

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON MAY 16, 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 May 16, 2012 and was called to order by Mayor Keith Kazmark at 7:02 p.m.

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

Absent: Councilman Holloway

Albert Buglione, Municipal Attorney, was present.

The Mayor stated in accordance with the Open Public Meetings Law P.L. 1975 c.231, notice requirements for this meeting were set forth in the resolution adopted by the Municipal Council at the Reorganization Meeting of January 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.

PRESENTATIONS:

Presentation to Mark Autore and Steven Monk for the rescuing of a woman from a burning car at Zaccaria Park.

Presentation to Frederick Lijoi and Jo-Anne Mitchell honoring Beatrice Gilmore

Presentation to Darlene Monochello for developing a summer camp program including autism and language and learning disability classes that incorporate activities for special needs children in a camp setting.

Presentation of \$100,000.00 from Passaic County Open Space & Farmland Preservation Fund to the Borough of Woodland Park by Freeholder Director Pat Lepore

Presentation by Tom Toronto of the Bergen County United Way and Kathryn Gregory of Gregory & Associates regarding Special Needs Housing

Presentation by Amy Babcock, Director of the Alfred Baumann Library, regarding the 2011 year in review

PUBLIC HEARINGS:

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

Don Bender, 34 West 36th Street, spoke to the Mayor and Council about Woodland Park getting their own zip code and the effect flooding has on our home owner's insurance due to the fact that Woodland Park has the same zip code as Little Falls. He also stated that he believes that state officials should view the movie "Passaic River – 81 Miles of History". He asked what was being done with regard to the flooding issue.

Mark Salemi, 13 Borrego Drive, stated that since Woodrow Avenue is being resurfaced this year, he was hoping that Borrego Drive would be resurfaced as well.

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

Mayor Kazmark stated that he would try to obtain a copy of this movie and he agrees with Mr. Bender that state officials should see it. He also stated that if anything was to be done with regard to the continuing flooding issue, it must start with the Federal Government. He told Mr. Bender that the letter he sent recently to the federal delegation as well as all legislators states just that. The Mayor told Dr. Salemi that the Bond

Ordinance, which is being introduced tonight, includes the resurfacing of Borrego Drive. He went on to explain the resurfacing plan which is in place.

MINUTES:

Upon Motion by Councilman Spinelli, seconded by Councilman Vargas, and passed on roll call vote, the Minutes of the Regular Meeting of May 2, 2012, as revised, were approved as submitted.

MAYOR'S REPORT:

The Mayor stated that he met with Congressman Frelinghuysen and discussed the zip code issue at length. He told everyone that the Congressman is aware of the zip code issue and will meet with the Mayor in January to discuss same. He also spoke about pursuing grants to do the street-scaping on McBride Avenue and Browertown Road. The Mayor stated that he met today with Commissioner Constable from the Department of Community Affairs to discuss the affordable housing trust fund and shared services. The Mayor reported that the Borough has been reimbursed \$21,000.00 for the work performed on 74 Newby Avenue. He also stated that the Bank of America foreclosed on 531 McBride Avenue and we were reimbursed \$15,000.00 that we put out to raze this house. The Mayor reminded everyone that there will be a Town Hall meeting on May 30th and the topic will be economic redevelopment and street-scape opportunities. The Mayor thanked the DPW for repairing the lights in Rose Place Park. The Grand Opening for Cavaliere Park will be sometime in June or early July. The Mayor announced that the weekend of June 3rd, we will be dedicating the meeting/multipurpose room at the Boys & Girls Club to Ed Gallo. The Grand Opening of Fairway Market will be on June 6th. The Mayor will be passing out information from Angela Jones to have the Congress and military sanction the "Honor and Remember Flag" to fly continuously in remembrance of our military service men and women who have lost their lives. The Mayor stated that our Memorial Day Celebration will be held at 9:30 a.m. on Memorial Day at the Firemen's Memorial, 10:00 a.m. at the War Memorial with the parade to follow.

CONFERENCE COMMITTEE REPORTS:

- A. Administration & Finance – Council President Gatti told everyone about the Bond Ordinance that was on the Agenda for tonight's meeting.
- B. Buildings & Grounds/Public Works – Councilman DiDomenico had no report at this time.
- C. Public Safety – Councilman Vargas had no report at this time.
- D. Health & Senior Services – Councilman Spinelli had no report at this time.
- E. Recreation & Community Relations – Councilwoman Pascrell had no report at this time.
- F. Laws & Ordinances – Councilman Holloway was absent. The Mayor stated that he would like to have the Municipal Prosecutor present at the next Laws & Ordinances Committee meeting.

