

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

A Regular Meeting of the Municipal Council of the Borough of Woodland Park was held in the Conference Room in the Municipal Building, 5 Brophy Lane, on October 16, 2013 and was called to order by Mayor Keith Kazmark at 6:00 p.m.

Present: Council President Holloway, Councilwoman Gatti, Councilman Spinelli, Councilwoman Kallert, Councilwoman Pascrell, Councilman DeCesare and Mayor Kazmark

Absent: None

Kevin Galland, Administrator, 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.

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, Mayor Kazmark closed the Public Hearing.

APPROVAL OF MINUTES:

Upon motion made by Councilman Spinelli, seconded by Councilwoman Kallert, and unanimously passed on roll call vote, the Regular Meeting minutes of October 2, 2013 were approved.

MUNICIPAL ATTORNEY'S REPORT:

He spoke about the continuation of ongoing projects which include but are not limited to many ongoing disciplinary matters which are confidential until they are concluded.

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 R13-270, a resolution certifying to the Local Finance Board of the State of New Jersey, that all members of the Governing Body of Woodland Park are in receipt of a copy of the 2012 Annual Audit and have personally reviewed at a minimum the Annual Report of Audit, specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the Group Affidavit attested to by the members of the Governing Body.**

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2012 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; 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 members of the governing body have personally reviewed at a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the Group Affidavit Form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Mayor and Council of the Borough of Woodland Park hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

B. Resolution R13-271, a resolution retaining the services of Frank M. Donato, J.S.C. (retired) as an independent hearing officer in an amount not to exceed \$2,500.00 with regard to an employee disciplinary matter.

RETENTION OF INDEPENDENT HEARING OFFICER

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey are aware of an issue with an employee of the Woodland Park Police Department; and

WHEREAS, the employee in question has been employed by the Borough of Woodland Park as a Police Officer for the Woodland Park Police Department since September 24, 2007; and

WHEREAS, because of disciplinary actions against this employee, it has become necessary to retain the services of an independent hearing officer;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey retain the services of Frank M. Donato, J.S.C. (retired) as an independent hearing officer in an amount not to exceed \$2,500.00.

- C. Resolution R13-272, a resolution conveying the property owned by the Borough of Woodland Park, identified as Block 123 Lot 1 on the official tax maps of the Borough, to the County of Passaic to be included as part of the County's Green Acres Program.**

**CONVEYANCE OF BOROUGH OWNED PROPERTY
BLOCK 123 LOT 1**

WHEREAS, the County of Passaic has been actively seeking to acquire the privately owned land at 310-338 Lackawanna Avenue (Block 124 Lot 1) in the Borough of Woodland Park as part of a land swap deal for land located in Wayne, that is being overseen by the New Jersey Department of Environmental Protection (DEP), Green Acres Program; and

WHEREAS, Passaic County has been advised by the DEP that this privately held parcel of land in Woodland Park (Block 124 Lot 1) falls short of the land-coverage requirements needed to complete this land swap deal; and

WHEREAS, the DEP has informed the County that they would be more receptive to the proposal if an adjoining .5 acre piece of Woodland Park Borough owned land (Block 123-1) on the opposite side of the Morris Canal be included with 310-338 Lackawanna Avenue property as part of the afore mentioned deal to meet the land-coverage requirements;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey hereby convey the property owned by the Borough of Woodland Park, identified as Block 123 Lot 1 on the official tax maps of the Borough, to the County of Passaic to be included as part of the County's Green Acres Program, subject to the approval of the afore mentioned land swap deal by the DEP; and

BE IT FURTHER RESOLVED, that this land shall become part of the Passaic County's Green Acres Program, subject to all terms and conditions of said program.

- D. Resolution R13-273, a resolution directing the Borough's Purchasing Agent to prepare and issue a bid to secure a lease, with the option to buy at the conclusion of the lease for one dollar, two (2) 2014 Police Interceptor Utility, All-Wheel Drive Ford Explorers, and one (1) 2014 All-Wheel Drive Ford Explorer for use by the Woodland Park Police Department.**

**AUTHORIZATION TO BID
THREE (3) FORD EXPLORER TRUCKS
FOR WOODLAND PARK POLICE DEPARTMENT**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to lease, with the option to buy at the conclusion of the lease for one dollar, two (2) 2014 Police Interceptor Utility, All-Wheel Drive Ford Explorers, and one (1) 2014 All-Wheel Drive Ford Explorer for use by the Woodland Park Police Department;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey hereby direct the Borough's Purchasing Agent to prepare and issue a bid to secure a lease, with the option to buy at the conclusion of the lease for one dollar, two (2) 2014 Police Interceptor Utility, All-Wheel Drive Ford Explorers, and one (1) 2014 All-Wheel Drive Ford Explorer for use by the Woodland Park Police Department.

E. Resolution R13-274, a resolution, based on the recommendation of Chief Paul Salomone, approving the application of Calvert Joshua Maxwell, 35 Marcellus Ave, to become a West Paterson Junior Volunteer Firefighter.

