

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON DECEMBER 15, 2010**

A Regular Meeting of the Municipal Council of the Borough of Woodland Park was held in the Council Chambers in the Municipal Building, 5 Brophy Lane, on December 15, 2010 and was called to order by Mayor Pat Lepore at 7:08 p.m.

Present: Council President Kazmark, Councilman Spinelli, Councilwoman Gatti Councilman DiDomenico, Councilwoman Pascrell, Councilman Vargas and Mayor Lepore

Absent: None

Albert Buglione, Municipal Attorney, was present.

The Mayor stated in accordance with the Open Public Meetings Law P.L. 1975 c.231, notice requirements for this meeting were set forth in the resolution adopted by the Municipal Council at the Reorganization Meeting of January 6, 2010 detailing the time and place, with notice given to the public by posting a copy thereof on the bulletin board in the Municipal Building and transmitting copies to the Mayor, members of the Council, Officers and to The Herald News.

PRESENTATIONS:

On behalf of the Governing Body, the Mayor presented a plaque to Council President Kazmark in honor of his nine years of service on the Municipal Council.

The Mayor then presented the Council President with a Joint Legislative Resolution from Senator Nia Gill, Assembly Speaker Sheila Oliver and Assemblyman Tom Giblin.

Carmen DePadua, from Congressman Pascrell's office, presented the Council President with a Letter of Recognition on behalf of the Congressman who could not attend this meeting.

Council President Kazmark, Councilman Spinelli and Councilwoman Pascrell presented Certificates to the West Paterson Panther Football Teams, Divisions A, B, C and D, who were winners in the Mayor's Trophy Games.

PUBLIC HEARINGS:

Mayor Lepore opened the meeting to the public and asked if anyone wished to be heard.

Ruth Patterson, 229 New Street, thanked the Borough Administrator for keeping her informed and for moving forward on the redistricting of the Borough for future elections. She then congratulated the Council President and wished him well on his future endeavors.

Scott Easton, 186 Alabama Avenue, Paterson, spoke to the Mayor and Council with regard to the LaRouche Political Action Committee and asked if the Mayor and Council would read the literature which he passed out and consider joining in on the campaign outlined in said literature.

There being no one else wishing to be heard, the Public Hearing was closed.

CONFERENCE COMMITTEE REPORTS:

A. Administration/Finance-Councilwoman Pascrell had no report at this time.

- B. Buildings & Grounds/Public Works-Councilwoman Gatti had no report at this time.
- C. Public Safety-Councilman DiDomenico reported that the Passaic Valley Sewerage Commission sent representatives to the three municipalities who participate in the Passaic Valley Regional Flood Board with regard to cleaning up the Peckman River. He reported that Memorial School students have been involved in this clean-up project and would like to acknowledge them at the January 19th meeting.
- D. Health/Senior Services-Councilman Spinelli reported that the Boys & Girls Club was opened today to our senior citizens and a small luncheon was held for them.
- E. Recreation/Community Relations-Council President Kazmark thanked everyone for the acknowledgements this evening. The Council President reflected on his nine year term as Councilman of the Borough of Woodland Park. He thanked the Mayor and Council, the residents, as well as his family for their continued support throughout his tenure.
- F. Laws/Ordinances-Councilman Vargas had no report at this time.

The Mayor, Council, Borough Attorney and Borough Administrator thanked the Council President for his service for the last nine years and wished him well on his future endeavors.

MINUTES:

Upon Motion by Councilman Spinelli, seconded by Councilwoman Pascrell, and passed on roll call vote, with an abstention on the November 8th, November 29th and December 1st meetings by Councilman Vargas, the Minutes of the Regular Meetings of November 3, 2010, November 24, 2010 and December 1, 2010 as well as the Special Meetings of November 8, 2010 and November 29, 2010 were approved as submitted.

CONSENT AGENDA:

All matters listed under the Consent Agenda are considered to be routine by the Council and will be enacted by one resolution. The items listed herein will be acted upon after having been read. Any item may be removed from the Consent Agenda by the request of any member of the Mayor and Council, and if so removed, will be acted upon as a separate matter.

- A. Resolution R10-329, a resolution authorizing the Borough Tax Attorney to settle the tax appeals of Edward Kloss, 30 Weston Place in accordance with the information set forth in said resolution and authorizing the Tax Collector to credit any tax refund against future taxes owed by Mr. Kloss.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of correspondence from John A. Spizziri, Esq., attorney for Edward Kloss, owner of property located at 30 Weston Place; and

WHEREAS, the above resident filed a tax appeal for the years 2009 and 2010 with the Tax Court of New Jersey; and

WHEREAS, said lands and premises are assessed by the Borough of Woodland Park as follows:

<u>Block 110.24, Lot 23</u>	<u>Tax Year 2009</u>	<u>Tax Year 2010</u>
Land	\$ 85,800.00	\$ 85,800.00
Improvement	<u>\$253,300.00</u>	<u>\$253,300.00</u>
TOTAL ASSESSMENT	\$339,100.00	\$339,100.00

WHEREAS, the plaintiff has agreed to the settlement of his 2009 and 2010 tax appeals on said lands and premises under Docket Nos.: 013942-2009 & 012986-2010 and the plaintiff has agreed to the following assessments for 2009 and 2010:

<u>Block 110.24, Lot 23</u>	<u>Tax Year 2009</u>	<u>Tax Year 2010</u>
Land	\$ 85,800.00	\$ 85,800.00
Improvement	<u>\$204,200.00</u>	<u>\$204,200.00</u>
TOTAL ASSESSMENT	\$290,000.00	\$290,000.00

WHEREAS, the Borough Assessor has agreed that this settlement is a reasonable settlement for the Borough; and

WHEREAS, the settlement figures proposed have been reviewed by the Tax Assessor, Borough's Tax Appraiser and the Tax Counsel for the Borough of Woodland Park; and

WHEREAS, the Borough Appraiser, the Borough Tax Assessor and the Borough Tax Counsel have recommended to the Mayor and Council of the Borough of Woodland Park to accept the terms and conditions of said settlement; and

WHEREAS, by the Mayor and Council's acceptance of this settlement, substantial sums of money will be saved for trial expenses, litigation expenses, attorney fees and appraisal fees for both tax appeals; and

WHEREAS, the plaintiff has agreed to accept a credit against future taxes and to waive any pre-judgment interest for any refund resulting from said settlement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park, that the Borough Assessor and the Borough Tax Attorney are hereby authorized to settle the tax appeals in accordance with the above settlement; and

BE IT FURTHER RESOLVED that any tax refund shall be a credit against future taxes owed by the plaintiff.

B. Resolution R10-330, a resolution approving the application of Daniel Klausner, dba, Danny K's Celebrity Limousine Services, LLC to renew his limousine license based on the recommendation of Felix Esposito.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, are in receipt of an application from Daniel Klausner, dba Danny K's Celebrity Limousine Service, LLC of 279 Browertown Road, Woodland Park, New Jersey, and

WHEREAS, the above named applicant wishes to renew his limousine license and has filed all necessary paperwork with the Municipal Clerk's office in conjunction with Felix Esposito, Construction Code Official, and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, based on the recommendation of Felix Esposito, Construction Code Official, has approved the application of Daniel Klausner, dba, Danny K's Celebrity Limousine Services, LLC to renew his limousine license.

C. Resolution R10-331, a resolution authorizing the Totowa Parent/Teacher Organization, 10 Crews Street, Totowa, New Jersey to hold a Tricky Tray on April 7, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park between the hours of 6:00 and 11:00 p.m.

WHEREAS, Totowa Parent Teacher Organization, 10 Crews Street, Totowa, New Jersey, is seeking approval to conduct a Tricky Tray on April 7, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 6:00 and 11:00 p.m.; and

WHEREAS, the applicant has filed application with Legalized Games of Chance under the state of New Jersey; Regulations (N.J.A.C.13:47-6.4) as well as the Municipal Clerk's office of the Borough of Woodland Park; and

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby give authorization to Totowa Parent Teacher Organization, 10 Crews Street, Totowa, New Jersey, to conduct a Tricky Tray on April 7, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 6:00 and 11:00 p.m.

D. Resolution R10-332, a resolution amending the contract with Jenicar Builders Contractors Co., Inc., 573 Belgrove Drive, Kearny, New Jersey 07032 to an amount not to exceed \$247,151.17 for the reconstruction of Newby Avenue.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, awarded a contract to Jenicar Builders Contractors Co., Inc., 573 Belgrove Drive, Kearny, New Jersey 07032 in an amount not to exceed of \$205,116.37 for the reconstruction of Newby Avenue; and

WHEREAS, this project was funded in the amount of \$281,000.00 by the New Jersey State Department of Transportation for construction and engineering costs; and

WHEREAS, there is the requirement that all grant funds, if they are to be spent, must be spent with the original contractor and no additional contractors may be employed; and

WHEREAS, there was additional curb and sidewalk work that could be accomplished with these funds and the original contractor was willing to do this additional work based on additional sums;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, does hereby amend the contract with Jenicar Builders Contractors Co., Inc., 573 Belgrove Drive, Kearny, New Jersey 07032 to an amount not to exceed of \$247,151.17 for the reconstruction of Newby Avenue.

E. Resolution R10-333, a resolution authorizing the Chief Financial Officer of the Borough of Woodland Park to make budget transfers as listed in this resolution.

WHEREAS, the Borough Council of the Borough of Woodland Park did adopt a budget for the year 2010 in accordance with Municipal Budget Law N.J.S.A. 40A:4 et seq.; and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

WHEREAS, N.J.S.A. 40A:4-58 allows for the transfer of funds among line items of and adopted municipal budget during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that the Chief Financial Officer of the Borough of Woodland Park is hereby authorized to make the transfers as listed on the following schedule among various line items:

December 15, 2010	2010 BUDGET TRANSFERS	OUT	IN
0-01-20-130-130-020	Financial Administration O/E	\$15,241.00	
0-01-20-155-155-020	Legal Services O/E		\$15,000.00
0-01-20-165-165-020	Engineering Services O/E		\$10,000.00
0-01-22-195-200-020	Elevator Inspections		\$3,241.00
0-01-23-210-210-100	Insurance Other Premiums	\$10,000.00	
0-01-25-240-240-010	Police Salaries	\$6,000.00	
0-01-26-30-305-125	Solid Waste Collection	\$13,000.00	
0-01-31-430-430-020	Electric & Gas		\$6,000.00
0-01-43-490-491-010	Municipal Court S/W		\$10,000.00
		\$44,241.00	\$44,241.00

F. Resolution R10-334, a resolution to approve the actions noted in the Consent Agenda, items A. through E., be and are hereby approved and the proper officers are directed to take necessary action on same.

BE IT RESOLVED, by the Mayor and Council of the Borough of Woodland Park, that the actions noted in the Consent Agenda, items A. through E. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

Upon Motion made by Councilman Vargas, and seconded by Councilwoman Gatti, the foregoing resolution was unanimously adopted on roll call vote.

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilwoman Gatti, seconded by Council President Kazmark and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 12/10/10 totaling \$1,914,560.61.

DEPARTMENT REPORTS:

1. Police Report for November, 2010.
2. Fire Prevention Report for November, 2010.
3. Library Report for November 15, 2010.
4. Senior Bus Usage Report for November, 2010.
5. Planning Board Minutes for November 8, 2010.
6. Planning Board Minutes of Executive Session of November 8, 2010.
7. Board of Adjustment Minutes for November 22, 2010.
8. Animal Control Report for November, 2010.
9. Finance Department - Summary Budget Status Report for December 8, 2010.

OLD BUSINESS:

A. Public Hearing on Ordinance No. 10-11 an ordinance to amend Chapter XI of the Ordinances of the Borough of Woodland Park, which is also known as the “Traffic Ordinance”, to create an emergency parking area for use by the West Paterson Fire Department personnel and to create a no parking zone in the vicinity of 1070 McBride Avenue within the Borough of Woodland Park.

Upon a Motion made by Council President Kazmark, seconded by Councilman Spinelli and passed on roll call vote, a public hearing was opened on Ordinance No. 10-11.

With no one wishing to be heard, upon a Motion made by Council President Kazmark, seconded by Councilman Spinelli and passed on roll call vote, the Public Hearing was closed.

B. Resolution R10-328, Adoption of Ordinance 10-11 by the Mayor and Council.

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey desires to adopt an ordinance to amend to amend Chapter XI of the Ordinances of the Borough of Woodland Park, which is also known as the “Traffic Ordinance” to create an emergency parking area for use by the West Paterson Fire Department personnel and to create a no parking zone in the vicinity of 1070 McBride Avenue within the Borough of Woodland Park; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated November 30, 2010, setting the date of December 15, 2010 for the public hearing and consideration for final passage; and

WHEREAS, a copy of the ordinance was posted on the Borough’s official bulletin board and copies were made available to all those desiring same; and

WHEREAS, in compliance with State Statute, a public hearing on the above referenced ordinance was conducted on December 15, 2010 at the regular meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled to amend Chapter XI of the Ordinances of the Borough of Woodland Park, which is also known as the “Traffic Ordinance” to create an emergency parking area for use by the West Paterson Fire Department personnel and to create a no parking zone in the vicinity of 1070 McBride Avenue within the Borough of Woodland Park be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and he is hereby authorized and directed to publish said Ordinances according to law.

By a Motion made by Councilman DiDomenico, seconded by Councilman Spinelli and passed unanimously by roll call vote, Ordinance 10-11 was adopted.

Said Ordinance 10-11 has been written out in the minutes of the November 24, 2010 meeting.

EXECUTIVE SESSION:

BE IT RESOLVED, by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

- Personnel Matters

BE IT FURTHER RESOLVED, that it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination by the Mayor and Council that the public interest will no longer be served by such confidentiality and if not then legally privileged.

Upon Motion made by Councilwoman Gatti, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 8:30 p.m.

Upon the conclusion of the executive session, the Mayor and Council immediately returned to the regular meeting at 10:20 p.m.

There being no further business to come before the Council, upon Motion by Councilman Spinelli, seconded by Councilman DiDomenico and unanimously passed on roll call vote, the meeting was adjourned at 10:25 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Pat Lepore
Mayor