

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON DECEMBER 28, 2011**

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 28, 2011 and was called to order by Mayor Pat Lepore at 7:00 p.m.

Present: Council President Spinelli, Councilman Holloway, 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 5, 2011 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.

PUBLIC HEARINGS:

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

Theresa Buhler, 705 Rifle Camp Road, spoke with regard to her desire to have feeding stations for the deer placed in Garrett Mountain Park. She stated that she had gone to the Passaic County Freeholder's Meeting with her idea and was abruptly dismissed by them. However, she stated that she spoke to the Park Manager, Nick Rocco, and Mr. Rocco thought that it was a great idea. One of the Freeholders, she stated, is against the idea and Mrs. Buhler is asking for the Mayor and Council's help in trying to put through these deer feeding stations.

Chief Paul Salomone and members of the West Paterson Fire Department presented Mayor Lepore with a plaque in honor of his years of service to the Borough of Woodland Park.

Chief Anthony Galietti and members of the Woodland Park Police Department presented Mayor Lepore with a plaque in honor of his years of service to the Borough of Woodland Park.

Ruth Patterson, 229 New Street, as well as the Municipal Council, past and present, thanked Mayor Lepore for his years of service to the community.

Council President Spinelli and the members of the Municipal Council presented Mayor Lepore with a plaque in honor of his years of service to the Borough of Woodland Park.

Councilwoman Pascrell read a letter from Congressman Bill Pascrell honoring Mayor Lepore for his years of service to the Borough of Woodland Park.

Councilman Holloway read a Joint Legislative Resolution by Assembly Speaker, Sheila Oliver, Senator Gill and Assemblyman Giblin honoring Mayor Lepore for his years of service to the Borough of Woodland Park.

Jo Ann Mitchell, 159 Jackson Avenue, thanked the Mayor on behalf of the Board of Education for his service to our community.

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

The Mayor thanked the West Paterson Fire Department and Chief Salomone for coming tonight and stated that it was his honor and privilege to serve as Mayor of the Borough of Woodland Park and to work with all of the volunteers in the town. He thanked the Police

Department for their service to the community and expressed his appreciation to Chief Galietti and his entire department. He thanked Mr. Galland for the job he has done as Administrator of the Borough. He thanked all of the individual department heads for doing a great job over the years. He also thanked Mr. Buglione for the job he had done as Borough Attorney. He thanked the Borough employees with a special thanks went to his secretary, Tom Minnella. He thanked his wife, Linda, for her patience and support throughout his years as Mayor.

MAYOR'S REPORT:

He stated that the New Jersey American Water law suit is on-going.

MINUTES:

Upon Motion by Councilwoman Pascrell, seconded by Council President Spinelli, and passed on roll call vote, with an abstention by Councilman Vargas on the December 14, 2011 meeting, the Minutes of the Regular Meeting of November 23, 2011, the Minutes of the Executive Session of November 23, 2011, the Regular Meeting of December 7, 2011 and the Special Meeting of December 14, 2011 were approved as submitted.

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 received a call from Assemblyman Scott Rumana stating that he would be holding a press conference on December 22, 2011 with regard to signing a petition to be presented to the State and Federal Governments urging our State and Federal officials come up with a solution to the chronic flooding of the Passaic River basin. The Assemblyman requested that the link for this issue be put on our web site if the Mayor and Council agreed. The Mayor agreed.
- D. Health/Senior Services-Councilman Holloway had no report at this time.
- E. Recreation/Community Relations-Council President Spinelli had no report at this time.
- F. Laws/Ordinances-Councilman Vargas had no report at this time.

Council President Spinelli thanked the Mayor and Council for giving him the opportunity to serve as this year's Council President.

Mr. Galland thanked the Mayor for giving him the opportunity of working with him for the last six years.

Councilwoman Pascrell thanked the Mayor for all of his help throughout his years as Mayor.

MUNICIPAL ATTORNEY'S REPORT:

Mr. Buglione stated to the Mayor that it was his privilege and honor to serve under him throughout the past years. Mr. Buglione read an excerpt from a Proclamation for the Mayor being inducted into the "Mayor's Hall of Fame" by the State.

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 R11-331, a resolution requesting that the Woodland Park Police Officers enforce Borough Ordinance 08-10, which prohibits smoking in all Woodland Park operated parks, playgrounds, ball fields, athletic facilities, buildings and properties owned or leased by the Borough of Woodland Park; and establishes a no smoking policy in any municipal owned, leased, rented or borrowed vehicles.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey adopted Ordinance 08-10 on September 3, 2008, which prohibited smoking in all Woodland Park operated parks, playgrounds, ball fields, athletic facilities, buildings and properties owned or leased by the Borough of Woodland Park, with the exception of those areas within the above referenced locations which may be identified as “Permitted Smoking Areas” by the Mayor and Council via resolution; and

WHEREAS, the Mayor and Council desire to have this prohibition enforced by the Woodland Park Police Department; and

WHEREAS, the Mayor and Council also desire to establish a no smoking policy in any municipal owned, leased, rented or borrowed vehicles; and

WHEREAS, the Mayor and Council desire to have this no smoking policy in any owned, leased, rented or borrowed vehicles enforced by the Borough’s Department Heads;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby requests that the Woodland Park Police Officers enforce Borough Ordinance 08-10, which prohibits smoking in all Woodland Park operated parks, playgrounds, ball fields, athletic facilities, buildings and properties owned or leased by the Borough of Woodland Park, and

BE IT FURTHER RESOLVED, that the no smoking policy in any municipal owned, leased, rented or borrowed vehicle be implemented with the passage of this resolution; and

BE IT FURTHER RESOLVED, that any employee observed in violation of the no smoking in municipal owned, leased, rented or borrowed vehicles shall be subject to the following progressive disciplinary action: First Offense – warning; Second Offense – written warning; Third Offense – three (3) day suspension; Fourth Offense – employment separation.

- B. Resolution R11-335, a resolution authorizing the Borough Administrator and the Director of Public Works to address the emergency condition with the McBride Avenue Sanitary Sewer Force Main in the most cost effective and efficient manner, securing quotes for work where practicable and making direct purchases without quotes where necessary, in order to assure that there is no environmental impact which might result from this emergency condition.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have determined that an emergency condition exists with the McBride Avenue Sanitary Sewer Force Main; and

WHEREAS, this emergency consists of another collapse of the twenty-four (24) inch sanitary sewer force main in the area of the Spruce Street bridge, Paterson; and

WHEREAS, a section of the force main had collapsed during the recent hurricane and tropical storm which was addressed under an emergency declared by the Governor; and

WHEREAS, on December 12, 2011, the road bed was being milled with the intent to pave over the repair to make the roadway passable for the winter months; and

WHEREAS, during the milling process the sanitary sewer force main collapsed again; and

WHEREAS, it has been determined that the entire length of the force main may be compromised and in need of total replacement across the Spruce Street bridge and possibly further in both directions.

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, authorize the Borough Administrator and the Director of Public Works to address this emergency in the most cost effective and efficient manner, securing quotes for work where practicable and making direct purchases without quotes where necessary, in order to assure that there is no environmental impact which might result from this emergency condition; and

BE IT FURTHER RESOLVED, that funds contained in the 2011 Bond Ordinance for this project be used up to the maximum amount available at the time of expenditure.

C. Resolution R11-337, a resolution, based on the recommendation of Chief Paul Salomone, approving the application of Christopher G. Falone, 70 Newby Avenue, Woodland Park, to become a West Paterson Volunteer Firefighter.

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 Christopher G. Falone, 70 Newby Avenue, Woodland Park, New Jersey and is seeking approval to become a West Paterson Volunteer Firefighter; and

WHEREAS, the above named applicant agrees to comply with all of the rules and regulations of the West Paterson Fire Department and the Borough Ordinances pertaining to the West Paterson Fire Department;

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 Chief Paul Salomone, approves the application of Christopher G. Falone to become a West Paterson Volunteer Firefighter.

D. Resolution R11-338, a resolution approving the application of Corinne Barrett to have a restricted parking zone, with handicapped signs, placed in the front of 8 Irving Place, Woodland Park.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey adopted Ordinance 08-11, on September 3, 2008, permitting disabled residents of the Borough of Woodland Park to apply for a handicapped parking space in the front of their residences; and

WHEREAS, Corinne Barrett, 8 Irving Place, Woodland Park, has applied to the Borough Clerk's Office for such handicapped parking and has complied with all terms of Ordinance 08-11; and

WHEREAS, an investigation was done by the Woodland Park Police Department and has been recommended by Sgt. J. O'Brien;

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby approve Corinne Barrett's application and gives authorization to have a restricted parking zone, with handicapped signs, placed in the front of 8 Irving Place, Woodland Park for the exclusive use of Corinne Barrett.

E. Resolution R11-339, a resolution authorizing the Borough Administrator to have the 2004 Ford Crown Victoria, which is currently owned by the Borough of Woodland Park, transferred to the Board of Education in "as is" condition for the amount of one (\$1.00) dollar.

WHEREAS, the Borough of Woodland Park is the title holder of a 2004 Ford Crown Victoria; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to transfer the title of said 2004 Ford Crown Victoria (VIN #2FAFP71W44X171476) to the Woodland Park Board of Education; and

WHEREAS, the Woodland Park Board of Education will purchase said vehicle, in “as is” condition for the amount of one (\$1.00) dollar;

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 have the 2004 Ford Crown Victoria transferred to the Woodland Park Board of Education in “as is” condition for the amount of one (\$1.00) dollar.

F. Resolution R11-340, a resolution to hold harmless and indemnifying the Honorable Pat Lepore who has served as the Mayor of the Borough of Woodland Park for the periods of: 1/97 to 12/99; 1/03 to 12/05; 1/06 to 12/08; and 1/09 to 12/11, from any and all liability that may arise out of and in the course of the performance of his duty as the duly elected Mayor of the Borough of Woodland Park, formally know as West Paterson.

WHEREAS, through this resolution, the Borough of Woodland Park, hereby agrees to hold harmless and indemnify the Honorable Pat Lepore, who has served as the Mayor of the Borough of Woodland Park for the periods of: 1/97 to 12/99; 1/03 to 12/05; 1/06 to 12/08; and 1/09 to 12/11, from any and all liability that may arise out of and in the course of the performance of his duty as the duly elected Mayor of the Borough of Woodland Park, formally know as West Paterson; and

WHEREAS, this resolution to provide indemnification shall extend not only to the payment of settlements, judgments and compensatory damages, but also to punitive damages, attorneys’ fees, miscellaneous costs of defense and the like, as well as any other costs that may be associated with any claim that is brought against the Honorable Pat Lepore, relative to his duties as the Mayor of the Borough of Woodland Park, formerly know as West Paterson; and

WHEREAS, as a part of this resolution to provide indemnity, Mayor Pat Lepore will have the opportunity to select his own legal counsel to defend against any claim that is brought against him or the Borough for damages, provided that the attorney he selects agrees to accept the fee schedule that has been approved by the Borough of Woodland Park, and that the said attorney is approved by the Borough’s insurance carrier. In the event that there is a disagreement about the appointment of an attorney because of an insurance coverage issue or fee schedule issue, the Borough and/or its insurance carrier will have the right to appoint the said attorney. However, nothing contained herein shall prevent the Honorable Pat Lepore from securing counsel of his own choosing, provided that he does so at his own expense.

If at some point the Mayor Lepore must secure an attorney because the Borough refuses to appoint one (or its insurance carrier refuses to appoint one) he will then be entitled to the payment of attorneys’ fees, after successfully defeating those actions, which is consistent with the Borough’s past practice; and

WHEREAS, this agreement to provide indemnification will extend to any claim or lawsuit presented or filed against Mayor Pat Lepore, arising out of and in the course of the performance of his official duties on behalf of the Borough of Woodland Park (formerly known as West Paterson), whether known or unknown – at this time. This indemnity shall extend to all acts that the Mayor took on behalf of the Borough of Woodland Park which were within the scope of his authority, or believed to be within the scope of his authority. This resolution is being passed as a good faith measure, to maintain the faith and confidence of all of the Borough’s elected officials in performing their duties (and obligations), relative to their positions – without having to fear threats of litigation while performing the same;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Counsel, that this be accepted and approved. Signed and Sealed before me.

G. Resolution R11-341, a resolution authorizing the Chief Financial Officer of the Borough of Woodland Park to cancel the unexpended appropriation of the Current Fund – Stormwater Management in the amount of \$22,000.00.

WHEREAS, the 2011 Current Fund Appropriation Budget contains a line item entitled Stormwater Management with a total appropriation of \$22,000; and

WHEREAS, the unexpended appropriation balance of \$22,000.00 is no longer necessary and is in excess of the requirements for the 2011 Current Fund Budget; and

WHEREAS, the appropriation was listed in the 2011 Budget as follows:

- General Appropriations
 - Operations – Excluded from “CAPS”
 - Unclassified:
 - Stormwater Management

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby authorizing the Chief Financial Officer to cancel the above appropriation balance.

H. Resolution R11-342, a resolution authorizing the Chief Financial Office of the Borough of Woodland Park to cancel the unexpended appropriation of the Current Fund – Group Insurance Cap Exception in the amount of 75,000.00.

WHEREAS, the 2011 Current Fund Appropriation Budget contains a line item entitled Group Insurance Cap Exception with a total appropriation of \$81,427.00; and

WHEREAS, the unexpended appropriation balance of \$75,000.00 is no longer necessary and is in excess of the requirements for the 2011 Current Fund Budget; and

WHEREAS, the appropriation was listed in the 2011 Budget as follows:

- General Appropriations
 - Operations – Excluded from “CAPS”
 - Unclassified:
 - Group Insurance Cap Exception

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby authorizing the Chief Financial Officer to cancel the above appropriation balance.

I. Resolution R11-343, a resolution canceling unexpended balances of the Water Utility Fund and transferring same to surplus totaling \$10,000.00.

WHEREAS, the following Water Utility budget appropriation balances remain unexpended; and

WHEREAS, in accordance with NJSA 40A:4-60 it is necessary to formally cancel said balances so that the unexpended balances may be credited to surplus; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that the listed unexpended balances of the Water Utility Fund shall be canceled and transferred to surplus.

Salary.....	\$10,000.00
Total Transferred to Surplus.....	\$10,000.00

J. Resolution R11-344, a resolution authorizing the Chief Financial Officer of the Borough of Woodland Park to make budget transfers as listed in said resolution.

WHEREAS, the Borough Council of the Borough of Woodland Park did adopt a budget for the year 2011 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 28, 2011	2011 BUDGET TRANSFERS #4	OUT	IN
1-01-20-165-165-020	Engineering Services – O/E		\$5,000.00
1-01-22-195-195-010	Uniform Construction Code – S/W		\$4,500.00
1-01-25-265-270-011	Fire Alarm Systems – S/W		\$1.00
1-01-31-435-435-020	Street Lighting – O/E	\$10,001.00	
1-01-31-440-440-020	Telephone – O/E		\$500.00
		\$10,001.00	\$10,001.00

Councilman DiDomenico asked to pull items A. and F. to be voted on separately.

K. Resolution R11-345, a resolution to approve the actions noted in the Consent Agenda, items B. through E. and items G. through J., 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 B. through E and items G. through J. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

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

Resolution R11-331, a resolution requesting that the Woodland Park Police Officers enforce Borough Ordinance 08-10, which prohibits smoking in all Woodland Park operated parks, playgrounds, ball fields, athletic facilities, buildings and properties owned or leased by the Borough of Woodland Park; and establishes a no smoking policy in any municipal owned, leased, rented or borrowed vehicles.

Councilman DiDomenico asked to delay this resolution in order to identify the exceptions of those areas within the above referenced locations which may be identified as “Permitted Smoking Areas” by the Mayor and Council via resolution. A lengthy discussion was held between Councilman DiDomenico, Chief Galietti, Mr. Galland and the Mayor and Council.

Upon Motion made by Council President Spinelli, and seconded by Councilwoman Gatti, the foregoing resolution was adopted on roll call vote, with a nay vote by Councilman DiDomenico.

Resolution R11-340, a resolution to hold harmless and indemnifying the Honorable Pat Lepore who has served as the Mayor of the Borough of Woodland Park for the periods of: 1/97 to 12/99; 1/03 to 12/05; 1/06 to 12/08; and 1/09 to 12/11, from any and all liability that may arise out of and in the course of the performance of his duty as the duly elected Mayor of the Borough of Woodland Park, formally know as West Paterson.

Councilman DiDomenico asked Mr. Buglione if there is any difference, with respect to indemnification, as to what the Mayor has now and what is in this resolution. Mr. Buglione stated that there are no known claims that they are aware of, new or additional, of punitive damages. The Councilman asked if the Mayor and Council were already indemnified from any charges and if it would extend to the Mayor after he leaves office. Mr. Buglione stated that there are two types of protection: an insurance policy and the municipality covering its elected officials and employees for law suits. He stated that this is a standard resolution used by many other municipalities. A conversation took place between Mr. Buglione and the Mayor and Council.

Upon Motion made by Councilwoman Gatti, and seconded by Councilman Holloway, the foregoing resolution was adopted on roll call vote, with an abstention by Councilman DiDomenico.

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilwoman Pascrell, seconded by Council President Spinelli and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 12/23/11 totaling \$432,555.83.

DEPARTMENT REPORTS:

1. Police Report for November, 2011.
2. Fire Prevention Report for November, 2011.
3. Board of Adjustment Minutes for September 26, 2011.
4. Finance Department - Summary Budget Status Report for Dec. 23, 2011.

OLD BUSINESS:

A. Public Hearing on Ordinance 11-21

Upon a Motion made by Councilwoman Pascrell, seconded by Councilman Holloway and passed on roll call vote, a public hearing was opened on Ordinance No. 11-21.

With no one wishing to be heard, upon a Motion made by Councilwoman Pascrell, seconded by Council President Spinelli and passed on roll call vote, the public hearing was closed.

B. Resolution R11-336, Adoption of Ordinance 11-21 by the Mayor & Council

The Bond Ordinance, the summary terms of which are included herein, has been finally adopted by the Municipal Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, on December 28, 2011, and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available, at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same.

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

Said Ordinance 11-21 has been written out in the Minutes of the December 14, 2011 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:

- o 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 Council President Spinelli, seconded by Councilman Holloway and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 8:51 p.m.

Upon the conclusion of the executive session, a Motion was made by Council President Spinelli and seconded by Councilman Vargas to continue the regular meeting at 9:06 p.m.

Upon Motion made by Council President Spinelli, seconded by Councilwoman Gatti and passed on roll call vote, with an abstention by Councilman DiDomenico, the Mayor and Council passed a resolution to enlist the services of Weber, Dowd Law, LLC to serve as conflict counsel in an employment matter, if required.

There being no further business to come before the Council, upon Motion by Council President Spinelli, seconded by Councilman Vargas and unanimously passed on roll call vote, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Pat Lepore
Mayor