

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON JUNE 5, 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 June 5, 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 and Mayor Kazmark

Absent: Councilman DeCesare

Kevin Galland, Administrator, Courtney Fitzpatrick, Deputy Municipal Clerk, and Albert Buglione, Municipal Attorney, were present.

The Mayor stated in accordance with the Open Public Meeting Law, P.L.1975, c. 231, notice requirements for this meeting have been set forth in the resolution adopted by the Municipal Council at its 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, transmitting copies to the Mayor, members of the Council, Officers and to the Herald News.

PRESENTATIONS:

Mayor Kazmark presented Certificates to the Champion Panthers Basketball Teams.

West Paterson First Aid Squad Presentation acknowledging donation of two (2) Pet Resuscitators from The K-9 Company.

PUBLIC HEARINGS:

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

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

APPROVAL OF MINUTES:

Upon motion made by Councilman Spinelli, seconded by Councilwoman Gatti, and unanimously passed on roll call vote, the Minutes of the Executive Session of May 29, 2013 were approved.

MAYOR'S REPORT:

Mayor Kazmark spoke about the removal of the Basketball Nets at Diane Grimes Park. He stated that over the past few months there has been an increase in vandalism at Diane Grimes Park. He stated that since the vandalism increased, the Basketball Nets were removed. He stated that the Basketball Nets will not be reinstated until the vandalism ends.

Mayor Kazmark spoke about the Passaic Valley Water Commissions efforts to drain the New Street and Great Notch reservoirs in Woodland Park. He stated that we are making great progress.

Mayor Kazmark spoke about the passing of Senator Frank Lautenberg. He expressed condolences to Senator Lautenberg's Family and Staff. He spoke about the Electoral process. He stated the Governor Christie announced that there will be a Special Primary Election to be held on August 13, 2013. The Special Primary Election will be followed by a Special Election to only fill the Senate vacancy of Senator Lautenberg on Wednesday October 16, 2013. The General Election will be held on November 5, 2013.

COMMITTEE REPORTS:

Administration & Finance – Councilwoman Gatti spoke about problems with the kids who play at Diane Grimes Park pertaining to bad language that is being used.

Public Works – Councilman Spinelli stated that the awarding is taking place for the contract of the Installation of the Screen Sheds and Concrete Pads on Memorial Field. The voting on the Sanitary Sewer Line that is very much needed will take place this evening. The Road Resurfacing Projects are to be taken place this Summer.

Public Safety – Councilman DeCesare was absent.

Health & Senior Services – Councilwoman Kallert spoke about the Senior Tax Freeze and that the deadline has been extended until September 16, 2013. She spoke about the adopted spot. She spoke about a Senior Driving Course. She spoke about Car Fit which is a Program for the Senior Citizens. Car Fit helps the Senior Citizens in feeling more comfortable in their cars. They do a demonstration on their vehicle so they are more familiar with their vehicle. She is planning on holding an event at the Boys and Girls Club sometime in September.

Recreation & Community Relations – Councilwoman Pascrell spoke about Santangelo’s Funeral Home who is celebrating their 50th Anniversary this Saturday June 8, 2013 from 12 PM - 3 PM at Dowling Gardens. The Welcome Summer Party is being held on June 17, 2013 from 6:30 PM – 8:30 PM at Diane Grimes Park. She spoke about the Kindergarten Graduation at Charles Olbon School and Congratulated the Students.

Laws & Ordinances – Council President Holloway stated that the Laws and Ordinance Committee Meeting which was due to be held on June 17, 2013 has been rescheduled to June 24, 2013 at 6 PM. He thanked the Code Enforcement Department. He stated that violations have been made to the resident on Casson Lane. The issue on Rifle Camp Road has been taken care of and was resolved.

MUNICIPAL ATTORNEY’S REPORT:

The Borough Attorney had nothing to report at this time.

CONSENT AGENDA:

All matters listed under the Consent Agenda are considered to be routine by the Council and will be enacted by one resolution. The items listed herein will be acted upon after having been read. Any item may be removed from the Consent Agenda by the request of any member of this Governing Body, and if so removed, will be acted upon as a separate matter.

