

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON MARCH 6, 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 March 6, 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.

PRESENTATIONS:

Mayor Kazmark presented Certificates to Amy Babcock Landry, Linda Dewey and Joan Herrmann in honor of Women's History Month.

A Proclamation was presented to Karen Sudol, Art Teacher in Memorial School, by Mayor Kazmark, with regard to Youth Art Month.

“Youth Art Month 2013”

Whereas, school art programs contribute powerful educational benefits to all elementary, middle and secondary students, by:

- *developing students' creative problem-solving and critical-thinking abilities;*
- *teaching sensitivity to beauty, order, and other expressive qualities;*
- *giving students a deeper understanding of multi-cultural values and beliefs;*
- *reinforcing and bringing to life what students learn in other subjects; plus*
- *interrelating student learning in art production, history, criticism and aesthetics;*

and

Whereas, our national leaders have acknowledged the necessity of including arts experiences in educations provided to all students; and

Whereas, support should be given to art teachers as they attempt to strengthen art education courses in their schools and develop art appreciation in their communities;

Now, therefore, I, Keith Kazmark, Mayor, on behalf of the Governing Body of the

Borough of Woodland Park, do proclaim on this day, that MARCH be observed as YOUTH ART MONTH. And, I urge all citizens of our borough to take an interest in and give full support to quality school art programs for children and youths.

PUBLIC HEARINGS:

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

Don Bender, 34 West 36th Street, spoke about the zip code. He asked the Mayor when he was supposed to meet with Congressman Frelinghuysen regarding this issue. He spoke again about the issue of the stop sign on Mary Avenue.

Sanjay Desai, 186 Mt. Pleasant Avenue spoke about residents not cleaning the snow off their sidewalks on Mt. Pleasant Avenue. He asked about the taxes on 1225 McBride Avenue whether or not they have been paid. He asked about the status of the Angel Jet Services lawsuit. Mr. Desai asked about the parking near the fire hydrants on Mt. Pleasant Avenue. He asked why the railing was removed on McBride Avenue along the Passaic River. He asked if Open Space money could be used to put up fencing along McBride Avenue. He objected to the type of fencing that was put up along the Morris Canal. He spoke about municipal vehicles being taken home.

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

The Mayor thanked Mr. Bender for all of his efforts throughout the years. He stated that he would be taking the zip code issue up with Congressman Frelinghuysen.

The Mayor told Mr. Desai that the ordinance on snow removal reads that the resident has twenty four hours after it stops snowing, to remove the snow from their sidewalk. He then told Mr. Desai that the taxes are paid current on 1225 McBride Avenue. He stated that with regard to the Angel Jet law suit, we are very close to coming to a conclusion on this matter. With regard to the fire hydrant issue, the Mayor deferred that matter to Councilman DeCesare to bring it to the attention of the Fire Chief. He also asked Sgt. Brady to bring it to the attention of the Police Chief. The Mayor stated that he was proud of the work done on the Morris Canal and a walk-through is slated for May of this year. He told Mr. Desai that there was a public hearing prior to the Morris Canal project and he did not recall Mr. Desai stating any objections to the plans. With regard to municipal employees taking municipal vehicles home, he stated that these are essential personnel, they are all emergency responders and they have emergency equipment installed in those vehicles to be used in an emergency.

Councilwoman Pascrell added, with regard to the zip code issue, that in 2003, she and Councilwoman Patterson had met with the Postmaster General asking for our own zip code. She stated that the Postmaster General gave numerous reasons for not giving us the zip code and was quite adamant about his reasoning.

MINUTES:

Upon Motion by Councilwoman Kallert, seconded by Councilman DeCesare, and passed on roll call vote, the Minutes of the Special Meeting, the Regular Meeting and the Executive Session of February 20, 2013, were approved as submitted.

MAYOR'S REPORT:

The Mayor stated that he met with Senator O'Toole regarding sound barriers along Greenway Lane, Vernon Court and Brophy Lane. He stated that obtaining these barriers looks promising. The Mayor announced that there is currently \$91,000.00 left in the 2012 Grant which we obtained last year for Zaccaria Park. The Freeholders are considering reallocating that money for additional improvements to Zaccaria Park. The Mayor received correspondence from the County Engineer that the Squirrelwood Road Project from Jackson Avenue to New Street will begin in July, 2013. The Mayor asked Anthony DeNova, County Administrator, to hold off on McBride Avenue improvements until we know more about the McBride Avenue Streetscape Project. He also stated the New Street and New Street Extension resurfacing is scheduled to begin on April 1st. The Mayor reported that all Municipal Services Agreements with all of the townhouse units in

the Borough have been signed. The Mayor stated that “Read Across America” Day was a success. The Mayor indicated that the 2013 Budget will be introduced at the March 20, 2013 Council Meeting. A discussion was held with regard to lighting Zaccaria Park, between Mayor Kazmark and Councilwoman Kallert.

CONFERENCE COMMITTEE REPORTS:

- A. Administration & Finance – Councilwoman Gatti reported that the steps at the Recycling Center are in disrepair and should be looked at. Councilwoman Gatti stated that she told the Administrator about the potholes on Willow Way and he called the DPW to have them filled.
- B. Public Works – Councilman Spinelli reported that work will begin in the near future on the force main. He stated that the committee also discussed Rose Place Park, the Morris Canal and the parking lot extension at the Municipal Building.
- C. Public Safety – Councilman DeCesare reported, with regard to the requested four-way stop signs on Rockaway Avenue, that Chief Galietti stated that the number of accidents at an intersection qualifies the DOT to put up four way stop signs. Rockaway Avenue does not qualify. He stated that with regard to large trucks in the Bergen Boulevard section of town, Chief Galietti will be speaking to the business owners regarding not having their trucks driving in that area. He reported that Garret Park Estates withdrew their request for Title 39. Councilman DeCesare stated that Little Falls and Totowa are in agreement with regard to the Lightening Detector and Passaic Valley High School will get back to him on it. He indicated that, as part of this project, if the alarm goes off, anyone who wants to be notified of an approaching storm can sign up and have a text message sent to them.
- D. Health & Senior Services – Councilwoman Kallert reported that the committee is meeting Monday, March 11th and will also be meeting with the Board of Health at their meeting on Monday, March 18th to discuss the Health Fair. She gave an update on the Health Fair to be held in April.
- E. Recreation & Community Relations – Councilwoman Pascrell reported that the committee is meeting Monday, March 11th. They are trying to put together an exercise class for senior citizens. She reminded everyone about early camp registration currently in progress.
- F. Laws & Ordinances – Council President Holloway reported that they are currently working on three new ordinances. Council President Holloway updated everyone on the 2014 Centennial Celebration.

MUNICIPAL ATTORNEY’S REPORT:

Mr. Buglione had no 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 the Mayor and Council, and if so removed, will be acted upon as a separate matter.

- A. Resolution R13-88, a resolution to reschedule the Regular Meeting of the Governing Body of May 1, 2013 to May 8, 2013 and the Regular Meeting of the Governing Body of May 15, 2013 to May 29, 2013.**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey, at the Reorganization Meeting of January 2, 2013, passed Resolution R13-01 setting the meeting dates of the Governing Body for the year, 2013; and

WHEREAS, said 2013 regular meeting dates were published in The Herald News on January 5, 2013; and

WHEREAS, it has become necessary to reschedule certain meeting dates in May, 2013;

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 Regular Meeting of the Governing Body of May 1, 2013 is now rescheduled for May 8, 2013; and the Regular Meeting of the Governing Body of May 15, 2013 is now rescheduled for May 29, 2013;

BE IT FURTHER RESOLVED that notice of these changes in meeting dates will be published in The Herald News.

B. Resolution R13-89, a resolution amending the Contract with AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey in an amount not to exceed \$254,832.73 for the resurfacing and improvements of Overmount Avenue pursuant to the change orders attached to this resolution.

WHEREAS, on July 11, 2012 (Resolution R12-208) the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey awarded a contract to AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in an amount not to exceed \$249,369.00 for the resurfacing of Overmount Avenue from Mt. Pleasant Avenue to Lincoln Lane; and

WHEREAS, on August 15, 2012 (Resolution R12-243) the Mayor and Council approved amending said Resolution R12-243 to extend the resurfacing of Overmount Avenue from Mt. Pleasant Avenue to Pershing Place; and

WHEREAS, on December 4, 2013 T&M Associates submitted Change Order #1 in a net change order in the amount of \$19,642.89 increasing the cost of the contract to \$269,011.89 (additional work effort in the amount of \$51,659.00; reduction of \$32,016.11; netting \$19,642.89); and

WHEREAS, on February 6, 2013 T&M Associates submitted Change Order #2 & Final in a net change order in the amount of \$5,463.73 (additional work effort in the amount of \$8,683.34; reduction of \$22,862.50; netting a reduction of \$14,179.16) reducing the cost of the contract to \$254,832.73; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey do hereby amend the contract with AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey 07011 in an amount not to exceed \$254,832.73 for the resurfacing and improvements of Overmount Avenue;

BE IT FURTHER RESOLVED, that these change orders shall be charged to the 2012 Bond Ordinance.

C. Resolution R13-90, a resolution authorizing Kevin Galland, Borough Administrator to enter into a Cooperative Pricing Agreement with the Middlesex Regional Educational Services Commission for the provision and performance of goods and services at no cost to the Borough.

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency " has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on March 6, 2013 the governing body of the Borough of Woodland Park, County of Passaic, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services; and

WHEREAS, participation in this cooperative is at no cost to the Borough of Woodland Park;

NOW, THEREFORE BE IT RESOLVED as follows:

TITLE - This RESOLUTION shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Woodland Park;

AUTHORITY - Pursuant to the provisions of *N.J.S.A. 40A:11-11(5)*, Kevin Galland, the Borough Administrator. is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT - The Lead Agency shall be responsible for complying with the provisions of the *Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.)* and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE - This resolution shall take effect immediately upon passage.

D. Resolution R13-91, a resolution authorizing Camp Sunshine & Camp Snowflake, Inc., 1133 East Ridgewood Avenue, Ridgewood New Jersey to conduct a Tricky Tray, an Off-Premise 50/50 Raffle and an On-Premise 50/50 Raffle to be held on October 23, 2013 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park between the hours of 5:00 and 11:00 p.m.

WHEREAS, Camp Sunshine & Camp Snowflake, Inc., 1133 East Ridgewood Avenue, Ridgewood, New Jersey, is seeking approval to conduct a Tricky Tray, an Off Premise 50/50 Raffle and an On-Premise 50/50 to be held on October 23, 2013 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 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

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby give authorization to Camp Sunshine & Camp Snowflake, Inc., 1133 East Ridgewood Avenue, Ridgewood, New Jersey, to conduct a Tricky Tray, an Off Premise 50/50 Raffle and an On-Premise 50/50 to be held on October 23, 2013 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 and 11:00 p.m.

Resolution R13-92, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the amount of \$623.83 to Lori Solomon, 10 Woodland Drive, Block 124, Lot 6.01, C0230 and forward the same to McKirdy & Riskin, as attorneys for Lori Solomon according to the new assessed value of her property as a result of a successful tax appeal for 2010 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 Lori Solomon, 10 Woodland Drive, Woodland Park, Block 124, Lot 6.01, C0230 was successful in her tax appeal for the year 2010; and

WHEREAS, Lori Solomon'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 to Lori Solomon and forwarded to McKirdy & Riskin, P.A. as attorneys for Lori Solomon, 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 Lori Solomon and forward the same to McKirdy & Riskin, P.A. as attorneys for Lori Solomon 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.

E. Resolution R13-93, a resolution for the adoption of the Corrective Action Plan for the Budget Year, 2011.

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

WHEREAS, the Annual Report of Audit for FY2011 for the Borough of Woodland Park ("Borough") has been filed by the Registered Municipal Account (RMA) with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the Governing Body of the Borough; and

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

WHEREAS, the Governing Body further finds and declares that the Borough's Chief Financial Officer has prepared a Corrective Action Plan to address the "Comments and Recommendations" made by the RMA, which are incorporated herein by reference, for the purpose of acting upon and/or implementing the foregoing sections entitled "Comments and Recommendations," as set forth in the Borough's Annual Report of Audit for FY2011; and

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

NOW, THEREFORE BE IT RESOLVED, that the Governing Body of the Borough of Woodland Park does hereby adopt the Corrective Action Plan for the FY2011 Audit Report, as prepared and recommended by the Borough's Chief Financial Officer, and

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

F. Resolution R13-95, a resolution authorizing the Qualified Purchasing Agent of the Borough of Woodland Park to purchase three (3) Badger Trimble Handheld Receivers, one (1) day training and software from Atlantic PLBG Supply Corp., 702 Joline Avenue, Long Branch, New Jersey in an amount not to exceed \$29,087.16.

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to purchase three (3) Badger Trimble Handheld Receivers in addition to training and software to be use by the Department of Public Works for the Borough of Woodland Park; and

WHEREAS, the Borough is in possession of a quote from Atlantic PLBG Supply Corp., 702 Joline Avenue, Long Branch, New Jersey 07740, for the purchase of three (3) Badger Trimble Handheld Receivers, one (1) day training and software in an amount not to exceed \$29,087.16; and

WHEREAS, funds are available in the Woodland Park Water Utility for this purchase;

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) Badger Trimble Handheld Receivers, one (1) day training and software from Atlantic PLBG Supply Corp., 702 Joline Avenue, Long Branch, New Jersey 07740 in an amount not to exceed \$29,087.16; and

BE IT FURTHER RESOLVED that said purchase shall be made with funds from the Woodland Park Water Utility.

G. Resolution R13-96, a resolution agreeing to participate in the New Jersey Intergovernmental Insurance Fund for the period commencing on January 1, 2014 and terminating on December 31, 2016 for insurance coverage as listed in this resolution and authorizing the Borough Administrator to execute any and all documents related to this Agreement.

WHEREAS, the Municipal Council of the Borough of Woodland Park (hereinafter the “Local Unit”) has determined that membership in the New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), is in the best interest of the municipality.

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

SECTION 1. The Borough of Woodland Park hereby agrees to participate as a member in the “Fund” for a period commencing on 01/01/14 and terminating on 12/31/2016 for the following types of insurance coverage:

- a) Workers Compensation and Employers Liability
- b) General Liability (including Police Professional & Public Officials Liability);
- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
- e) Environmental Impairment Liability

SECTION 2. Local Unit agrees to enter into and abide by the terms of the Indemnity and Trust Agreement, attached hereto as Exhibit 1. Local Unit hereby authorizes and directs Borough of Woodland Park to execute the Indemnity and Trust Agreement and such other documents as are necessary to comply with the requirements of the Fund.

SECTION 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund are hereby adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the "Fund" according to the rights and obligations set forth therein.

SECTION 4. The Local Unit certifies that it has never defaulted on claims under a self insurance plan and that it has not had its insurance canceled for non-payment of premium for a period of at least two (2) years prior to this application.

SECTION 5. Inconsistent Resolutions. All resolutions, or parts thereto that are or may be, inconsistent with provisions of this Resolution are hereby repealed to the extent of such inconsistency.

SECTION 6. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Resolution shall be deemed valid and effective.

SECTION 7. Effective Date. This Resolution shall take effect upon its passage.

SECTION 8. Execution. The Borough Administrator is hereby authorized to execute all documents associated with this Agreement.

H. Resolution R13-97, a resolution to approve the actions noted in the Consent Agenda, items A. through H. 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 H. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

Councilwoman Gatti asked for an explanation on Resolution R13-95. Mr. Galland explained the reason for the purchasing of the equipment stated in said Resolution R13-95.

Upon Motion made by Council President Holloway, and seconded by Councilwoman Pascrell, the foregoing resolution was adopted on roll call vote with abstentions on Resolution R13-93 by Councilwoman Kallert and Councilman DeCesare.

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilwoman Gatti, seconded by Council President Holloway and unanimously passed on roll call vote, the Council confirmed the payment of the 03/15/13 regular and miscellaneous payroll estimated at \$260,000.00.

Upon Motion made by Councilman Spinelli, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 03/01/13 totaling \$1,265,523.60.

DEPARTMENT REPORTS:

1. Fire Prevention Report for January, 2013
2. Board of Adjustment Report of Approvals & Denials 2012
3. Board of Adjustment Minutes of January 28, 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 – NJDEP v. Occidental

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

The Mayor and Council returned to the Council Chambers at 8:36 p.m.

Resolution R13-94

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION ENTITLED THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, ET AL V. OCCIDENTAL CHEMICAL CORPORATION, ET AL., DOCKET NO. ESX-L-9868-05 (PASR) SUBSTANTIALLY IN ACCORDANCE WITH THE TERMS OF A PROPOSED CONSENT JUDGMENT AND RELATED DOCUMENTS IN AN AMOUNT NOT TO EXCEED \$95,000.00.

WHEREAS, the Borough of Woodland Park is a third party defendant in litigation entitled the New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation, et al., Docket No. ESX_L-9868-05 (PASR) (the Passaic River Litigation); and

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (collectively, “Plaintiffs”), have offered to settle directly with all Third Party Defendants, including the Borough of woodland Park; and

WHEREAS, on behalf of the Borough of Woodland Park, counsel executed a Confidentiality Agreement and Memorandum of Understanding with Plaintiffs which, among other things, allowed for settlement negotiations between the Borough of Woodland Park and Plaintiffs and for the development of settlement documentation, provided that the negotiations and the documents generated during the course of those negotiations were to remain strictly confidential; and

WHEREAS, negotiations between Plaintiffs and Third Party Defendants, including the Borough of Woodland Park, have resulted in the preparation of a proposed Consent Judgment and related settlement documentation; and

WHEREAS, the Borough of Woodland Park has reviewed with counsel the proposed Consent Judgment and related settlement documentation in Executive Session at the meeting of February 20, 2013; and

WHEREAS, the proposed Consent Judgment and related settlement documentation continue to remain strictly confidential in accordance with the Confidentiality Agreement and Memorandum of Understanding executed by counsel on behalf of the Borough of Woodland Park until such time as they are published by Plaintiffs in accordance with the Consent Order on the Approval Process for the Proposed Consent Judgment entered by the Court on January 24, 2013 (“Consent Order”), a copy of which is annexed hereto as Exhibit “A”; and

WHEREAS, the proposed Consent Judgment and related settlement documentation may be subject to change depending on the outcome of the approval process outlined in the Consent Order; and

WHEREAS, the Borough of Woodland Park desires to approve the proposed settlement as reflected in the proposed Consent Judgment and related settlement documentation and allow for the approval process to move forward in accordance with the Consent Order;

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

1. All of the foregoing “Whereas” clauses are incorporated by reference as if set forth at length herein.
2. The Borough of Woodland Park hereby authorizes the settlement of the Passaic River Litigation substantially in accordance with the terms set forth in the proposed Consent Judgment and related settlement documentation reviewed by the Borough of Woodland Park in Executive Session at the meeting of February 20, 2013.
3. Borough of Woodland Park counsel and all other appropriate Borough of Woodland Park officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.
4. The appropriation of any and all settlement sums shall be the subject of a subsequent resolution to be adopted by the Borough of Woodland Park after the finalization of the approval process set forth in the Consent Order and in accordance with the proposed Consent Judgment.
5. This Resolution shall take effect immediately and/or as required by law.

Upon Motion made by Councilwoman Kallert, and seconded by Councilwoman DeCesare, the foregoing resolution was unanimously adopted on roll call vote.

There being no further business to come before the Council, upon Motion by Council President Holloway, seconded by Councilwoman Kallert and unanimously passed on roll call vote, the meeting was adjourned at 8:40 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor