

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON SEPTEMBER 5, 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 September 5, 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 DeCesare and Mayor Kazmark

Absent: None

Kevin Galland, Administrator, Nancy Ferrigno, Deputy Municipal Clerk and Albert Buglione, Municipal Attorney, were 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 of awards to Officers, Kohler, Condrion and BouDaher for saving the life of a resident of Woodland Park.

PUBLIC HEARINGS:

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

Richard Albert, 94 Glover Avenue asked when Squirrelwood Road will be resurfaced. He also told the Mayor and Council that cars are being parked and left on his street and not being moved for sometimes up to a week.

Sanjay Desai, 186 Mt. Pleasant Avenue insinuated that certain portions of the Borough are being ticketed by the Police Department more than others. He also spoke about properties in the Borough that are not being maintained by the owners.

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

The Mayor told Mr. Albert that Squirrelwood Road will be worked on, as part of the straightening project, beginning in the month of October. With regard to the balance of Squirrelwood Road toward Glover Avenue, the Mayor stated that he would be recommending to the County that this section be resurfaced. With regard to the abandoned car issue, the Mayor asked Councilman DeCesare to speak to Chief Galietti about this problem. The Mayor assured Mr. Desai that the Police Department does not use selective enforcement anywhere in the Borough.

MINUTES:

Upon Motion by Councilman Spinelli, seconded by Councilman Holloway, and passed on roll call vote, the Minutes of the Regular Meeting of August 15, 2012, and the Minutes of the Executive Session of July 15, 2012, were approved as submitted.

MAYOR'S REPORT:

The Mayor was pleased to announce that the resurfacing of Overmount Avenue has been completed prior to the opening of school. He stated that work is to begin on Woodrow Avenue and Borrego Drive in mid-September. The Mayor reported that the roof replacement on the Boys & Girls Club has been completed. He stated that there is a Change Order Resolution on the Agenda tonight with regard to the roof replacement. The reason for the change order is the fact that after the old roof was removed, it was discovered that there was termite damage, as well as wood rot, resulting in extra materials having to be ordered to replace the damage. The Mayor thanked everyone involved in putting together the summer concerts this year in Dowling Gardens. The Mayor thanked the DPW employees for doing a great job on the Morris Canal Project. The Mayor advised everyone that this is "Library Card Month" at the Alfred Baumann Library. He encouraged everyone to go to the library and sign up for a library card. The Mayor thanked Mayor Randy George of North Haledon for passing a resolution supporting Woodland Park in delaying the drainage of the three reservoirs on Garrett Mountain and replacing them with three large concrete tanks. The Mayor stated that this Saturday, he will be attending the first meeting of all of the Passaic County Mayors. The Mayor thanked Dr. Varcadipane for performing at one of our summer concerts and for not accepting payment for the same. The Mayor discussed various vacant properties throughout the Borough and the maintenance which is being performed on same. The Mayor stated that school is open today and everyone should drive carefully.

CONFERENCE COMMITTEE REPORTS:

- A. Administration & Finance – Council President Gatti had no report at this time.
- B. Buildings & Grounds/Public Works – Councilman DiDomenico reported that this committee spoke about the gravity sewer line on McBride Avenue which is undergoing an engineering study. They spoke regarding the sewer line on Spruce Street in Paterson as well as the street repaving program. He stated that Mr. Galbraith will be bringing, to the next meeting, the newest schedule of water and sewer lines which need to be replaced throughout the Borough. He indicated that the committee also discussed the work being done at the Boys & Girls Club. He stated that there was a problem with the contractor who was scheduled to replace the garage doors at the DPW building.
- C. Public Safety – Councilman DeCesare announced that the Fire Department will be having their annual Tricky Tray on Friday, September 28, 2012. He stated that the 911 Memorial Ceremony will take place on September 11, 2012 at the Municipal Building at 6:30 p.m. He asked Mr. Galland for an update on the new generator. Mr. Galland responded that the generator is out for bid with a return date of September 14, 2012.
- D. Health & Senior Services – Councilman Spinelli had no report at this time.
- E. Recreation & Community Relations – Councilwoman Pascrell stated that the last concert at Dowling Gardens was a success.
- F. Laws & Ordinances – Councilman Holloway stated that we will be adopting two ordinances tonight and introducing amendments to two additional ordinances.

MUNICIPAL ATTORNEY'S REPORT:

Mr. Buglione stated that all matters that were discussed in the Executive Session in August are on-going. He stated that there are a number of ordinances "in draft" which will be introduced at a later date.

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 R12-259, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$2,686.02, for the overpayment of taxes, to Richard Guido, 64 Sunset Drive, Block 61, Lot 44, 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 \$2,686.02, was made by Richard Guido with reference to, Block 61, Lot 44; and

WHEREAS, Richard Guido has requested, in writing, that this overpayment be returned to him; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Richard Guido;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$2,686.02 for the overpayment of taxes to Richard Guido, 64 Sunset Drive, Woodland Park, Block 61, Lot 44; and

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

- B. Resolution R12-260, a resolution directing the appropriate administration staff to refund the amount of \$509.92 to the Living Water Church of God, 20 Andrews Drive, Woodland Park, representing a refund of their escrow balance with regard to a Board of Adjustment application.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of a request from Living Water Church of God, 20 Andrews Drive, Woodland Park, New Jersey for a refund of the balance of their escrow account associated with the Board of Adjustment application; and

WHEREAS, the Mayor and Council are in receipt of a recommendation from Felix Esposito, Code Enforcement Officer to return said escrow to the Living Water Church of God;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby direct the appropriate administration staff to refund the amount of \$509.92 to the Living Water Church of God, 20 Andrews Drive, Woodland Park, New Jersey.

- C. Resolution R12-261, a resolution authorizing the Memorial Home & School Association, 8th Grade Dance Committee, to hold an Off-Premise 50/50 Raffle on December 6, 2012 at Memorial School, 15 Memorial Drive, Woodland Park at 7:00 p.m.**

WHEREAS, Memorial Home & School Association, 8th Grade Dance Committee, 15 Memorial Drive, Woodland Park, New Jersey, is seeking approval to conduct an Off-Premise 50/50 Raffle on December 6, 2012 at Memorial School, 15 Memorial Drive, Woodland Park, New Jersey at 7:00 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 Memorial Home & School Association, 8th Grade Dance Committee, 15 Memorial Drive, Woodland park, New Jersey, to conduct an Off-Premise 50/50 Raffle on December 6, 2012 at Memorial School, 15 Memorial Drive, Woodland Park, New Jersey at 7:00 p.m.

D. Resolution R12-262, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$2,344.26, for the overpayment of taxes, to Margherita Toia, 75 Mt. Pleasant Avenue, Block 30, Lot 2, 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 \$2,344.26, was made by Margherita Toia with reference to, Block 30, Lot 2; and

WHEREAS, Margherita Toia has requested, in writing, that this overpayment be returned to her; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Margherita Toia;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$2,344.26 for the overpayment of taxes to Margherita Toia, 75 Mt. Pleasant Avenue, Woodland Park, Block 30, Lot 2; and

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

E. Resolution R12-263, a resolution approving a realignment of the 2007 Bond Ordinance as stated in this resolution.

WHEREAS, on July 18, 2007, the Mayor and Council of the Borough of Woodland Park adopted Bond Ordinance 09-06 in the amount of \$1,505,500.00; 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

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 realignment of the 2007 Bond Ordinance as shown in the table below; and

BE IT FURTHER RESOLVED; that the total amount of the 2007 Bond Ordinance in the amount of \$1,505,500.00 has not been exceeded.

2007 BOND ORD. LINE ITEMS	ORIGINAL ALLOCATION	REVISED ALLOCATION	BALANCE IN LINE ITEM
Automobiles – DPW & Code Enforcement	\$147,608.00	\$141,848.02	\$0.00
McBride Ave. Sanitary Sewer Pump Station	\$170,958.00	\$170,958.00	\$0.00
Salt Shed	\$208,486.00	\$150,163.03	\$0.00
DPW Equipment	\$94,652.00	\$94,115.18	\$0.00
Various Road Resurfacing	\$633,796.00	\$709,676.60	\$78,834.54

Section 20 Costs	\$250,000.00	\$238,739.17	\$0.00
TOTAL	\$1,505,500.00	\$1,505,500.00	\$78,834.54

F. Resolution R12-264, a resolution amending the contract with Daskal LLC, 21 Stevens Road, Wallington, NJ for the replacement of the roof at the West Paterson Boys & Girls Club authorizing an increase in the contract in the amount of \$15,100.00 increasing the total amount of the contract to an amount not to exceed \$51,420.00.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey awarded a contract on August 15, 2012 for the replacement of the roof at the West Paterson Boys & Girls Club, Memorial Drive, Woodland Park in an amount not to exceed \$36,320.00; and

WHEREAS, due to the fact that when the existing roof was removed, it was discovered that the wood was infested with termites, extensive rot damage and rotted sheathing; and

WHEREAS, due to the infestation of termites and rot damage, the wood blocking on the perimeter of the roof had to be replaced for a cost of \$5,100.00 (Change Order #1); and

WHEREAS, the original ¼” plywood roof sheathing needed to be replaced with new ¾” plywood sheathing at a cost in the amount of \$10,000.00 (Change Order #2); and

WHEREAS, two Change Orders in the total amount of \$15,100.00 was necessary to complete the project increasing the total amount of the contract to an amount not to exceed of \$51,420.00 and

WHEREAS, an additional \$2,500.00 will be paid directly to the termite exterminator;

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, do hereby amend the contract with Daskal LLC, 21 Stevens Road, Wallington, NJ for the replacement of the roof at the West Paterson Boys & Girls Club authorizing an increase in the contract in the amount of \$15,100.00 increasing the total amount of the contract to an amount not to exceed of \$51,420.00.

G. Resolution R12-265, a resolution requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2012 Budget in the sum of \$60,000.00 representing the Safe and Secure Grant.

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 \$60,000.00 from the State of New Jersey, Division of Criminal Justice and wishes to amend its Calendar Year 2012 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that 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 2012 in the sum of\$60,000.00

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:

State of New Jersey, Division of Criminal Justice
Safe & Secure Grant

BE IT FURTHER RESOLVED that the like sum of\$60,000.00

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:

State of New Jersey, Division of Criminal Justice
Safe & Secure 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.

H. Resolution R12-266, a resolution authorizing the Totowa Parent Teacher Organization, 10 Crews Street, Totowa, New Jersey, to conduct an Off-Premise 50/50 Raffle on April 18, 2013 at Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey at 10:00 p.m.

WHEREAS, Totowa Parent Teacher Organization, 10 Crews Street, Totowa, New Jersey, is seeking approval to conduct an Off-Premise 50/50 Raffle on April 18, 2013 at Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey at 10:00 p.m.; and

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

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby give authorization to Totowa Parent Teacher Organization, 10 Crews Street, Totowa, New Jersey, to conduct an Off-Premise 50/50 Raffle on April 18, 2013 at Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey at 10:00 p.m.

I. Resolution R12-267, a resolution requesting the Director of the Division of Local Government Services to make corrections in the 2012 Budget as outlined in this resolution.

WHEREAS, N.J.S. 40A:4-85 provides that the Director of the Division of Local Government Services may, at the request of, or with the consent of, the governing body of any county or municipality, make such correction of the title, test or amount of any appropriation appearing in the Budget as may be necessary to make said item of appropriation available for the purpose or purposes required for the needs of any such county or municipality;

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provision of N.J.S. 40A:4-85, the Governing Body of the Borough of Woodland Park, County of Passaic and State of New Jersey, hereby requests the Director of the Division of Local Government Services to make the following corrections in the Budget year 2012:

That the appropriation provided for in the approved Budget entitled:

Total Operations within “CAPS”

Legal Services – Salary and Wages to be reduced by the sum of \$1,647.16

and an appropriation in the like amount of \$1,647.16 to be added to the budget entitled:

Total Operations within "CAPS"
Legal Services – Operating Expenses

Total Operations within "CAPS"
Municipal Prosecutor – Salary and Wages to be reduced by the sum of
\$5,242.20

and an appropriation in the like amount of \$5,242.20 to be added to the budget entitled:

Total Operations within "CAPS"
Municipal Prosecutor – Operating Expenses

Total Operations within "CAPS"
Public Defender – Salary and Wages to be reduced by the sum of
\$3,574.16

and an appropriation in the like amount of \$3,574.16 to be added to the budget entitled:

Total Operations within "CAPS"
Public Defender – Operating Expenses

BE IT FURTHER RESOLVED that the foregoing correction is, in the opinion of the Governing Body, warranted and authorized by the statute above referred to and is Resolution R12-267

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necessary for the orderly operation of the Borough of Woodland Park for the reasons hereinafter set forth:

The 2007 Law states:

20. a. A person who performs professional services for a political subdivision of this State or a Board of Education, or any agency, authority or instrumentality thereof, under a professional services contract awarded in accordance with section 5 of P.L. 1971, c. 198, on the basis of performance of the contract, shall not be eligible for membership in the Public Employees' Retirement System. A person who is a member of the retirement system as of the effective date of P.L. 2007, c.92 shall not accrue service credit on the basis of that performance following the expiration of an agreement or contract in effect on the effective date of P.L. 2007, c.92.

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

J. Resolution R12-268, a resolution authorizing the Beatrice Gilmore Home & School Association, 1075 McBride Avenue, Woodland Park, New Jersey, to conduct a Merchandise Bingo on October 12, 2012 at the West Paterson Boys & Girls Club, 8 Memorial Drive, Woodland Park, New Jersey between the hours of 6:00 and 11:00 p.m.

WHEREAS, Beatrice Gilmore Home & School Association, 1075 McBride Avenue, Woodland Park, New Jersey, is seeking approval to conduct a Merchandise Bingo on October 12, 2012 at the West Paterson Boys & Girls Club, 8 Memorial Drive, Woodland Park, New Jersey between the hours of 6:00 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

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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 Beatrice Gilmore Home & School Association, 1075 McBride Avenue, Woodland Park, New Jersey, to conduct a Merchandise Bingo on October 12, 2012 at the West Paterson Boys & Girls Club, 8 Memorial Drive, Woodland Park, New Jersey between the hours of 6:00 and 11:00 p.m.

K. Resolution R12-269, a resolution to approve the actions noted in the Consent Agenda, items A. through J., 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 J. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

Upon Motion made by Councilman DeCesare, 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 Councilman Spinelli, seconded by Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of the 09/15/12 regular and miscellaneous payrolls estimated at \$240,000.00 each.

Upon Motion made by Council President Gatti, seconded by Councilman DeCesare and passed on roll call vote, with an abstention by Councilwoman Pascrell on Page 12, Item 7867, the Council confirmed the payment of bills from voucher list of 8/31/12 totaling \$426,885.21.

DEPARTMENT REPORTS:

1. Police Report for August, 2012.
2. Board of Adjustment Minutes for July 23, 2012.
3. Summary Budget Status Report for August 31, 2012.

OLD BUSINESS:

A. Public Hearing on Ordinance 12-13

Upon a Motion made by Council President Gatti seconded by Councilwoman Pascrell and passed on roll call vote, a public hearing was opened on Ordinance No. 12-13.

