

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON FEBRUARY 2, 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 February 2, 2011 and was called to order by Mayor Pat Lepore at 7:05 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.

PRESENTATIONS:

Certificates were presented to the A and C Cheerleading Squads.

PUBLIC HEARINGS:

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

Maryann Swinarski, 15 Marcellus Avenue commended the DPW workers for doing a “phenomenal job” in clearing the streets of snow during and after the recent snow storms.

Ted Winand, 20 Oak Ridge Road complained about Old Orchard Road and stated that he believes that emergency vehicles will have a difficult time getting to a resident due to the ice that is on the road.

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

The Mayor thanked Mrs. Swinarsky for taking the time to come to the council meeting and commending the DPW workers.

The Mayor stated to Mr. Winand that he would check with George Galbraith and Felix Esposito regarding the icing problem on Old Orchard Road.

MINUTES:

Upon Motion by Councilman Vargas, seconded by Councilwoman Pascrell, and passed on roll call vote, the Minutes of the Regular Meeting of January 19th and the Minutes of the Executive Session of January 19, 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 had no report at this time.
- D. Health/Senior Services-Councilman Holloway had no report at this time.

E. Recreation/Community Relations-Council President Spinelli reminded the senior citizens that the Annual Valentine's Day Dance will be held on February 12, 2011.

F. Laws/Ordinances-Councilman Vargas had no report at this time.

MAYOR'S REPORT:

The Mayor commended the residents for their patience with regard to the snow issue. He thanked everyone for helping each other out during these storms. He reminded the residents not to throw the snow that they are shoveling, back into the street. He also reminded everyone that if they have a fire hydrant in front of their house, it would help the Fire Department if you would shovel out the hydrant.

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 R11-41, a resolution authorizing the use of funds from the Borough's Open Space, Recreation and Historic Preservation Trust Fund, in an amount not to exceed \$10,000.00, to pay for consulting services from Passaic River Coalition, 330 Speedwell Avenue, Morristown, NJ 07960, to file applications on behalf of the Borough to secure grant funding for various projects within the Borough.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have determined that there is a need to hire a consultant to file applications on behalf of the Borough to secure grant funding for various projects within the Borough; and

WHEREAS, the consulting firm of Passaic River Coalition, Warren, NJ has proven their ability to secure such grants for open space and recreation projects; and

WHEREAS, Passaic River Coalition has submitted a proposal which was reviewed by the Mayor and Administrator; and

WHEREAS, funds are available in the Woodland Park Open Space, Recreation and Historic Preservation Trust Fund Account for this type of project; and

WHEREAS, the members of the Borough's Open Space, Recreation and Historic Preservation Trust Fund Committee fully support this work effort and have unanimously recommended to the Mayor and Council that funds from the trust, in an amount not to exceed \$10,000.00, be used for this project;

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 use of funds from the Borough's Open Space, Recreation and Historic Preservation Trust Fund, in an amount not to exceed \$10,000.00, to pay for consulting services from Passaic River Coalition, 330 Speedwell Avenue, Morristown, NJ 07960, to file applications on behalf of the Borough to secure grant funding for various projects within the Borough; and

BE IT FURTHER RESOLVED, that such grant applications will include, but not limited to, the 2011 Passaic County Open Space and Farmland Preservation Trust; New Jersey State Green Acres; New Jersey Historic Trust; and any other opportunity identified by the consultant or the administration of the Borough; and

BE IT FURTHER RESOLVED, that the Mayor and Council authorize the Borough Administrator to execute a contract with Passaic River Coalition, 330 Speedwell Avenue, Morristown, NJ 07960, in an amount not to exceed \$10,000.00.

B. Resolution R11-42, a resolution authorizing the Totowa Parent Teacher Organization, 10 Crews Street, Totowa to conduct an Off-Premise 50/50 Raffle on April 7, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park at 10:00 p.m.

WHEREAS; Totowa Parent Teacher Organization, 10 Crews Street, Totowa, New Jersey, is seeking approval to conduct an Off-Premise 50/50 Raffle on April 7, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey at 10:00 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 an Off-Premise 50/50 Raffle on April 7, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey at 10:00 p.m.

C. Resolution R11-43, a resolution authorizing the use of funds from the Woodland Park Open Space Trust Fund in an amount not to exceed \$8,518.00 for the controlling of the geese population at Memorial Field, Dowling Gardens and Zaccaria Park.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have determined that there is a need to have the geese population controlled at Memorial Field, Dowling Gardens and Zaccaria Park; and

WHEREAS, said geese control can be contracted for an amount not to exceed \$8,518.00; and

WHEREAS, funds are available from Woodland Park Open Space Trust Fund Account for this type of project; and

WHEREAS, a majority of the members of the Borough's Open Space Committee fully support this work effort and have recommended to the Mayor and Council that funds from the trust, in an amount not to exceed \$8,518.00, be used for this endeavor;

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 use of funds from the Woodland Park Open Space Trust Fund in an amount not to exceed \$8,518.00, for the controlling of the geese population at Memorial Field, Dowling Gardens and Zaccaria Park.

D. Resolution R11-44, a resolution awarding a contract to the U S Department of Agriculture, 320 Corporate Boulevard, Robbinsville, New Jersey in an amount not to exceed \$8,518.00 for the controlling of the geese population at Memorial Field, Dowling Gardens and Zaccaria Park.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to control the geese population at Memorial Field, Dowling Gardens and Zaccaria Park; and

WHEREAS, funds are available from the Woodland Park Open Space Trust Fund for this project; and

WHEREAS, this service can be procured without public bidding in compliance with N.J.S.A. 40A:11-5(2);

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 award a contract to United States Department of Agriculture, 320 Corporate Boulevard,

Robbinsville, New Jersey in an amount not to exceed \$8,518.00, for the controlling of the geese population at Memorial Field, Dowling Gardens and Zaccaria Park.

- E. Resolution R11-46, a resolution requesting the State of New Jersey, through the appropriate State Departments, to immediately conduct a study along State Highway Route 23 to determine both long-term and short-term safety improvements and in particular, the portion of Route 23 from 1899 to 2200 Route 23 that encompasses a series of “S” turns.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of Resolution 2011-059 from the Township of West Milford which reads in principal, seeking state intervention to increase safety and public awareness on State Highway Route 23; and

WHEREAS, State Highway Route 23 was established in 1927, running 52.63 miles from Verona New Jersey to the New York State border at Wantage, New Jersey; and

WHEREAS, the County of Passaic has no authority to interfere with the structure, maintenance and/or design of this road which functions are within the purview of various divisions within State government; and

WHEREAS, in the 1960’s the route was planned to be upgraded which plans were cancelled in the 1970’s; and

WHEREAS, in the 1980’s certain portions of State Highway Route 23 were improved expanding certain portions to a six-lane highway; and

WHEREAS, the sections of Route 23 that traverse the Township of West Milford constitute the original route designed prior to 1927 and constructed in accordance with the needs of that time & the construction standards of the day; and

WHEREAS, there is a specific section of State Highway Route 23 encompassing the US postal addresses from 1899 Route 23 to 2200 Route 23 that is of particular concern to the County of Passaic; and

WHEREAS, that particular length of highway comprises a number of “S” turns which may have contributed to higher than average incidences of motor vehicle collisions of varying severity including fatal accidents.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park, in the County of Passaic and State of New Jersey that, in the interests of the residents of Passaic County and residents of surrounding communities who regularly commute on Route 23, and all persons who have cause to operate an automotive conveyance on New Jersey State Highway Route 23, they do hereby request that the State of New Jersey, through the appropriate State departments, immediately conduct a study to determine both long-term and short-term safety improvements along State Highway Route 23 and in particular along that portion of said highway from US postal address 1899 Route 23 to 2200 Route 23 that encompasses a series of “S” turns; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Governor Chris Christie, NJDOT Commissioner James S. Simpson, the sixteen municipalities within Passaic County and the Passaic County Board of Chosen Freeholders seeking their endorsement and support of this request.

- F. Resolution R11-47, a resolution re-appointing Timothy Henderson as the Tax Assessor for the Borough of Woodland Park for the time periods, July 1, 2003 through June 30, 2007; July 1, 2007 through June 30, 2011 and July 1, 2011 through June 30, 2015.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to document for the record, the following, which is based on the official records of the Borough:

WHEREAS, Mr. Ronald Dooney was appointed as the Tax Assessor for the Borough of Woodland Park and retired on September 30, 1997; and

WHEREAS, due to the resignation of Mr. Dooney, Mr. Timothy Henderson was appointed on October 1, 1997 as the Borough's Tax Assessor for the time period through June 30, 1999, which was the balance of Mr. Dooney's four (4) year term in office; and

WHEREAS, Mr. Timothy Henderson was reappointed as the Borough of Woodland Park's Tax Assessor for the time period July 1, 1999 through June 30, 2003, which would be Mr. Henderson's first full four year term; and

WHEREAS, it was the intention of the governing body to reappoint Mr. Timothy Henderson as the Borough of Woodland Park's Tax Assessor for a second full four year term for the time period July 1, 2003 through June 30, 2007; and

WHEREAS, due to an administrative error, this action was never taken;

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, does hereby re-appoint Timothy Henderson for a second full four year term as the Borough's Tax Assessor for the time period July 1, 2003 through June 30, 2007; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, does hereby re-appoint Timothy Henderson for a third full four year term as the Borough's Tax Assessor for the time period July 1, 2007 through June 30, 2011; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, does hereby re-appoint Timothy Henderson for a fourth full four year term as the Borough's Tax Assessor for the time period July 1, 2011 through June 30, 2015; and

G. Resolution R11-48, a resolution authorizing the Tax Collector to refund the total of \$234.95 for the overpayment of taxes to Eileen Gerber, 2 Slate Court, Woodland Park and to adjust the books and records accordingly.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey have been informed by the Tax Collector of the Borough of Woodland Park that an overpayment of taxes, in the amount of \$234.95, was made by Eileen Gerber with reference to, Block 113, Lot 12.01; and

WHEREAS, Eileen Gerber has requested, in writing, that this overpayment be returned to her; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Eileen Gerber;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$234.95 for the overpayment of taxes to Eileen Gerber, 2 Slate Court, Woodland Park, Block 113, Lot 12.01; and

BE IT FURTHER RESOLVED that the books and records of the Tax Collector will be adjusted accordingly.

H. Resolution R11-49 a resolution to approve the actions noted in the Consent Agenda, items A. through G., 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 G. 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.

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilwoman Gatti, seconded by Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of the 2/15/11 and 2/30/11 regular and miscellaneous payrolls estimated at \$190,000.00 each.

Upon Motion made by Councilman Vargas, seconded by Council President Spinelli and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 1/28/11 totaling \$2,989,188.39.

DEPARTMENT REPORTS:

1. Library 2011 Meeting Dates Resolution.
2. Board of Adjustment Minutes for November 29, 2010.
3. Animal Control Report for January, 2011.
4. Finance Department - Summary Budget Status Reports for 01/28/11.

OLD BUSINESS:

Councilwoman Gatti stated that Chief Galietti sent her an e-mail stating that the County could no longer perform the reverse 911 calls. She wanted to know if we are trying to get our own data system. The Mayor stated that we would be joining in with Totowa and Little Falls. A discussion was held between Councilman DiDomenico, Councilwoman Gatti and the Mayor regarding this issue.

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
- o Litigation

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 confidentially and if not then legally privileged.

Upon Motion made by Council President Spinelli, seconded by Councilwoman Gatti and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 7:55 p.m.

Upon the conclusion of the executive session, the Mayor and Council immediately returned to the regular meeting at 9:00 p.m.

There being no further business to come before the Council, upon Motion by Councilman Holloway, seconded by Councilman Vargas and unanimously passed on roll call vote, the meeting was adjourned at 9:05 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Pat Lepore
Mayor