

**YOUTH MONTH  
BOROUGH OF WOODLAND PARK  
REGULAR MEETING OF THE MUNICIPAL COUNCIL  
HELD ON MAY 4, 2011**

The following were the participants in the 2011 Youth Month Program and acted as Mayor and Council at the May 4, 2011 meeting:

Mark Huby (Mayor Lepore)  
Chelsea Ribeiro (Council President Spinelli)  
Neal Shah (Councilman DiDomenico)  
Lisa Cianci (Councilwoman Gatti)  
Brandon Herrera (Councilwoman Pascrell)  
Haley Monk (Councilman Holloway)  
Adam Agamy (Councilman Vargas)  
Anica Minic (Borough Administrator)  
Tyler Van Riper (Municipal Clerk)  
Sami Eirekat (Borough Attorney)

The following were also participants who filled other municipal positions:

Joe DeNora (Police Chief)  
John Feenan (Fire Chief)  
Omar Ahmed (Borough Treasurer)  
Jaimie Reda (First Aid Squad Captain)  
Hadi Khezam (Superintendent of Schools)  
Valerie Varona (Municipal Court Judge)  
Gianna Barone (Board of Ed. President)  
Jordan Leet (Supt. of Public Works)  
Angela Kitanoska (Library Director)

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 May 4, 2011 and was called to order by Mark Huby (Mayor Pat Lepore) at 7:03 p.m.

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

Absent: Councilman Holloway

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:**

Mark Huby (Mayor Lepore) swore Thomas Adamo in as a member of the Planning Board.

**PUBLIC HEARINGS:**

**2011 Budget**

Steve Wielkotz, Municipal Auditor, stated that the State approved the 2011 Budget late this afternoon. He stated that the total appropriations for 2011 are 1.89% greater than 2010. On the tax levy side, it is approximately a 5% increase. He stated that salary increases were approximately \$129,000.00; a statutory calculation to the library which is approximately \$24,500.00; an increase in pension contributions of \$145,000.00; an increase in health benefits of \$125,000.00. He stated that all other operations of the Borough are down approximately \$232,000.00 from 2010. He announced that the municipal tax increase on a home assessed at \$364,724.00 would be \$39.04. The Mayor stated that this increase is related to the 2011 Budget only; not the revaluation. A lengthy discussion was held between the Mayor and Steve Wielkotz regarding the Budget.

Mayor Lepore opened the meeting to the public and asked if anyone wished to be heard regarding the 2011 Budget only.

Andrew Kemeny, 36 Silicon Drive asked that the Mayor and Council not adopt the 2011 Budget due to the fact that he feels the expenses of the Borough and the tax levy have risen to an excessive amount in his opinion. He compared expenses from the 2007 Budget to expenses from the 2011 Budget. He wants the Mayor to reduce the taxes at Four Seasons at Great Notch and also to reduce the surplus.

Robert Dicker, 10 Zircon Way, asked a number of questions which he submitted a week earlier basically, asking where funds would come from in certain instances such as tax appeals, litigation, etc.

There being no one else wishing to be heard, the Public Hearing on the 2011 Budget was closed.

Kevin Galland, Borough Administrator, responded to all of Mr. Dicker's questions.

Steve Wielkotz, Borough Auditor, gave a lengthy explanation of the issues that were raised by Andrew Kemeny.

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

Judy Volchik, 9 Quartz Way reprimanded the Mayor and Council for the way, she believes, they have treated the residents at Four Seasons at Great Notch.

Gary Zazlav, 3 Silicon Drive, stated that he believes the revaluation is flawed and when the residents of Four Seasons asked that another revaluation be done throughout the Borough, he stated that there was a denial given by the Mayor or no response from the Council at all. He stated that the residents of Four Seasons have undertaken the following course of actions: 1) the residents of Four Seasons will be retaining attorneys to file collective tax appeals; 2) the residents of Four Seasons will be retaining attorneys to commence litigation against the Borough for tax discrimination; 3) the residents of Four Seasons will be retaining attorneys to commence litigation against the Mayor and the members of this Council for delaying the revaluation from 2007 until 2011 resulting in the increase of their taxes; 4) the residents of Four Seasons will be retaining attorneys to investigate a secession from Woodland Park; 5) the residents of Four Seasons will communicate all of their concerns to the County and State officials.

Andrew Kemeny, 36 Silicon Drive spoke for a second time and stated that he was disappointed with the Mayor and Council for not agreeing to cut the taxes at Four Seasons at Great Notch.

Robert Dicker, 10 Zircon Way, spoke again and stated that Four Seasons makes up approximately five percent (5%) of the residents in the Borough yet pays thirteen percent (13%) of the taxes in the Borough. He stated that this Mayor and Council "have gone on a spending spree" because of the rise in the Municipal Budgets over the last four years. He stated that no matter what these residents asked the Mayor and Council to do for them, their response was "no".

Ed Schrobak, 11 Garnet Drive, stated his personal story with regard to not being able to afford the tax increase.

Mitch Becker, 85 Quarry Drive spoke with regard to the increase in the Budget as well as the increase in his taxes.

At this point, the residents of Four Seasons at Great Notch left the meeting.

Don Bender, 34 West 36<sup>th</sup> Street spoke to the Mayor and Council regarding the zip code issue.

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

The Mayor stated that he is disappointed in the residents of Four Seasons for leaving the meeting when they did. The Mayor thanked the eighth graders who participated in Youth Month.

**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 was absent.
- E. Recreation/Community Relations-Council President Spinelli had no report at this time.
- F. Laws/Ordinances-Councilman Vargas had no report at this time.

**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 R11-116, a resolution awarding a Contract to DeYoe, Heissenbuttel & Buglione, LLC to represent the interests of the Borough with regard to Woodland Park v. Little Falls in an amount not to exceed \$15,000.00 to be paid by the legal fees line item in the 2011 Municipal Budget.**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have been advised that the Township of Little Falls is planning to rezone Block 185, Lot 5, located at 363-364 Lackawanna Avenue from B-2 zoning district to the medium density residential district; and

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park desire to award a contract to DeYoe, Heissenbuttel & Buglione, LLC to protect the interests of the Borough in this matter, in an amount not to exceed \$15,000.00, to be paid by the legal fees line item in the 2011 Municipal Budget;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey hereby award a contract to DeYoe, Heissenbuttel & Buglione, LLC to protect the interests of the Borough with

regard to Woodland Park v. Township of Little Falls, in an amount not to exceed \$15,000.00.

**B. Resolution R11-117, a resolution naming Amy Babcock Landry as custodian of petty cash for the Alfred Baumann Free Public Library in place of Robert Lindsley who retired on March 30, 2011.**

**WHEREAS**, N.J.S.A. 40A:5-21 authorizes the establishment of a Petty Cash Fund in any county or municipality by application and resolution; and

**WHEREAS**, by resolution, R11-23, passed at the Reorganization Meeting of the Mayor and Council on January 5, 2011, Robert Lindsley was named custodian of petty cash for the Alfred H. Baumann Free Public Library; and

**WHEREAS**, Robert Lindsley retired on March 30, 2011 and the Mayor and Council need to name a new custodian in his place; and

**WHEREAS**, on April 18, 2011, Amy Babcock Landry was hired to replace Robert Lindsley as Library Director and, therefore, is being named custodian of petty cash for the library and said custodian is bonded for the amount of \$100,000.00 and such custodian shall maintain records for this fund in a manner conducive to proper accounting and auditing procedures;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, hereby name Amy Babcock Landry as custodian of petty cash for the Alfred Baumann Free Public Library;

**BE IT FURTHER RESOLVED** that two copies of this resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

**C. Resolution R11-118, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$22,064.83 for the redemption payment of a lien and premium to M&D Associates, PO Box 196, Hawthorne, New Jersey 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 a lien redemption for taxes, in the amount of \$13,464.83 was made on April 26, 2011; and

**WHEREAS**, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$13,464.83 is to be returned to the lien holder, M&D Associates, PO Box 196, Hawthorne, New Jersey; and

**WHEREAS**, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to M&D Associates;

**WHEREAS**, a premium of \$8,600.00 had also been made by M&D Associates which is to be returned;

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to return the total of \$22,064.83 for the redemption payment of the lien and premium; and

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

**D. Resolution R11-119, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$4,587.00 representing a refund of a tax court judgment, made payable to 365 Tower Ridge Development LLC and forwarded to the law offices of Stern & Kilcullen, LLC on behalf of 365 Tower Ridge Development LLC.**

**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 a Tax Court of New Jersey has issued a judgment for 365 Tower Ridge Development LLC, Block 85, Lot 5-01, Woodland Park; and

**WHEREAS**, the tax court judgment has been received in the Tax Office and, therefore, a check, representing a refund, in the amount of \$4,587.00 is to be made payable to 365 Tower Ridge Development LLC and forwarded to the law offices of Stern & Kilcullen, LLC on behalf of 365 Tower Ridge Development LLC; and

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to return the total of \$4,587.00, representing a refund of a tax court judgment, made payable to 365 Tower Ridge Development LLC and forwarded to the law offices of Stern & Kilcullen, LLC on behalf of 365 Tower Ridge Development LLC; and

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

**E. Resolution R11-120, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$30,292.54 representing a refund of a tax court judgment, made payable to Browertown Realty, Inc. and forwarded to the law offices of McCarter & English, LLP on behalf of Browertown Realty, Inc.**

**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 a Tax Court of New Jersey has issued a judgment for Browertown Realty, Inc., Block 122, Lots 3.08, 3.09 and 3.10, Woodland Park; and

**WHEREAS**, the tax court judgment has been received in the Tax Office and, therefore, a check, representing a refund, in the amount of \$30,292.54 is to be made payable to Browertown Realty, Inc. and forwarded to the law offices of McCarter & English, LLP on behalf of Browertown Realty, Inc.; and

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to return the total of \$30,292.54, representing a refund of a tax court judgment, made payable to Browertown Realty, Inc. and forwarded to the law offices of McCarter & English, LLP on behalf of Browertown Realty, Inc.; and

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

**F. Resolution R11-121, a resolution directing the appropriate administration staff to refund the amount of \$43,350.57 to Capital One Bank, 425 Meadowland Parkway, Secaucus, New Jersey representing a refund of the balance of their escrow account associated with a Performance Bond deposit.**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of a request from Capital One Bank, 425 Meadowlands Parkway, Secaucus, New Jersey for a refund of the balance of their escrow account associated with a Performance Bond deposit; and

May 4, 2011 245

**WHEREAS**, the Mayor and Council are in receipt of a recommendation from Felix Esposito, Code Enforcement Officer to return said escrow to Capital One Bank;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council hereby direct the appropriate administration staff to refund the amount of \$43,350.57 to Capital One Bank, 425 Meadowlands Parkway, Secaucus, New Jersey.

**G. Resolution R11-122, a resolution authorizing the Borough Administrator to issue a bid for the construction of a bike path in the Morris Canal funded by the U.S. Department of Housing and Urban Development in the amount of \$147,000.00 and by the Passaic County Open Space and Farmland Trust in the amount of \$134,060.94;**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to construct a bike path in the Morris Canal starting at the Thomas May Park and ending at Neeser Lane; and

**WHEREAS**, funding for this project shall be provided by the U.S. Department of Housing and Urban Development in the amount of \$147,000.00 and by the Passaic County Open Space and Farmland Trust in the amount of \$134,060.94;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby authorizes the Borough Administrator to issue a bid for the construction of a bike path in the Morris Canal; and

**BE IT FURTHER RESOLVED**, that this bid be numbered 11-01 and be advertised in The Herald News on May 6, 2011 in compliance with New Jersey State Statutes.

**H. Resolution R11-123, a resolution authorizing the West Paterson Fire Co. #3, 357 Rifle Camp Road, to conduct an On-Premise 50/50 Raffle on June 4, 2011 at 3-5 Garrett Mountain Plaza, Woodland Park between the hours of 4:00 p.m. and 10:00 p.m.**

**WHEREAS**, the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park, New Jersey, is seeking approval to conduct an On-Premise 50/50 Raffle on June 4, 2011 at 3-5 Garrett Mountain Plaza, Woodland Park, New Jersey between the hours of 4:00 p.m. and 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 the West Paterson Fire Co. #3, 357 Rifle Camp Road, Woodland Park, New Jersey, to conduct an On-Premise 50/50 Raffle on June 4, 2011 at 3-5 Garrett Mountain Plaza, Woodland Park, New Jersey between the hours of 4:00 p.m. and 10:00 p.m.

**I. Resolution R11-124, a resolution amending Resolution R10-281 to increase the amount of the contract between the Borough of Woodland Park and J.A. Alexander, Inc. for the improvements to McKeown Avenue and Randazzo Lane by \$9,103.17 for a total of an amount not to exceed \$117,000.17 for the work described in the bid document.**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, desire to amend Resolution R10-281 which awarded a Contract for the improvements to McKeown Avenue and Randazzo Lane, Woodland Park to J.A. Alexander, Inc.; and

**WHEREAS**, the Borough's Qualified Purchasing Agent advertised this construction project in compliance with the New Jersey State Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) on September 25, 2010 in the Herald News; and

**WHEREAS**, on October 6, 2010 a contract was awarded to J.A. Alexander, Inc., 130 John F. Kennedy Drive, Bloomfield, New Jersey in an amount not to exceed \$107,897.00 for the work described in the bid document; and

**WHEREAS**, it has become necessary to increase the amount of the contract by an additional \$17,892.25; and

**WHEREAS**, this project will be funded by the Passaic County Community Development Block Grant (\$100,000.00) and the balance will be funded by the Borough's 2009 Bond Ordinance;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, does hereby amend Resolution R10-281 to increase the amount of the contract for the improvements to McKeown Avenue and Randazzo Lane to J.A. Alexander, Inc. by an additional \$17,892.25 for a total of an amount not to exceed of \$125,789.25 for the work described in the bid document and the amount of the change order shall be funded by the Borough's 2009 Bond Ordinance.

**J. Resolution R11-125, a resolution to approve the actions noted in the Consent Agenda, items A. through I. 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 I. 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 Councilman DiDomenico, the foregoing resolution was unanimously adopted on roll call vote.

**COLLECTOR/TREASURER REPORT:**

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilwoman Gatti, seconded by Council President Spinelli and unanimously passed on roll call vote, the Council confirmed the payment of the 05/15/11 and 05/30/11 regular and miscellaneous payrolls estimated at \$190,000.00 each.

Upon Motion made by Councilwoman Gatti, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 04/29/11 totaling \$2,766,828.00.

**DEPARTMENT REPORTS:**

1. Senior Bus Usage Report for April, 2011.
2. Board of Adjustment Minutes & Resolution of Memorialization for 3/28/11.
3. Finance Department - Summary Budget Status Report for April 29, 2011.

**OLD BUSINESS**

**1. Public Hearing on Ordinance No. 11-06**, an Ordinance making the provisions of New Jersey Statutes Annotated: Title 39 and municipal ordinances applicable to all property owned and maintained by the Borough of Woodland Park to enforce parking regulations upon such property.

May 4, 2011 247

Upon a Motion made by Council President Spinelli, seconded by Councilwoman Pascrell and passed on roll call vote, a public hearing was opened on Ordinance No. 11-06.

Harry Carline, 47 Quarry Drive asked if the police had jurisdiction over their community and if so, to what extent. He also asked if they were allowed to give out tickets for occurrences other than handicapped parking and fire lanes. He also asked if the property at Four Seasons is private.

The Mayor told Mr. Carline that the police only have jurisdiction with regard to fire lanes and handicapped parking spots. Mr. Buglione stated that the police cannot give out tickets for parking or speeding; however, "if someone is acting in a dangerous manner with a motor vehicle, they can be charged criminally". The Mayor told him that technically, the property at Four Seasons is private. He stated that if the Association at Four Seasons agreed, all construction was completed and the Supervisor of the Department of Public Works agreed that all construction was complete, only then would the roads become a part of the Borough.

With no one else 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.

## **2. Resolution R11-115, Adoption of Ordinance 11-06 by the Mayor and Council.**

**WHEREAS**, the Borough of Woodland Park, County of Passaic, State of New Jersey desires to adopt Ordinance 11-06 an ordinance making the provisions of New Jersey Statutes Annotated: Title 39 and municipal ordinances applicable to all property owned and maintained by the Borough of Woodland Park to enforce parking regulations upon such property; and

**WHEREAS**, notice of introduction and passage on first reading was published in The Herald News dated April 27, 2011, setting the date of May 4, 2011 for the public hearing and consideration for final passage; and

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

**WHEREAS**, in compliance with State Statute, a public hearing on the above referenced ordinance was conducted on May 4, 2011 at the regular meeting of the Mayor and Council;

**NOW, THEREFORE BE IT RESOLVED**, that Ordinance 11-06, as entitled, be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and he is hereby authorized and directed to publish said Ordinance according to law.

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

There being no further business to come before the Council, upon Motion by Councilman DiDomenico, 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