

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON SEPTEMBER 7, 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 September 7, 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.

MAYOR'S REPORT:

The Mayor discussed the flood damage done to the Borough by Hurricane Irene. He thanked the West Paterson Fire Department, the West Paterson First Aid Squad, the Woodland Park Police Department, Office of Emergency Management members, CERT members, the various restaurants who provided food for the volunteers and all volunteers who had helped with the flooding issue. He also stated that the 911 Ceremony will now be held at the Municipal Building.

PUBLIC HEARINGS:

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

Ruth Patterson, 229 New Street made the Mayor and Council aware of the fact that the water company released water after the storm which rushed down her street into various homes. The water company did not let any of the residents know that this was going to happen. She believes that the water company should let someone in the Borough know if there are going to continue this procedure after storms. She wanted to know if the Mayor knew when the Woodland Park Post Office would be reopening. She thanked the Fire Department, Police Department, First Aid Squad and all of the volunteers who helped during Hurricane Irene.

Don Bender, 34 West 36th Street disputed the contents of the letter that Mr. Galland read to Mr. Bender at the last meeting with regard to the Borough obtaining its own zip code. He once again requested that the Mayor and Council install a speed hump at the end of Mary Avenue. Mr. Bender stated that there are still no crosswalks at the Glover Avenue Bridge and he noticed that there were no handicapped ramps in the curbs by Domino's Pizza.

Keith Kazmark, 160 Highview Drive commended the Borough for their preparedness throughout Hurricane Irene. He stated that we should once again look at the Boys & Girls Club and try to modify the preventative work that we have already done to try to keep flood waters from entering the premises.

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

The Mayor stated that we were not sure if the water had gone over the door dams or if it seeped in through the foundation itself. He said that George Galbraith will look into ways of preventing seepage, if that is the case. The Mayor told Mr. Bender that he will look into the handicapped ramps by Domino's Pizza. He stated that with regard to installing speed humps near his home, he does not believe there is enough traffic in that area to warrant speed humps. The Mayor told Mr. Bender that he would speak to the Chief of Police to have an officer with a radar gun placed in that area for cars that are speeding. With regard to the zip code, Mr. Galland explained to Mr. Bender that we are "hooked in" with Little Falls and every other municipality in Passaic County with the exception of the three major cities as far as our ISO rating is concerned. He explained that even if we had our own zip code, we would still be "hooked in" with these same municipalities and our insurance rates would not change. The Mayor told Ms. Patterson that we will find out when the post office will be reopening. The Mayor stated that he would call Mr. Bella from the Water Commission and advise him that they are to let the Borough know if they intend to release any water during a storm.

MINUTES:

Councilman DiDomenico requested that the Minutes of the Regular Meeting of August 17, 2011 be revised to include the discussion regarding the Public Safety Meeting being advertised to discuss the 1988 Ford L8000 Utility Body for the Fire Department. The Mayor stated that we would amend the Minutes of the Regular Meeting of August 17, 2011 to include a transcript of the conversation involving, according to Councilman DiDomenico, the discussion on the advertising of a Special Committee Meeting.

Councilman DiDomenico objected to the Minutes of the Special Meeting of August 22, 2011. He stated that he believes the Minutes should not state that due to the lack of a quorum, the Special Meeting was cancelled. He believes that these Minutes should include the discussion that was had at the Public Safety Meeting that evening. A lengthy discussion was had between the Mayor, Mr. Galland and Councilman DiDomenico on this issue.

Ultimately, the Minutes of the Regular Meeting of August 17, 2011 and the Minutes of the Special Meeting of August 22, 2011 were tabled pending a revision of the Minutes.

Upon Motion by Council President Spinelli, seconded by Councilwoman Pascrell, with an abstention from Councilman Vargas, and passed on roll call vote, the Minutes of the Executive Session of August 17, 2011 were approved as submitted.

CONFERENCE COMMITTEE REPORTS:

- A. Administration/Finance-Councilwoman Pascrell thanked all the responders for their work during the hurricane. 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 thanked all the responders for their work during the hurricane. He also stated that he spoke with Brian Davenport from the Passaic County Sewer Commission and Mr. Davenport will be in Woodland Park this month looking specifically, where the Peckman River runs into the Passaic River to evaluate what needs to be done to clean out that particular area.
- D. Health/Senior Services-Councilman Holloway asked if the seniors would be able to use the American Legion for their next meeting. A discussion was held with regard to obtaining new chairs for the Boys & Girls Club.

- E. Recreation/Community Relations-Council President Spinelli stated that the 911 Ceremony will be Sunday at 8:30 a.m. in front of the Municipal Building.
- 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 R11-226, a resolution amending Resolution R11-222 changing the date of the Pep-Rally/Bon Fire to Thursday, September 8, 2011 at 6:00 p.m. at Memorial Field.**

Mayor Lepore pulled this resolution.

- B. Resolution R11-227, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the amount of \$11,278.25 to 24 Andrews Drive Associates, LLC and forward same to The Irwin Law Firm, P.A. as attorneys for 24 Andrews Drive Associates, LLC, according to the new assessed value of their property, as a result of a successful tax appeal 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 24 Andrews Drive Associates, LLC, 24 Andrews Drive, Woodland Park, Block 122, Lot 3.01, was successful in their tax appeal for the years 2009 and 2010; and

WHEREAS, 24 Andrews Drive Associates' assessed taxes have been adjusted by the County; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested that a tax refund be made to 24 Andrews Drive Associates, LLC and forwarded to The Irwin Law Firm, P.A. as attorneys for 24 Andrews Drive, in the amount of \$11,378.25 representing the tax appeals for the years 2009 and 2010;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Borough of Woodland Park, be and is hereby authorized to refund the amount of \$11,378.25 to 24 Andrews Drive Associates, LLC and forward the same to The Irwin Law Firm, P.A. as attorneys for 24 Andrews Drive, according to the new assessed value of their property as a result of a successful tax appeal; and

BE IT FURTHER RESOLVED, that the Tax Collector of the Borough of Woodland Park, adjust the books and records accordingly.

- C. Resolution R11-228, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$5,835.00 for the overpayment of taxes to the owners of 65 Rose Place, 24 Haverhill Avenue and 68 Rose Place 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

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of Woodland Park that an overpayment of taxes, in the amount of \$5,835.00, was made by Salvatore and Concetta Cacciola with reference to 65 Rose Place, 24 Haverhill Avenue and 68 Rose Place; and

WHEREAS, Salvatore and Concetta Cacciola have requested, in writing, that this overpayment be returned to them; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Salvatore and Concetta Cacciola;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$5,835.00 for the overpayment of taxes to Salvatore and Concetta Cacciola, with reference to 65 Rose Place, 24 Haverhill Avenue and 68 Rose Place; and

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

D. Resolution R11-229, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$2,346.88 for the overpayment of taxes to Hudson City Savings Bank, W. 80 Century Road, Paramus, New Jersey, with reference to 40 Woodland Drive, Block 124, Lot 6.01 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 \$2,346.88, was made by Hudson City Savings Bank with reference to 40 Woodland Drive, Block 124, Lot 6.01; and

WHEREAS, Hudson City Savings Bank has requested, in writing, that this overpayment be returned to them; and

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

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$2,346.88 for the overpayment of taxes to Hudson City Savings Bank, W. 80 Century Road, Paramus, New Jersey, with reference to 40 Woodland Drive, Block 124, Lot 6.01; and

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

E. Resolution R11-230, a resolution authorizing the Tax Collector of the Borough of Woodland Park to credit the total of \$1,875.65 for the overpayment of taxes on 244 Bergen Boulevard, Block 86, Lot 32, to 244 Bergen Boulevard, Block 86, Lot 28 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 \$1,875.65 was made by FSR, Inc. with regard to 244 Bergen Boulevard, Woodland Park, Block 86, Lot 32; and

WHEREAS, FSR, Inc. has requested, in writing, that this overpayment be credited to Block 86, Lot 28; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a credit of said overpayment be made to Block 86, Lot 28;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to credit the total of \$1,875.65 for the overpayment of taxes to property known as 244 Bergen Boulevard, Block 86, Lot 28; and

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

F. Resolution R11-232, a resolution awarding a contract to Marini Brothers Construction Co., Inc., 9 Lafayette Street, Hackensack, NJ 07601, in an amount not to exceed \$70,000.00 for the resurfacing of the parking lot at Zaccaria Park, in compliance with the bid specifications (11-04) to be funded by the Passaic County Open Space and Farmland Trust.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to secure the services of a contractor for the resurfacing of the parking lot at Zaccaria Park; and

WHEREAS, funds are available from the Passaic County Open Space and Farmland Trust for this project in an amount of \$175,000.00; and

WHEREAS, this project was advertised on August 9, 2011 with a return date of August 26, 2011; and

WHEREAS, on August 26, 2011, nine (9) bids were received with the listed result:

BIDDER	BID	BIDDER	BID
Marini Brothers	\$66,449.00	Halecon Inc.	\$98,619.75
Team Equipment	\$87,607.50	AJM Contracting	\$103,911.25
Jenicar Builders	\$88,885.00	Crossroads Pavement	\$106,701.25
4 Clean Up	\$91,483.25	D&L Paving	\$113,470.00
SCS Contracting	\$91,615.00		

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 Marini Brothers Construction Co., Inc., 9 Lafayette Street, Hackensack, NJ 07601, in an amount not to exceed \$70,000.00 for the resurfacing of the parking lot at Zaccaria Park, in compliance with the bid specifications (11-04) to be funded by the Passaic County Open Space and Farmland Trust.

G. Resolution R11-233, a resolution authorizing the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph, as Lead Agency, for the Borough’s renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016.

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, board of educations and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, the Borough of Woodland Park desires to enter into an Agreement with the MCCPC which is administered by Randolph Township as Lead Agency to renew its membership in the MCCPC for the period of October 1, 2011 to September 30, 2016;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey as follows:

1. The Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2011 pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2011 through September 30, 2016;
2. The Woodland Park Municipal Clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC;
3. This Resolution shall take effect immediately upon final passage according to law;
4. All appropriate Borough of Woodland Park officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

H. Resolution R11-234, a resolution authorizing the Municipal Clerk to issue a business license to Trevi Fine Jewelry, 1001 McBride Avenue, Woodland Park from August 31, 2011 through December 31, 2011 at a yearly license fee of \$500.00 per year to conduct the business of buying and selling second-hand precious metals, gems and jewelry.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of a request for a license by Trevi Fine Jewelry, LLC, 1001 McBride Avenue, Woodland Park to conduct the business of buying and selling second-hand precious metals, gems and jewelry; and

WHEREAS, a police investigation had been completed by Det. Sgt. John Uzzalino according to Ordinance 82-11 for Pasquale Spinoso, the owner of Trevi Fine Jewelry; and

WHEREAS, said investigation has revealed that Mr. Spinoso has met the necessary requirements for a 2011 License for buying and selling second-hand precious metals, gems and jewelry and a recommendation for said license has been given by Det. Sgt. Uzzalino;

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 authorize the Municipal Clerk to issue a business license to Trevi Fine Jewelry from August 31, 2011 through December 31, 2011 at a license fee of \$500.00 per year.

I. Resolution R11-235, a resolution to award a contract to 4 Clean-Up Inc., P.O. Box 5098, North Bergen, NJ 07047 in an amount not to exceed \$190,000.00 for the resurfacing and rehabilitation of Rockland Avenue from Taft Avenue to Squirrelwood Road, in compliance with the bid specifications (11-03) to be funded by the Passaic County Community Development Block Grant.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to secure the services of a contractor for the resurfacing and rehabilitation of Rockland Avenue from Taft Avenue to Squirrelwood Road; and

WHEREAS, funds are available from the Passaic County Community Development Block Grant for this project in an amount of \$242,000.00; and

WHEREAS, the Borough of Woodland Park has been awarded a Passaic County Community Development Block Grant in the amount of two hundred forty two thousand dollars (\$242,000.00) for improvements to Rockland Avenue Street Improvement Project between Squirrelwood Road and Taft Avenue; and

WHEREAS, this project was advertised on August 9, 2011 with a return date of August 26, 2011; and

WHEREAS, on August 26, 2011, seven (7) bids were received with the listed result:

BIDDER	BID	BIDDER	BID
4 Clean Up	\$181,229.50	Cifelli & Son	\$224,565.00
Team Equipment	\$191,794.00	Marini Brothers	\$229,324.00
AJM Contracting	\$193,014.50	D&L Paving	\$296,837.50
Jenicar Builders	\$204,740.00		

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 4 Clean-Up Inc., P.O. Box 5098, North Bergen, NJ 07047 in an amount not to exceed \$190,000.00 for the resurfacing and rehabilitation of Rockland Avenue from Taft Avenue to Squirrelwood Road, in compliance with the bid specifications (11-03) to be funded by the Passaic County Community Development Block Grant.

J. Resolution R11-237, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$35,440.30 for the redemption payment of the lien and premium to Diane Clemente, P.O. Box 514, Lincoln Park, 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 \$19,840.30 was made on August 24, 2011; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$19,840.30 is to be returned to the lien holder, Diane Clemente, P.O. Box 514, Lincoln Park, 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 Diane Clemente;

WHEREAS, a premium of \$15,600.00 had also been made by Diane Clemente which is to be returned;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$35,440.30 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.

K. Resolution R11-238, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$5,256.44 for the overpayment of taxes to the owners of the property 5 Silicon Drive, 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 \$5,256.44, was made by Henning and Irmelin Burlin, 5 Silicon Drive; and

WHEREAS, Henning and Irmelin Burlin have requested, in writing, that this overpayment be returned to them; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Henning and Irmelin Burlin;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$5,256.44 for the overpayment of taxes to Henning and Irmelin Burlin, 5 Silicon Drive, Woodland Park; and

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

L. Resolution R11-239, a resolution authorizing the use of funds from the 2008 Bond Ordinance to pay construction and engineering expenses for the reconstruction of Rockland Avenue from Taft Avenue to Squirrelwood Road.

WHEREAS, on June 18, 2008, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, approved (Resolution R08-137) Bond Ordinance 08-08; and

WHEREAS, said Bond Ordinance provided funding for the resurfacing of the following Borough streets as part of the 2008 Road Resurfacing Program: Alexandra Court; Harrison Court; Millar Avenue; Pershing Place; Virbickas Drive; Weston Place; Pompton Avenue; and Boys and Girls Club parking lot; and

WHEREAS, the Bond Ordinance provides the opportunity, that depending upon the contract price and other exigent circumstances and upon approval by the Municipal Council, there may be additions to or deletions from the list set forth above; and

WHEREAS, the Mayor and Council now desire to add Rockland Avenue (Taft to Squirrelwood) to the list of streets where funds from the 2008 Bond Ordinance may be used for construction and engineering expenses;

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 authorizes the use of funds, from the 2008 Bond Ordinance to pay construction and engineering expenses for the reconstruction of Rockland Avenue from Taft Avenue to Squirrelwood Road.

M. Resolution R11-240, a resolution authorizing the line item realignment of the 2008 Bond Ordinance as listed in the referenced resolution.

WHEREAS, on June 18, 2008, the Mayor and Council of the Borough of Woodland Park adopted Bond Ordinance 08-08 in the amount of \$2,196,435; and

WHEREAS, during the implementation of the various projects, it has been necessary to expend funds in amounts greater than anticipated in certain line items in that Bond

Ordinance, which is permissible as long as the total amount of the bond ordinance is not exceeded; and

WHEREAS; it is necessary to document these expenditures through a resolution; and

WHEREAS; on July 20, 2011, the Mayor and Council did realign the anticipated expenditures in certain line items in the 2008 Bond Ordinance;

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 approve the additional realignment of the 2008 Bond Ordinance as shown in the table below; and

BE IT FURTHER RESOLVED; that the total amount of the 2008 Bond Ordinance in the amount of \$2,196,435 has not been exceeded.

2008 BOND ORD. LINE ITEMS	ORIGINAL ALLOCATION	REVISED ALLOCATION
McBride Ave Sewer Station	125,000.00	125,000.00
Salt Storage Shed	145,500.00	145,500.00
Rose Place & Other Streets	620,000.00	510,000.00
Sanitary Sewer Lines	400,000.00	170,000.00
McBride Sanitary Sewer	122,500.00	322,500.00
Fire Apparatus	150,000.00	150,000.00
Hillside Terrace	50,000.00	50,000.00
Rose Place BB Courts/Security	81,000.00	81,000.00
Computer Equipment	10,000.00	10,000.00
FD/EMS Pagers/Equip.	58,835.00	91,463.00
Equip/Fire Arms	20,000.00	17,372.00
DPW Improvements/Equip.	50,100.00	50,100.00
Zaccaria Park Athletic Field	50,000.00	50,000.00
Section 20 Costs	313,500.00	423,500.00
TOTAL	2,196,435.00	2,196,435.00

N. Resolution R11-241, a resolution approving the purchase (State Contract) of fifty-one pagers for the Fire Department; three pagers for the First Aid Squad and five radios for the Police Department from Royal Communications, 244 East Union Turnpike, Wharton, NJ 07885, in an amount not to exceed \$30,921.30 to be funded from the 2008 Bond Ordinance.

WHEREAS, the Mayor and Council (governing body) of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to purchase fifty-one (51) Minitor 5 Paging Receivers, (1) Channel, Standard Charger, No Stored Voice (model # A04KMS7238—Y53) with Express Service Plan 5 Year for the Fire Department; and

WHEREAS, the governing body desire to purchase three (3) Minitor 5 Paging Receivers, (1) Channel, Standard Charger, No Stored Voice (model # A04KMS7238—Y53) with Express Service Plan 5 Year for the First Aid Squad; and

WHEREAS, the governing body desire to purchase three (3) Motorola HT-750, two (2) Motorola HT-1250, with five (5) speaker microphones, and five (5) extended life batteries for the Police Department; and

WHEREAS; these pagers and radios are available from Royal Communications under New Jersey State Contract (A54382);

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 approve the purchase of fifty-one (51) Minitor 5 Paging Receivers for the Fire Department, three (3) pagers for the First Aid Squad, and five (5) Motorola radios for

the Police Department; from Royal Communications, 244 East Union Turnpike, Wharton, NJ 07885, in an amount not to exceed \$30,931.30 to be funded from the 2008 Bond Ordinance.

O. Resolution R11-243, a resolution requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the Calendar Year 2011 in the sum of \$1,181.11 for the New Jersey Division of Motor Vehicles – Drunk Driving Enforcement Fund.

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

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

WHEREAS, the Borough of Woodland Park has received notice of an award of \$1,181.11 from the State of New Jersey, Division of Motor Vehicles, Drunk Driving Enforcement Fund, and wishes to amend its Calendar Year 2011 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the Calendar Year 2011 in the sum of\$1,181.11

Which is now available as an item of revenue from:

- Miscellaneous Revenues:
 - Section F: Special Items of General Revenue Anticipated
 - With Prior Written Consent of Director of Local Government Services – Public and Private Revenues
- Offset with Appropriations:
 - New Jersey Division of Motor Vehicles – Drunk Driving Enforcement Fund

BE IT FURTHER RESOLVED that the like sum of\$1,181.11

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

- General Appropriations:
 - (A) Operations Excluded from CAPS
 - Public and Private Programs offset by Revenues:
 - New Jersey Division of Motor Vehicles – Drunk Driving Enforcement Fund

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

P. Resolution R11-244, a resolution authorizing the Borough Administrator and the Director of Public Works to address the damage done by Hurricane Irene 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 reduce the environmental impact which might result from this emergency condition; and that costs associated with this emergency shall be charged to the various emergency appropriation accounts to be established by this governing body in the current operating and water utility budgets.

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 throughout the Borough as a result of the damage caused by Hurricane Irene; and

WHEREAS, this emergency consists of damage to the Community Center, failed force main, significant cost for trash removal, damage done to the Borough's parks and recreation fields, sidewalks, manhole damage, water main failure, Peckman River erosion, and other damage;

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 reduce the environmental impact which might result from this emergency condition; and

BE IT FURTHER RESOLVED, that costs associated with this emergency shall be charged to the various emergency appropriation accounts to be established by this governing body in the current operating and water utility budgets.

Q. Resolution R11-245, a resolution in accordance with N.J.S.A. 40A:4-48 that an emergency appropriation be and the same is hereby made for in the amount of \$413,567 for the Current Fund and \$20,000 for the Water Utility Fund; that said emergency shall be provided for in the 2012 Budget and it is requested that it be excluded from the levy cap.

WHEREAS, an emergency has arisen with respect to damages from Hurricane Irene and no adequate provision was made in the 2011 Budget for the aforesaid purpose; and

WHEREAS, N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including the appropriation to be created by this resolution is \$413,567.00 for the Current Fund and \$20,000.00 for the Water Utility Fund and three percent (3%) of the total operations in the Budget for the year is \$448,567.00 for the Current Fund and \$44,317 for the Water Utility Fund;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodland Park, County of Passaic, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48 that:

1. An emergency appropriation be and the same is hereby made for in the amount of \$413,567.00 for the Current Fund and \$20,000 for the Water Utility Fund;
2. That said emergency appropriation shall be provided in full in the 2012 Budget and is requesting to be excluded from levy cap due to declaration of an emergency by the Governor. As an alternative to funding such emergency appropriation in the 2012 Budget, all or a portion of such emergency appropriation may be funded by bond ordinances or special emergency appropriations hereafter adopted.
3. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
4. That two certified copies of this resolution be filed with the Director of Local Government Services.

R. Resolution R11-246, a resolution in accordance with N.J.S.A. 40A:4-49, that the Director of the Division of Local Government Services be

and is hereby petitioned for permission to exceed the statutory limitation of three (3%) percent for the creation of an emergency appropriation for the purposes of damages from Hurricane Irene.

WHEREAS, an emergency has arisen with respect to damages from Hurricane Irene and no adequate provision was made in the 2011 Budget of the aforesaid purpose and N.J.S.A. 40A:4-46 provides for the creation of an emergency appropriation for the purpose above mentioned; and

WHEREAS, the total amount of emergency appropriations created including this appropriation to be created by this resolution is \$386,433.00 and three percent (3%) of the total operations in the Budget for the year 2011 is \$448,567.00; and

WHEREAS, the foregoing appropriation together with prior appropriations exceeds three (3%) percent of the total current appropriations (including utility operating appropriations) in the Budget for 2011;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodland Park, County of Passaic, State of New Jersey (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with N.J.S.A. 40A:4-49, the Director of the Division of Local Government Services is herewith petitioned for permission to exceed the statutory limitation of three (3%) percent for the creation of an emergency appropriation for the purposes stated above in accordance with the following:

5. An emergency appropriation be and the same is hereby made for damages from Hurricane Irene.
6. That the Chief Financial Officer has certified that the expenditures to be financed through this resolution are related to the aforementioned emergency.
7. That said emergency appropriation shall be provided in full in the 2012 Budget and is requesting to be excluded from levy cap due to declaration of an emergency by the Governor. As an alternative to funding such emergency appropriation in the 2012 Budget, all or a portion of such emergency appropriation may be funded by bond ordinances or special emergency appropriations hereafter adopted.
8. That two certified copies of this resolution be filed with the Director of Local Government Services.

S. Resolution R11-248, a resolution authorizing the submission of a grant application for the resurfacing of Overmount Avenue to the New Jersey Department of Transportation and further that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodland Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

WHEREAS, the New Jersey Transportation Trust Fund Authority Act provides for the State to assist municipalities in financing certain road improvements; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park desire to avail themselves of such assistance; and

WHEREAS, the Borough must make application to the Commissioner of Transportation in the form and manner prescribed for such assistance;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as user name: plepore to the New Jersey Department of Transportation on behalf of the Borough of Woodland Park; and

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Woodland Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

T. Resolution R11-247, a resolution to approve the actions noted in the Consent Agenda, items B. through S., 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 S. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

Upon Motion made by Councilwoman Gatti, 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 Gatti, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Council confirmed the payment of the 09/15/11 and 09/30/11 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 09/02/11 totaling \$361,623.05.

DEPARTMENT REPORTS:

1. Police Report for August, 2011.
2. Fire Prevention Report for July, 2011.
3. Finance Department - Summary Budget Status Report for Sept. 5, 2011.

OLD BUSINESS:

A. Public Hearing on Ordinance 11-15

Upon a Motion made by Council President Spinelli, seconded by Councilman Holloway and passed on roll call vote, a public hearing was opened on Ordinance No. 11-15.

George Morgan, 3 Parkside Terrace asked if this ordinance prevented tattoo parlors from opening in the strip mall on Overmount Avenue. Mr. Morgan totally objects to the tattoo parlor from opening in that location.

Mr. Buglione stated that we are currently in litigation with the party who wishes to open the tattoo parlor at the strip mall on Overmount Avenue and because the party applied prior to the ordinance being adopted, it does not apply to him. The Mayor stated that we are trying to regulate the location of tattoo's parlors by adopting this ordinance.

Mr. Morgan suggested that the Mayor and Council adopt an ordinance to prohibit adult book stores, massage parlors, etc. from opening in the Borough.

Robert Feneran, 3 Parkside Terrace, stated his objection to the tattoo parlor opening at the Overmount location. He stated that as a pharmacist, he feels that tattoo parlors are infamous for promoting Hepatitis C and strongly objects to this establishment.

Keith Kazmark, 160 Highview Drive, suggested that the Mayor and Council adopt an ordinance to regulate any adult book stores or sex shops in case someone applies to have one of these stores opened in the Borough in the future.

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Ruth Patterson, 229 New Street, wanted to know what exactly was being regulated with regard to this ordinance. She wanted to know if it was where the business can open or regulation of the business of tattooing itself.

Councilman DiDomenico explained to Ruth Patterson that when the Laws & Ordinance Committee went over this ordinance, they decided to permit tattoo parlors to open in two different commercial locations in town. Due to the fact that there was an application currently pending prior to the ordinance being adopted, the Mayor and Council cannot deny this applicant opening a tattoo parlor in the strip mall on Overmount Avenue.

Mr. Buglione stated that the reason we copied Paterson's ordinance was because we have an Intergovernmental Agreement with Paterson's Health Office. He stated that, going forward, no one will be able to open a tattoo parlor anywhere other than the two commercial zones which are stated in the ordinance. He went on to elaborate on the health standards and issues which are also in the ordinance.

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.

B. Resolution R11-224, Adoption of Ordinance 11-15

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled an Ordinance to Regulate Tattooing and Body Piercing Parlors, Tattooists and Body Piercers within the Borough of Woodland Park; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated August 20, 2011, setting the date of September 7, 2011 for the public hearing and consideration for final passage; and

WHEREAS, copies of the ordinance were posted on the Borough's official bulletin board and copies 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 September 7, 2011 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled an Ordinance to Regulate Tattooing and Body Piercing Parlors, Tattooists and Body Piercers within the Borough of Woodland Park, 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 Ordinances according to law.

Upon Motion made by Councilman Holloway, and seconded by Councilman DiDomenico, the foregoing resolution was unanimously adopted on roll call vote.

Said Ordinance 11-15 has been written out in the Minutes of the July 20, 2011 meeting.

C. Public Hearing on Ordinance 11-16

Upon a Motion made by Councilwoman Gatti, seconded by Councilwoman Pascrell and passed on roll call vote, a public hearing was opened on Ordinance No. 11-16.

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

D. Resolution R11-225, Adoption of Ordinance 11-16

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled an Ordinance making the provisions of N.J.S.A. Title 39 and all of the Borough of Woodland Park's Traffic Ordinances applicable to 1710 Route 46 West, Woodland Park, New Jersey and its roadways, streets, driveways and parking lots by motor vehicles; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated August 20, 2011, setting the date of September 7, 2011 for the public hearing and consideration for final passage; and

WHEREAS, copies of the ordinance were posted on the Borough's official bulletin board and copies 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 September 7, 2011 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled an Ordinance making the provisions of N.J.S.A. Title 39 and all of the Borough of Woodland Park's Traffic Ordinances applicable to 1710 Route 46 West, Woodland Park, New Jersey and its roadways, streets, driveways and parking lots by motor vehicles, 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 Ordinances according to law.

The Mayor asked how we know where the boundary between Little Falls and Woodland Park is in the parking lot. Chief Galietti explained that there is a series of telephone polls from Pizza 46 to McBride Avenue which separate the two towns.

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

Said Ordinance 11-16 has been written out in the Minutes of the July 20, 2011 meeting.

NEW BUSINESS:

Resolution R11-213

WHEREAS; the West Paterson Fire Department has purchased a 2011 Chevrolet Tahoe (VIN # 1GNSK2E02BR309871) to be used by one of the Fire Department's Assistant Chiefs; and

WHEREAS; the West Paterson Fire Department is also in receipt of a donated 1988 Ford truck (VIN # 1FDXR8OUXJVA21654) to be used by Fire House No. 2; and

WHEREAS; the West Paterson Fire Department has requested that the Borough of Woodland Park assumes the responsibility to fuel, insure and maintain these vehicles;

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 authorize the West Paterson Fire Department to fuel these vehicles at the municipality's fuel pumps; that the vehicles shall be carried under the municipality's vehicle insurance policy; and that these vehicles be maintained by Department of Public Works under the supervision of the Department's Superintendent; and

BE IT FURTHER RESOLVED; that these vehicles, and any other vehicles owned by the West Paterson Fire Department, are not considered part of the Borough's fleet of fire

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fighting vehicles and the Borough assumes no responsibility to replace these vehicles if and when they are no longer functional or economically feasible to be repaired.

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

There being no further business to come before the Council, upon Motion by Council President Spinelli, seconded by Councilman Holloway and unanimously passed on roll call vote, the meeting was adjourned at 9:38 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Pat Lepore
Mayor