

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON JANUARY 16, 2013**

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 January 16, 2013 and was called to order by Mayor Keith Kazmark at 7:00 p.m.

Present: Council President Holloway, Councilwoman Gatti, Councilman Spinelli, Councilwoman Kallert, 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 2, 2013 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:

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

Richard Dudek, 92 Passaic Avenue spoke to the Mayor and Council about several issues in his neighborhood. Those issues were:

1. Parents parking their cars directly on the corners of the streets near Beatrice Gilmore School during school hours.
2. A request for a 4-way stop sign at intersections of Rockaway Avenue.
3. Snow removal – DPW not plowing close enough to the curb leaving one foot to eighteen inches of snow next to the curbs.
4. Tractor-trailers from FSR, Inc. driving on Passaic Avenue hitting and snapping cable lines. These trucks are also damaging the street and curbs on Passaic Avenue.
5. Piles of wood at the end of Memorial Drive that are emitting an odor and are unsightly.
6. Streetlights should be placed on sections of Bergen Boulevard.

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

The Mayor stated that he was aware of some of these issues. However, with regard to the cars that are parked too close to the corners, he asked Councilman DeCesare to add this issue, as well as the truck issue, to his Public Safety Committee agenda to be discussed at their next meeting. The Mayor stated that he would speak to the Department of Public Works with regard to curb to curb snow plowing. With regard to the piles of wood on Memorial Drive, the Mayor asked Mr. Galland to speak with Assistant Chief Muccio from the West Paterson Fire Department to see if he knew why this wood was in this area. He asked Mr. Dudek to identify light poles on Bergen Boulevard where he believes streetlights should be installed.

PRESENTATIONS:

Frank Covelli, of Professional Insurance Assoc., explained the changes in the final draft to the Plan Document for the Employee Medical Benefits Program administered by the North Jersey Municipal Employee Benefits Fund.

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MINUTES:

Upon Motion by Councilman Spinelli, seconded by Councilwoman Pascrell, and passed on roll call vote, the Minutes of the Regular Meeting of December 19, 2012, Executive Session of December 19, 2012, Special Meeting of December 26, 2012, Reorganization Meeting of January 2, 2013 and the Executive Session of January 2, 2013, were approved as submitted with abstentions by Council President Holloway and Councilman DeCesare for the Special Meeting of December 26, 2012 and by Councilwoman Kallert for the Regular Meeting and Executive Session of December 19, 2012 and the Special Meeting of December 26, 2012.

MAYOR'S REPORT:

The Mayor announced that we were scheduled to have the West Paterson Boys & Girls Club football teams here tonight to receive Certificates but that has been postponed to the February 6th meeting. With regard to the Memorial Field Improvement Project, Phase II, the Mayor thanked Mr. Galland, Councilwoman Pascrell and Sam Yodice for the work they have done with regard to this project. The Mayor stated that we are moving forward with the sanitary force main in the City of Paterson which services Little Falls, Totowa and Woodland Park. He stated that this project will be funded by a Bond Ordinance which he is prepared to introduce at the February 6, 2013 meeting. The Mayor told everyone that information cards were delivered today with contact information for the Governing Body as well as a listing of the contact information for all municipal offices. These cards may be obtained in the municipal building as well as the library. He stated that the community calendars and recycling schedules have been mailed out.

CONFERENCE COMMITTEE REPORTS:

- A. Administration & Finance – Councilwoman Gatti stated that the sanitary force main was the primary topic of the committee meeting.
- B. Public Works – Councilman Spinelli reported that the Public Works Committee will be meeting with the Borough Engineers to get a cost estimate on the resurfacing of various roads throughout the Borough. Councilman Spinelli asked Mr. Galland to look at the problem on Terrace Avenue wherein cars are turning on Irving Place and West 31st Street only to have to turn around because of construction being done. He asked for signage, if possible, to be placed on Terrace Avenue. He also asked Council President Holloway if his committee would look at the garbage ordinance, specifically, how long garbage pails can be left out after garbage pick-up. The Mayor stated that he had already spoken with Chief Galietti regarding the Terrace Avenue issue and that the Chief will have officers on that street directing traffic.
- C. Public Safety – Councilman DeCesare reported that he is getting good feedback with regard to the speed trailers. He reported that the Police Department issued over 6000 summonses in 2012 which is up from 5600 the previous year. He thanked everyone in the Fire Department for doing a great job this past year. He stated that within the next few months, we will be offering I.D. cards for senior citizens. He then stated that he will be meeting with the Mayor and the Board of Education with regard to school safety. He announced that the West Paterson First Aid Squad will be holding a Fish & Chips Dinner on March 20th at the American Legion.
- D. Health & Senior Services – Councilwoman Kallert reported that the committee's first meeting will be on January 21st. The main topic of discussion will be the Health Fair that they would like to hold this spring.
- E. Recreation & Community Relations – Councilwoman Pascrell reported that the Boys & Girls Club is almost finished with their improvements. She stated that with regard to the summer camp, the committee is considering extended hours.
- F. Laws & Ordinances – Council President Holloway stated that his committee will be discussing the garbage ordinance at their next meeting. He also stated

that he will be meeting with the Borough Planner, along with the Mayor and Mr. Buglione, to discuss the Master Plan.

MUNICIPAL ATTORNEY'S REPORT:

Mr. Buglione stated that he is continuing with many of the projects that he was working on last year. He stated that the EPA DEP litigation is scheduled for another court hearing on Tuesday followed by a special municipality group meeting.

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 R13-30, a resolution authorizing the use of funds from the Woodland Park Open Space Trust Fund in an amount not to exceed \$8,816.00 for the controlling of the geese population within the Borough.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have determined that there is a need to have the geese population controlled within the Borough; and

WHEREAS, said geese control can be contracted for an amount not to exceed \$8,816.00; and

WHEREAS, funds are available from Woodland Park Open Space Trust Fund Account for this type of project; and

WHEREAS, a majority of the members of the Borough's Open Space Committee fully support this work effort and have recommended to the Mayor and Council that funds from the trust, in an amount not to exceed \$8,816.00, be used for this endeavor;

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 authorize the use of funds from the Woodland Park Open Space Trust Fund in an amount not to exceed \$8,816.00, for the controlling of the geese population within the Borough.

B. Resolution R13-31, a resolution awarding a contract to the United States Department of Agriculture, 320 Corporate Boulevard, Robbinsville, New Jersey in an amount not to exceed \$8,816.00 for the controlling of the geese population within the Borough.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to control the geese population within the Borough; and

WHEREAS, funds are available from the Woodland Park Open Space Trust Fund for this project; and

WHEREAS, this service can be procured without public bidding in compliance with N.J.S.A. 40A:11-5(2);

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 United States Department of Agriculture, 320 Corporate Boulevard, Robbinsville, New Jersey in an amount not to exceed \$8,816.00, for the controlling of the geese population within the Borough.

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C. Resolution R13-32, a resolution accepting the final draft of the Plan Document for the Employee Medical Benefits Program administered by the North Jersey Municipal Employee Benefits Fund and authorizing the Mayor and the Borough Administrator to execute this document and file same with the North Jersey Municipal Employee Benefits Fund.

WHEREAS, the Borough of Woodland Park, (hereinafter the Borough), provides an Employee Benefits Program consisting of medical, prescription and dental benefits for eligible employees, dependents and retirees; and

WHEREAS, said Benefit Program is administered through the North Jersey Municipal Employee Benefits Fund (hereinafter, the Fund); a public entity consisting of municipalities and school boards that partially self-insures employee benefit programs; and

WHEREAS, the Fund's Executive Committee, recognizing that many plan documents for members had not been re-written in over fifteen (15) years, directed the Program Manager to reform and re-write the Plan Document for each member entity to reflect changes in federal and state mandates, as well as ever emerging medical treatments that have become accepted medical practice since the document was last drafted; and

WHEREAS, the Fund represents through this final Draft, that the intent and scope of the prior Plan Document remains consistent with the existing plan of benefit, thereby ensuring compliance with the moral and contractual obligations of the Borough to all contractual as well as non-contractual employees, covered dependents and eligible retirees.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, the final Draft of the Plan Document presented by the North Jersey Municipal Employee Benefits Fund, is hereby accepted by the Borough and recognized as the current Plan Document, until such time as a successor document shall be qualified; and

BE IT FURTHER RESOLVED, the Mayor and Borough Administrator are hereby authorized and directed to execute this document and file the original signature page(s) with the Fund, in accordance with the procedures promulgated by the Fund and as directed by the Borough's Health Benefits Consultant; and

BE IT FURTHER RESOLVED, a certified copy of this Resolution shall be forwarded to the Borough CFO, Borough Auditor and PIA Security Programs, Inc., 429 Hackensack Street, P.O. Box 818 Carlstadt, NJ 07072, Health Benefits Consultant to the Borough.

D. Resolution R13-33, a resolution in opposition to the approval process for Non-SHBP Health Insurance Plans as proposed by N.J.A.C. 5:30-18.1 through 18.4 and N.J.A.C. 6A:23A.

WHEREAS, The New Jersey Local Finance Board and the New Jersey Department of Education have proposed rules requiring that all labor contracts providing for health insurance outside the State Health Benefits Program need to be approved by the State and requiring that local entities and school boards perform a static comparison of health insurance costs to State Health Benefit Program costs; and

WHEREAS, these rules are in conflict with Section 42.c of Chapter. 78, which is ostensibly used as authority for the regulation, but is actually meant only to apply to public entities wishing to enter into contract that included a contribution schedule from employees that substitutes for that as laid out in the statute; and

WHEREAS, the regulations, as proposed, extends this authority to require all public entities electing not to provide health benefits through

the State Health Benefits Plan (SHBP) and the School Employees' Health Benefits Program (SEHBP) to submit to the process established under the proposed regulation; and

WHEREAS, this interpretation that is contrary to the regulations is supported by:

- The plain reading of the statute;
- The explanation contained in Local Finance Notice (LFN) 2011-20R, Section VI. Alternate Employee Health Care Contribution; and
- The following language from the "Statement" found at page 121, line 35 of the Bill (underlining added)::

The bill allows boards of education and units of local government, that do not participate in the SHBP or SEHBP, to enter into contracts for health care benefits coverage, as may be required to implement a collective negotiations agreement, and agree to different employee contribution rates if certain cost savings in the aggregate over the period of the agreement can be demonstrated. The savings must be certified to the Department of Education or the Department of Community Affairs, as appropriate.; and

WHEREAS, the proposed regulation is cumbersome and places a significant burden on any public body intending to utilize the employee contribution schedule contained within the law, but wishing obtain health benefits outside the SHBP or SEHBP; and

WHEREAS, the de facto effect of this regulation, if adopted, will be to drive public bodies into the SHBP or SEHBP and stifle competition; and

WHEREAS, New Jersey already has one of the nation's most uncompetitive health insurance markets according to the Henry J. Kaiser Family Foundation (October 2011):

- In the individual market, one carrier, Horizon BCBS, controls 73% of the market with only two carriers having 5% or more of the market.
- The same carrier controls over 75% of the governmental market, largely by virtue of its relationship with the SHBP and SEHBP.
- Finally, Horizon controls 43% of the small group market; and

WHEREAS, if the regulation causes a significant number of local entities to move to the SHBP and SEHBP, a negative result will be to increase market concentration and further reduce carrier competition in the State; and

WHEREAS, this will result in an increase in fully insured costs for other persons, governmental entities, not for profits, and business in the State; and

WHEREAS, the regulations' definition of "net employer cost" is not inclusive of all relevant items and should be modified:

- For instance, members of JIFs own a proportionate share of fund surplus that should be included in a valid comparison.
- Likewise, JIF members receive dividends that reduce net employer cost.
- Finally, JIF rates could include supplemental assessments that represent a liability to the member regardless of whether it stays in the joint insurance fund or moves to the SHBP.; and

WHEREAS, most local entity labor contracts cover multiple year periods:

- A comparison using the most current year is misleading and invalid because the comparison can change in subsequent years.
- In addition, school districts that belong to health JIFs renew on July 1 of each year.
- The differences in renewal cycles between the health JIF, the SEHBP, and the commercial market will further complicate comparisons; and

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WHEREAS, the regulations do not address differences in plan design between an employer plan and the plan or plans offered by the SHBP and the SEHBP and such differences are critical to any valid comparison of plan economics; and

WHEREAS, the regulations do not address legal restraints on local entities considering their obligations to retirees, and obligations to employee groups that are not a part of the contract in question; and

WHEREAS, in situations where a local health plan has negotiated benefits that are richer than, or even different than, those provided by the SHBP and SEHBP, the local unit will be subject to sanctions for failing to honor its labor agreements; and

WHEREAS, the comparison is burdensome to local units and of limited use given that the requested details do not allow for a valid comparison of net cost and benefits; and

WHEREAS, SEHBP rates are reduced by the amount of the A4 retiree surcharge paid by entities not in the state plan and the rates for local school districts not in the SEHBP are increased by the surcharge further limiting the fairness and utility of the comparison; and

WHEREAS, SEHBP and SHBP rates in the past have been impacted by one time sources of revenue such as the Tobacco settlement and the use of one time sources of revenue that are not available to local units does not permit for a fair and valid comparison; and

WHEREAS, The regulations favor the SEHBP and SHBP to the exclusion of health joint insurance funds (JIFs) that have faithfully served New Jersey local government, under enabling statutes, for over 20 years:

- Health JIFs are a valid alternative for entities with unique plan designs, good loss experience, and a willingness to participate in JIF governance.
- Health JIFs are the largest “shared services” effort in the State for local government from a revenue standpoint.
- To the extent that the regulations operate to the disadvantage of health JIFs, the regulations are in opposition to, and indeed are hostile to, statutes that authorize JIF creation and operation.
- By extension, the regulations foster a “big government” mentality and are hostile to both “shared services” and “home rule” concepts.
- If the regulation seeks to encourage “due diligence”, then members of the SEHBP and SHBP should also be required to compare their claims and cost to the health JIF and commercially insured alternatives.

NOW, THEREFORE, BE IT RESOLVED, that, for the foregoing reasons, we respectfully beseech that the Departments modify and reissue the proposed regulations to:

- Apply only when a local unit proposes an employee contribution schedule different from that contained in the statute;
- Require any comparison to take into consideration differences in plan design and eligibility;
- Require the evaluation criteria to consider dividends received from a health JIF and shares of surplus retained by the health JIF;
- Promote, rather than undermine, healthy competition among the various options available to local units shopping for health insurance;

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor Christie, the NJ Local Finance Board, the NJ Department of Education, and to local legislative representatives.

E. Resolution R13-34, a resolution authorizing the Municipal Tax Collector to cancel the taxes on property known as 1066 McBride Avenue, Block 101, Lot 9 for the first and second quarter of 2013, which property has been purchased by the West Paterson Fire Department.

WHEREAS, the West Paterson Fire Department has purchased property known as 1066 McBride Avenue, Block 101, Lot 9 in the Borough of Woodland Park; and

WHEREAS, the Municipal Tax Assessor has approved the exemption based on the purchase of said property and the conclusion that the property will not be rented,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, that the Municipal Tax Collector be and is hereby authorized to cancel the taxes on the above mentioned property for the first and second quarter of 2013 and is relieved from the responsibility of collecting these taxes.

F. Resolution R13-35, a resolution, based on the recommendation of Chief Paul Salomone, approving the application of Fabio Cianchetta, 35 Mary Avenue, Woodland Park, to become a West Paterson Volunteer Firefighter.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, are in receipt of an application from Fabio Cianchetta, 35 Mary Avenue, Woodland Park, New Jersey and is seeking approval to become a West Paterson Volunteer Firefighter; and

WHEREAS, the above named applicant agrees to comply with all of the rules and regulations of the West Paterson Fire Department and the Borough Ordinances pertaining to the West Paterson Fire Department;

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 on the recommendation of Chief Paul Salomone, approves the application of Fabio Cianchetta, 35 Mary Avenue, Woodland Park, New Jersey to become a West Paterson Volunteer Firefighter.

G. Resolution R13-36, a resolution authorizing DePaul Catholic High School, 1512 Alps Road, Wayne, New Jersey, to conduct a Tricky Tray, an On Premise 50/50 Raffle and an Off Premise Merchandise Raffle to be held on April 11, 2013 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, DePaul Catholic High School, 1512 Alps Road, Wayne, New Jersey, is seeking approval to conduct a Tricky Tray, an On Premise 50/50 Raffle and an Off Premise Merchandise Raffle to be held on April 11, 2013 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 DePaul Catholic High School, 1512 Alps Road, Wayne, New Jersey, to conduct a Tricky Tray, an On Premise 50/50 Raffle and an Off Premise Merchandise Raffle to be held on April 11, 2013 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.

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H. Resolution R13-37, a resolution appointing William Gilhooley as a Special Police Officer on January 2, 2013 at the Reorganization Meeting of the Borough of Woodland Park.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey recognize the need to appoint a Special Police Officer for special assignments throughout the Borough; and

WHEREAS, on January 2, 2013, at the Reorganization Meeting of the Mayor and Council of the Borough of Woodland Park, William Gilhooley was appointed as Special Police and sworn in as same; and

WHEREAS, the Police Training Commission requires that a resolution be adopted by the Mayor and Council of the Borough of Woodland Park, appointing William Gilhooley as a Special Police Officer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey that William Gilhooley has been sworn in as a Special Police Officer for the Borough of Woodland Park on January 2, 2013.

I. Resolution R13-38, a resolution, based on the recommendation of Felix Esposito, Construction Code Official, granting permission to Murad Uddin d/b/a Town Cab Limo to operate a Limousine Service from 941 McBride Avenue, Woodland Park.

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 Murad Uddin d/b/a City Town Cab Limo, 941 McBride Avenue, Woodland Park, to operate a limousine business; and

WHEREAS, the above named applicant has filed all necessary paperwork with the Municipal Clerk's office in conjunction with Felix Esposito, Construction Code Official, as well as in accordance with N.J.S.A.48:126-2,3, and 4, Limousine Charter Service; and

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 on the recommendation of Felix Esposito, Construction Code Official, grants the request of Murad Uddin d/b/a/ Town Cab Limo, to operate a limousine business at 941 McBride Avenue, Woodland Park.

J. Resolution R13-39, a resolution authorizing the purchase of a 2013 Chevy Tahoe SSV 4x4 from Day Chevrolet, Inc. 1600 Golden Mile Highway, Monroeville, PA to be used by the Chief of the West Paterson Fire Department, in an amount not to exceed \$35,804.01.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have determined that there is a need to purchase a 2013 Chevy Tahoe SSV 4x4 to be used by the Chief of the West Paterson Fire Department; and

WHEREAS, funding for this purchase has been provided for in the 2012 Bond Ordinance; and

WHEREAS, this vehicle is being purchased through the New Jersey State Department of Treasury, Division of Purchase and Property, Cooperative Purchasing (contract #82926 T-2776); and

WHEREAS, the vendor for this vehicle is Day Chevrolet, Inc., 1600 Golden Mile Hwy., Monroeville, PA 15146;

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 authorize the purchase of a 2013 Chevy Tahoe SSV 4x4 from Day Chevrolet, Inc., 1600 Golden Mile Hwy., Monroeville, PA 15146, in an amount not to exceed \$35,804.01.

K. Resolution R13-40, a resolution authorizing West Paterson Fire Company #2 to conduct a “Shake-a-Boot” fundraiser from May 31st through June 2, 2013 with an alternate weekend of June 7th through June 9, 2013, at the intersections of 1) Glover and McBride Avenues, (2) Lackawanna and McBride Avenues, (3) Rifle Camp and Notch Roads, (4) Browertown Road near the entrance to the Kohl’s Shopping Plaza and (5) Squirrelwood Road near Jackson Avenue, subject to the conditions set forth in this resolution.

WHEREAS, the Officers of the West Paterson Fire Company #2 have requested permission to conduct a “Shake-a-Boot” fund raiser from May 31st through June 2, 2013, with an alternate weekend of June 7th through 9th, 2013 in order to collect voluntary contributions for the on-going activities of the Company; and

WHEREAS, the Officers have recommended that this activity be limited to the intersections of (1) Glover and McBride, (2) Lackawanna and McBride, (3) Rifle Camp Road and Notch Road, (4) Browertown Road near the entrance to the Kohl’s Shopping Plaza and (5) Squirrelwood Road near Jackson Avenue on the dates stated above; and

WHEREAS, the Woodland Park Police Department has been notified of this request; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park fully support the dedicated efforts of the volunteers of the West Paterson Fire Companies 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 authorizes the Officers and Members of the West Paterson Fire Company #2 to conduct a “Shake-a-Boot” fundraiser on May 31st through June 2, 2013, with an alternate weekend of June 7th through 9, 2013, at the intersections of 1) Glover and McBride, (2) Lackawanna and McBride, (3) Rifle Camp Road and Notch Road, (4) Browertown Road near the entrance to the Kohl’s Shopping Plaza and (5) Squirrelwood Road near Jackson Avenue on the dates stated above.

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.

L. Resolution R13-41, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$1,499.00 for the overpayment of taxes to Heriberto Santana, 375 Rifle Camp Road, Woodland Park, Block 85, Lot 5, Qualifier C0200 and to adjust the books and records accordingly.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey have been informed by the Tax Collector of the Borough of Woodland Park that an overpayment of taxes, in the amount of \$1,499.00, was made by Heriberto Santana with reference to, Block 85, Lot 5, Qualifier C0200; and

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WHEREAS, Heriberto Santana 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 Heriberto Santana;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$1,499.00 for the overpayment of taxes to Heriberto Santana, 375 Rifle Camp Road #200, Woodland Park, Block 85, Lot 5, Qualifier C0200; and

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

M. Resolution R13-42, a resolution, based on the recommendation of Chief Paul Salomone, approving the application of Michael Camal, 95 Mary Avenue, to become a West Paterson Junior Volunteer Firefighter.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, are in receipt of an application from Michael Camal, 95 Mary Avenue, Woodland Park, New Jersey and is seeking approval to become a West Paterson Junior Volunteer Firefighter; and

WHEREAS, the above named applicant agrees to comply with all of the rules and regulations of the West Paterson Fire Department and the Borough Ordinances pertaining to the West Paterson Fire Department;

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 on the recommendation of Chief Paul Salomone, approves the application of Michael Camal, 95 Mary Avenue, to become a West Paterson Junior Volunteer Firefighter.

N. Resolution R13-43, a resolution authorizing the purchase of three (3) Litchfield Model #8216P-1 sunshelters and six (6) picnic tables, as per State Contract No. A81432, from Liberty Parks & Playgrounds, Inc., 78 Sunrise Drive, Clayton, Delaware 19938 to be used at Memorial Field, in an amount not to exceed \$35,000.00.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to purchase three (3) Litchfield Model #8216P-1 sunshelters and six (6) picnic tables to be used at Memorial Field; and

WHEREAS, said sunshelters and picnic tables shall be purchased as per State Contract No. A81432, from Liberty Parks & Playgrounds, Inc. 78 Sunrise Drive, Clayton, Delaware 19938, in an amount not to exceed \$35,000.00 (3 sunshelters-not to exceed \$30,000; 6 tables not to exceed \$5,000); and

WHEREAS, funds are available from the Woodland Park Open Space Trust Fund Account for this type of project; and

WHEREAS, the members of the Borough's Open Space Committee fully support this work effort and have recommended to the Mayor and Council that funds from the trust, in an amount not to exceed \$35,000.00, be used for this endeavor;

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 authorize the purchase of three (3) Litchfield Model #8216P-1 sunshelters and six (6) picnic tables, as per State Contract No. A81432, from Liberty Parks & Playgrounds, Inc. 78 Sunrise Drive, Clayton, Delaware 19938 to be used at Memorial Field, in an amount not to exceed \$35,000.00;

NOW, BE IT FURTHER RESOLVED that said purchase be made with funds from the Woodland Park Open Space Trust Fund Account.

O. Resolution R13-44, a resolution authorizing the Chief Financial Officer of the Borough of Woodland Park to make budget transfers as outlined in this resolution.

WHEREAS, the Borough Council of the Borough of Woodland Park did adopt a budget for the year 2012 in accordance with Municipal Budget Law N.J.S.A. 40A:4 et seq.; and

WHEREAS, it has become necessary to transfer certain funds among the various line items as contained within the aforementioned adopted municipal budget; and

WHEREAS, N.J.S.A. 40A:4-58 allows for the transfer of funds among line items of and adopted municipal budget during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that the Chief Financial Officer of the Borough of Woodland Park is hereby authorized to make the transfers as listed on the following schedule among various line items:

January 16, 2013	2012 BUDGET TRANSFERS	OUT	IN
	CURRENT FUND		
2-01-20-155-155-020	Legal Services O&E		\$1,000.00
2-0120-155-158-100	Planner		\$1,200.00
2-01-36-476-476-020	Unemployment Fund	\$2,200.00	
		\$2,200.00	\$2,200.00
	WATER UTILITIES		
2-05-55-501-501-501	Water Salaries	\$4,885.00	
2-05-55-502-502-521	Water Utilities O/E		\$4,885.00
		\$4,885.00	\$4,885.00

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed with the Director of Local Government Services.

P. Resolution R13-45 a resolution to approve the actions noted in the Consent Agenda, items A. through O., 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 O. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

The Mayor asked that Resolution R13-38 be tabled until he speaks with the State regarding this issue.

Upon Motion made by Council President Holloway, seconded by Councilman DeCesare, and unanimously adopted on roll call vote, Resolution R13-38 was tabled.

Upon Motion made by Councilman DeCesare, and seconded by Councilman Spinelli, actions noted in the Consent Agenda, items A. through H. and items J. through O., were unanimously adopted on roll call vote.

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilwoman Gatti, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Council confirmed the payment of the 01/30/13 regular and miscellaneous payroll estimated at \$230,000.00.

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Upon Motion made by Council President Holloway, seconded by Councilman Spinelli and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 01/14/13 totaling \$2,315,618.58.

DEPARTMENT REPORTS:

1. Police Reports for December, 2012
2. Fire Department Year End Report 2012
3. Fire Prevention Report for December, 2012 and Year End Report 2012
4. Planning Board Minutes for October 15, 2012
5. Finance Department - Summary Budget Status Report for year, 2012.
6. Finance Department – Summary Budget Status Report for January 09, 2013.

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 Litigation – Angel Jet Services LLC v. Borough of Woodland Park
- o Pending Litigation – Mountainview Caterers v. Borough of Woodland Park

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 Councilwoman Gatti, seconded by Councilwoman Kallert and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 8:05 p.m.

The Mayor and Council returned to the Council Chambers at 8:58 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 9:00 p.m.

Respectfully submitted,

Kevin V. Galland, Municipal Clerk

Keith Kazmark, Mayor