ACCEPTANCE OF JUNIOR 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 Calvert Joshua Maxwell, 35 Marcellus Ave, 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 Calvert Joshua Maxwell to become a West Paterson Junior Volunteer Firefighter.

F. Resolution R13-275, a resolution authorizing and directing the Borough Administrator to dispose of one 2010 Ford Expedition through the sealed written quote process in compliance with the New Jersey State Local Public Contracts Law, N.J.S.A. 40A:11-6 with a minimum bid price set at \$16,000.00.

AUTHORIZATION TO SELL SURPLUS PROPERTY

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, have identified a certain motor vehicle that is no longer required for the daily operation of the Borough;

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, authorizes and directs the Borough Administrator to dispose of the below listed motor vehicle through the sealed written quote process in compliance with the New Jersey State Local Public Contracts Law, N.J.S.A. 40A:11-36.

VEHICLE YR/MAKE/MODEL	VIN #	MILEAGE (circa)	MINIMUM BID PRICE
2010 Ford Expedition	1FMJU1G52AE B72806	34,000	\$16,000.00

G. Resolution R13-276, a resolution awarding a contract to Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, New Jersey 07606-1722 to provide the necessary construction inspection services for the installation of the splashpad improvements at Zaccaria Park in the amount not to exceed of \$9,114.02.

SPLASHPAD CONSTRUCTION INSPECTION SERVICES

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, are in receipt of a grant from the Passaic County Open Space Trust to build a splashpad in Zaccaria Park; and

WHEREAS, construction inspection services are required by a profession engineering firm to assure that construction of the splashpad is in total compliance with the design and engineering specifications of the project; and

WHEREAS, Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606-1722, has provided the Borough with a proposal for the necessary construction inspection services for the installation of the splashpad improvements at Zaccaria Park

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 award a contract to Boswell McClave Engineering, 330 Phillips Avenue, South Hackensack, NJ 07606-1722, to provide the necessary construction inspection services for the installation of the splashpad improvements at Zaccaria Park in an amount not to exceed of \$9,114.02; and

BE IT FURTHER RESOLVED, that said sum shall be charged to the Passaic County Open Space Trust Grant for the installation of the splashpad at Zaccaria Park.

H. Resolution R13-277, a resolution authorizing the Mayor to enter into a Indemnity and Trust Agreement with the North Jersey Municipal Employee Benefits Fund for the provision of employee health benefits for the time period of January 1, 2014 through December 31, 2016, with the provision as outlined in paragraph 3 of that agreement, which provides the Borough with the ability to withdrawn from the Fund at any time upon written notice to the Fund.

**RESOLUTION TO RENEW
PARTICIPATION IN THE NORTH JERSEY
MUNICIPAL EMPLOYEE BENEFITS FUND**

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **North Jersey Municipal Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq.; and

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND; and

WHEREAS, the governing body of the Borough of Woodland Park, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

AND, BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

I. Resolution R13-278, a resolution authorizing the Municipal Alliance Against Drugs & Alcohol to hold a 2K Walk at 8:00 a.m. on October 20, 2013 beginning at the West Paterson Boys & Girls Club and ending on Memorial Field.

MUNICIPAL ALLIANCE AGAINST DRUGS & ALCOHOL 2K WALK

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey are in receipt of a written request from the Municipal Alliance Against Drugs and Alcohol to hold a 2K Walk; and

WHEREAS, said 2K Walk will be held on the sidewalks beginning at the West Paterson Boys & Girls Club and continuing down McBride Avenue and through Dowling Parkway, a copy of the route to be used is attached hereto; and

WHEREAS, the Municipal Alliance would like to hold this event on Sunday, October 20, 2013 at 8:00 a.m.; and

WHEREAS, a copy of the written request has been given to the Chief of Police, the Fire Chief as well as the Superintendent of the Department of Public Works; and

WHEREAS, members of the CERT team will be posted at each corner to cross the participants attending this event;

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 Municipal Alliance Against Drugs and Alcohol to hold a 2K Walk on October 20, 2013 at 8:00 a.m. beginning at the West Paterson Boys & Girls Club and ending on Dowling Parkway.

J. Resolution R13-279 a resolution approving the closing of Memorial Drive for the Woodland Park Municipal Alliance Against Drugs & Alcohol "Trick or Trunk" to be held on Thursday October 31, 2013 from 4:30 p.m. to 9:30 p.m. subject to the conditions set forth in this resolution.

CLOSURE OF MEMORIAL DRIVE MUNICIPAL ALLIANCE TRICK OR TRUNK

WHEREAS; the Woodland Park Municipal Alliance Against Drugs & Alcohol will be holding their annual "Trick or Trunk" on Thursday October 31, 2013 from 4:30 p.m. to 9:30 p.m.; and

WHEREAS, the Municipal Alliance will be holding the "Trick or Trunk" on Memorial Drive; and

WHEREAS, the Municipal Alliance has requested the Mayor and Council's approval for the closure of Memorial Drive; and

WHEREAS; the Woodland Park Alliance Against Municipal Drug & Alcohol Abuse accepts the conditions under Ordinance 99-16, Section 6-2 Noise and will abide by the NO public use of alcoholic beverages provision; and

WHEREAS; the Woodland Park Borough Department of Public Works shall affix “Emergency No Parking” signs on Memorial Drive; and

WHEREAS, movable barricades will be placed on Memorial Drive which shall be positioned for ease of access and/or removal for emergency vehicles under the direction of Chief Anthony Galietti, Woodland Park Police Department, and

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, hereby approve the Municipal Alliance Against Drugs & Alcohol “Trick or Trunk” located on Memorial Drive as set forth in this resolution subject to the following conditions:

1. The roadway may be blocked off by barricades, but must remain clear for any emergency vehicle traffic.
2. No rides, games of chance, tables, grills of any kind, etc. shall be set up in the roadway (curb to curb)
3. Nothing permanently mounted or secured will be placed in the middle of this section of roadway to prevent access by emergency vehicles.
4. No consumption of alcohol beverages shall be permitted in public pursuant to Ordinance 07-08.
5. No vehicle shall be used to block off the roadway.
6. All local ordinances will apply during the event.
7. The Police Department has the right to cancel this event at any time if the above conditions are not adhered to or if the Police Department deems anything as being unsafe.

K. Resolution R13-280, a resolution authorizing the appropriate administration staff to refund the amount of \$168.57 to G.O.P., 1, LLC, c/o Mountain Development, 3 Garret Mountain Plaza, Woodland Park, New Jersey representing the balance of their escrow account associated with a Planning Board application.

RETURN OF ESCROW

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 G.O.P.,1, LLC c/o Mountain Development Corporation, 3 Garret Mountain Plaza, Woodland Park, New Jersey for a refund of the balance of their escrow account associated with a Planning Board application; and

WHEREAS, the Mayor and Council are in receipt of a recommendation from Felix Esposito, Code Enforcement Officer to return said escrow to G.O.P.,1, LLC c/o Mountain Development Corporation;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby direct the appropriate administration staff to refund the amount of \$168.57 to G.O.P.,1, LLC c/o Mountain Development Corporation, 3 Garret Mountain Plaza, Woodland Park, New Jersey.

L. Resolution R13-281, a resolution authorizing the appropriate administration staff to refund the amount of \$2,466.00 to J. Pisa Inc., 25 Borrego Drive, Woodland Park, New Jersey representing the balance of their escrow account associated with the Board of Adjustment.

RETURN OF ESCROW

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 J. Pisa, Inc., 25 Borrego Drive, Woodland Park,

New Jersey for a refund of the balance of their escrow account associated with the Board of Adjustment; and

WHEREAS, the Mayor and Council are in receipt of a recommendation from Felix Esposito, Code Enforcement Officer to return said escrow to J. Pisa Inc.;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby direct the appropriate administration staff to refund the amount of \$2,466.00 to J. Pisa, Inc., 25 Borrego Drive, Woodland Park, New Jersey.

M. Resolution R13-282, a resolution to approve the actions noted in the Consent Agenda, items A. through L., 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 L. 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 Council President Holloway, 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 Councilman DeCesare and unanimously passed on roll call, the Council confirmed the payment of the 10/30/13 regular and miscellaneous payroll estimated at \$235,000.00.

Upon Motion made by Council President Holloway, seconded by Councilwoman Pascrell and unanimously passed on roll call, the Council confirmed the payment of bills from voucher list of 10/11/13 totaling \$3,140,642.89.

DEPARTMENT REPORTS:

1. Police Report for September 2013.
2. Fire Prevention Report for September 2013.
3. Summary Budget Status Report for October 15, 2013.

NEW BUSINESS:

A. Resolution R13-283, a Resolution introducing Borough Ordinance 13-11.

BE IT RESOLVED; that the ordinance entitled: AN ORDINANCE OF THE BOROUGH OF WOODLAND PARK, COUNTY OF PASSIAC, STATE OF NEW JERSEY, AUTHORIZING THE ESTABLISHMENT OF A RESIDENTIAL GOVERNMENT ENERGY AGGREGATION PROGRAM heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 6th day of November, 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 Councilman Spinelli, the foregoing resolution was unanimously adopted on roll call vote.

EXECUTIVE SESSION:

BE IT RESOLVED, by the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, that pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., it is necessary to convene an executive session to discuss items authorized by N.J.S.A. 10:4-12 (b), specifically:

- o Contract Negotiations – CDBG-DR

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 Councilwoman Gatti and unanimously passed on roll call vote, The Mayor and Council moved into Executive Session at 6:45 PM.

The Executive Session was adjourned at 7:15 PM., and all present promptly returned to the Regular Meeting without delay.

ADJOURNMENT:

There being no further business to come before the Council, upon a Motion by Councilman Spinelli, seconded by Council President Holloway, and unanimously passed on roll call vote, the meeting was adjourned at 7:15 PM.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor