

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON APRIL 4, 2012**

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 April 4, 2012 and was called to order by Mayor Keith Kazmark at 7:00 p.m.

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

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 4, 2012 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 ON 2012 BUDGET

Upon a Motion made by Councilwoman Pascrell, seconded by Councilman Spinelli and passed on roll call vote, a public hearing was opened with regard to the 2012 Budget.

Vincent DeCesare, 95 Woodrow Avenue, asked where the FEMA money from the storms will be applied.

With no additional residents wishing to be heard, upon a Motion made by Council President Gatti, seconded by Councilman Holloway and passed on roll call vote, the public hearing was closed.

The Mayor told Mr. DeCesare that the Borough has applied for \$650,000.00 worth of reimbursement that we incurred due to the hurricane and subsequent snow storm in 2011. He stated that we only anticipated \$30,400.00 in the Budget which is the amount that we have already received from FEMA. He stated that this Budget was put together as if we were not going to receive any additional money from FEMA although we expect to receive more. He did not want to put the Borough in a position where we would anticipate money that we may not receive.

Resolution R12-114, 2012 Budget to be ready by title only.

WHEREAS, N.J.S. 40A:4-8 provides that the budget be read by title only at the time of public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved Budget, as advertised, has been posted in the Municipal Building, the local public library and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey, that the Budget shall be read by title only.

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

Resolution R12-117, adoption of 2012 Budget.

BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, hereby adopt the 2012 Municipal Budget set forth herein and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$15,105,093.55 for municipal purposes.

SUMMARY OF REVENUES

General Revenues	
Surplus Anticipated	\$ 1,345,000.00
Miscellaneous Revenues Anticipated	1,885,041.55
Receipts from Delinquent Taxes	400,000.00
Minimum Library Tax	585,150.00
Amount To Be Raised By Taxation	10,889,902.00
Total Revenues	\$15,105,093.55

SUMMARY OF APPROPRIATIONS

Within "CAPS"	
Operations Including Contingent	\$9,774,557.00
Deferred Charges and Statutory Expenditures	1,061,329.00
Excluded From "CAPS"	
Operations	1,625,604.55
Capital Improvements	50,000.00
Municipal Debt Service	1,509,385.00
Deferred Charges	374,218.00
Reserve For Uncollected Taxes	710,000.00
Total Appropriations	\$15,105,093.55

Councilman DiDomenico stated that with regard to the anticipated revenues, he asked for clarification on the fact that he was under the impression that we could not anticipate anything more than we realized in the current year. He stated that he noticed a few items where the anticipated for 2012 exceeded what was realized in 2011.

Steven Wielkotz, Borough Auditor, stated that although that is the law, if you receive a payment prior to the introduction of the Budget, such as the Cable TV fee which was greater than the Cable TV fee from last year, then the State allows you to anticipate it in the Budget. A discussion was held on this issue.

Councilman DiDomenico recommended that the budget for the Department of Public Works be cut \$60,000.00 from their salary and wages. A discussion was held between the Mayor and Councilman DiDomenico on this issue.

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

MAYOR'S REPORT:

The Mayor told Don Bender that he was pleased to report that the handicapped ramps on Glover Avenue will be painted as part of the Hillery Street project. The Mayor stated that he received a letter from the Governor's office indicating that we have been awarded \$250,000.00 for the resurfacing and improvements to Overmount Avenue. He is hopeful that this will cover Overmount Avenue from Mt. Pleasant Avenue to Lincoln Lane. With regard to the Board of Education, the Mayor has requested a joint meeting of the Board

of Education and the Governing Body to discuss various issues as part of the Governor's practice check list that we are required to do each year. The Mayor announced that he will be hosting three Town Hall meetings on April 25th, May 7th and May 30th to discuss various topics. He encouraged all residents to participate in these open meetings. The Mayor stated that the County has inspected all the guard rails which were put up on county roads and any replacements needed should be completed within the next thirty to sixty days. He also stated that the County has sent us a quote for the device that the Fire Chief has requested to control the light at the intersection of McBride Avenue and West 35th Street. The Mayor told everyone that we will be conducting a "walk through" of all of the municipal parks to see the conditions of the parks and make recommendations to the Department of Public Works as to what needs to be done to make sure that the parks are up to par. He received correspondence from Senator Menendez indicating that the US Senate has approved a bill to allow municipalities funding to improve sewer and water infrastructure throughout the nation. The Mayor stated that he will be appointing Frank Cappello, Jr. to the Office of Emergency Management as well as Linda Hade to the 2014 Centennial Committee at the Council Meeting on April 18th. The Mayor stated that there was a 911 Memorial Ceremony held at the First Aid Squad on Tuesday, April 3rd recognizing September 11, 2001.

PUBLIC HEARING:

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

Vincent DeCesare, 95 Woodrow Avenue, commended the DPW on keeping the municipality very clean.

Chief Anthony Galietti, Woodland Park Police Department, stated that he believes the "Assistant Superintendent" is needed at the DPW and has been doing a great job.

Sanjay Desai, 186 Mt. Pleasant Avenue, stated that he believes the "Assistant Superintendent" of the DPW should be someone who is certified for that position. Mr. Desai objected to the reverse 911 calls to his home. He believes that it is an invasion of privacy. He also complained about the police cars blowing their sirens when they are going down the streets. He then complained about police officers driving their cars while on their cell phones. Mr. Desai also complained that the Police Department, in his opinion, is giving out too many tickets. He told the Mayor that the area at the intersection of Rifle Camp Road and Route 46 should be purchased by the Borough because it does not look good with the trees all cut down.

Don Bender, 34 West 36th Street, asked whether or not the Mayor spoke to Congressman Frelinghuysen. Mr. Bender spoke to the Mayor and Council regarding getting Woodland Park their own zip code. He suggested litigation against Little Falls and the Post Office.

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

The Mayor told Mr. DeCesare that he agreed with him that the public areas in town, as well as the parks, have looked better than they have in a long time. The Mayor stated that he agreed to fill the "middle management position" at the DPW upon the recommendation of the Department Head. The Mayor told Mr. Desai that there are other individuals with licenses that can handle emergencies if George Galbraith is out of town. The Mayor responded to Mr. Desai's concern regarding the reverse 911 calls by stating that in the event of an emergency, the Borough wants to be able to communicate with the residents as soon as possible. The Mayor agreed with Mr. Desai with reference to the property on Rifle Camp Road near Route 46. The Mayor stated that he would consider attaining the property through Open Space if we were permitted to do so. The Mayor told Mr. Bender that he will be meeting with Congressman Frelinghuysen at the end of this month. The Mayor stated that he would rather meet with our new Congressman before he broaches the subject of litigation.

MINUTES:

Upon Motion by Councilman Holloway, seconded by Council President Gatti, and passed on roll call vote, the Minutes of the Executive Session of March 7, 2012 and the Regular Meeting of March 21, 2012 were approved as submitted.

CONFERENCE COMMITTEE REPORTS:

- A. Administration & Finance – Council President Gatti had no report at this time.
- B. Buildings & Grounds/Public Works – Councilman DiDomenico reported that his committee spoke about the Mt. Pleasant Avenue rehabilitation specifically, with regard to guardrails that need to be replaced or fixed. He stated that the New Jersey Dept. of Transportation has advised the Borough that we would be receiving \$250,000.00 for the resurfacing of Overmount Avenue from Mt. Pleasant Avenue to Lincoln Lane. He advised the Mayor that the committee spoke about the emergency with the sewer line running parallel on McBride Avenue at the Peckman River.
- C. Public Safety – Councilman Vargas stated that his committee met on Monday and told the Mayor that the Fire Department is looking into signage for the homes on Squirrelwood Road. He also stated that the Fire Department spoke to American Water with regard to the water flow issues.
- D. Health & Senior Services – Councilman Spinelli announced that April 11th will be a luncheon for senior citizens given by the Municipal Alliance.
- E. Recreation & Community Relations – Councilwoman Pascrell stated that the Bunny Breakfast was a success.
- F. Laws & Ordinances – Councilman Holloway stated that the Laws & Ordinances Committee is currently working with the Chief of Police on three ordinances. He stated that he had a meeting with Felix Esposito with regard to property maintenance.

MUNICIPAL ATTORNEY’S REPORT:

Mr. Buglione stated that pending litigation is on-going. He told Councilman Holloway that he is working with the Police Chief on the three ordinances that he referred to in his report.

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 R12-70, a resolution rejecting K Hovnanian’s request to release the Phase 1 Onsite Improvement Performance Bond for certain on-site improvements in connection with the premises commonly known as Four Seasons at Great Notch, until all of the deficiencies listed in the Borough Engineer’s correspondence dated February 23, 2012 are corrected to the satisfaction of the Borough and its Engineer.**

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, is in possession of a Phase 1 Onsite Performance Guarantee (No. SB 8816304; Letter of Credit No. 18101628) from K. Hovnanian, 110 Fieldcrest Avenue, Edison, NJ, for certain On-Site Improvements in connection with the premises commonly known as Four Seasons at Great Notch, and

WHEREAS, the Mayor and Council are in receipt of correspondence from K. Hovnanian dated January 9, 2012 requesting that the Borough consider releasing the Performance Guarantee based on their judgment that all of the improvements have been fully and satisfactorily completed including the punch list work related to the improvements, subject to posting a separate Performance Guarantee for a limited number of improvements; and

WHEREAS, the Mayor and Council are in receipt of correspondence dated February 23, 2012 from the Borough Engineer, advising the Borough that his office has performed a final inspection of the site to determine the amount of bondable improvements satisfactorily installed to date; and

WHEREAS, based on that inspection, the Borough Engineer has determined that various bonded improvements remain to be completed and other improvements have been found to be unsatisfactory which require corrective action and has documented same in his February 23, 2012 correspondence;

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 reject K Hovnanian's request to release the Phase 1 Onsite Improvement Performance Bond until all of the deficiencies listed in the Borough Engineer's correspondence of February 23, 2012 are corrected to the satisfaction of the Borough and its Engineer; and

BE IT FURTHER RESOLVED; that the Borough Engineer's correspondence dated February 23, 2012 and its contents be incorporated into this resolution.

B. Resolution R12-71, a resolution accepting K Hovnanian's offer to a fourteen (14) day extension to the Borough's time period to act on the request to release the Phase 2 Onsite Improvement Performance Bond for certain on-site improvements in connection with the premises commonly known as Four Seasons at Great Notch.

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, is in possession of a Phase 2 Onsite Performance Guarantee (No. 1010869; Letter of Credit No. 18102765) from K. Hovnanian, 110 Fieldcrest Avenue, Edison, NJ, for certain On-Site Improvements in connection with the premises commonly known as Four Seasons at Great Notch, and

WHEREAS, the Mayor and Council are in receipt of correspondence from K. Hovnanian dated January 9, 2012 requesting that the Borough consider releasing the Performance Guarantee based on their judgment that all of the improvements have been fully and satisfactorily completed including the punch list work related to the improvements; and

WHEREAS, the Mayor and Council are in receipt of correspondence dated February 23, 2012 from the Borough Engineer, advising the Borough that his office has performed a final inspection of the site to determine the amount of bondable improvements satisfactorily installed to date; and

WHEREAS, based on that inspection, the Borough Engineer had determined that various bonded improvements have been found to be unsatisfactory which require corrective action to complete and has documented same in his February 23, 2012 correspondence; and

WHEREAS, a meeting was held on April 3, 2012, with representatives from KHovnanian, the Borough and the Borough's professionals; and

WHEREAS, as of that date, it has been determined by the Borough Engineer that all of the deficiencies listed in his February 23, 2012 correspondence have now been satisfactorily addressed; and

WHEREAS, the Borough's governing body must take action on the request to release the Performance Bond no later than April 9, 2012; and

WHEREAS, due to time constraints the Borough Engineer lacks sufficient time to document his findings; and

WHEREAS; Mr. John Caniglia, Area Counsel for KHovnanian, has written to the Borough expressing their willingness to consent to a fourteen (14) day extension to the Borough’s time period to act on the release request, or until April 23, 2012, which will provide the Borough’s Engineer sufficient time to document his findings;

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 accept the offer by Mr. Caniglia to a fourteen (14) day extension of the Borough’s time period to act on the release request, or until April 23, 2012, which will provide the Borough’s Engineer sufficient time to document his findings; and

BE IT FURTHER RESOLVED; that the Borough Engineer’s correspondence dated February 23, 2012 and its contents be incorporated into this resolution; and

BE IT FURTHER RESOLVED; that a resolution shall be placed on the April 18, 2012 Borough Council agenda, which shall document the governing body’s release of the Performance Bond or rejection of KHovnanian’s request to release same, whichever is appropriate at that time.

C. Resolution R12-99, 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; 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 ORDINANCE LINE ITEMS	ORIGINAL APPROPRIATION	REVISED APPROPRIATION
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	540,000.00
Sanitary Sewer Lines	400,000.00	103,500.00
McBride Sanitary Sewer	122,500.00	322,500.00
Fire Apparatus	150,000.00	150,000.00
Reconstruct Hillside Terrace	50,000.00	9,764.68
Rose Place BB Courts/Security	81,000.00	81,000.00
Computer Equipment	10,000.00	50,235.32
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	460,000.00
TOTAL	2,196,435.00	2,196,435.00

D. Resolution R12-100, a resolution acknowledging that the American Legion, Post No. 227 will be conducting a Poppy Sale Fundraiser on May 18, 2012 from 4:00 p.m. to 7:00 p.m. and May 19th and May 20, 2012 from 11:00 a.m. to 4:00 p.m., at the intersection of McBride and Glover Avenues subject to the conditions set forth in this resolution.

WHEREAS, the American Legion Post No. 227, 180 Union Boulevard, Totowa, New Jersey have requested permission to conduct a Poppy Sale Fundraiser on May 18, 2012 from 4:00 p.m. to 7:00 p.m.; May 19th and May 20, 2012 from 11:00 a.m. to 4:00 p.m. in order to collect voluntary contributions; and

WHEREAS, the American Legion has requested that this activity be held at the intersection of McBride Avenue and Glover Avenue; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park fully support the dedicated efforts of the American Legion in all of their activities and recognize the need to periodically solicit contributions from the public;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park acknowledges that the American Legion, Post No. 227 will be conducting a Poppy Sale Fundraiser on May 18, 2012 from 4:00 p.m. to 7:00 p.m.; May 19th and May 20, 2012 from 11:00 a.m. to 4:00 p.m., at the intersection of McBride and Glover Avenues;

BE IT FURTHER RESOLVED, that this acknowledgement is conditioned on the following:

1. That no one under the age of eighteen (18) be permitted to solicit funds on any public street or from any person in/on a vehicle on a public street; and
2. That safety measures (clothing/jackets with reflective material/tape, traffic cones, barriers, etc.) be utilized to warn drivers of pedestrian activity in the road to protect the solicitors.
3. With regard to solicitations at the intersection of McBride and Glover Avenues, solicitations are prohibited on Glover Avenue east of McBride Avenue.

E. Resolution R12-101, a resolution adding Mt. Pleasant Ave., Sibel Court and Neeser Lane to the list of streets authorized to be paved utilizing funds from the 2008 Bond Ordinance to pay construction and engineering expenses for this work effort.

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 Mt. Pleasant Avenue, Sibel Court and Neeser Lane 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 Mt. Pleasant Avenue, Sibel Court and Neeser Lane.

F. Resolution R12-102, a resolution amending the contract with AJM Contractors, Inc., Clifton, New Jersey 07011 to an amount not to exceed of \$466,715.19 (including Alternate 1) for the resurfacing of Mt. Pleasant Avenue, Sibel Court and Neeser Lane; including the repair and construction of curbing and sidewalks as detailed in the DOT grant application and bid (11-02) specifications which will be funded by the 2008 Bond Ordinance and the Water Utility Budget as detailed in this resolution.

WHEREAS, on July 20, 2011 (Resolution R11-198), the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey awarded a contract to AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in an amount not to exceed of \$416,339.50 (including Alternate 1) for the resurfacing of Mt. Pleasant Avenue, Sibel Court and Nesser Lane; including the repair and construction of curbing and sidewalks as detailed in the New Jersey Department of Transportation (DOT) grant application and bid (11-02) specifications to be funded through the DOT grants (\$550,000.00), with the exception of the cost for Police Traffic Directors and Patrol Car Rentals, estimated at \$11,300.00 in the bid document; and

WHEREAS, during the construction process revisions to the original scope of work were made: "Reductions" totaling - \$48,845.20; "Extras" totaling - \$31,729.47; and "Supplementary" totaling \$67,491.42, resulting in a net change order in the amount of \$50,375.69, increasing the cost of the contract to \$466,715.19 (12.1%); and

WHEREAS, out of the final projected cost of \$466,715.19, approximately \$406,474.27 will be covered under the DOT Grant, with the Borough being responsible for the balance of \$60,240.92, which represents all non-DOT eligible items, and

WHEREAS, the costs to the Borough include the following:

1. Additional traffic control by the Woodland Park Police Department - \$44,160.00;
2. Additional traffic control by the Passaic County Sheriff's Department - \$2,137.50;
3. Fencing at the end of Sibel Court - \$4,250.00
4. Water Valve on Haverhill Avenue - \$7,500.00 (to be charged to the water utility);
and
5. Additional asphalt and curb work - \$2,193.42

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey do hereby amend the contract with AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 to an amount not to exceed of \$466,715.19 (including Alternate 1) for the resurfacing of Mt. Pleasant Avenue, Sibel Court and Nesser Lane; including the repair and construction of curbing and sidewalks as detailed in the DOT grant application and bid (11-02) specifications; and

BE IT FURTHER RESOLVED, that the Borough's cost of \$60,240.92 shall be charged to the 2008 Bond Ordinance (C-04-08-008-000-903) in the amount of \$52,740.92 and to the Water Utility Budget in the amount of \$7,500.00.

G. Resolution R12-103, a resolution amending Resolution R12-27 appointing Millennium Strategies, 60 Roseland Avenue, Caldwell, New Jersey to apply for grants, as necessary, for the Borough of Woodland Park in an amount not to exceed \$25,000.00, to be funded by the Borough's Open Space Fund in an amount not to exceed \$12,500.00 with the balance to be charged to the 2012 municipal operating budget.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey recognize the need to appoint a grant writer to write grants, as necessary, for the Borough of Woodland Park; and

WHEREAS, pursuant to the provisions of N.J.S.A. 19:45A-20.5 et. seq., referred to as the New Jersey Pay to Play Law, the Mayor and Council solicited proposals on November 28, 2011 for this service; and

WHEREAS, the Borough of Woodland Park did receive one proposal in response to that request; and

WHEREAS, the proposal was opened on December 9, 2011 and evaluated by the Mayor to determine if the response met the needs of the Borough;

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 upon the recommendation of Mayor Keith Kazmark, do hereby appoint the firm of Millennium Strategies, 60 Roseland Avenue, Caldwell, New Jersey to write grants, as necessary, for the Borough of Woodland Park in an amount not to exceed \$25,000.00, to be funded by the Borough's Open Space Fund in an amount not to exceed \$12,500.00 with the balance to be charged to the 2012 municipal operating budget.

H. Resolution R12-104, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$32,583.49 for the redemption payment of a lien and premium to US Bank, 2 Liberty Place, Philadelphia, Pennsylvania, with regard to property located at 10 Mountain 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 a lien redemption for taxes, in the amount of \$19,583.49 was made on March 27, 2012; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$19,583.49 is to be returned to the lien holder, US Bank-Cust/SASS Muni v1 Dtr., 2 Liberty Place, Philadelphia, Pennsylvania; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to US Bank-Cust/SASS Muni v1 Dtr.;

WHEREAS, a premium of \$13,000.00 had also been made by US Bank-Cust/SASS Muni v1 Dtr. which is to be returned;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$32,583.49 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.

I. Resolution R12-105, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$1,088.04 for the redemption payment of a lien to MTAG, New Orleans, Louisiana, with regard to property located at 205 Mt. Pleasant 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 a lien redemption for taxes, in the amount of \$1,088.04 on March 27, 2012; and

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WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$1,088.04 is to be returned to the lien holder, MTAG Serv. Cust ATCF 11, NJ, LLC, P.O. Box 54292, New Orleans, Louisiana; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to MTAG Serv. Cust ATCF 11, NJ, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$1,088.04 for the redemption payment of the lien; and

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

J. Resolution R12-106, a resolution approving the person-to-person transfer of the Plenary Retail Distribution License of Wide's Beverage, Inc. to Fairway Woodland Park LLC and directing the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Fairway Woodland Park LLC effective April 4, 2012."

WHEREAS; an application has been filed for a person-to-person/place-to-place transfer of Plenary Retail Distribution License, 1616-44-013-006, heretofore issued to Wide's Beverages, Inc. for premises located at 1710 Route 46, Woodland Park, New Jersey; and

WHEREAS, place-to-place extension of premises transfer is for the purpose of expanding the premises under license wherein the sale, service and storage of alcoholic beverages are authorized; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey does hereby approve, effective April 4, 2012, the person-to-person/place-to-place – extension of premises transfer of the aforesaid Plenary Retail Distribution License to Fairway Woodland Park LLC; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Fairway Woodland Park LLC effective April 4, 2012.

K. Resolution R12-107, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$1,268.96 for the redemption payment of a lien to MTAG, New Orleans, Louisiana, with regard to property located at 89 Cedarhurst 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 a lien redemption for taxes, in the amount of \$1,268.96 on March 27, 2012; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$1,268.96 is to be returned to the lien holder, MTAG Serv. Cust ATCF 11, NJ, LLC, P.O. Box 54292, New Orleans, Louisiana; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to MTAG Serv. Cust ATCF 11, NJ, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$1,268.96 for the redemption payment of the lien; and

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

- L. Resolution R12-108, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$1,404.12 for the redemption payment of a lien and premium to US Bank Corp. Trust Services, 2 Liberty Place, 50 S. 16th Street, Philadelphia, Pennsylvania, with regard to property located at 72 Maple 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 a lien redemption for taxes, in the amount of \$1,104.12 was made on January 23, 2012; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$1,104.12 is to be returned to the lien holder, US Bank-Cust/SASS Muni v1 Dtr., US Bank Corp. Trust Services, 2 Liberty Place, 50 S. 16th Street, Philadelphia, Pennsylvania; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to US Bank-Cust/SASS Muni v1 Dtr.;

WHEREAS, a premium of \$300.00 had also been made by US Bank-Cust/SASS Muni v1 Dtr. which is to be returned;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$1,404.12 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.

- M. Resolution R12-109, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$893.59 for the redemption payment of a lien and premium to US Bank Corp. Trust Services, Philadelphia, Pennsylvania, with regard to property located at 9 Taylor Lane, 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 a lien redemption for taxes, in the amount of \$693.59 was made on March 27, 2012; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$693.59 is to be returned to the lien holder, US Bank-Cust/SASS Muni v1 Dtr., US Bank Corp. Trust Services, 2 Liberty Place, 50 S. 16th Street, Philadelphia, Pennsylvania; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to US Bank-Cust/SASS Muni v1 Dtr.;

WHEREAS, a premium of \$200.00 had also been made by US Bank-Cust/SASS Muni v1 Dtr. which is to be returned;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$893.59 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.

N. Resolution R12-110, a resolution for the adoption of the Corrective Action Plan for the Budget Year, 2010.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, finds and declares that N.J.S.A. 40A:5-4 requires the governing body of every local unit to have an annual audit of its books, accounts and financial transactions to be made and completed within six months after the close of its fiscal year, and

WHEREAS, the Annual Report of Audit for FY2010 for the Borough of Woodland Park (“Borough”) has been filed by the Registered Municipal Account (RMA) with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body of the Borough; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations”; and

WHEREAS, the Governing Body further finds and declares that the Borough’s Chief Financial Officer has prepared a Corrective Action Plan to address the “Comments and Recommendations” made by the RMA, which are incorporated herein by reference, for the purpose of acting upon and/or implementing the foregoing sections entitled “Comments and Recommendations,” as set forth in the Borough’s Annual Report of Audit for FY2010; and

WHEREAS, all members of the Governing Body have received, reviewed and by way of this resolution approve the Corrective Action Plan for purposes of its implementation;

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Woodland Park does hereby adopt the Corrective Action Plan for the FY2010 Audit Report, as prepared and recommended by the Borough’s Chief Financial Officer, and

BE IT FURTHER RESOLVED, that the Municipal Clerk of the Borough of Woodland Park be and is hereby directed to submit a certified copy of this Resolution and the required Affidavit to the Local Finance Board to demonstrate such compliance.

O. Resolution R12-111, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$913.50 for the redemption payment of a lien to MTAG, New Orleans, Louisiana, with regard to property located at 430 Rifle Camp Road, 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 a lien redemption for taxes, in the amount of \$913.50 on March 29, 2012; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$913.50 is to be returned to the lien holder, MTAG Serv. Cust ATCF 11, NJ, LLC, P.O. Box 54292, New Orleans, Louisiana; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to MTAG Serv. Cust ATCF 11, NJ, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$913.50 for the redemption payment of the lien; and

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

P. Resolution R12-112, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$1,447.64 for the redemption payment of a lien and premium to Robert Delvecchio Pen/Trust, with regard to property located at 2 Woodland 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 a lien redemption for taxes, in the amount of \$747.64 was made on March 29, 2012 with regard to 2 Woodland Drive, Woodland Park; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$747.64 is to be returned to the lien holder, Robert Delvecchio Pen/Trust, P.O. 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 Robert Delvecchio Pen/Trust;

WHEREAS, a premium of \$700.00 had also been made by Robert Delvecchio Pen/Trust which is to be returned;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$1,447.64 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.

Q. Resolution R12-113, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$1,352.01 for the redemption payment of a lien to MTAG, New Orleans, Louisiana, with regard to property located at 42 Highview 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 a lien redemption for taxes, in the amount of \$1,352.01 on March 27, 2012 with reference to property at 42 Highview Drive, Woodland Park; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$1,352.01 is to be returned to the lien holder, MTAG Serv. Cust ATCF 11, NJ, LLC, P.O. Box 54292, New Orleans, Louisiana; and

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WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to MTAG Serv. Cust ATCF 11, NJ, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$1,352.01 for the redemption payment of the lien; and

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

R. Resolution R12-115, 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 2011 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.

S. Resolution R12-116, a resolution certifying a submission of expenditure for taxes paid pursuant to P.L. 2007, Chapter 311 in the amount of \$15,065.82.

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 2011 in the amount of \$15,065.82. 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.

T. Resolution R11-118, a resolution to approve the actions noted in the Consent Agenda, items A. 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 A. through S. be and are hereby approved and the proper officers are directed to take necessary action on same.

Mayor Kazmark requested that Resolution R12-110 be removed from the Consent Agenda and voted on separately. Councilman DiDomenico requested that Resolution R12-103 be removed from the Consent Agenda and voted on separately.

Mr. Galland gave an overview of the Performance Bond held by the Borough relative to the Four Seasons at Great Notch (Resolutions R12-70 and R12-71).

Resolution R11-118, a resolution to approve the actions noted in the Consent Agenda, items A. through F.; H through M; and O. 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 A. through F.; H through M; and O. through S. be and are hereby approved and the proper officers are directed to take necessary action on same.

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

Resolution R12-103, a resolution amending Resolution R12-27 appointing Millennium Strategies, 60 Roseland Avenue, Caldwell, New Jersey to apply for grants, as necessary, for the Borough of Woodland Park in an amount not to exceed \$25,000.00, to be funded by the Borough's Open Space Fund in an amount not to exceed \$12,500.00 with the balance to be charged to the 2012 municipal operating budget.

Councilman DiDomenico was under the impression that the entire \$25,000.00 was to come out of the Borough's Open Space Fund and asked why this was changed. Mayor Kazmark explained at the end of the year, they will look at the percentage of open space grants they receive and possibly adjust the amount accordingly.

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

Resolution R12-110, a resolution for the adoption of the Corrective Action Plan for the Budget Year, 2010.

Mayor Kazmark wanted the foregoing resolution removed from the Consent Agenda due to the fact that he was not on the Council at the time of the Corrective Action Plan and, therefore, wished to abstain from the vote on this resolution.

Upon Motion made by Councilman Spinelli, and seconded by Councilman Holloway, the foregoing resolution was adopted on roll call vote, with an abstention from Mayor Kazmark.

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Council President Gatti, seconded by Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of the 04/15/11 and 04/30/11 regular and miscellaneous payrolls estimated at \$190,000.00 each.

Upon Motion made by Council President Gatti, seconded by Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 03/30/11 totaling \$439,547.83.

DEPARTMENT REPORTS:

1. Senior Bus Usage Report for March, 2012.
2. Board of Adjustment Minutes for January 23, 2012.
3. Board of Adjustment Report of Approvals & Denials, 2012.
4. Finance Department - Summary Budget Status Report for March 30, 2012.

OLD BUSINESS:

With reference to the Bill List of the March 21, 2012 meeting, Councilman DiDomenico asked about a repair bill to Wilson's Auto Body for the 2006 Ford Explorer in the amount of \$9,050.00. He wanted to know if there was an insurance claim pending for this expenditure. Mr. Buglione stated that this issue would have to be discussed in Executive Session.

EXECUTIVE SESSION:

BE IT RESOLVED, by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

- o Personnel Matters

BE IT FURTHER RESOLVED, that it is anticipated that the deliberation conducted in closed session may be disclosed to the public upon the determination by the Mayor and Council that the public interest will no longer be served by such confidentially and if not then legally privileged.

Upon Motion made by Councilman Spinelli, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 8:27 p.m.

At the conclusion of the executive session and there being no further business to come before the Council, upon Motion by Councilman Holloway, seconded by Councilman Spinelli and unanimously passed on roll call vote, the meeting was adjourned at 9:02 p.m.

Respectfully submitted,

Kevin V. Galland, Municipal Clerk

Keith Kazmark, Mayor