

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE REGULAR BUSINESS MEETING  
SECOND FLOOR MUNICIPAL COURT ROOM  
TUESDAY, JUNE 16, 2015**

**(Rev. 6/16/15)**

**TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE WORK SESSION MEETING  
MUNICIPAL COURT ROOM  
TUESDAY, JUNE 16, 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. Mayor and Municipal Clerk to sign documents
5.
  - a. Finance Committee to review and sign vouchers
  - b. Report of Township Committee
  - c. Report of Administrator
  - d. Report of Attorney
6. Meeting open for the Work Session ten minute total public comment period for any item on or off the agenda. Two (2) minutes per speaker.
7. 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**

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TOWNSHIP OF WYCKOFF  
TOWNSHIP COMMITTEE BUSINESS MEETING  
MUNICIPAL COURT ROOM  
TUESDAY, JUNE 16, 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 Jeff Riley of Powerhouse Christian Church
4. Reading of the "Open Public Meetings Act" statement by Mrs. Santimauro
5. Roll call of the Township Committee
6. Approval of the following Township Committee meeting minutes:

Township Committee Regular Work Session and Regular Business Meeting Minutes from June 1, 2015

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

Township Committee Regular Work Session and Regular Business Meeting Minutes from the Special Meeting of May 31, 2015

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

7. Presentation of letter of appreciation from the Township, t-shirt with the logo from Mayor Rooney, and a Visa gift card from the Wyckoff Chamber of Commerce to the fifth grade student who designed the winning logo for the Mayor's Wellness Challenge.
8. Meeting open for public comment on any item on or off the Agenda; five (5) minutes per speaker
9. Presentation from Wyckoff Girl Scout Troop 94686, Sicomac School "to establish a monarch butterfly way station at the Russell Farm Community Park in order to educate and engage the local community about the plight of the monarch butterfly and the importance of planting native species trees and plants."
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):**

- #15-172 Chapter 159 Acceptance of ANJEC Grant to Plant Garden
- #15-173 Chapter 159 Acceptance of Clean Communities Grant
- #15-174 Payment of Bills
- #15-175 Authorize Lien to Recapture Cost to Abate Property Maintenance Code Violation at 632 Lawlins Avenue Block 230/Lot 22
- #15-176 Authorize Shared Service Agreement

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- #15-177 Return of certain overpaid taxes, escrow monies, rec. fees etc.
- #15-178 Authorize Filing of Declaratory Judgement Application
- #15-C6 NJSA 10:4-12b(7) – Contract Negotiations

**II Motions**

- a. Approve the Special Event Application from Wyckoff Reformed Church for a “Craft Fair/Garage Sale” on October 3, 2015 (rain date October 17) & 10 day temporary signs at 580 Wyckoff Avenue September 27-October 3, 2015.
- b. Authorize the ten day temporary sign request from Family Reach Foundation from September 21-September 27, 2015 advertising their annual “5K and Family Fun Run”, the temporary sign will be located at 353 Franklin Avenue.
- c. Approve the request from Blue Moon to sell hot dogs during the Wyckoff Recreation Men’s Softball league “Mid-Summer Classic All-Star Game” on Memorial Field on June 26, 2015. Proceeds of food sales to benefit charity.
- d. Authorize the Special Event Application from Volunteer Fire Company #2 for their annual “Cigar Night Under the Stars” fundraiser from 6pm to 10pm on June 22, 2015.
- e. Approve the request from the Eastern Christian School for a temporary “Gospel Tent” from July 17-27, 2015.

**III Ordinances – Introductions**

#1775 - AN ORDINANCE TO AMEND CHAPTER 146, “PARKS, PLAYGROUNDS AND RECREATIONAL AREAS,” OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SECTIONS 146-4 “DEFINITIONS” AND 146-11 “DOMESTIC ANIMALS,” TO PROVIDE FOR THE NEWLY IMPROVED PULIS FIELD RECREATIONAL FACILITY

#1776 - AN ORDINANCE SUPPLEMENTING CHAPTER 152 “PROPERTY MAINTENANCE” OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO REGULATE THE MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES

#1777 - AN ORDINANCE TO AMEND CHAPTER 113 “FEES”, TO AMEND SECTION 113-8 “Residential Development Fees”

**Following is the vote on the Consent Agenda:**

MOTION:           SCANLAN           SECOND           JEPSEN            
 BOONSTRA YES CAROLAN YES JEPSEN YES SCANLAN YES  
 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 Wyckoff Girl Scout Troop 94686.

**Invocation**

The Invocation was given by Reverend Jeff Riley of Powerhouse Christian Church.

**Attendance**

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

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

**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."

Approval of the following Township Committee meeting minutes:

Township Committee Regular Work Session and Regular Business Meeting Minutes from June 1, 2015

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

Township Committee Regular Work Session and Regular Business Meeting Minutes from the Special Meeting of May 31, 2015

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

**Presentation**

Presentation of letter of appreciation from the Township, t-shirt with the logo from Mayor Rooney, and a Visa gift card from the Wyckoff Chamber of Commerce to the fifth grade student who designed the winning logo for the Mayor's Wellness Challenge.

**Meeting Open for Public Comment**

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

Mrs. Susan Winton, 80 Logan Lane. Mrs. Winton said she fears that when landscaper's trucks with trailers are parked on residential roads that they pose a danger to the residents and she fears there could be an automobile collision.

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Mrs. Winton also said that she does not want to call Wyckoff's non-emergency police dispatch phone number to report the parked landscape vehicles that she observes, because she is not satisfied with the township's shared service 911 dispatch with Bergen County that is located Mahwah.

Mrs. Sheri Lengyel, 89 Crescent Avenue. Mrs. Lengyel said that everything in town is about the children, what about the senior citizens? Mrs Lengyel went on to say, that with regard to garbage & recycling, first, the town took away grass clipping pick up, now there's no more yard debris pick up. Mrs. Lengyel said she loves kids, but why don't they say "hey, what can I do for you?" Mrs. Lengyel asked the police chief, who was present, when would her letter be answered about Kyle and added "that gets you off the hook a little longer".

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

**Presentation**

Presentation from Wyckoff Girl Scout Troop 94686, Sicomac School "to establish a monarch butterfly way station at the Russell Farm Community Park in order to educate and engage the local community about the plight of the monarch butterfly and the importance of planting native species trees and plants." The Scouts in attendance were: Lilly Wagner, Julia Brickman, Natalie Roska and Maggie Borchek.

**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):**

**#15-172      Chapter 159 Acceptance of ANJEC Grant to Plant Garden**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Wyckoff, County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$1,500.00 which is now available from the 2015 ANJEC; and,

**BE IT FURTHER RESOLVED**, that the like sum of \$1,500.00 is hereby appropriated under the caption 2015 ANJEC; and,

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the 2015 ANJEC in the amount of \$1,500.00.

**#15-173      Chapter 159 Acceptance of Clean Communities Grant**

**WHEREAS**, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item have been made available

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by law and the amount was not determined at the time of the adoption of the budget; and,

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township of Wyckoff, County of Bergen, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$37,610.67, which is now available from the 2015 Clean Communities; and,

**BE IT FURTHER RESOLVED**, that the like sum of \$37,610.67 is hereby appropriated under the caption 2015 Clean Communities; and,

**BE IT FURTHER RESOLVED**, that the above is the result of funds from the 2015 Clean Communities in the amount of \$37,610.67.

**#15-174      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. 13687 – 13719 Payroll A/C, Direct Deposit Vouchers no. 4718 - 4776, Library Payroll check nos. 1147 - 1149, Library Direct Deposit Vouchers no.1230 - 1262, Claims Wire nos. 150604, 150605, 150606, check no. 2185 Dog Trust A/C, Claims check nos. 071688 – 071820 and Voided Claims check no. 071687.

**#15-175      Authorize Lien to Recapture Cost to Abate Property  
Maintenance Code Violation at 632 Lawlins Ave Block 230 Lot  
22**

**WHEREAS**, the residential home and land at 632 Lawlins Road, Block 230/Lot 22 is owned by Alexander Markisz and Edward Markisz; and,

**WHEREAS**, the Township Committee of the Township of Wyckoff has established a property maintenance code known as Chapter 152 of the Code of the Township of Wyckoff; and,

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**WHEREAS**, all the owners of property in the Township of Wyckoff are required to comply with the provisions in Chapter 152 of the Code of the Township of Wyckoff; and,

**WHEREAS**, adjacent property owners and neighbors have brought property maintenance violations to the attention of the Zoning Administrator and the Zoning Administrator has issued an abatement notice in compliance with Chapter 152 to the owner and mortgagee of 632 Lawlins Rd. The Zoning Administrator has attempted to obtain compliance through letters and telephone calls as detailed on the attached certification with the result that the owner and mortgagee have failed to abate the violations enumerated in the abatement notice; and,

**WHEREAS**, the property owner has the duty to remove the violations after notice has been issued; and,

**WHEREAS**, the Zoning Administrator has filed a certification dated June 10, 2015 (attached as if set forth at length) in compliance with Chapter 152 which certifies the cost of \$ 425.00 as the verified charge to abate certain violations; and,

**WHEREAS**, the attached certificate with attachments is presented to the Township Committee for their examination and if found correct, to be charged against the lands upon which the violation existed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey that they have examined the certification dated June 10, 2015 from the Zoning Administrator and find it to be correct and cause the cost of \$ 425.00 to be charged against the land, namely Block 230/Lot 22, known as 632 Lawlins Rd. as a lien on the property for the cost to abate the property maintenance violation.

**BE IT FURTHER RESOLVED**, that the amount of \$ 425.00 charged shall become a lien upon such lands and shall be added to and become, in form, part of the taxes next to be assessed and levied upon Block 230/Lot 22, 632 Lawlins Rd. This amount shall bear interest at the same rate as taxes and shall be collected and enforced by the Tax Collector and in the same manner as taxes.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk shall provide a certified copy of this resolution and certification to the property owner, the Wyckoff Tax Collector, and the Zoning Administrator.

**#15-176      Authorize Shared Service Agreement**

**WHEREAS**, the Township of Wyckoff has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey Bergen County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

**WHEREAS**, the Township of Wyckoff desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the

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Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

**WHEREAS**, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

**WHEREAS**, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

**WHEREAS**, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

**WHEREAS**, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

**WHEREAS**, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

**WHEREAS**, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

**WHEREAS**, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

**WHEREAS**, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

**WHEREAS**, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township Committee of the Township of Wyckoff for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.

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3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer of the Township of Wyckoff and is appended hereto.
4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Wyckoff in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township Committee hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Wyckoff the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township Committee of the Township of Wyckoff will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

**#15-177      Return of certain overpaid taxes. Escrow monies, rec. fees etc.**

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

**RECREATION:**

Sylva Ortiz, 191 Cottage Road, Wyckoff, New Jersey 07481 – Soccer Refund - \$65.00

Annette Cordisco, 340 Sicomac Avenue, Wyckoff, New Jersey 07481 – Summer Camp Refund - \$60.00

Sophia Roughgarden, 459 Victor Way, Wyckoff, New Jersey 07481 – Wake-Up – June Refund - \$50.00

Patty Travers, 165 Greenhaven Road, Wyckoff, New Jersey 07481 – Tennis Refund - \$37.50

Aimee Williams, 422 New York Avenue, Wyckoff, New Jersey 07481 – Duplicate Football Registration - \$210.00

Sandra Steudtner, 107 Storms Drive, Mahwah, New Jersey 07430 – Tennis Refund - \$100.00

Lynn Markarian, 523 Old Post Road, Wyckoff, New Jersey 07481 – Soccer Refund - \$65.00

John Paul, 4128 Kingston Street, Wyckoff, New Jersey 07481 – Tennis Refund - \$37.50

Jeanne Dalie, 47 Wyckoff Avenue, Wyckoff, New Jersey 07481 – Tennis Refund - \$37.50

Jason Stephens, 317 Paul Court, Wyckoff, New Jersey 07481 – Soccer Refund - \$65.00

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Matt Leone, 456 Manchester Way, Wyckoff, New Jersey 07481 - \$40.00

Jennifer Parisi, 2 Neelen Drive, Wyckoff, New Jersey 07481 – Tennis Refund - \$37.50

Jeanette Park, 490 Eisenhower Court, Wyckoff, New Jersey 07481 – Volleyball Clinic Refund - \$30.00

**#15-178      Authorize Filing of Declaratory Judgement Application**

**WHEREAS**, the Planning Board of the Township of Wyckoff did, on December 16, 2008, adopt a revised Third Round Housing Element and Fair Share Plan consistent with the Rules of the New Jersey Council on Affordable Housing (COAH) at N.J.A.C. 5:97-1, *et seq*; and

**WHEREAS**, the Township Committee did, on December 16, 2008, endorse the adopted revised Third Round Housing Element and Fair Share Plan and submit it to COAH along with a Resolution petitioning COAH for substantive certification of the Township's revised Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, COAH's Third Round Rules (at N.J.A.C. 5:96-1, *et seq.* and 5:97-1, *et seq.*) were subsequently invalidated by the Appellate Division in September of 2010, which invalidation was later affirmed by the New Jersey Supreme Court; and

**WHEREAS**, as a result of such invalidation, COAH never completed its review of or certified Wyckoff's revised Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, because of COAH's failure to adopt new, valid Third Round Rules, the New Jersey Supreme Court did, on March 10, 2015, issue an order eliminating the COAH administrative processes authorized by the Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*), with an effective date of June 8, 2015; and

**WHEREAS**, the New Jersey Supreme Court provided in said order that municipalities which had participated in the COAH process by submitting their Third Round Housing Elements and Fair Share Plans to COAH along with a petition for substantive certification but had not yet received substantive certification from COAH would be permitted a period of thirty (30) days beginning on June 8, 2015, within which to file declaratory judgment actions in Superior Court in order to obtain the judicial equivalent of the substantive certifications that they had applied for under N.J.S.A. 52:27D-313, but had not yet received; and

**WHEREAS**, Wyckoff Township is one of the municipalities in the State of New Jersey that petitioned COAH for substantive certification of its Third Round Housing Element and Fair Share Plan but had not yet received substantive certification at the time COAH's 2008 Rules were invalidated in 2010; and

**WHEREAS**, the Township has consistently complied with COAH's requirements, having previously received substantive certification of its prior round Housing Element and Fair Share Plan and an extension of the prior round substantive certification, and having submitted its first Third Round Housing Element and Fair Share Plan to COAH in 2005; and

**WHEREAS**, the Township had been granted a vacant land adjustment as part of the Court's approval of its initial (first round, 1987-1993) Housing Element and Fair Share Plan, reducing its then COAH-assigned 362 unit fair share obligation to 271 units; and

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**WHEREAS**, the 232 unit cumulative first and second round fair share obligation (1987 through 1999) assigned to Wyckoff by COAH in 1993 was less than the 271 unit adjusted first round obligation and could, therefore, be fully addressed; and

**WHEREAS**, in 2008, pursuant to N.J.A.C. 5:97, COAH had calculated Wyckoff's third round "growth share" obligation to be 171 units in addition to a 221 unit prior round obligation and a 36 unit rehabilitation obligation, causing Wyckoff to seek an adjustment in COAH's projection of future growth in Wyckoff as part of its 2008 Third Round Housing Element and Fair Share Plan; and

**WHEREAS**, the Township has continued to protect and administer its existing inventory of affordable housing, most of which was created pursuant to the first and second round Housing Elements and Fair Share Plans and has implemented a number of the proposals contained in the 2008 Third Round Housing Element and Fair Share Plan, including:

1. Undertaking to extend affordability controls on the four (4) family affordable for sale units at Turtle Creek; and
2. Approving the construction of 17 family affordable rental units at Boulder Run (now completed); and
3. Approving the construction of 13 family affordable rental units at Fieldstone Manor (now completed); and
4. Welcoming several special needs group homes owned and operated by Eastern Children's Christian Retreat (housing developmentally disabled adults); and
5. Using its Affordable Housing Committee, which is Wyckoff's affordable housing administrative entity, to review not only any remaining vacant developable sites in the Township but also any potentially redevelopable sites to find suitable locations for new inclusionary residential development in sufficient numbers to satisfy whatever new third round affordable housing obligation is assigned to the Township by the judiciary; and
6. Maintaining an ongoing housing rehabilitation program through Bergen County Community Development; and

**WHEREAS**, the Township Committee recognizes that under the Rules proposed by COAH as N.J.A.C. 5:99, which Rules would have replaced N.J.A.C. 5:97, had they been adopted, the Township's third round fair share obligation would have included a twenty-seven (27) unit Rehabilitation Share, a 176 unit Prior Round Obligation for the period from 1987-1999, and a total Accrued and Prospective Fair Share Obligation for the period from 1999 to 2024 of 257 units, prior to an adjustment based on something called the Buildable Limit and prior to deducting any credits for past affordable housing completions; and

**WHEREAS**, based upon COAH's application of its Buildable Limit along with credits for past affordable housing completions in the proposed but unadopted N.J.A.C. 5:99, Wyckoff's entire unmet prior round obligation and prospective fair share obligation would have been 61 units; and

**WHEREAS**, the Township Committee acknowledges that it is now up to the judiciary to determine statewide and regional affordable housing needs and to allocate such need to the municipalities in the housing region, which may result in a higher or lower obligation than that in the proposed but unadopted N.J.A.C. 5:99; and

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**WHEREAS**, the Township requires time for the Planning Board to revise the previously revised and adopted Third Round Housing Element and Fair Share Plan to eliminate all references to the growth share methodology previously espoused by COAH and to address the obligation assigned to it by the judiciary;

**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 Township Committee hereby authorizes the firm of Landel Bernstein & Kalosieh, LLP, Township Attorneys, to prepare and file a Declaratory Judgment action in the Superior Court of New Jersey, Bergen County, to be accompanied by such exhibits and certifications as deemed necessary and appropriate for the purposes of obtaining temporary immunity from all exclusionary zoning lawsuits so that the Wyckoff Township Planning Board can revise and adopt an amended Third Round Housing Element and Fair Share Plan and the Wyckoff Township Committee can endorse said Plan and submit it to the Superior Court for review and approval as a basis for a Judgment of Compliance and Repose.

2. The Township Committee hereby authorizes Elizabeth C. McKenzie, AICP, PP, Township Planning and Affordable Housing Consultant, to prepare amendments to the 2008 Third Round Housing Element and Fair Share Plan, and to undertake any other studies needed to address the Township's third round fair share obligation, once the extent of that obligation has been determined by the judiciary, which amendments shall be completed within the period of temporary immunity granted by the Superior Court leaving sufficient time for the revised Third Round Housing Element and Fair Share Plan to be adopted and submitted to the Superior Court by the established deadline.

3. The Township Committee hereby authorizes the execution of a Common Defense Agreement with other participating municipalities and the payment of the Township's pro rata share of the costs of retaining Robert Burchell, PhD, to calculate statewide fair share obligations and assign them to municipalities.

4. The Township Committee's hereby authorizes the submission of a copy of this Resolution to the Superior Court, along with a copy of the 2008 Third Round Housing Element and Fair Share Plan and any other materials required by the Superior Court in connection with the Declaratory Judgment action and the Superior Court's review of the Township's Plan.

5. Notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall be simultaneously provided by personal service or certified mailing to: Edward Buzak, Esq., on behalf of the New Jersey League of Municipalities; Jeffrey Surenian, Esq., on behalf of Atlantic Highlands; Stephen Eisdorfer, Esq., on behalf of the New Jersey Builder's Association; Kevin Walsh, Esq., on behalf of Fair Share Housing Center; Jeffrey Kantowitz, Esq., on behalf of Martin and MTAE, Inc.; and Geraldine Callahan, Esq., DAG, on behalf of COAH.

6. Notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall also be simultaneously provided by personal service or certified mailing to: the Bergen, Hudson, Passaic and Sussex County Planning Boards; the clerks of all municipalities within COAH's Housing Region 1; all affordable housing providers serving COAH's Housing Region 1; all landowners and/or contract purchasers included in the amended Housing

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Element and Fair Share Plan and/or offering to construct affordable housing within the Township; and any other parties specifically requesting notice.

7. Notice of the filing of the Declaratory Judgment action and the motion for temporary immunity shall also appear in a newspaper of general circulation throughout the County of Bergen.

8. This Resolution shall take effect immediately.

**#15-C6      NJSA 10:4-12b(7) – Contract Negotiations**

**WHEREAS**, the Township Committee of the Township of Wyckoff is subject to certain requirements of the “Open Public Meetings Act”, N.J.S.A. 10:4-12, et seq.; and,

**WHEREAS**, the “Open Public Meetings Act”, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and,

**WHEREAS**, it was necessary for the Township Committee of the Township of Wyckoff to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

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

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey assembled in public session on June 16, 2015, hereby authorize, that an Executive Session closed to the public shall be conducted on June 16, 2015, in the Town Hall, 340 Franklin Avenue, Wyckoff, New Jersey 07481, for the discussion of matters relating to the specific items designated above.

**BE IT FURTHER RESOLVED**, that the minutes of the said closed session will be made public when the Township Committee of the Township of Wyckoff determines the reason for the minutes to remain closed no longer exists and the Municipal Clerk shall attach to this resolution when completed the Closed Session Meeting Minutes related to the specific items designated above.

**II      Motions**

- a. Approve the Special Event Application from Wyckoff Reformed Church for a “Craft Fair/Garage Sale” on October 3, 2015 (rain date October 17) & 10 day temporary signs at 580 Wyckoff Avenue September 27-October 3, 2015.
- b. Authorize the ten day temporary sign request from Family Reach Foundation from September 21-September 27, 2015 advertising their annual “5K and Family Fun Run”, the temporary sign will be located at 353 Franklin Avenue.
- c. Approve the request from Blue Moon to sell hot dogs during the Wyckoff Recreation Men’s Softball league “Mid-Summer Classic All-Star Game” on Memorial Field on June 26, 2015. Proceeds of food sales to benefit charity.
- d. Authorize the Special Event Application from Volunteer Fire Company #2 for their annual “Cigar Night Under the Stars” fundraiser from 6pm to 10pm on June 22, 2015.

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- e. Approve the request from the Eastern Christian School for a temporary "Gospel Tent" from July 17-27, 2015.

III **Ordinances – Introductions**

**TOWNSHIP OF WYCKOFF  
ORDINANCE #1775**

**AN ORDINANCE TO AMEND CHAPTER 146, "PARKS, PLAYGROUNDS AND RECREATIONAL AREAS," OF THE CODE OF THE TOWNSHIP OF WYCKOFF, SECTIONS 146-4 "DEFINITIONS" AND 146-11 "DOMESTIC ANIMALS," TO PROVIDE FOR THE NEWLY IMPROVED PULIS FIELD RECREATIONAL FACILITY.**

**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," Sections 146-4 "Definitions" and 146-11 "Domestic Animals," is hereby amended as follows:

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

**Section 146-4 Definitions**

**Pulis Field Recreational Facility**

All lands and premises located within the Township of Wyckoff being Lot 7.03, Block 202, as shown and designated on the current Tax Map of the Township of Wyckoff.

**SECTION 2 - Chapter 146 Parks, Playgrounds and Recreational Areas;**

**Section 146-11 Domestic Animals**

- (5) Pulis Field Recreational Facility, being Lot 7.03, Block 202, as shown and designated on the current Tax Map of the Township of Wyckoff except that no dogs shall be permitted on the artificial turf athletic fields.