MUNICIPAL ATTORNEY'S REPORT:

Mr. Buglione had no report at this time. Councilman DiDomenico asked Mr. Buglione for a status report as to the Weber, Dowd investigation. Mr. Buglione stated that he would contact Weber, Dowd for a status 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 R12-162, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the sum of \$2,190.92 for the overpayment of taxes to Lereta, LLC Tax Service with reference to Block 64, Lot 8, 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 \$2,190.92, was made by Lereta, LLC Tax Service with reference to, Block 64, Lot 8; and

WHEREAS, Lereta, LLC Tax Service 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 Lereta, LLC Tax Service;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$2,190.92 for the overpayment of taxes to Lereta, LLC Tax Service with reference to, Block 64, Lot 8; and

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

B. Resolution R12-163, a resolution authorizing Save the Animals Rescue Team (S.T.A.R.T.), P.O. Box 1098, Little Falls, New Jersey, to conduct a Tricky Tray and an On-Premise 50/50 Raffle on June 24, 2012 (rain date July 1, 2012) at The Great Notch Inn, 400 Route 46, Woodland Park, New Jersey between the hours of 12:00 p.m. and 4:00 p.m.

WHEREAS, Save the Animals Rescue Team (S.T.A.R.T.), P.O. Box 1098, Little Falls, New Jersey, is seeking approval to conduct a Tricky Tray and an On-Premise 50/50 Raffle on June 24, 2012 (rain date July 1, 2012) at The Great Notch Inn, 400 Route 46, Woodland Park, New Jersey between the hours of 12:00 p.m. and 4:00 p.m.; and

WHEREAS, the applicant has filed application with Legalized Games of Chance under the state of New Jersey; Regulations (N.J.A.C.13:47-6.4) as well as the Municipal Clerk's office of the Borough of Woodland Park; and

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby give authorization to Save the Animals Rescue Team (S.T.A.R.T.), P.O. Box 1098, Little Falls, New Jersey, to conduct a Tricky Tray and an On-Premise 50/50 Raffle on June 24, 2012 (rain date July 1, 2012) at The Great Notch Inn, 400 Route 46, Woodland Park, New Jersey between the hours of 12:00 p.m. and 4:00 p.m.;

C. Resolution R12-164, a resolution awarding a contract to Benecke Economics, 250 Moonachie Road, Moonachie, New Jersey to serve as a financial consultant in the matter of delinquent water utility accounts at an hourly rate of \$140.00 for a total of an amount not to exceed \$5,000.00.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are aware of discrepancies in the matter of delinquent water utility accounts and the lack of payment of water utility rates by several large water consumers in the Borough of Woodland Park; and

WHEREAS, a proposal was received from Benecke Economics, 250 Moonachie Road, Moonachie, New Jersey to act as a financial consultant, with regard to this matter, on May 8, 2012 at an hourly rate of \$140.00 for a total of an amount not to exceed \$5,000.00; and

WHEREAS, funds are available from the Water Utility Account;

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 Benecke Economics, 250 Moonachie Road, Moonachie, New Jersey to serve as a financial consultant in the matter of delinquent water utility accounts at an hourly rate of \$140.00 for a total of an amount not to exceed \$5,000.00.

D. Resolution R12-165, a resolution authorizing the Municipal Clerk to issue the appropriate Plenary Retail Consumption and Plenary Retail Distribution license certificates to the licensees listed in this resolution.

WHEREAS, renewals for Plenary Retail Consumption and Plenary Retail Distribution licenses for the Borough of Woodland Park for the 2012-2013 licensing season have been filed; and

WHEREAS, all requirements applicable thereto have been properly made and are in order;

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 Plenary Retail Consumption licenses set forth as follows be hereby renewed for the 2012-2013 licensing season effective July 1, 2012:

Lorenzo's Pizzeria & Rest.	1616-33-015-002
Shree Jai Ambe, LLC	1616-33-018-010
West Side Bar & Grill	1616-33-001-003
Bask Bar & Grill	1616-33-017-004
Fairway Woodland Park	1616-44-013-007
OTB Acquisition of NJ	1616-33-008-004
Great Notch Inn	1616-33-006-004

NOW THEREFORE BE IT RESOLVED, that the Municipal Clerk be and is hereby authorized to issue the appropriate license certificates to the respective licensees as approved by this resolution.

E. Resolution R12-166, a resolution authorizing Camp Sunshine & Camp Snowflake, Inc., 1133 East Ridgewood Avenue, Ridgewood, New Jersey, to conduct a Tricky Tray, an Off-Premise 50/50 Raffle and an On-Premise 50/50 Raffle on October 24, 2012 at The Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 p.m. and 11:00 p.m.

WHEREAS, Camp Sunshine & Camp Snowflake, Inc., 1133 East Ridgewood Avenue, Ridgewood, New Jersey, is seeking approval to conduct a Tricky Tray, an Off-Premise 50/50 Raffle and an On-Premise 50/50 Raffle on October 24, 2012 at The Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 p.m. and 11:00 p.m.; and

WHEREAS, the applicant has filed application with Legalized Games of Chance under the state of New Jersey; Regulations (N.J.A.C.13:47-6.4) as well as the Municipal Clerk's office of the Borough of Woodland Park; and

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby give authorization to Camp Sunshine & Camp Snowflake, Inc., 1133 East Ridgewood Avenue, Ridgewood, New Jersey, to conduct a Tricky Tray, an Off-Premise 50/50 Raffle and an On-Premise 50/50 Raffle on October 24, 2012 at The Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 p.m. and 11:00 p.m.

F. Resolution R12-168, a resolution requesting the Director of the Division of Local Government Services to approve the reduction of an item of revenue in the 2012 Budget in the sum of \$309.49 with regard to the Clean Communities Grant.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey are aware that an item of revenue was inserted into the 2012 Budget in the amount of \$16,331.55 under the Clean Communities Grant; and

WHEREAS, the Borough of Woodland Park has received a notice of award in the actual amount of \$16,209.06 which is \$309.49 less than anticipated in the 2012 Budget; and

WHEREAS, it has become necessary to reduce the Clean Communities Grant item of revenue by a total of \$309.49 and to amend the 2012 Budget by that amount;

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 reduction of an item of revenue in the budget of the year 2012 in the sum of \$309.49;

BE IT FURTHER RESOLVED that the like sum of.....\$309.49 be and the same is hereby reduced under the caption of:

- General Appropriations:
 - (a) Operations Excluded from CAPS
- Public and Private Programs Off-Set by Revenues:
 - Clean Communities Grant

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

G. Resolution R12-169, a resolution authorizing execution of the letter to State Senators and Assemblymen in the action entitled NJDEP v. Occidental Chemical Corporation, et al.

WHEREAS, certain claims have been asserted against the Borough of Woodland Park (formerly West Paterson) in the action entitled NJDEP v. Occidental Chemical Corporation, et al., Docket No. ESX-L-9868-05 pending in the Superior Court of New Jersey, Essex County (the “Litigation”) regarding alleged environmental contamination at the lower 17 miles of the Passaic River, Newark Bay, the lower reaches of the Hackensack River, the Arthur Kill, the Kill Van Kull, and into adjacent waters and sediments(the “Newark Bay Complex”); and

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection and the Administrator of the New Jersey Spill Compensation Fund (hereinafter referred to collectively as the “State of New Jersey”) commenced the present litigation on or around December 13, 2005, suing defendants, Occidental Chemical Corporation, Tierra Solutions, Inc., Maxus Energy Corporation, Repsol YPF, S.A., YPF, S.A., YPF Holdings, Inc. and CLH Holdings (hereinafter referred to collectively as the “Tierra-Maxus Defendants”); and

WHEREAS, the State of New Jersey’s Complaint seeks to recover from the Tierra-Maxus Defendants past and future cleanup and removal costs, as well as unspecified economic damages, punitive damages, damages for alleged “unjust enrichment,” penalties and a variety of other forms of relief purportedly arising from the alleged discharges into the Passaic River of 2,3,7,8-tetrachlorodibenzo-p-dioxin (a form of dioxin referred to as “TCDD”) and other unspecified “hazardous substances” from a plant that operated at 80 Lister Avenue in Newark, New Jersey for approximately twenty years before the plant was closed in 1969; and

WHEREAS, in its Complaint, the State has alleged that as a direct result of the Tierra-Maxus Defendants’ intentional releases and discharges into the Passaic River, and the Tierra-Maxus Defendants’ subsequent practice of obfuscation and delay for another twenty-plus years, TCDD has migrated throughout Newark Bay Complex; and

WHEREAS, on or around February 4, 2009, defendants, Maxus Energy Corporation and Tierra Solutions, Inc. filed a third-party complaint against approximately eighty-five (85) municipalities and public entities including the Borough of Woodland Park for

contribution towards the cleanup and removal costs that Maxus and Tierra have incurred or will incur in the future relating to the Newark Bay Complex; and

WHEREAS, certain Third-Party Defendant municipalities and public entities, including the Borough of Woodland Park, are members of a group known as the Municipal Group in the Litigation; and

WHEREAS, the Borough of Woodland Park has incurred and continues to incur significant legal and transactional fees in connection with this Litigation;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Woodland Park as follows:

1. The Borough of Woodland Park is hereby authorized and directed to sign the signature pages of the Letter to the its State Senator and Assemblymen, which will be adopted in substantially the form contained in the draft copy on file, and thereafter immediately transmit the said signature pages to Peter J. King, Esq., Liaison Counsel for the Municipal Group.

2. This resolution shall take effect immediately.

H. Resolution R12-171, a resolution to approve the actions noted in the Consent Agenda, items A. through G., be and are hereby approved and the proper officers are directed to take necessary action on same.

Mayor Kazmark requested that Resolution R12-169 be removed from the Consent Agenda and voted on separately.

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. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

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

Resolution R12-169, a resolution authorizing execution of the letter to State Senators and Assemblymen in the action entitled NJDEP v. Occidental Chemical Corporation, et al.

Mr. Buglione explained the reason for the execution of the letter to State Senators and Assemblymen in this action which is indemnity from the State Legislature in this matter.

Upon Motion made by Councilwoman Pascrell, and seconded by Councilman Spinelli, 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 Council President Gatti, seconded by Councilman Spinelli and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 05/11/12 totaling \$2,327,218.41.

Councilman DiDomenico questioned T&M Associates' invoice and asked if we have received any credits from other work which was done earlier this year. Mr. Galland contacted T&M and Mr. Buglione who forwarded his invoices for legal services rendered to Mr. Galland. After speaking with Don Norbut of T&M, Mr. Galland was told, by Mr. Norbut, that they would reimburse the Borough for any additional legal expenses. Mr. Galland is to send the invoice for legal services to him. A discussion was held between Councilman DiDomenico and Mr. Galland with regard to work performed twice by T&M Associates. Councilman DiDomenico questioned the Montana Construction bill and asked if we have received any money from Totowa and Little Falls with regard to this

bill. Mr. Galland stated that the bills have not gone out to Totowa and Little Falls as yet, due to the fact that the Spruce Street project has not yet been completed.

DEPARTMENT REPORTS:

1. Police Reports for April, 2012.
2. Fire Prevention Report for April, 2012.
3. Senior Bus Usage Report for April, 2012.
4. Planning Board Minutes for April 16, 2012.
5. Planning Board Resolutions.
6. Animal Control Report for April, 2012.
7. Finance Department - Summary Budget Status Report for May 11, 2012.

OLD BUSINESS:

A. Public Hearing on Ordinance 12-08.

Upon a Motion made by Council President Gatti, seconded by Councilman Vargas and passed on roll call vote, a public hearing was opened on Ordinance No. 12-08.

With no one wishing to be heard, upon a Motion made by Councilman Spinelli, seconded by Councilman Vargas and passed on roll call vote, the public hearing was closed.

B. Resolution R12-161, adoption of Ordinance 12-08 by the Mayor and Council.

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance amending the chapter regarding “Fire Prevention Code” of the revised general ordinances of the Borough of Woodland Park; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated May 5, 2012, setting the date of May 16, 2012 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 May 16, 2012 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled an ordinance amending the chapter regarding “Fire Prevention Code” of the revised general ordinances of 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 Council President Gatti, and seconded by Councilman Spinelli, the foregoing resolution was unanimously adopted on roll call vote.