- A. Resolution R13-173, a resolution approving the withdrawal of the bid submitted by Reivax Contracting, pursuant to N.J.S.A. 40A:11-23.3, and awarding a contract to Montana Construction, 80 Constant Avenue, Lodi, NJ 07644 in an amount of \$1,632,404.00 for the reconstruction of approximately 3,000 linear feet of the Boroughs 24 inch Sanitary Sewer Forcemain.**

CONTRACT AWARD – RECONSTRUCTION OF THE BOROUGH’S 24 INCH SANITARY SEWER FORCE MAIN

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey in conjunction with the municipalities of Little Falls and Totowa desire to reconstruct approximately 3,000 linear feet of the Boroughs 24 inch Sanitary Sewer Forcemain; and

WHEREAS, on May 13, 2013, a Bid (#13-05) was prepared and advertised to secure the services of a contractor to reinstall the estimated 3,000 linear feet of PVC pressure pipe and associated fittings; and

WHEREAS, on May 24, 2013, the Borough’s Qualified Purchasing (QPA) received four (4) responses to the bid as follows:

NAME	BASE BID	ALTERNATE 1	ALTERNATE 2
Reivax Contracting Corp.	\$1,019,150.21	\$50,000.00	\$122,500.00
Montana Construction	\$1,632,219.00	\$10.00	\$175.00
New Prince Concrete	\$1,746,310.00	\$50,000.00	\$273,000.00
Carbo Constructors Corp.	\$1,777,190.00	\$45,000.00	\$350,000.00

; and

WHEREAS, the Borough’s QPA is in receipt of a letter from Reivax Contracting Corporation dated May 24, 2013, stating that due to a severe mathematical error the bid price submitted by Reivax is significantly undervalued; that this error poses grave financial danger to their company and would cause irreparable financial harm to Reivax Contracting should they proceed to complete the project; and it is their intent to withdraw their bid for this project pursuant to N.J.S.A. 40A: 11-23.3; and

WHEREAS, in compliance with N.J.S.A. 40A: 11-23.3, the Borough’s QPA and Special Projects Engineer have reviewed the request for bid withdrawal and are prepared to make a recommendation to the Mayor and Council that based on the pertinent documents supplied by the bidder, that the error made by the bidder is of great consequence and to force the contractor to proceed would only result in financial harm to the bidder and jeopardize completion of the project;

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 approve the withdrawal of the bid submitted by Reivax Contracting pursuant to N.J.S.A. 40A:11-23.3 and award a contract to Montana Construction, 80 Constant Avenue, Lodi, NJ 07644 in an amount of \$1,632,404.00 (Base Bid \$1,632,219.00, Alternate #1 \$10.00 and Alternate #2 \$175.00) for the reconstruction of approximately 3,000 linear feet of the Boroughs 24 inch Sanitary Sewer Forcemain; and

BE IT FURTHER RESOLVED, that funds are available from the 2013 Bond Ordinance to fund this project.

- B. Resolution R13-176, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the amount of \$623.83 to Robert & Sheila Coda, 249 Woodland Drive, Woodland Park, Block 124, Lot 6.01, C0249 and forward the same to McKirdy & Riskin, as attorneys for Robert & Sheila Coda according to the new assessed value of their property as a result of a successful tax appeal for 2010 and to adjust the books and records accordingly.**

TAX APPEAL REIMBURSEMENT

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 Robert & Sheila Coda, 249 Woodland Drive, Woodland Park, Block 124, Lot 6.01, Qualifier C0249, was successful in her tax appeal for the year 2010; and

WHEREAS, Robert and Sheila Coda’s assessed taxes have been adjusted by the County; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested that a tax refund be made payable to Robert & Sheila Coda, and forwarded to McKirdy & Riskin, P.A. as attorneys for Robert & Sheila Coda in the amount of \$623.83, representing the tax appeal for 2010;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector of the Borough of Woodland Park, be and is hereby authorized to refund the amount of \$623.83 to Robert & Sheila Coda and

forward the same to McKirdy & Riskin, P.A., as attorneys for Robert and Sheila Coda according to the new assessed value of her property as a result of a successful tax appeal; and

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

C. Resolution R13-177, a resolution based on the recommendation of Chief Paul Salomone, approving the application of Aleksandr Shkapkin, 56 Bergen Blvd., Woodland Park, to become a West Paterson Volunteer Firefighter.

ACCEPTANCE OF FIREFIGHTER APPLICATION

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 Aleksandr Shkapkin, 56 Bergen Blvd., Woodland Park, New Jersey 07424 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 Aleksandr Shkapkin, 56 Bergen Blvd., Woodland Park, New Jersey to become a West Paterson Volunteer Firefighter.

D. Resolution R13-178, a resolution designating a \$3,500,000.00 Bond Anticipation Note, dated June 6, 2013, payable June 6, 2014, as a "Qualified Tax-Exempt Obligation" pursuant to Section 265 (b) (3) of the Internal Revenue Code.

**\$3,500,000.00 BOND ANTICIPATION NOTE
QUALIFIED TAX EXEMPT OBLIGATION**

Councilman Spinelli introduced and moved the adoption of the following resolution and Councilwoman Pascrell seconded the motion:

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF WOODLAND PARK, IN THE COUNTY OF PASSAIC, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF WOODLAND PARK AND AUTHORIZING THE MAYOR, MUNICIPAL CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING A \$3,500,000 BOND ANTICIPATION NOTE, DATED JUNE 6, 2013, PAYABLE JUNE 6, 2014, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

WHEREAS, the Borough of Woodland Park, in the County of Passaic, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations, the interest on which is excluded from gross income for Federal income tax purposes, and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"),

contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

Resolution R13-178

WHEREAS, the Borough desires to designate a \$3,500,000 Bond Anticipation Note, dated June 6, 2013, payable June 6, 2014 (the "Note"), as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

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

SECTION 1. The Municipal Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Municipal Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2013.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year

2013.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough be and they hereby are authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2013 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

E. Resolution R13-179, a resolution authorizing participation in the Passaic County Urban County Entitlement Community Development Block Grant Program for Federal Fiscal Years 2014, 2015 and 2016; and further authorizing the Mayor to execute all documents associated with said agreement.

A RESOLUTION TO ADOPT THE 3- YEAR COOPERATION AGREEMENT BETWEEN PASSAIC COUNTY AND THE BOROUGH OF WOODLAND PARK TO PARTICIPATE IN THE PASSAIC COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: FISCAL YEARS 2014, 2015 and 2016

WHEREAS, Title I of the Housing and Community Development Act of 1974, as amended, provides federal funds to Passaic County to carry out eligible community development activities; and

WHEREAS, the **Borough of Woodland Park** (hereinafter referred to as the “Municipality”) agrees to participate in eligible activities to be carried out under the Passaic County Urban County Entitlement Community Development Block Grant Program; and

WHEREAS, the Mayor of the **Borough of Woodland Park** is authorized to execute this Cooperation Agreement, and

WHEREAS, Passaic County and the Municipality agree to cooperate to undertake, or assist in undertaking, community renewal and lower-income housing assistance activities, and

WHEREAS, The County and the Municipality agree to take all actions necessary to assure compliance with the Passaic County Urban County Entitlement Program certification under section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The provision must also include the obligation to comply with section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. The provision must also include the obligation to comply with other applicable laws. The agreements shall also contain a provision prohibiting urban county funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with the county's fair housing certification. This provision is required because noncompliance by a unit of general local government included in an urban county may constitute noncompliance by the grantee (i.e., the county) that can, in turn, provide cause for funding sanctions or other remedial actions by the

Department.

WHEREAS, this agreement shall be in effect for the three year program period: Federal Fiscal Years 2014, 2015 and 2016, and remains in effect until the CDBG funds and program income received (with respect to activities carried out during the three-year qualification period) are expended and the funded activities completed, and that the County and Municipality cannot terminate or withdraw from the Cooperation Agreement while it remains in effect. The agreement shall remain in effect until expressly terminated by one of the parties hereto but said termination may only occur at the end of each three year Urban County requalification period.

WHEREAS, the County has the authority to carry out activities which shall be funded from annual Community Development Block Grant funding appropriations: the County has final responsibility for selecting projects, preparing the Five Year Plan as required by HUD and annual Action Plans; and

WHEREAS, by executing this Cooperation Agreement, the Municipality understands the following:

1. It may not apply for grants under the Small Cities or State CDBG Program for appropriations for fiscal years during the period in which it participates in the Passaic County Urban County CDBG Program;
2. This agreement shall remain in effect until the CDBG funds and income received with respect to the three year qualification period are expended and the funded activities completed;
3. The County and the Municipality may not terminate or withdraw from this agreement while this agreement remains in effect as above;
4. The Municipality has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations;
5. The Municipality has a policy of enforcing applicable State and local laws against physically barring entrance to, or exit from, a facility or location that is the subject of nonviolent civil rights demonstrations within its jurisdiction.
6. The Municipality shall be prohibited from receiving Urban County funding for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction or that impedes the county's actions to comply with its fair housing certification,
7. The Municipality, pursuant to 24 CFR 570.501(b), is subject to the same requirements applicable to sub-recipients, including the requirement of a written agreement as described in 24 CFR 570.503, and

WHEREAS, the Municipality shall comply with all applicable laws, ordinances, and codes of the State and Local governments, and shall commit no trespass on any private property in performing any of the work embraced by this Cooperation Agreement, and.

WHEREAS, the Municipality shall not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin, handicap or familiar status. The Municipality shall take affirmative action to ensure that applicant for employment are employed, and that employees are treated during employment without regard to their race, color, religion, sex, national origin, handicap or familiar status. Such action shall include, but not limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff/termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Municipality shall post in conspicuous places, available to employee and applicants for employment, notices to be provided by the Government setting forth the provisions of this nondiscrimination clause. The Municipality shall incorporate the foregoing requirements of this paragraph (a) in all its contractors for such work to incorporate such requirements in all of its contractors for such requirements in all subcontractors for program work, and

WHEREAS, the Municipality is subject to the requirements of Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968. (P.L. 88-352) and HUD regulations with respect thereto including the regulations under 24 CFR Part I. In the sale, or lease, or other

transfer of land acquired, cleared, or improved with the assistance provided under this Agreement, the Municipality shall cause or require a covenant running with the land to be inserted in the deed or lease for such transfer, prohibiting discrimination upon the basis of race, color, religion, sex, or national origin in the sale, lease or rental, or in the use or occupancy of such land or any improvements erected thereon, and providing that the sub grantee and the United States are beneficiaries of and entitled to enforce such covenant. The Municipality in undertaking its obligation in carrying out the program assisted hereunder agrees to take such measures as are necessary to enforce such covenant and shall not itself so discriminate and

WHEREAS, the aforesaid activities are in the best interest of the **Borough of Woodland Park**; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the **Borough of Woodland Park** that the Mayor is authorized to execute the Cooperation Agreement with the County of Passaic to participate in the Passaic County Urban County Entitlement Community Development Block Grant Program for Federal Fiscal Years 2014, 2015 and 2016; and

BE IT FUTHER RESOLVED, that this resolution shall take effect immediately upon its enactment, as provided by law.

F. Resolution R13-180, a resolution rejecting the bid submitted by Louis Burbato Landscaping for its failure to submit a Bid Guarantee and a Consent of Surety as required in the bid specifications and award a contract to Tec-Con Contractors, Inc., 9 Dodd Street, East Orange, NJ 07017 in an amount not to exceed \$85,000.00 for the erection of three (3) sun shelters and for the installation of concrete pads under the existing spectator bleachers at Memorial Field to be funded by the Borough’s Open Space Trust Account.

**CONTRACT AWARD – INSTALLATION OF
SUN SHELTERS AND ADDITIONAL CONCRETE WORK**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to have three (3) sun shelters erected at Memorial Field and install concrete pads under the existing spectator bleachers; and

WHEREAS, on May 16, 2013, a Bid (#13-02-01) was prepared and advertised to secure the services of a contractor to complete this work effort; and

WHEREAS, on May 29, 2013, the Borough’s Qualified Purchasing (QPA) received five (5) responses to the bid as follows:

NAME	SHELTER	PADS	TOTAL
Louis Burbato Landscaping	\$45,333.00	\$20,000.00	\$65,333.00
Tec-Con Contractors, Inc.	\$45,300.00	\$34,500.00	\$79,800.00
Masters Construction	\$54,570.00	\$26,640.00	\$81,210.00
Whirl Construction	\$56,700.00	\$28,800.00	\$85,500.00
A-Tech Concrete Co.	\$99,225.00	\$20,000.00	\$119,225.00

; and

WHEREAS, the Borough’s QPA has reviewed the bid submittals and has determined that the bid submitted by Louis Burbato Landscaping is not in compliance with the bid specifications (page 16, paragraphs 37 and 38) in that they failed to supply a Bid Guarantee and a Consent of Surety that were required to be submitted with the bid package; and

WHEREAS, the failure to supply the Bid Guarantee and Consent of Surety is a fatal flaw and cannot be corrected after the bids are opened;

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 reject the bid

submitted by Louis Burbato Landscaping for its failure to submit a Bid Guarantee and a Consent of Surety as required in the bid specifications and award a contract to Tec-Con Contractors, Inc., 9 Dodd Street, East Orange, NJ 07017 in an amount not to exceed \$85,000.00 for the erection of three (3) sun shelters and for the installation of concrete pads under the existing spectator bleachers at Memorial Field; and

BE IT FURTHER RESOLVED, that funds are available from the Borough’s Open Space Trust Account to fund this project and that the Borough’s Open Space Committee has recommended use of trust fund money for this project;

G. Resolution R13-181, a resolution to award a contract to Mark Paving Co. Inc., 77 Cutters Dock Road, Woodbridge, NJ 07095 in an amount not to exceed \$259,621.95 for the resurfacing of Pitts Avenue, Winslow Place, Morley Drive, Willow Way and the Ambulance Building Parking Lot as part of the 2013 Road Resurfacing Program, to be funded from the 2012 Bond Ordinance.

CONTRACT AWARD – 2013 ROAD RESURFACING PROGRAM

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to resurface Pitts Avenue, Winslow Place, Morley Drive, Willow Way and the Ambulance Building Parking Lot as part of the 2013 Road Resurfacing Program; and

WHEREAS, on May 20, 2013, a Bid (#13-06) was prepared and advertised to secure the services of a contractor to complete this work effort; and

WHEREAS, on May 31, 2013, the Borough’s Qualified Purchasing (QPA) received seven (7) responses to the bid as follows:

NAME	BID PRICE
Mark Paving Co. Inc.	\$259,621.95
Crossroads Pavement Maintenance, LLC	\$270,636.14
D&L Paving Contractors	\$271,627.90
Rockborn Trucking & Excavation Inc.	\$281,710.25
AJM Contractors	\$283,507.25
DLS Contracting, Inc.	\$286,712.00
Mike Fitzpatrick & Son	\$330,799.75

; and

WHEREAS, the Borough’s QPA and Engineer have reviewed the bid submittals and have determined Mark Paving Co. Inc., is the lowest responsible/responsive bidder and that an award should be made to this contractor to perform the work effort stated in the bid document; and

WHEREAS, funds are available from the 2012 Bond Ordinance (12-09) to fund this work effort;

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 Mark Paving Co. Inc., 77 Cutters Dock Road, Woodbridge, NJ 07095 in an amount not to exceed \$259,621.95 for the resurfacing of Pitts Avenue, Winslow Place, Morley Drive, Willow Way and the Ambulance Building Parking Lot as part of the 2013 Road Resurfacing Program.

H. Resolution R13-182, a resolution approving the request from the Bergen County United Way to waive all local permit fees for the reconstruction and inspection of the property located at 5 Greenway Lane, for the time period June 5, 2013 through December 31, 2014.

**GREENWAY LANE
WAIVING OF PERMIT FEES**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey have partnered with the Bergen County United Way and The Madeline Corporation whereby the Borough has provided funds (\$183,226.00) from the Borough’s Affordable Housing Trust Fund to support a Special Needs Housing Partnership; and

WHEREAS, a home located at 5 Greenway Lane, in the Borough of Woodland Park has been purchased to provide these services; and

WHEREAS, the Borough is now in receipt of correspondence dated May 22, 2013 from the Bergen County United Way requesting that all local permit fees for the reconstruction and inspection of said property be waived;

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 waive all local reconstruction and inspection fees associated with the property located at 5 Greenway Lane, Woodland Park, NJ 07508 for the time period June 5, 2013 through December 31, 2014.

- I. Resolution R13-184, a resolution in conjunction with the Centennial Celebration, a resolution authorizing the payment for deposits to secure the services of a band in the amount of \$1,000.00; that the payment of \$1,000.00 be made to the vendor listed in the resolution for materials provided in conjunction with said Centennial Celebration; and that said payment shall be made from the Centennial Celebration Trust Account.**

AUTHORIZATION TO PAY DEPOSITS

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, will be celebrating its 100 year anniversary in 2014; and

WHEREAS, the Mayor and Council have established a Centennial Celebration Committee (Committee) to plan said event; and

WHEREAS, said Committee desires to secure the services of the following bands to perform on May 17, 2014, with a rain date of May 18, 2014; and

BAND	PRICE	DEPOSIT
Greater Verbrook String Band	\$2,850.00	\$1,000.00

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, hereby authorize the payment in an amount of \$1,000.00 to the listed band requiring a deposit to secure their services on the date shown; and said charges shall be made from the Centennial Celebration Trust Account.

- J. Resolution R13-185, a resolution authorizing the Municipal Clerk of the Borough of Woodland Park to issue the appropriate Plenary Retail Consumption license certificates to the licensees listed in this resolution.**

RENEWAL OF LIQUOR LICENSES

WHEREAS, renewals for Plenary Retail Consumption and Plenary Retail Distribution licenses for the Borough of Woodland Park for the 2013-2014 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 2013-2014 licensing season effective July 1, 2013:

Gencarelli, INC
OTB Acquisition, LLC

1616-33-011-004
1616-33-008-004

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.

K. Resolution R13-187, a resolution amending Resolution R12-346 and authorizing the Tax Collector of the Borough of Woodland Park to issue refunds in the form of credits to G.O.P. 1, LLC upon the issuance of Tax Court Judgments attributable to the reduction in the assessments for the 2007 through 2013 tax years as outlined in this resolution.

AMEND RESOLUTION 12-346

RESOLUTION AUTHORIZING THE SETTLEMENT OF TAX APPEAL REGARDING LOT 1.01 IN BLOCK 32 AS SET FORTH ON THE OFFICIAL TAX MAP OF THE BOROUGH OF WOODLAND PARK IN REGARD TO PROPERTY OWNED BY G.O.P. 1, LLC

WHEREAS, on December 19, 2012, the Mayor and Council approved Resolution R12-346, which was a resolution authorizing the settlement of tax appeal regarding Lot 1.01 in Block 32 as set forth on the official tax map of the Borough of Woodland Park in regard to property owned by G.O.P. 1, LLC; and

WHEREAS, it has been determined that the amount of the total tax refund for the tax year 2007 thorough 2013 is incorrectly stated in that resolution; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desires to correct that error by amending Resolution R12-346 as follows:

WHEREAS, G.O.P. 1, LLC is the owner of property located at New Street-Garret Mountain Plaza, otherwise designated as Lot 1.01, in Block 32 on the official tax map of the Borough of Woodland Park, and who has filed appeals with the Tax Court of the State of New Jersey bearing Docket Nos. 001148-2007, 003019-2008, 001200-2009, 006766-2010, 010928-2011 and 004631-2012 from the assessed values of said property for tax years 2007 through 2012; and

WHEREAS, the parties have agreed that the 2007 tax appeal will be withdrawn and the assessment of \$13,275,000 for that year will be affirmed; and

WHEREAS, the parties have agreed to a reduction in the property’s assessment from a total of \$10,618,300 to a total of \$9,000,000 for tax year 2008; and

WHEREAS, the parties have agreed to a reduction in the property’s assessment from a total of \$10,618,300 to a total of \$8,500,000 for tax year 2009; and

WHEREAS, the parties have agreed to a reduction in the property’s assessment from a total of \$9,999,500 to a total of \$8,500,000 for tax year 2010; and

WHEREAS, the parties have agreed to a reduction in the property’s assessment from a total of \$19,000,000 to a total of \$15,000,000 for tax year 2011; and

WHEREAS, the parties have agreed to a reduction in the property’s assessment from a total of \$19,000,000 to a total of \$14,000,000 for tax year 2012; and

WHEREAS, the parties have agreed to a reduction in the property's assessment from a total of \$19,000,000 to a total of \$14,000,000 for tax year 2013 by way of a book change prior to the 2013 Tax List being filed; and

WHEREAS, the property owner has agreed that all refunds as a result of this settlement shall be issued in the form of a credit to be applied first to delinquent taxes due and owing, if any, and then to successive tax bills due immediately following the issuance of the judgments, until such credits are exhausted; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgment interest; and

WHEREAS, the Borough Tax Assessor, Borough Appraiser and Tax Counsel have agreed to the reductions in value on the property for the 2007 through 2013 tax years in accordance with the settlement; and

WHEREAS, the settlement results in a total tax refund for the tax years 2007 through 2013 in the amount of \$458,287.03; and

WHEREAS, the Borough Council for the Borough of Woodland Park has determined that it is in the best interests of the Borough to adjust the assessments on the aforesaid property for tax years 2007 through 2013 in accordance with the settlement;

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

1. The tax assessment on the property located at New Street-Garret Mountain Plaza otherwise designated as Lot 1.01, in Block 32 on the official tax map of the Borough of Woodland Park shall be affirmed for 2007 at the original assessment of \$13,275,000, be reduced to \$9,000,000 for 2008, be reduced to \$8,500,000 for 2009 and 2010, be reduced to \$15,000,000 for 2011 and be reduced to \$14,000,000 for 2012 and 2013.
2. The Borough Tax Collector is hereby authorized to issue the refunds in the form of credits to successive tax bills upon issuance of the Tax Court Judgments attributable to the reduction in the assessments for the 2007 through 2013 tax years.
3. This Resolution shall take effect immediately or as otherwise provided by law.

L. Resolution R13-188, a resolution to approve the actions noted in the Consent Agenda, items A through K, be and are hereby approved and the proper officers are directed to take necessary action on same.

APPROVAL OF CONSENT AGENDA

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

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

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tomkins recommends authorization for payment:

Upon Motion made by Councilwoman Gatti, seconded by Councilwoman Pascrell and unanimously passed on roll call, the Council confirmed the payment of the 6/15/13 regular and miscellaneous payroll estimated at \$250,000.00.

Upon Motion made by Council President Holloway, seconded by Councilwoman Gatti and unanimously passed on roll call, the Council confirmed the payment of bills from voucher list of 5/31/13 totaling \$91,131.15.

DEPARTMENT REPORTS:

1. Summary Budget Status Report for May 31, 2013 totaling \$10,932,304.00

NEW BUSINESS:

A. Resolution R13-186, a Resolution introducing Borough Ordinance NO. 13-09

BE IT RESOLVED; that the ordinance entitled: **AN ORDINANCE TO AMEND CHAPTER VIII OF THE ORDINANCES OF THE BOROUGH OF WOODLAND PARK TO EXEMPT SHOPPING CENTERS FROM OUTSIDE SECURITY REQUIREMENTS ON SUNDAYS AND HOLIDAYS WHEN OPERATING AT OR BELOW TWENTY (20%) PERCENT OF THE TOTAL LEASED STORE AREA.**

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 June, 2013, 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 Council President Holloway, seconded by Councilwoman Kallert, The Mayor and Council discussed said resolution.

At this time, Mayor Kazmark requested that Resolution R13-186, a Resolution introducing Borough Ordinance No. 13-09 be tabled. Upon Motion made by Council President Holloway, seconded by Councilwoman Pascrell, the foregoing resolution was unanimously tabled 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 - Tax Appeals

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

Upon motion made by Councilman Spinelli, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, The Mayor and Council moved into Executive Session at 8:15 PM.

The Executive Session was adjourned at 8:45 PM., and all present promptly returned to the

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Regular Meeting, without delay.

ADJOURNMENT:

There being no further business to come before the Council, upon a Motion by Council President Holloway, seconded by Councilwoman Gatti, and unanimously passed on roll call vote, the meeting was adjourned at 8:45 PM.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor