

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON MARCH 16, 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 March 16, 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.

PUBLIC HEARINGS:

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

Maria Poli, 87 Passaic Avenue, spoke with regard to a petition which was signed by 600 residents asking that Mayor Lepore reconsider not running for the office of Mayor in the 2011 election.

The Mayor stated that he was humbled with regard to this petition, but he told Mrs. Poli that because he had already stated that he would not run again, he would keep his word and not do so.

Don Bender, 34 West 36th Street, spoke regarding the floods in Little Falls and the fact that Woodland Park having the same zip code as Little Falls, affects our homeowners' insurance rates.

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

The Mayor suggested to Mr. Bender that he speak to the New Jersey Department of Banking regarding this issue. He stated that this department authorizes the use of zip codes to set insurance rates and any changes to this methodology must come from that agency.

MINUTES:

Upon Motion by Council President Spinelli, seconded by Councilwoman Gatti, and passed on roll call vote, the Minutes of the Regular Meeting of February 16, 2011 and March 2, 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 stated that he spoke with Chief Salomone and the Chief is compiling a report as to response calls, man hours, etc. of the West Paterson Fire Department during the recent floods. He thanked everyone involved for helping during these floods.
- D. Health/Senior Services-Councilman Holloway stated that the St. Patrick's Day Senior Luncheon is now scheduled for March 22nd. He also stated that the Passaic County Sheriff's Department is sponsoring a Senior I.D. Program on May 16th and that applications can be picked up at the Municipal Building. Finally, he stated that he received an e-mail from the Municipal Alliance that on April 13th, they will be sponsoring a presentation to the senior citizens at the Boys & Girls Club with regard to medications and drug interactions.
- E. Recreation/Community Relations-Council President Spinelli stated that they are working on getting everything ready for this year's Summer Camp. Applications will be put on our web site for anyone interested in becoming a camp counselor.
- F. Laws/Ordinances-Councilman Vargas had no report at this time.

MAYOR'S REPORT:

The Mayor spoke about the recent flooding in the Borough. He stated that we are calculating the costs incurred by the Borough with regard to the flooding. He thanked Shop Rite of Little Falls for their donation of water, bleach, gloves and garbage bags as well as the Salvation Army for their donation of sponges, mops, squeegees and cleaners. He stated that he received a message from the Department of Consumers Affairs warning people that all contractors asking to repair your homes after the flood, must have an identification number beginning with the numbers 13VH. The Mayor continued to speak about the floods and the fact that we will be purchasing new detour signs for streets that need to be blocked off. He stated that the Borough will not be putting dumpsters on the streets, but, rather, he asked the residents to put any of their damaged property out on the curb for trash removal on the regular trash pick-up days. The Mayor thanked all of the Borough's emergency services for their help during the floods.

Councilman Holloway announced that the Library is having an open house on March 20, 2011 from 1:00 p.m. to 3:00 p.m. in honor of Bob Lindsley's retirement at the end of March. He encouraged everyone to come out to wish Mr. Lindsley well on his retirement.

Mr. Galland announced that thanks to George Galbraith and the DPW staff, the Boys & Girls Club did not have any flood damage. The Mayor thanked Sheriff Berdnick's office for helping out with the sandbagging issue as well as the Park West Meadows for letting residents park their cars in their parking lot overnight during the flooding. Councilman DiDomenico discussed the issue of purchasing door dams for use at the Boys & 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 R11-65, a resolution approving the Fire Expo and Firematic Flea Market to be held by the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park on April 10, 2011 on Memorial Drive between the hours of 10:00 a.m. and 4:00 p.m. and also waiving the application fee of \$250.00.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey are in receipt of an Outdoor Event Application by the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park, to hold a Fire Expo and Firematic Flea Market; and

WHEREAS, the Fire Expo and Firematic Flea Market will be held on April 10, 2011 on Memorial Drive between the hours of 10:00 a.m. and 4:00 p.m.; and

WHEREAS, the West Paterson Fire Company #3 accepts the conditions under Ordinance 99-16, Section 6-2 Noise; and

WHEREAS, the West Paterson Fire Company #3 is hereby requesting that the fee of \$250.00 for the outdoor event application be waived;

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, hereby approve the Fire Expo and Firematic Flea Market to be held by the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park on April 10, 2011 on Memorial Drive between the hours of 10:00 a.m. and 4:00 p.m.;

BE IT FURTHER RESOLVED that the \$250.00 Outdoor Event Application fee is hereby waived.

B. Resolution R11-66, a resolution approving the Wet Down and Fire Truck Dedication to be held by the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park on June 4, 2011 at 3-5 Garret Mountain Plaza between the hours of 4:00 p.m. and 10:00 p.m. and also waiving the application fee of \$250.00.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey are in receipt of an Outdoor Event Application by the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park, to hold a Wet Down and Fire Truck Dedication; and

WHEREAS, the Wet Down and Fire Truck Dedication will be held on June 4, 2011 at 3-5 Garret Mountain Plaza between the hours of 4:00 p.m. and 10:00 p.m.; and

WHEREAS, the West Paterson Fire Company #3 accepts the conditions under Ordinance 99-16, Section 6-2 Noise; and

WHEREAS, the West Paterson Fire Company #3 is hereby requesting that the fee of \$250.00 for the outdoor event application be waived;

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, hereby approve the Wet Down and Fire Truck Dedication to be held by the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park on June 4, 2011 at 3-5 Garret Mountain Plaza between the hours of 4:00 p.m. and 10:00 p.m.;

BE IT FURTHER RESOLVED that the \$250.00 Outdoor Event Application fee is hereby waived.

C. Resolution R11-67, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the amount of \$134.03 for the payment of taxes, made in error, to Investors Savings Bank 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

March 16, 2011 210

of Woodland Park that an payment of taxes, in the amount of \$134.03, was made in error by Investors Savings Bank with reference to, Block 124, Lot 6.01; and

WHEREAS, Investors Savings Bank remitted the amount of \$134.03 with the incorrect stub for qualifier C0402 which should have been the stub for qualifier C0405; and

WHEREAS, the payment was applied to C0402 instead of C0405; and

WHEREAS, Investors Savings Bank has requested, in writing, that this payment be returned to them; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said payment be made to Investors Savings Bank;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$134.03 for the payment of taxes made in error to Investors Savings Bank; and

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

D. Resolution R11-68, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the amount of \$1,335.97 for the overpayment of taxes to Jeanne M. Brillante, 16 Wilson Avenue, 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 \$1,335.97, was made by Jeanne M. Brillante with reference to, Block 47, Lot 5; and

WHEREAS, Jeanne M. Brillante 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 Jeanne M. Brillante;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$1,335.97 for the overpayment of taxes to Jeanne M. Brillante, 16 Wilson Avenue, Woodland Park, Block 47, Lot 5; and

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

E. Resolution R11-69, a resolution authorizing the Mental Health Association of Essex County, 33 South Fullerton Avenue, Montclair, New Jersey to conduct a Tricky Tray and an On-Premise 50/50 Raffle on May 1, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park between the hours of 5:00 and 9:00 p.m.

WHEREAS, the Mental Health Association of Essex County, 33 South Fullerton Avenue, Montclair, New Jersey, is seeking approval to conduct an Tricky Tray and an On-Premise 50/50 Raffle on May 1, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 and 9:00 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 the Mental Health Association of Essex County, 33 South Fullerton Avenue, Montclair, New Jersey, to conduct a Tricky Tray and an On-Premise 50/50 Raffle on May 1, 2011 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 and 9:00 p.m.

F. Resolution R11-70, a resolution authorizing the Mental Health Association of Passaic County, 404 Clifton Avenue, Clifton, New Jersey to conduct an On-Premise 50/50 Raffle and an Off-Premise Raffle on June 13, 2011 at Berkeley College, 44 Rifle Camp Road, Woodland Park at 6:30 p.m.

WHEREAS, the Mental Health Association of Passaic County, 404 Clifton Avenue, Clifton, New Jersey, is seeking approval to conduct an On-Premise 50/50 Raffle and an Off-Premise Raffle on June 13, 2011 at Berkeley College, 44 Rifle Camp Road, Woodland Park, New Jersey at 6:30 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 the Mental Health Association of Passaic County, 404 Clifton Avenue, Clifton, New Jersey, to conduct an On-Premise 50/50 Raffle and an Off-Premise Raffle on June 13, 2011 at Berkeley College, 44 Rifle Camp Road, Woodland Park, New Jersey at 6:30 p.m.

G. Resolution R11-71, a resolution authorizing the Chief Financial Officer of the Borough of Woodland Park to make budget transfers as listed in this resolution.

WHEREAS, various 2010 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2010 Budget in the last two months of 2010; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey that the transfers in the amount of \$900.00 be made between the 2010 Budget Appropriation Reserves as follows:

	<u>FROM</u>	<u>TO</u>
Financial Administration		
Other Expenses	\$ 900.00	
Unemployment		
Other Expenses		\$ 900.00

H. Resolution R11-72, a resolution approving the application of Joseph J. Lewicki, 29 Wallace Lane, Woodland Park, to become a West Paterson Volunteer Firefighter based on the recommendation of Chief Paul Salomone.

March 16, 2011 212

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 Joseph J. Lewicki, 29 Wallace Lane, 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 Joseph J. Lewicki to become a West Paterson Volunteer Firefighter.

- I. Resolution 11-73, a resolution endorsing the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designating George Galbraith to ensure that the application is properly filed and authorizing that monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.**

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations imposed on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for the 2010 Recycling Tonnage Grant will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough of Woodland Park to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park that the Borough of Woodland Park hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates George Galbraith to ensure that the application is properly filed;

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

J. Resolution 11-74, a resolution certifying a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311.

WHEREAS, the Recycling Enhancement Act, P.L. 2007, Chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, there is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility; and

WHEREAS, whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant monies received by the municipality shall be expended only for its recycling program;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Woodland Park that the Borough of Woodland Park hereby certifies a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311, in 2010 in the amount of \$13,975.05. Documentation supporting this submission is available at 5 Brophy Lane, Woodland Park and shall be maintained for no less than five years from this date.

K. Resolution 11-75, a resolution authorizing JC Promotions and the Woodland Park Recreation Department to hold a Vendor/Craft Fair on March 27th, May 30th and August 14, 2011 from 9:00 a.m. to 5:00 p.m. in the Kearfott Parking Lot on McBride Avenue and waiving the Outdoor Application fee of \$250 and the Flea Market Permit fee of \$100.00.

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 JC Promotions and the Woodland Park Recreation Department, a non-profit organization, to hold a Vendor/Craft Fair on March 27, 2011, May 30, 2011 and August 14, 2011 between the hours of 9:00 a.m. and 5:00 p.m., in the Kearfott Parking Lot on McBride Avenue; and

WHEREAS, the application has been reviewed and found to be in compliance with the application requirements established in Ordinance 09-04 by this Mayor and Council; and

WHEREAS, notification has been made to the Woodland Park Police Department, the West Paterson Fire Department and Code Enforcement officials; and

WHEREAS, a copy of the application and certificate of liability insurance are on file in the Municipal Clerk's office; and

WHEREAS, the application fee of \$250.00 is hereby waived in accordance with Ordinance 09-04 waiving the fee for certified non-profit organizations as well as the Flea Market Permit fee of \$100.00; 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, hereby authorize JC Promotions and the Woodland Park Recreation Department to hold a Vendor/Craft Fair on March 27, 2011, May 30, 2011 and August 14, 2011 from 9:00 a.m. to 5:00 p.m. in the Kearfott Parking Lot on McBride Avenue.

L. Resolution 11-76, a resolution giving consent to DIY Network to shoot a television show, "Man Cave" at 21 Old Rifle Camp Road, Woodland Park from April 6th through April 8, 2011 from 8:00 a.m. to 9:00 p.m.

March 16, 2011 214

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey have received a request from DIY Network to shoot a television show, “Man Cave” on 21 Old Rifle Camp Road, Woodland Park; and

WHEREAS, said shooting will take place from April 6th through April 8th from 8:00 a.m. to 9:00 p.m.; and

WHEREAS, a thirty foot work trailer and thirty foot motor home will be parked on the premises for two nights; and

WHEREAS, the Woodland Park Police Department and West Paterson Fire Department have consented to the shooting of this television show;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park give their consent to DIY Network to shoot a television show, “Man Cave” at 21 Old Rifle Camp Road, Woodland Park from April 6th through April 8, 2011 from 8:00 a.m. to 9:00 p.m.

M. Resolution R11-77 a resolution to approve the actions noted in the Consent Agenda, items A. through L., 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 L. be and are hereby approved and the proper officers are directed to take necessary action on same.

Upon Motion made by Council President Spinelli, and seconded by Councilwoman Pascrell, 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 Pascrell, seconded by Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 03/11/11 totaling \$2,764,903.73.

DEPARTMENT REPORTS:

1. Police Dept. Yearly Chart as of March 3, 2011.
2. Police Report from February, 2011.
3. Planning Board Minutes for February 7, 2011.
4. Planning Board Resolution.
5. Fire Prevention Report for February, 2011.
6. Fire Department Flood Call Summary.
7. Senior Bus Usage Report for February, 2011.
8. Board of Adj. Minutes of Reorganization Meeting of January 24, 2011.
9. Finance Department - Summary Budget Status Report for March 11, 2011.

NEW BUSINESS:

The Mayor appointed the following persons to the Municipal Alliance Against Drug & Alcohol Abuse:

Tom Minnella	Pat Murray
Patricia Murray	Timothy Bargiel
Dave Hermann	Irene Macones
Sam Gencarelli	Rick Mahmood
John Uzzalino	

The Mayor also appointed Pete Renne as Constable.

There being no further business to come before the Council, upon Motion by Council President Spinelli, seconded by Councilwoman Gatti and unanimously passed on roll call vote, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Pat Lepore
Mayor