Consideration

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

ORDINANCE
FINAL PASSAGE

MUNICIPAL CLERK: Mr. Chairman, I have Ordinance No. 1784, entitled:

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

for second reading, by title only, and a copy of this Ordinance has been posted on the bulletin board in Town Hall where public notices are customarily posted, and copies have been made available to members of the general public of the Township who have requested the same.

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

COMMITTEEMAN JEPSEN: Seconded.

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

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ROONEY YES

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1784, and all persons who wish to be heard, please state your name and address before making your statement.

Mr. John Unglert, 360 Cornell Street. Mr. Unglert stated that he does not have an objection with tobacco sales to individuals under 21 years of age, however, he is concerned with preventing smoking in parking lots and he cautioned the Township Committee not to go too far with this ordinance in the event of limiting individuals civil liberties.

Committeeman Boonstra commented that in the late 1970's when he served on the School Board a motion was made by the two (2) school Board members who smoked to eliminate smoking at the board of Education meetings and the smoking stopped. For the sake of the public good and to set a positive example for the younger folks the Board of Education made that policy. Mr. Boonstra indicated that 30 years later we are doing a similar action this evening and he supports that.

Mayor Rooney thanked the governing body members for their comments and indicated that there was ample time for discussion

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

COMMITTEEMAN JEPSEN: Seconded.

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

MUNICIPAL CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1784 be, and the same is hereby adopted, and the Municipal Clerk is hereby authorized and directed to publish the Notice of Final Passage of said Ordinance in the official newspaper for the Township as provided by law.

COMMITTEEMAN BOONSTRA: I move the resolution.

COMMITTEEMAN JEPSEN: Seconded.

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

ORDINANCE #1784

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

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

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

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

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

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

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

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

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

84-1. Definitions.

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

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nicotine chewing gum.

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

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

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

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

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

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

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

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

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

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or exhaling of smoke or vapor from an electronic smoking device.

84-2. Retail Sale of Tobacco Products.

- A. No person shall sell tobacco or nicotine delivery products in the Township of Wyckoff unless an employee of the establishment controls the sale of such products. A person may only sell tobacco or nicotine delivery products in a direct, face-to-face exchange between the retailer and the consumer. Self-service displays and vending machines of tobacco or nicotine delivery products shall be prohibited.
- B. No person shall sell, distribute, or give tobacco or nicotine delivery products to any person under the age of twenty-one (21) years or give tobacco or nicotine delivery products to any person under the age of twenty-one (21).
- C. Tobacco retailers shall conspicuously post and reasonably maintain signs having a minimum size of six (6) inches by eight (8) inches where tobacco or nicotine delivery products are displayed and at all check-out counters notifying customers that proof of age is required to purchase tobacco or nicotine delivery products.
- D. Any person selling tobacco or nicotine delivery products shall verify by means of government-issued photographic identification containing the bearer's date of birth that no person purchasing the tobacco or nicotine containing products is younger than twenty-one (21) years of age. No such verification is required for any person over the age of twenty-six (26). No clerk shall sell tobacco or nicotine delivery products to a person less than twenty-one (21) years of age who has a note or any form of communication from any person, including an adult.
- E. No person or tobacco retailer selling tobacco or nicotine delivery products shall allow an employee to sell or distribute such products until the employee has read the Wyckoff Township Ordinances and State laws pertaining to the sale or distribution of tobacco and nicotine delivery products and the business owner or manager has signed a statement that the employee has read such Ordinances and State laws. Such form

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statement will be supplied by the Township of Wyckoff and the signed original statement shall be filed with the Township of Wyckoff and a copy shall be kept on file by the tobacco retailer and made available for review by the Township of Wyckoff.

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

- A. Smoking shall be prohibited in all municipal buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross-section) shall be clearly, sufficiently, and conspicuously posted at the municipal building. The sign shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

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

- C. Smoking shall be prohibited in any vehicle registered to the Township of Wyckoff.

84-4. Enforcement.

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

84-5. Violations and Penalties.

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

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

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

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

ORDINANCE
FINAL PASSAGE

MUNICIPAL CLERK: Mr. Chairman, I have Ordinance No. 1786, entitled:

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

for second reading, by title only, and a copy of this Ordinance has been posted on the bulletin board in Town Hall where public notices are customarily posted, and copies have been made available to members of the general public of the Township who have requested the same.

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

COMMITTEEMAN CAROLAN: Seconded.

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

CHAIRMAN: This is the time and place for the Public Hearing on Ordinance No. 1786, and all persons who wish to be heard, please state your name and address before making your statement.

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

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COMMITTEEMAN CAROLAN: Seconded.

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

MUNICIPAL CLERK: BE IT RESOLVED, by the Township Committee of the Township of Wyckoff that Ordinance No. 1786 be, and the same is hereby adopted, and the Municipal Clerk is hereby authorized and directed to publish the Notice of Final Passage of said Ordinance in the official newspaper for the Township as provided by law.

COMMITTEEMAN BOONSTRA: I move the resolution.

COMMITTEEMAN CAROLAN: Seconded.

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

ORDINANCE #1786

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

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

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

Section 146-36. Smoke-free area.

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

~~B. Notwithstanding the above, smoking~~

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

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

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

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

IV Meeting adjourned 9:20 p.m.

Kevin J. Rooney
Mayor

Joyce C. Santimauro
Municipal Clerk

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