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

B. Resolution R12-255, Adoption of Ordinance 12-13

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled an Ordinance to Amend Chapter XI of the Ordinances of the Borough of Woodland Park, which is Also Known as the "Traffic Ordinance" as Amended and Supplemented by Adding Section 5-40, Traffic Control Signal Monitoring System; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated August 18, 2012, setting the date of September 5, 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 September 5, 2012 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled an Ordinance to Amend Chapter XI of the Ordinances of the Borough of Woodland Park, which is also known as the “Traffic Ordinance” as Amended and Supplemented by Adding Section 5-40, Traffic Control Signal Monitoring System 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 DeCesare, the aforementioned resolution was unanimously adopted on roll call vote.

Ordinance 12-13

AN ORDINANCE TO AMEND CHAPTER XI OF THE ORDINANCES OF THE BOROUGH OF WOODLAND PARK, WHICH IS ALSO KNOWN AS THE "TRAFFIC ORDINANCE" AS AMENDED AND SUPPLEMENTED BY ADDING SECTION 5-40, TRAFFIC CONTROL SIGNAL MONITORING SYSTEM

WHEREAS, by P.L. 2007, Chapter 348 [the Act], the legislature of the State of New Jersey has determined that the installation of a traffic control signal monitoring system by municipalities complementing local law enforcement could serve as an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

WHEREAS, the Borough of Woodland Park wants to install traffic control signal monitoring systems at various intersections within the Borough; and

WHEREAS, the Borough of Woodland *Park* has determined that adoption of the Ordinance is in the best interest of the health, safety and welfare of the Borough and its residents.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Woodland Park, State of New Jersey, that:

Section 1. Purpose.

This Ordinance is enacted to encourage drivers to strictly obey traffic control devices at intersections, facilitating the flow of traffic and protecting the safety and well-being of motor vehicle occupants and pedestrians in the Borough of Woodland Park in full compliance and accordance with the provisions of an act of Legislature of the State of New Jersey entitled An Act concerning traffic control signal monitoring and supplementing Title 39 of the Revised Statutes, NJS 39:4-8.12, et seq., and in accordance with any rules and regulations promulgated thereto *or* to be promulgated by the Commissioner of Transportation, the Chief Administrator of the Motor Vehicle Commission, the Superintendent of the State Police and any Rules of Court that may be adopted by the Supreme Court of New Jersey.

Section 2. Intent.

It is the intent that all terms, conditions, requirements of the five year pilot program as established through *NJS 39:4-8.12*, et al. are specifically incorporated herein.

Section 3. Definitions.

For the purpose of this Ordinance words and phrases herein shall have the same meaning as in NJS 39:48.12, et seq., and any rules and regulations of the Commissioner of Transportation, the Chief Administrator of the Motor Vehicle Commission, the Superintendent of the State Police and any Rules of Court that may be adopted by the Supreme Court of the New Jersey promulgated pursuant thereto.

Section 4. Installation.

(a) The Borough of Woodland Park hereby determines to install and utilize a traffic control signal monitoring system at various intersections within the Borough of Woodland Park as approved by the Commissioner of Transportation pursuant to N.J.S.A. 39:4-8.12, et seq.

(b) The System to be installed shall be approved through a Resolution by the Municipal Council.

(c) The Borough of Woodland Park shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid, but rather reformed to conform to the Act.

(d) The signs notifying drivers that a System is being utilized shall be approved by the Borough Engineer, the Superintendent of the Department of Public Works or his designee and shall be placed on each street converging into the affected intersection as required by the Act. The sign shall be of a design and placed in accordance with specifications approved by the Borough Engineer. The specifications so approved shall compliant with the "Manual on Uniform Traffic Control Devices for Streets and Highways."

(e) The Borough Engineer, the Superintendent of the Department of Public Works or his designee shall inspect and certify the System at least once every six (6) months from the date of its installation until the end of the Pilot Program unless extended by the NJDOT.

(f) The vendor contracting with the Borough, for the installation and use of a System shall establish a public awareness campaign to notify the public of the intersection(s) at which the system will be installed and of the date on which the system will be activated. The public awareness campaign shall at a minimum utilize electronic and print media and shall make available electronically on an Internet website information required under the Act.

Section 5. Issuance of the Summons.

The Borough of Woodland Park Police Department shall review the recorded images produced by the System, to determine whether sufficient evidence exists to conclude that a traffic control signal violation has occurred and shall issue a Summons when appropriate to be served by a law enforcement official in accordance with the Rules of the Court.

Section 6. Use of Recorded Images.

(a) Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the sworn officers of the Woodland Park Police Department for the purpose of discharging his or her duties under P.L. 2007, Ch. 348.

(b) Any recorded image or information produced in connection with the System shall not be deemed a public record in N.J.S.A 47:IA-1 et. seq., or common law. The recorded images shall not be; (i) discoverable as a public record by any person, entity, or government agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.

(c) Any recorded image or information collected in connection with a traffic control signal violation shall not be retained after sixty (60) days following the collection of any fine or penalty.

(d) If a summons is not issued within thirty (30) business days following the alleged traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Woodland *Park* Police Department within five (5) business days.

(e) The Borough of Woodland Park shall certify compliance of Section by filing a report with the Commissioner of Transportation in accordance with the Act.

Section 7. Locations.

(a) Upon approval by the State of New Jersey Department of Transportation, Traffic control signal monitoring systems shall be installed and operated at the following locations:

Browertown Road and Route 46 West

McBride Avenue and Route 46 West

McBride Avenue and Glover Avenue

Section 8. Amendments of List of Locations.

Any amendments, additions or modifications to this list of locations, shall be by an amending Ordinance submitted by the Municipal Council.

Section 9. Liability.

The Owner and Operator of a motor vehicle shall be held jointly liable for a traffic control signal violation summons pursuant to this Ordinance subject to provisions of the Act.

Section 10. Repealer.

Any ordinances or parts thereof inconsistent with this ordinance are hereby repealed.

Section 11. Effective Date, Expiration Date.

If any part of this ordinance amendment is declared unconstitutional or illegal, the remaining provisions shall continue in full force an effect.

This ordinance shall take effect upon final passage and publication and in accordance with the laws of the State of New Jersey and shall expire upon the terms and conditions set forth in NJS 39.4-81.

C. Public Hearing on Ordinance 12-14

Upon a Motion made by Councilman Holloway seconded by Councilman DeCesare and passed on roll call vote, a public hearing was opened on Ordinance No. 12-14.

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

D. Resolution R12-256, Adoption of Ordinance 12-14

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled an Ordinance to Restate Ordinance 11-07 of the Revised General Ordinances of the Borough of Woodland Park and to Amend Section 4.2; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated August 18, 2012, setting the date of September 5, 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 September 5, 2012 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled an Ordinance to Restate Ordinance 11-07 of the Revised General Ordinances of the Borough of Woodland Park and to Amend Section 4.2 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 Spinelli, and seconded by Councilwoman Pascrell, the foregoing resolution was unanimously adopted on roll call vote.

Ordinance 12-14

**AN ORDINANCE TO RESTATE ORDINANCE 11-07 OF THE REVISED
GENERAL
ORDINANCES OF THE BOROUGH OF WOODLAND PARK, AND TO AMEND
SECTION 4.2**

BE IT ORDAINED; by the Mayor and Municipal Council of the Borough of West Paterson, in the County of Passaic and State of New Jersey as follows:

Section 1 Purpose.

The purpose of this Ordinance is to amend **Section 4 Regulation of Licenses**, contained in Ordinance No. 11-07. This ordinance is enacted to regulate the sale and transportation of alcoholic beverages in the Borough of West Paterson in accordance with the provisions of an Act of the legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages", comprising Chapter 436 of the Laws of 1933, its supplements and amendments, and also comprising New Jersey Statutes Annotated (N.J.S.A.) 33:1-1 *et seq.*, and in accordance with the rules and regulations of the State Director of Alcoholic Beverage Control, New Jersey Administrative Code (N.J.A.C.) 13:2-1; and to control the consumption of alcoholic beverages in public by persons, or groups of persons, within the Borough of Woodland Park.

Section 4 Regulation of Licenses

- 4.1 *Hours of Sale.* No alcoholic beverages shall be sold, served, consumed or delivered to any customer in or from any licensed premises on any day between the hours of 2:00am and 7:00am except Sundays and New Year's Day each year as hereinafter provided.
- 4.2 *Sundays.* Provisions of subsection 8-4.1 shall not apply on Sundays. On Sundays, no alcoholic beverages shall be sold, served, consumed or delivered to any customer in or from any licensed premises between the hours of 2:00am and

11:00am. Packaged goods stores, restaurants and bars, may begin at 11:00am, except when New Years Eve (December 31st of each year) falls on a Sunday, no alcoholic beverages shall be sold, served, consumed or delivered to any customer in or from any licensed premises between the hours of 2:00am and 9:00am.

- 4.3 *New Year's Day.* Provisions of subsections 8-4.1 and 8-4.2 shall not apply on January 1, of each year.
- 4.4 *Sales to Certain Persons.* No licensee or employee of a licensee shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to any intoxicated person or person under the legal age, or permit the consumption of alcoholic beverages on any licensed premises by any of the above named persons.
- 4.5 *Closing of Premised During Prohibited Hours of Sale; Exceptions.* During the hours when sales of alcoholic beverages are prohibited, the entire licensed premises shall be closed and no person shall be admitted to remain thereon except the licensee or bona fide employees of the licensee; provided, however, that such requirement for the closing of the premises shall not apply to bond fide hotels or restaurants as defined in N.J.S.A. 33.1-1(t) and to clubs eligible for a club license under N.J.S.A. 33.1-12(5) and to other establishments where the principle business is other than the sale of alcoholic beverages.
- 4.6 *Access to Premises.* No person shall be served alcoholic beverages in any room which is not open to the public. This section shall not apply to club licenses.
- 4.7 *Outside view of premises.* All licensed premises other than those for which club licenses are issued shall be so located that a normal sized adult can, on inspection from the exterior, view the interior of the premises.

Section 8 This ordinance shall take effect upon passage and publication as provided by law.

NEW BUSINESS:

A. Resolution R12-257, Introduction of Ordinance 12-15

AN ORDINANCE ESTABLISHING MINIMUM STANDARDS GOVERNING THE CONDITION AND MAINTENANCE OF ALL VACANT PROPERTY, ALL COMMERCIAL AND INDUSTRIAL PREMISES AND STRUCTURES AND ALL RESIDENTIAL PREMISES AND STRUCTURES NOT OCCUPIED BY THE OWNER IN WHOLE OR IN PART, PROVIDING PENALTIES FOR VIOLATIONS 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 19th day of September, 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.

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

B. Resolution R12-258, Introduction of Ordinance 12-16

AN ORDINANCE REGULATING LITTER, WASTE AND OUTDOOR STORAGE, FOR THE BOROUGH OF WOODLAND PARK 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 19th day of September, 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.

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

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 Pending Litigation

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 confidentiality and if not then legally privileged.

Upon Motion made by Councilwoman Pascrell, seconded by Councilman DeCesare and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 8:25 p.m.

There being no further business to come before the Council, upon Motion by Councilman Spinelli, seconded by Councilman DeCesare and unanimously passed on roll call vote, the meeting was adjourned at 9:40 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor