

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON OCTOBER 20, 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 October 20, 2010 and was called to order by Council President Kazmark at 7:00 p.m.

Present: Council President Kazmark, Councilman Spinelli, Councilwoman Gatti Councilman DiDomenico, Councilwoman Pascrell,

Absent: Mayor Lepore and Councilman Vargas

Albert Buglione, Municipal Attorney, was present.

The Council President 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:

A motion to remove Resolution R10-287 from the Consent Agenda, and to vote upon the same as a separate matter, was made by Councilwoman Pascrell, seconded by Councilman Spinelli and unanimously passed by council.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, fully support the West Paterson First Aid Squad; and

WHEREAS, the Mayor and Council recognize that the West Paterson First Aid Squad is able to provide first aid services to the residents of Woodland Park through donations from outside sources;

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, do hereby authorize the making of a sixteen thousand sixty eight (\$16,068.00) dollar contribution, from the 2010 Budget, to the West Paterson First Aid Squad.

A presentation of a check in the amount of \$16,068.00 was made to Andy Dillon on behalf of the West Paterson First Aid Squad.

Certificates were presented to the West Paterson Soccer Association 2010 Championship Team.

PUBLIC HEARINGS:

Council President Kazmark opened the meeting to the public and asked if anyone wished to be heard.

Sanjay Desai, 186 Mt. Pleasant Avenue asked about the following:

1. A clarification of Resolution R10-289
2. A clarification of Resolution R10-291
3. A clarification of Resolution R10-286
4. He questioned why two police officers are just sitting in their cars at Memorial Drive on the corners of Lackawanna and McBride when the schools are opening and closing.

5. He complained about debris on the sidewalk across the street from Memorial School and dead tree limbs that should be taken down and asked why Councilman Spinelli, who is there each day, has not done something about it.
6. He complained about police officers speeding down Mt. Pleasant Avenue.

Don Bender, 34 West 36th Street, feels that the zip code issue is not a dead issue as the Mayor indicated at the last council meeting. He stated that property owners in this municipality are paying higher homeowner's insurance because we are coupled with Little Falls, where extensive flooding occurs, and, therefore, homeowners' insurance is higher. He feels that if we had our own zip code, our homeowners' insurance would go down because we are not connected to Little Falls.

Council President Kazmark told Mr. Bender that although no one on the council did not support our Borough having its own zip code, the post office has denied our request on numerous occasions and there is nothing more this Mayor and Council can do about this situation. Councilman DiDomenico tried to explain to Mr. Bender that this Mayor and Council have many issues within the Borough to deal with and he feels that their efforts, with regard to this matter, would be futile.

Council President Kazmark explained to Mr. Desai the reasoning behind the three resolutions that he questioned. He spoke with regard to the two police officers assigned to Memorial School. He stated that Councilman DiDomenico will reach out to the Chief to discuss Mr. Desai's concerns. The Council President cannot understand how there is speeding by our police officers on Mt. Pleasant Avenue near Mr. Desai's home. He explained to Mr. Desai that because of the speed humps near his home, there shouldn't be any speeding at that point but he will take Mr. Desai's concerns back to the Chief. Councilman Spinelli explained that Mr. Desai is unaware of what is actually occurring at Memorial School with regard to the debris on the sidewalk. He stated that there is no debris on the sidewalk but it is actually on the grass beyond the sidewalk and they will be contacting the owner of that property to clean it up. He also stated that he spoke with Mr. Silverstein, Principal of Memorial School, and the Code Enforcement Officer of the Borough regarding the tree limbs and they are being taken care of.

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

MINUTES:

Upon Motion by Councilman Spinelli, seconded by Councilwoman Gatti, and passed on roll call vote, the Minutes of the Regular Meeting of September 15, October 6 and Minutes from the Executive Session of October 6, 2010 were approved as submitted with an abstention by Councilwoman Gatti on the September 15th meeting.

CONFERENCE COMMITTEE REPORTS:

- A. Administration/Finance-Councilwoman Pascrell stated that the committee is in receipt of the 2009 Auditor's Report and they are sure that the Administrator and his staff will take corrective measures with regard to the auditor's findings.
- B. Buildings & Grounds/Public Works-Councilwoman Gatti had no report at this time.
- C. Public Safety & Laws/Ordinances-Councilman DiDomenico stated that Mr. Buglione is working on a no-parking ordinance along 1030 McBride Avenue. He stated that the West Paterson Fire Department requested that we raise our fees for smoke detector monitors in the borough and the committee will be looking at his proposed fee changes. Councilman DiDomenico stated that the Chief of Police requested that we pass an ordinance turning Memorial Drive into a one-way on a permanent basis. He also stated that the Fire Department

- D. requested a no-parking ordinance from block to block in front of the firehouse on McBride Avenue.
- E. Health/Senior Services-Councilman Spinelli announced that on October 23rd is the Flu Shot Clinic.
- F. Recreation/Community Relations-Council President Kazmark announced that on October 30th is the Annual Halloween Parade. He thanked the Freeholders for their award of \$175,000.00 in Open Space Grant money to be allocated to the on-going improvements in Zaccaria Park, specifically the parking lot. He reminded everyone that Election Day is Tuesday, November 2nd and also reminded the residents of Districts 2 and 5 that they will be voting in Memorial School instead of the Boys and Girls Club.

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 R10-286, a resolution authorizing and directing the Borough’s Qualified Purchasing Agent to dispose of a 2000 Ford Crown Victoria police car through the sealed written quote process in compliance with the New Jersey State Local Public Contracts Law, N.J.S.A. 40A:11-36.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, have identified a certain motor vehicle that is no longer required for the daily operation of the Borough;

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, authorizes and directs the Borough’s Qualified Purchasing Agent to dispose of the below listed motor vehicle through the sealed written quote process in compliance with the New Jersey State Local Public Contracts Law, N.J.S.A. 40A:11-36.

VEHICLE YR/MAKE/MODEL	VIN #	MILEAGE	MINIMUM BID PRICE
2000 Ford Crown Victoria	2FAFP71WXYX110106	115405	\$1,000.00

- B. Resolution R10-287, (voted on previously)**
- C. Resolution R10-288, a resolution declaring the Mayor and Council’s support for the *Over the Limit, Under Arrest 2010 Statewide Crackdown Program* from December 6 through January 2, 2011 and pledging to increase awareness of the dangers of drinking and driving.**

WHEREAS, impaired drivers on our nation’s roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 25% of motor vehicle fatalities in New Jersey are alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the end of the summer season is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the “*Over the Limit, Under Arrest 2010 Statewide Crackdown*”; and

WHEREAS, the project will involve increased impaired driving enforcement from December 6 through January 2, 2011; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey declares it’s support for the *Over the Limit, Under Arrest 2010 Statewide Crackdown* from December 6 through January 2, 2011 and pledges to increase awareness of the dangers of drinking and driving.

D. Resolution R10-289, a resolution ratifying a Settlement Agreement between the Borough of Woodland Park and PBA Local 173 in the matter of payment for mandatory and non-mandatory training performed on an officer’s day off.

WHEREAS, on December 18, 2009, the Borough of Woodland Park and PBA Local 173 entered into a Settlement Agreement relative to Docket No. AR-2010-017, payment for training time on an officer’s day off; and

WHEREAS, the parties have agreed to amicably resolve this matter and to recommend ratification to their respective principles;

NOW, THEREFORE, BE IT RESOLVED that based on the recommendation of Albert Buglione, Esq., the Borough Attorney, the Mayor and Council of the Borough of Woodland Park County of Passaic, State of New Jersey, hereby ratify the Settlement Agreement as spread out below:

AGREEMENT

Borough of West Paterson (Woodland Park)
and
West Paterson (Woodland Park) PBA Local #173
Dkt. #AR-2010-017

The parties have agreed to amicably resolve the above matter for the following terms:

1. Training which is required by the employer (mandatory) on an officer’s day off shall be paid at the overtime rate for all hours attended. Attendance at mandatory training shall commence from the time an officer reports in to the Department for assignment of a police vehicle which will be used to travel to such training, and will end when an officer returns the police vehicle and reports back to the department (clocks out). Payment for mandatory training shall be paid in cash or compensatory time at the option of the officer.
2. Non-mandatory (voluntary) training shall be compensated for at a flat 8 hours of comp-time for each day of training regardless of the amount of time an officer attends such class. An officer will not be required to work after such class ends. Officers will be required to utilize a police vehicle in order to attend voluntary training unless otherwise agreed to.
3. This agreement shall be subject to the parties’ grievance procedure.
4. Arbitrator Treasurer shall retain jurisdiction for a period of one year to address any issues concerning this Agreement’s implementation.

5. This Agreement is subject to ratification by the parties.
6. The parties agree to recommend ratification of this Agreement to their respective principals.

E. Resolution R10-290, a resolution awarding a contract to Reiner Group, Inc., 11-07 River Road, Fair Lawn, NJ, in an amount not to exceed \$23,619.00 for the renovations of the HVAC system in the Boys and Girls Club.

WHEREAS: on October 1, 2010, a written quote was released by the Borough's Qualified Purchasing Agent, with a return date of October 13, 2010, seeking a contractor to renovate the HVAC duct work in the West Paterson Boys and Girls Club on Memorial Drive; and

WHEREAS: the written quote documents were sent to five (5) local qualified contractors, and on October 13, 2010, one (1) response to that written quote was received from Reiner Group, Inc., 11-07 River Road, Fair Lawn, NJ, in the amount of \$23,619.00; and

WHEREAS: the response to the written quote is in total compliance with the specifications in the document;

NOW, THEREFORE, BE IT RESOLVED: that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey do hereby award a contract to Reiner Group, Inc., 11-07 River Road, Fair Lawn, NJ, in an amount not to exceed \$23,619.00 for the renovations of the HVAC system in the Boys and Girls Club.

F. Resolution R10-291, authorizing the Borough Administrator to release the Performance Bond of Capital One Bank in the amount of \$387,234.00 conditioned upon the receipt of a Maintenance Bond in the amount of 15% for a period of two years from the date of this resolution.

WHEREAS, the Mayor and Council of the Borough of Woodland park, County of Passaic and State of New Jersey desire to release the Performance Bond on 305 Browertown Road, Woodland Park, based on the recommendation of Donald Norbut, Woodland Park Borough Engineer; and

WHEREAS, Capital One Bank, 305 Browertown Road, Woodland Park has posted a performance bond in the amount of \$387,234.00; and

WHEREAS, T&M Associates have performed a final site inspection and found that all items have been completed and are acceptable;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby authorize the Borough Administrator to release the Performance Bond of Capital One Bank in the amount of \$387,234.00 conditioned upon the receipt of a Maintenance Bond in the amount of 15% for a period of two years from the date of this resolution.

G. Resolution R10-292, a resolution approving the application of St. Ann Melkite Catholic Church to hold an Off-Premise Calendar Raffle on Jan. 9th, Feb. 6th and March 6th, 2011 at the St. Ann Melkite Catholic Church, 8902 Rifle Camp Road, Woodland Park.

WHEREAS, St. Ann Melkite Catholic Church, 802 Rifle Camp Road, Woodland Park, New Jersey, is seeking approval to conduct an Off-Premise Calendar Raffle on January 9th, February 6th and March 6th, 2011 at the St. Ann Melkite Catholic Church, 802 Rifle Camp Road, Woodland Park, New Jersey at 10:30 a.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 St. Ann Melkite Catholic Church, 802 Rifle Camp Road, Woodland Park, New Jersey to conduct an Off-Premise Calendar Raffle on January 9th, February 6th and March 6th, 2011 at the St. Ann Melkite Catholic Church, 802 Rifle Camp Road, Woodland Park, New Jersey at 10:30 a.m.

H. Resolution R10-293, a resolution requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2010 Budget in the sum of \$4,370.92 – New Jersey Division of Highway Traffic Safety-Over the Limit, Under Arrest.

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

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Woodland Park has received notice of an award of \$4,370.92 from the State of New Jersey, Division of Highway Traffic Safety, Over Limit, Under Arrest Grant, and wishes to amend its Calendar Year 2010 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodland Park, in the County of Passaic, 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 Calendar Year 2010 in the sum of\$4,370.92

Which is now available as an item of revenue from:

- Miscellaneous Revenues:
 - Section F: Special Items of General Revenue Anticipated
 - With Prior Written Consent of Director of Local Government Services – Public and Private Revenues
- Offset with Appropriations:
 - New Jersey Division of Highway Traffic Safety – Over Limit, Under Arrest

BE IT FURTHER RESOLVED that the like sum of\$4,370.92

Be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (A) Operations Excluded from CAPS
 - Public and Private Programs offset by Revenues:
 - New Jersey Division of Highway Traffic Safety – Over Limit, Under Arrest

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

I. Resolution R10-294, a resolution requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2010 Budget in the sum of \$2,471.18 – Department of Justice – Body Armor.

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

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Woodland Park has received notice of an award of \$2,471.18 from the Department of Justice and wishes to amend its Calendar Year 2010 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodland Park, in the County of Passaic, 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 Calendar Year 2010 in the sum of\$2,471.18

Which is now available as an item of revenue from:

- Miscellaneous Revenues:
 - Section F: Special Items of General Revenue Anticipated
 - With Prior Written Consent of Director of Local Government Services – Public and Private Revenues
- Offset with Appropriations:
 - Department of Justice
 - Body Armor

BE IT FURTHER RESOLVED that the like sum of\$2,471.18 Be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (B) Operations Excluded from CAPS
- Public and Private Programs offset by Revenues:
 - Department of Justice
 - Body Armor

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

J. Resolution R10-295, a resolution certifying to the Local Finance Board of the State of New Jersey, that all members of the Governing Body of Woodland Park are in receipt of a copy of the 2009 Annual Audit and have personally reviewed at a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the Group Affidavit attested to by the members of the Governing Body.

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2009 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body

October 20, 2010 222

have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”, and,

WHEREAS, the members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations”, as evidenced by the Group Affidavit Form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Woodland Park hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

K. Resolution R10-296, a resolution canceling the purchase order to JSK Landscaping, 790 Bloomfield Avenue, Clifton, New Jersey in the amount of \$3,972.00.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey awarded a Contract to JSK Landscaping, 790 Bloomfield Avenue, Clifton, New Jersey for trash removal from municipal locations on August 18, 2010; and

WHEREAS, due to the fact that the work was never performed by JSK Landscaping, the contract was cancelled;

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, is hereby canceling the purchase order to JSK Landscaping, 790 Bloomfield Avenue, Clifton, New Jersey in the amount of \$3,972.00.

L. Resolution R10-297, a resolution to approve the actions noted in the Consent Agenda, items A. through K., 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 K., with the exception of item B. which was voted on separately, be and are hereby approved and the proper officers are directed to take the necessary actions on same.

Councilman DiDomenico asked Mr. Buglione, with respect to Resolution R10-289, whether or not the police officers are to obtain permission to take a training course. Mr.

October 20, 2010 223

Buglione told the councilman that all training courses needed to be approved by the Chief and it is also dependant upon budgetary concerns.

Upon Motion made by Councilman Spinelli, 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 Councilman Spinelli, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 10/15/10 totaling \$2,576,184.07.

DEPARTMENT REPORTS:

1. Police Report for September, 2010.
2. Library Report for September 20, 2010
3. Board of Adjustment Minutes for September 23, 2010
4. Finance Dept. - Summary Budget Status Report for October 15, 2010

There being no further business to come before the Council, upon Motion by Councilman Gatti, seconded by Councilman DiDomenico and unanimously passed on roll call vote, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

Nancy Ferrigno
Deputy Municipal Clerk

Pat Lepore
Mayor