**SECTION 3** - Except as hereby amended, all other Sections of Chapter 146 shall remain in full force and effect.

**SECTION 4** - This Ordinance shall take effect upon final passage and publication according to law.

**ORDINANCE #1776**

**AN ORDINANCE SUPPLEMENTING CHAPTER 152 "PROPERTY MAINTENANCE" OF THE CODE OF THE TOWNSHIP OF WYCKOFF TO REGULATE THE MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES**

**WHEREAS**, P.L. 2014, c. 35 enables municipalities to adopt ordinances to regulate the care, maintenance, security, and upkeep of the exterior of vacant and abandoned residential properties on which a summons and complaint in an

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action to foreclose has been filed;

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

Section 1. Chapter 152 "Property Maintenance" of the Code of the Township of Wyckoff is hereby supplemented by the addition of the following:

**Section 152-17: Vacant and Abandoned Residential Properties.**

**§ A. Creditor responsible.**

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 a vacant and abandoned residential property. If the creditor is located out-of-State, the creditor shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor. An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided pursuant to N.J.S.A. 46:10B-51 for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

**§ B. Notice of violation.**

The Zoning Officer is authorized to issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the Zoning Officer determines that the creditor has violated this article 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. This issuance of a notice pursuant to this section shall constitute proof that a property is "vacant and abandoned" for the purposes of N.J.S.A. 2A:50-73.

**§ C. Violations and penalties.**

1. An out-of-State creditor subject to the requirements of this article found to be in violation of the requirement to appoint an in-State representative or agent pursuant to this article shall be subject to a fine of \$2,500 for each day of the

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violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in N.J.S.A. 46:10B-51 for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

2. A creditor subject to the requirements of this article found to be in violation of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to this article shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence 31 days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence 11 days following receipt of the notice.
3. No less than 20 percent of any money collected pursuant to this article shall be utilized by the Township for code enforcement purposes.
4. In addition to the violations and penalties provided in Section C, the Zoning Officer may also utilize the provisions in Section 152-12 to remove the violations and to utilize Section 152-12D to collect the cost of removal by establishing a lien upon such lands and the lien shall be added and become, in form, part of the taxes next to be assessed and levied upon such lands. Such amount shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.
5. The collection method for violations and penalties established in Section 152-17 shall be the collection method provided in Section 152-16.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect

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the remaining provisions of this ordinance. The governing body of the Township of Wyckoff declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

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

**ORDINANCE # 1777**

**AN ORDINANCE TO AMEND CHAPTER 113 "FEES", TO AMEND SECTION 113-8 "Residential Development Fees".**

**BE IT ORDAINED**, by the Township Committee of the Township of Wyckoff, County of Bergen, State of New Jersey, that Chapter 113 "Fee" Article II "Development Fees", Section 113-8, "Residential Development Fees" is hereby replaced with the following:

**SECTION 1.            113-8 Residential development fees**

A.     Imposition of Fees

1)     Within the Township of Wyckoff, all residential developers, except for developers of the types of developments specifically exempted below and developers of developments that include affordable housing, shall pay a fee of one and a half percent (1.5%) of the equalized assessed value for ~~all new~~ residential development provided no increased density is permitted. ~~Development fees shall also be imposed and collected when an additional dwelling unit is added to an existing residential structure; in such cases, the fee shall be calculated based on the increase in the equalized assessed value of the property due to the additional dwelling unit.~~

**SECTION 2.            113-8 Residential development fees**

B.     Eligible Exactions, Ineligible Exactions and Exemptions for Residential Developments

~~3)     Improvements or additions to existing one and two family dwellings on individual lots shall not be required to pay a development fee, but a development fee shall be charged for any new dwelling constructed as a replacement for a previously existing dwelling on the same lot that was or will be demolished, unless the owner resided in the previous dwelling for a period of one year or more prior to obtaining a demolition permit. Where a development fee is charged for a replacement dwelling, the development fee shall be calculated on the increase in the equalized assessed value of the new structure as compared to the previous structure.~~

3)     Development fees shall be imposed and collected when an existing structure undergoes a change to a more intense use, is demolished and

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replaced, or is expanded, if the expansion is not otherwise exempt from the development fee requirement. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

**SECTION 3.** Except as hereby amended, all other sections of Chapter 113 "Fees" shall remain in full force and effect.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication as required by law.

**Following is the vote on the Consent Agenda:**

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

**IV** Meeting adjourned 8:13 p.m.

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Kevin J. Rooney  
Mayor

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Joyce C. Santimauro  
Municipal Clerk