

**BOROUGH OF WOODLAND PARK  
REGULAR MEETING OF THE MUNICIPAL COUNCIL  
HELD ON APRIL 2, 2014**

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 April 2, 2014 and was called to order by Mayor Keith Kazmark at 7:00 p.m.

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

Absent: Councilman Holloway

Kevin Galland, Administrator, Courtney Fitzpatrick, 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 8, 2014 detailing the time and place, with notice given to the public by posting a copy thereof on the bulletin board in the Municipal Building and transmitting copies to the Mayor, members of the Council, Officers and to The Herald News.

**PUBLIC HEARINGS:**

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

Don Bender, 34 West 36<sup>th</sup> Street, spoke about the 100<sup>th</sup> year Centennial Anniversary. He spoke about the zip code. He spoke about the crosswalks on Hillery Street and Glover Avenue. He spoke about the light on Hillery Street being overdue. He spoke about the bus stop on McBride Avenue and West 36<sup>th</sup> Street. He spoke about the stop signs on Squirrelwood Road. He spoke about potholes and curbing and stated that 36<sup>th</sup> Street has never been curbed. He questioned when anything was ever going to be done on 36<sup>th</sup> Street. He spoke about the trees on McBride Avenue and Newby Avenue.

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

Mayor Kazmark stated to Mr. Bender that in regard to the Centennial Anniversary, the Borough is celebrating the 100<sup>th</sup> Year of the Borough. He stated that with regard to West 36<sup>th</sup> Street, the roadway has been resurfaced since 2002. New curbs were not added because the policy has been both under this Administration and the previous Administrations that the only time the Borough does curb and sidewalk repair is if that roadway is eligible for a State Grant and if the Borough actually receives the State Grant. The Mayor stated that none of the West 30 Streets fell under a State Grant. If the streets do not qualify for this type of Grant and the Borough decides to locally fund road resurfacing, it is only for the road resurfacing, it is not the curbs and the sidewalks. The only Streets that get curbs and sidewalks are the Streets that are DOT funded. He stated in regard to the trees between McBride Avenue and Newby Avenue, that is the Board of Education's property. The trees that were spoken of were in fact in the right of way. It would be up to the Board of Education to make the determination as to whether or not they wish to replace those trees and it would be at their expense. He suggested that Mr. Bender attend a Board of Education meeting if he is advocating for trees to be planted.

**MINUTES:**

Upon Motion by Councilman DeCesare, seconded by Council President Spinelli, and passed on roll call vote, the Minutes of the Regular Meeting of March 5, 2014, the Minutes of the Special Meeting of March 19, 2014, the Minutes of the Regular Meeting

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of March 19, 2014 and the Minutes of the Executive Session of March 19, 2014 were approved as submitted.

**PUBLIC HEARING ON CAP BANK ORDINANCE NO 14-07**

Upon a Motion made by Council President Spinelli, seconded by Councilwoman Pascrell and passed on roll call vote, a public hearing was opened with regard to the Cap Bank Ordinance No 14-07.

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

Upon Motion made by Councilman DeCesare, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, Resolution R14-101, Cap Bank Ordinance No 14-07 was adopted.

**Resolution R14-101, Adoption of Cap Bank Ordinance 14-07**

**WHEREAS**, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance to exceed the municipal budget appropriation limits and to establish a cap bank for the calendar year 2014 (N.J.S.A. 40A: 4-45.14) ; and

**WHEREAS**, notice of introduction and passage on first reading was published in The Herald News dated March 26, 2014, setting the date of April 2, 2014 for the public hearing and consideration for final passage; and

**WHEREAS**, copies of the ordinance were posted on the Borough's official bulletin board and copies made available to all those desiring same; and

**WHEREAS**, in compliance with State Statute, a public hearing on the above referenced ordinance was conducted on April 2, 2014 at the regularly scheduled meeting of the Mayor and Council;

**NOW, THEREFORE BE IT RESOLVED**, that the ordinance entitled Ordinance 14-07, an ordinance to exceed the municipal budget appropriation limits and to establish a cap bank for the calendar year 2014 be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk be and he is hereby authorized and directed to publish said Ordinances according to law.

**CONFERENCE COMMITTEE REPORTS:**

Administration & Finance – Councilwoman Gatti spoke about the meeting that is being held in two (2) weeks. She spoke about the tax freeze that is taking place at this time. The deadline date for the tax freeze is June 2, 2014.

Public Works – Councilman Spinelli spoke about the work that is being done on the Dowling Garden Clock. He stated that the preparation of design services are being made for the 2014 road paving of Rockaway Ave, Passaic Ave, Ryle Park Ave, Sunset Drive, from Meriline Ave to Highview Drive and Andrews Drive. He stated that this is being combined with the program for the ADA Compliant Curbing Ramp Project. The problem by Memorial Drive is being worked on. Phase II of Overmount Ave is in the works. He spoke about the NJDEP de-snagging Grant. He stated that he is working with the County for the repaving of McBride Ave starting from Glover Ave going up to Rose Place.

Public Safety – Councilman DeCesare reported that the Fire Department Ladder Truck is back in service. He thanked Totowa Borough for covering for us during that period. He spoke about the stop signs that are going up on Pitts Ave and Winslow Place. The speed trailer for the Police Department will be going out next week. He spoke about the Fish and Chips dinner that was held at the First Aid Squad this evening. He congratulated the West Paterson First Aid Squad for giving all of the donations to the fire victims on

Jackson Ave.

Health & Senior Services – Councilwoman Kallert she spoke about the Health Fair that was held this past Saturday. She stated that it was a great turnout. She thanked the Mayor and Council for their help with the Health fair as well as others who made a tremendous effort to help and support this event.

Recreation & Community Relations – Councilwoman Pascrell congratulated Councilwoman Kallert on a great job with the Health Fair. She spoke about the Bunny breakfast that is being held on Saturday April 12, 2014 at the Memorial Middle School cafeteria at 9:00 a.m. She asked that whoever will be attending the Bunny breakfast to R.S.V.P by calling the Recreation Department or emailing the Recreation Department by April 7, 2014, space is limited. She spoke about the ongoing Easter Basket Drive. All donations should be in by April 11, 2014. Donations can be dropped off at your child's school, the Municipal Building or the Public Library. Any donations that can be made are greatly appreciated.

Laws & Ordinances – Council President Holloway was absent.

### **MAYOR'S REPORT:**

Mayor Kazmark spoke about the considerable amount of time that was spent over the past week discussing with the League of Municipalities the concerns about the two percent (2%) interest Arbitration Cap. When it comes to Police and Fire Department negotiations relative to their employee contracts we have worked diligently to try to implore the Legislature and the Governor to make sure that the cap stays in place. It is very difficult to budget and to craft Municipal Budgets that maintain personnel and maintain services during these economic times. For the Legislature to propose that Arbitrators could come in with awards that could be up to three percent (3%) when we have a two percent (2%) property tax cap it does present a new set of challenges for Municipalities and Counties throughout New Jersey.

The Senate and Assembly introduced a bill which included provisions such as the ability for the Arbitrator to go up to a three percent (3%) award taking into account how Municipalities are collecting contributions from their Employees when it comes to Health Care costs. In addition to the fact that the Legislature wanted Arbitrators to consider breakage either through retirement, through layoffs, through furloughs or any type of reduction in force that any amount of money that would be saved on behalf of the taxpayers through that reduction in force would then be able to be calculated into an additional increase beyond the two percent (2%) for those two (2) uniform personnel services. The Municipalities were very concerned about this.

Mayor Kazmark stated that he attended a press conference at the Capital in Trenton New Jersey. The Legislature went ahead and introduced a bill with these additions. From there the Governor that day conditionally vetoed the bill and took out anything that would allow an Arbitrator to award anything beyond two percent (2%). Immediately after the conditional veto the Senate came back and voted unanimously to approve the Governor's recommendations from the conditional veto. It was stated that the Assembly was to return to vote on Monday April 7, 2014 because in fact the Cap expired at midnight on April 1, 2014. The Assembly did not return on Monday April 7, 2014. The Cap has expired and it puts Municipalities who have a currently expired contract in limbo. An Arbitrator could come in today, or until the Legislature or Assembly takes some sort of action, and Municipalities could see awards up to five percent (5%). Because of the expiration of the Cap there are no limitations.

The Borough of Woodland Park will not have to worry about this until December 31, 2014 when the Borough's contract expires.

Mayor Kazmark spoke about the field improvements and stated that they are underway. He spoke about the McBride Ave resurfacing program. He stated that this is a County project. The goal is to have this project completed before the 100<sup>th</sup> Anniversary of the Centennial Celebration on May 17, 2014.

**MUNICIPAL ATTORNEY'S REPORT:**

Mr. Buglione spoke about the continuation of many of the ongoing projects. He spoke about the executive session that is being held this evening.

**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 R14-102, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$33,337.06 for the redemption payment of a lien and premium to US Bank Philadelphia PA and to adjust the books and records accordingly.**

**LIEN REDEMPTION AND PREMIUM**

**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 a lien redemption for taxes, in the amount of \$33,337.06 was made on March 25, 2014; and

**WHEREAS**, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$33,337.06 is to be returned to the lien holder, US Bank – Cust/Sass Muni VI DTR, US Bank Corp Trust Services, 2 Liberty Place 50 S 16<sup>th</sup> Street/1950 Philadelphia PA 19102; and

**WHEREAS**, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to US Bank – Cust/Sass Muni VI DTR;

**WHEREAS**, a premium of \$17,500.00 had also been made by US Bank – Cust/Sass Muni VI DTR which is to be returned;

**NOW, THEREFORE, BE IT RESOLVED** that the Tax Collector is hereby authorized to return the total of \$50,837.06 for the redemption payment of the lien and premium; and

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

- B. Resolution R14-103, a resolution authorizing Passaic Valley Chapter of UNICO, Little Falls NJ, to conduct one (1) Off Premise Raffle to be held on November 12, 2014, at Francesco's Restaurant, Woodland Park NJ at 9:00 p.m.**

**RAFFLE APPLICATION**

**WHEREAS**, Passaic Valley Chapter of UNICO, P.O. Box 341, Little Falls NJ 07424, is seeking approval to conduct one (1) Off Premise Raffle to be held on November 12, 2014, at Francesco's Restaurant, 569 McBride Avenue, Woodland Park, New Jersey at 9:00 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 Passaic

Valley Chapter of UNICO, P.O. Box 341, Little Falls NJ 07424, to conduct one (1) Off Premise Raffle to be held on November 12, 2014, at Francesco’s Restaurant, 569 McBride Avenue, Woodland Park, New Jersey at 9:00 p.m.

**C. Resolution R14-104, a resolution authorizing the Woodland Park Municipal Alliance to apply for a grant to engage in various audiences in effort to prevent alcohol and drug abuse.**

**MUNICIPAL ALLIANCE ALCOHOLISM AND DRUG ABUSE**

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, recognize that the abuse of alcohol and drugs are a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Passaic;

**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 recognizes the following:

DEDR	\$22,440.00
Cash Match	\$ 5,610.00
In-Kind	\$ 16,830.00

and;

**BE IT FURTHER RESOLVED**, that the Mayor and Council acknowledge the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

**D. Resolution R14-107, a resolution in conjunction with the Centennial Celebration, a resolution authorizing the payment for \$19,307.20 be made to the vendors listed in the resolution for materials provided in conjunction with said Centennial Celebration; and that said payments shall be made from the Centennial Celebration Trust Account.**

**AUTHORIZATION TO PAY DEPOSITS AND BILLS**

**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

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BAND	PRICE	DEPOSIT
Palisade Park Fire Department	\$1,700.00	\$0.00

**WHEREAS**, said Committee has also incurred the following expenses associated with this event; whereby vendors need to be paid;

VENDOR	EXPLANATION	COST
Dialed Action Sports Team LLC	Bike Show	\$1,600.00
Hodges Party Rentals	Tents, Chairs, Tables	\$10,275.00
Full Service Mailers	Mayor's Letter	\$1,723.13
Postmaster	Mayor's Letter	\$799.27
T-Mugs Firematic Specialties	Mugs, Pints, Etc.	\$3,420.80
Tee FX Screen Printing	Sweatshirts	\$1,489.00

**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 of \$19,307.20 to the vendors listed for materials provided in conjunction with said Centennial Celebration. Said charges shall be made from the Centennial Celebration Trust Account.

**E. Resolution R14-108, a resolution to approve the actions noted in the Consent Agenda, items A. through D. 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 D. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

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

**COLLECTOR/TREASURER REPORT:**

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilwoman Pascrell, seconded by Councilwoman Gatti and unanimously passed on roll call vote, the Council confirmed the payment of the 04/15/2014 regular and miscellaneous payroll estimated at \$290,000.00.

Upon Motion made by Councilman DeCesare, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 03/28/14 totaling \$360,450.60.

**DEPARTMENT REPORTS:**

1. Library Minutes for February 10, 2014.
2. Board of Adjustment Minutes for February 24, 2014.
3. Zoning Board of Adjustment Docket No. 14-01.
4. Summary Budget Status Report for March 2014.
5. Fire Prevention Report for February 2014.

**NEW BUSINESS:**

**a. Resolution R14-105, Introduction of Ordinance 14-8**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY AND NEW INFORMATION TECHNOLOGY EQUIPMENT IN, BY AND FOR THE BOROUGH OF WOODLAND PARK, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,876,640 TO PAY THE**

**COST THEREOF, TO APPROPRIATE A STATE GRANT, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS 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 16<sup>th</sup> day of April, 2014, 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 Spinelli, seconded by Councilman DeCesare, the foregoing resolution was unanimously adopted on roll call vote.

**b. Resolution R14-106, Introduction of Ordinance 14-9**

**BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE WATER UTILITY OF THE BOROUGH OF WOODLAND PARK, IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$1,210,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS 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 16<sup>th</sup> day of April, 2014, at 7:00 P.M., or as soon thereafter as the matter can be reached, at the regular meeting place of the Municipal Council and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Municipal Clerk is hereby authorized and directed to publish said ordinance according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.**

Upon motion made by Councilman DeCesare, seconded by Council President 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:

- Contract Negotiations – Employment
- Litigations – CAPP/FSGN, et. als. v. Borough of Woodland Park, et. als.

**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 Kallert and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 7:40 p.m.

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

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Respectfully submitted,

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Kevin V. Galland  
Municipal Clerk

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Keith Kazmark  
Mayor