ORDINANCE No. 12-08

AN ORDINANCE AMENDING THE CHAPTER REGARDING “FIRE PREVENTION CODE” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WOODLAND PARK

BE IT ORDAINED, by the Borough Council of the Borough of Woodland Park, in the County of Passaic and state of New Jersey as follows:

I. AUTHORITY

Through this ordinance and all previous ordinances, the Fire Prevention Code of this municipality shall consist of the “New Jersey Uniform Fire Code”, adopted February 18, 1985, and is hereby incorporated in this Chapter, as if set forth herein and again at length.

Required copies of the New Jersey Uniform Fire Code have been placed on file in the Office of the Borough Clerk and in the Fire Bureau and shall remain in said offices so long as this Chapter is in effect, for use and examination by the public.

In addition, the Fire Code Official shall also rely upon the BOCA Basic/National Fire Prevention Code 1996, including all subsequent revisions and amendments thereto, as modified by N.J.A.C. 5:70-3.2, which shall be locally enforced in the Borough of Woodland Park.

II. PURPOSE

THE PURPOSE OF THIS ORDINANCE IS TO REGULATE FIRE INSPECTIONS IN ORDER TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE, IN THE BOROUGH OF WOODLAND PARK.

III. DEFINITIONS

For purposes of this Chapter, the following words shall have the definitions as set forth hereinafter:

(a) Local Enforcing Agency - The Bureau of Fire Prevention established pursuant to this and previous ordinances.

(b) Fire Official – A person certified by the Commissioner of the Department of Community Affairs and appointed or designated to direct the enforcement of the Code by the appointing authority. This term shall also include “Fire Marshall” where the Fire Official has been appointed pursuant to N.J.A.C. 5:71-32.

(c) Fire Inspector – Person working under the direction of the Fire Official who is certified by the Commissioner of the Department of Community Affairs and appointed or designated to enforce the Code by the appointing authority of a local enforcing agency.

IV. REPORTS AND RECOMMENDATIONS

A report of the Bureau shall be made monthly and transmitted to the Mayor and Council. It shall contain all proceedings under the Code, with such statistics as the Fire Official may wish to include, and which may be required pursuant to the Fire Code.

V. ADDITIONAL REQUIRED INSPECTIONS AND FEES

(a) The Borough hereby adopts the Fee Schedule established in the New Jersey Uniform Fire Code, for regular and additional inspections, as set forth in N.J.A.C. 5:70-2.9(c).

Therefore, the Borough’s fees for the following permits will be consistent with the fees that are charged and allowed by the New Jersey Uniform Fire Code:

Type 1:	\$55.00
Type 2:	\$200.00
Type 3:	\$400.00
Type 4:	\$550.00

(b) The Borough of Woodland Park also adopts through this Ordinance, the Fee Schedule established in the New Jersey Uniform Fire Code for Smoke Detector/Carbon Monoxide Certificates, pursuant to N.J.A.C. 5:70-2.9(d), as follows:

- (i) Requests for a CSDCMAC received more than ten (10) business days prior to the change of occupant, will be Fifty (\$50.00) Dollars per inspection;
- (ii) Requests for a CSDCMAC received four (4) to ten (10) business days prior to the change of occupant, will be charged a fee of One Hundred (\$100.00) Dollars;
- (iii) Requests for a CSDCMAC received fewer than four (4) business days prior to the change of occupant, will be charged a fee of One Hundred Fifty (\$150.00) Dollars.

The authority for adopting the New Jersey Uniform Fire Code, has been established in N.J.A.C. 5:70-2.9(f).

VI. PENALTIES

Any person, who shall violate any of the provisions of this Code, shall be fined in accordance with the penalty schedule that is present in the New Jersey Uniform Fire Code, at 5:70-2.12(b), et. seq.

The minimum penalty for any act or omission in violation of the Act or Code that is not enumerated in this subsection shall be \$5,000 per violation per day. Except as specified in N.J.A.C. 5:70-3 or 4, where a violator shall be subject to a penalty of \$500.00 per violation per day.

VII. VIOLATIONS FOR FAILURE TO OBTAIN A PERMIT

Failure to obtain a required permit prior to commencing the operation, process or activity for which a permit was required, can expose the liable party to a fine that is double the amount of the applicable permit fee. See: New Jersey Uniform Fire Code, 5:70-2.12(b)(7).

In addition, failure to obtain a required permit after being ordered to do so while continuing the operation, process or activity, can expose the liable party to a maximum fine of \$5,000.00 per day during which the operation, process, or activity continues.

The application of the above penalty provision(s) shall not be held to prevent the enforced removal of prohibited conditions, and/or criminal charges that may be advanced by the proper authorities.

VIII. INCONSISTENCIES

If any part of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion(s) of the Ordinance. This Ordinance is hereby approved by the Mayor and council of the Borough of Woodland Park on this date of May 16, 2012.

NEW BUSINESS:

A. Resolution R12-170, Capital Budget Amendment

WHEREAS, the local capital budget for the year 2012 was adopted on the 4th day of April, 2012; and

WHEREAS, it is desired to amend said adopted capital budget section;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Woodland park, County of Passaic, that the following amendments to the adopted capital budget section of the 2012 Budget be made:

CAPITAL BUDGET (CURRENT YEAR ACTION)

	Est. Total Cost	Capital Improv. Fund	Grants in Aid & Other Funds	Debt Authorized	To Be Funded In Future Yrs.
Total All Projects	\$600,000	\$5,000		\$95,000	\$500,000

6 YEAR CAPITAL PROGRAM 2012-2017

Anticipated Project Schedule

	Est. Total Cost	Budget Yr. 2012	Budget Yr. 2013	2014	2015	2016	2017
Total All Projects	\$600,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000

6 YEAR CAPITAL PROGRAM 2012-2017

Summary of Anticipated Funding Sources and Amounts

	Est. Total Cost	Capital Impr.	Grants in Aid	General
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		Fund	& Other Funds	
Total All Projects	\$600,000	\$30,000		\$570,000

TO CAPITAL BUDGET (CURRENT YEAR ACTION) 2012

	Est. Total Cost	Capital Impr. Fund	Grants in Aid & Other Funds	Debt Authorized	To Be Funded In Future Yrs.
Total All Projects	\$2,112,000	\$45,419	\$675,581	\$891,000	\$500,000

6 YEAR CAPITAL PROGRAM 2012-2017
Anticipated Project Schedule and Funding Requirement

	Est. Total Cost	Budget Yr. 2012	Budget Yr. 2013	Budget Yr. 2014	Budget Yr. 2015	Budget Yr. 2016	Budget Yr. 2017
Total All Projects	\$2,112,000	\$1,612,000	\$100,000	\$100,000	\$100,000	\$100,000	\$100,000

6 YEAR CAPITAL PROGRAM 2012-2017
Summary of Anticipated Funding Sources and Amounts

	Est. Total Cost	Capital Impr. Fund	Grants in Aid & Other Funds	General
Total All Projects	\$2,112,000	\$70,419	\$675,581	\$1,366,000

BE IT FURTHER RESOLVED that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 16th day of May, 2012.

Councilman DiDomenico asked why this resolution was being passed prior to the Bond Ordinance introduction. A short discussion was held between Councilman DiDomenico, Mayor Kazmark and Mr. Galland.

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

B. Resolution R12-167, a resolution introducing Ordinance 12-09

BE IT RESOLVED; that the ordinance entitled: **BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, NEW INFORMATION TECHNOLOGY EQUIPMENT AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF WOODLAND PARK, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,512,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS** heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of June 2012, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

Councilman DiDomenico objected to the inclusion of the resurfacing of Borrego Drive in the Bond Ordinance. He stated that he believes Morley Drive, Winslow Place and Pitts Avenue should be resurfaced prior to Borrego Drive due to the fact that they are thru streets and Borrego Drive is a cul-de-sac. He feels that once the Board of Education and opens up the exit driveway on Morley Drive, the traffic on these streets will increase significantly. Mayor Kazmark believes that since we are resurfacing Woodrow Avenue, which leads into Borrego Drive, it would make more sense to finish the whole area at once. He stated that once the Board of Education receives State approval to open the exit

driveway on Morley Drive, he would apply for a grant to reconstruct curbs and sidewalks on the three streets in question and that it would make more sense to do this work prior to resurfacing the roads. A lengthy discussion was held between Mayor Kazmark and Councilman DiDomenico on this issue.

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

There being no further business to come before the Council, upon Motion by Council President Gatti, seconded by Councilman Spinelli and unanimously passed on roll call vote, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor