

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON JUNE 4, 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 June 4, 2014 and was called to order by Mayor Keith Kazmark at 7:00 p.m.

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

Absent: Councilwoman Kallert

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.

PRESENTATIONS:

The Mayor and Council honored the following three (3) Crossing Guards for their years of service to the Borough:

Ann DeCesare for twenty four (24) years of service

Terry Shields for thirty three (33) years of service

Norma Taylor for twenty three (23) years of service

The Mayor and Council honored Adele Ulrich for forty (40) years of service to the Foundation for the Handicapped.

PUBLIC HEARINGS:

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

Sanjay Desai, 186 Mt. Pleasant Avenue, thanked the Mayor and Council for supporting the Youth Month. He spoke about the Youth Month and stated that it is a great learning experience for the Children. He thanked the Mayor and the Council for the Youth Month dinner that was provided for the students. He spoke about the Centennial Parade and thanked the Mayor and Council for letting the Students walk in the parade and be a part of the Centennial Celebration.

He asked when the rest of Mt. Pleasant Avenue will be resurfaced. He stated his concerns about the roadway on Mt. Pleasant Avenue and the conditions of the roadway. He spoke about the bicycle lane on McBride Avenue and gave his concerns regarding the bicycle lane. He requested that the Freeholders complete the bicycle lane going up McBride Avenue as it is a safety issue.

He spoke about the bus stop in front of Beatrice Gilmore School and expressed his concerns.

He spoke about Rose Place Park and asked when it will be cleaned up.

He spoke about single family homes and how single family homes are being rented out. He stated that people are renting out basements and single family homes are becoming two (2) family and three (3) family homes. He requested that the Ordinance be looked over and be addressed.

He spoke about the Board of Education Youth Month Meeting and suggested that the meeting next year be held at the Council Chambers so it can be televised and people at home who cannot attend the meeting can record the meeting and watch it at a later time.

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

Mayor Kazmark thanked Mr. Desai on his accolades regarding the Youth Month and the Centennial Parade.

He stated on regards to Mt. Pleasant Avenue he had asked Council President Spinelli to speak of that matter at the next Public Works meeting and to review the matter with Mr. Galbraith and Mr. Galland on how the Borough can insert Mt. Pleasant Avenue into the road resurfacing program in the next few years.

He stated in regards to the Freeholders and the bike lanes, the Freeholders will contend that the bike lanes do add an additional safety piece to driving on McBride Avenue. McBride Avenue is a County road and the County has a complete street plan that was compiled by their Planning Department a few years ago and these bike lanes are in line with that County adopted plan.

He spoke about Beatrice Gilmore School and stated that the Borough is looking at potentially constructing a bump out in front of Beatrice Gilmore School so that the school bus can pull in and out and not block the lane of traffic.

He spoke about Rose Place Park and stated that at this time the Borough is in the hopper with the County for additional funding for Rose Place Park through the Open Space Trust Fund. He stated that sometime over the summer the Borough should hear whether the Borough is awarded that money and that the Borough will then commence that project.

He stated that in regard to the Ordinances pertaining to illegal family dwelling, Councilman Holloway's Ordinance Committee has been looking into all of the Ordinances that affect the quality of life of the residents in the Borough.

He spoke about the Board of Education with regard to televising the Youth Month and stated that the matter has been brought to the attention of the Board of Education.

MINUTES:

Upon Motion by Council President Spinelli, seconded by Councilman Holloway, and passed on roll call vote, the Minutes of the Regular Meeting of May 14, 2014, were approved as submitted.

CONFERENCE COMMITTEE REPORTS:

Administration & Finance – Councilwoman Gatti spoke about the Tax Freeze for the Senior's and stated that anyone who filed for their tax freeze before June 2, 2014 should receive their check in July 2014. At this time there is an extension to file for the Tax Freeze if any Senior's have not done so.

Public Works – Councilman Spinelli spoke about Mt. Pleasant Avenue and stated that he will check with Mr. Galbraith on the outcome. The proposed design for the road resurfacing for Rockaway Avenue, Passaic Avenue, Ryle Park Ave, Sunset Drive from Meriline Avenue to Highview Drive and Andrews Drive has been sent to the State for their approval so the project can be started. The road resurfacing project will be funded

through the Community Development Block Grant. He spoke about the property across from Memorial School. Phase II of Overmount Avenue is underway. The de-snagging program is underway with Totowa Borough on the Passaic River.

Public Safety – Councilman DeCesare spoke about the speed trail that is out. He asked everyone to obey the speed limits. He spoke about the Police Desk that will be redone sometime in the near future.

Health & Senior Services – Councilwoman Kallert was absent.

Recreation & Community Relations – Councilwoman Pascrell spoke about the Recreation meeting that is being held on Monday June 9, 2014. She spoke about summer camp registrations that are being taken at this time. She spoke about the welcome summer party that is being held at Diane Grimes Park on Tuesday June 24, 2014.

Laws & Ordinances – Council President Holloway spoke about the precious medals buying and selling Ordinance that was established in 1982. He stated that there was an inquiry about changing the fee. He stated that after review, the Committee and Council Members as well as Business Owners in the Borough, requested that the fee remain as it is.

MAYOR’S REPORT:

Mayor Kazmark extended his thanks and appreciation to the Members of the Centennial Committee and to the West Paterson Volunteer Fire Department for all they have done over the past two and a half (2 ½) years. He spoke about the Centennial Parade and stated that it was a huge success. He announced that on June 12, 2014 a Special Council Meeting will be held in the Council Chambers at 2:00 p.m. where the Borough will be video conferencing with the Township of Farnham England. He thanked the Municipal Alliance for the event that they held last week at Beatrice Gilmore School. He spoke about the Kindergarten moving up ceremony that was held at Charles Olbon School. He spoke about item G on the consent agenda, Resolution R14-160, a resolution authorizing the Borough of Woodland Park to enter into an interlocal agreement with the Borough of Fair Lawn to provide the residents of Woodland Park the use of Fair Lawn’s Municipal Swimming Pool.

MUNICIPAL ATTORNEY’S REPORT:

Mr. Buglione spoke about the continuation of several projects that are being worked on

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 R14-154, 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 2014-2015 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 2014-2015 licensing season effective July 1, 2014:

Fairway Wine & Spirits	1616-44-013-007
821 McBride Avenue, INC	1616-33-019-002
Great Notch Inn, INC	1616-33-006-005
Gencarelli INC	1616-33-011-004
SS Bask INC	1616-33-017-005
Benkar Corporation	1616-33-001-003
279 Browertown INC	1616-33-007-012

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.

- B. Resolution R14-155, a resolution authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$31,080.39 for the redemption payment of a lien and premium to US Bank Cust Crestar Cap, LLC, 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 \$20,080.39 was made on May 20, 2014; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$20,080.39 is to be returned to the lien holder, US Bank Cust Crestar Cap, LLC, 50 s 16 Street, Suite 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 Crestar Cap, LLC;

WHEREAS, a premium of \$11,000.00 had also been made by US Bank Cust Crestar Cap, LLC, which is to be returned;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$31,080.39 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.

- C. Resolution R14-156, a resolution, based on the recommendation of Chief Paul Salomone, approving the application of Khezam Hadi, 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 Khezam Hadi, 2 Washington Drive, Apt. H, 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 Khezam Hadi to become a West Paterson Junior Volunteer Firefighter.

D. Resolution R14-157, a resolution requesting the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the Calendar Year 2014 in the sum of \$250,000.00 from the Department of Transportation to fund the McBride Avenue Streetscape.

INSERTION OF AN ITEM OF REVENUE

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Woodland Park has received notice of an award of \$250,000.00 from the Department of Transportation and wishes to amend its Calendar Year 2014 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the Calendar Year 2014 in the sum of\$250,000.00

Which is now available as an item of revenue from:

- Miscellaneous Revenues:
 - Section F: Special Items of General Revenue Anticipated
 - With Prior Written Consent of Director of Local Government Services – Public and Private Revenues
- Offset with Appropriations:
 - Department of Transportation
 - McBride Avenue Streetscape

BE IT FURTHER RESOLVED that the like sum of\$250,000.00

Be and the same is hereby appropriated under the caption of:

- General Appropriations:
 - (A) Operations Excluded from CAPS
- Public and Private Programs offset by Revenues:
 - Department of Transportation
 - McBride Avenue Streetscape

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

E. Resolution R14-158, a resolution acknowledging the cancellation of two (2) Grants, PC Emergency Management Performance Grant in the amount of \$5,000.00 was a duplicate Grant for the year of 2014 and DOT Overmount Avenue Improvements Phase II in the amount of \$275,000.00 was moved to Borough Ordinance No. 14-8.

CANCELLATION OF ITEM OF REVENUE

WHEREAS, certain Grant balances remain on the Borough’s records, and it has been determined that they are no longer required, and

WHEREAS, it is necessary to formally cancel the receivable balances and offsetting reserves from the balance sheet and subsidiary ledgers;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Municipal Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby acknowledges that the following Grant receivables and Grant reserves be cancelled:

Grants Receivable Cancelled:	Account Number	Amount
PC Emergency Management Performance Grant Receivable	G-01-13-770-301	\$5,000
DOT Overmount Avenue Improvements Phase II	G-01-13-715-301	\$275,000
Grants Reserve Cancelled:	Account Number	Amount
PC Emergency Management Performance Grant Reserve	G-01-13-770-301-001	\$5,000
DOT Overmount Avenue Improvements Phase II	G-01-13-715-301-001	\$275,000

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

- F. **Resolution R14-159, a resolution authorizing the Borough’s Qualified Purchasing Agent to increase the cost of the clock with the additional cost for the construction of a concrete unit paver walkway to J.C. Construction, Butler, NJ, for a cost not to exceed of \$100,141.00.**

**AMEND RESOLUTION R13-257
AUTHORIZATION TO PURCHASE**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey awarded (R13-257) a contract to J.C. Landscape Construction & Management Co., Inc., (JC) 13 Halina Lane, Butler, NJ 07405 in the amount of \$96,740.00 (base bid only) for the construction of the clock tower base and lamp post foundations and electrical conduit for site lighting in Dowling Gardens; and

WHEREAS, that not to exceed amount did not include the additional cost for the construction of a concrete unit paver walkway; and

WHEREAS, the cost of the clock with the additional costs for the construction of a concrete unit paver walkway increases the cost of the clock to \$100,141.00; and

WHEREAS, funds for such purchase are available from the Woodland Park Open Space Trust Account;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby authorizes the Borough’s Qualified Purchasing Agent to increase the cost of the clock with the additional costs to J.C. Landscape Construction & Management Co., Inc., (JC) 13 Halina Lane, Butler, NJ 07405 for the construction of a concrete unit paver walkway for a cost not to exceed of \$100,141.00; and

BE IT FURTHER RESOLVED, that the Borough’s Qualified Purchasing Agent is hereby authorized to execute all documents associated with this purchase.

G. Resolution R14-160, a resolution authorizing the Borough of Woodland Park to enter into an interlocal agreement with the Borough of Fair Lawn to provide the residents of Woodland Park the use of Fair Lawn’s Municipal Swimming Pool.

INTERLOCAL SERVICE AGREEMENT WITH THE BOROUGH OF FAIR LAWN FOR THE USE OF THE MUNICIPAL SWIMMING POOL

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to enter into an interlocal service agreement with the Borough of Fair Lawn to provide the residents of Woodland Park the use of Fair Lawn’s Municipal Swimming Pool for the current season; and

WHEREAS, any resident of the Borough of Woodland Park who chooses to participate in the Municipal Swimming Pool located in the Borough of Fair Lawn shall pay all fees directly to the Borough of Fair Lawn at no cost to the Borough of Woodland Park;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby authorizes Mayor Kazmark to execute all documents associated with the agreement.

H. Resolution R14-161, a resolution authorizing the appropriate administration staff to refund the amount of \$68.60 to Melina Enterprises, 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 Melina Enterprises, 491 McBride Avenue, 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 Melina Enterprises;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby direct the appropriate administration staff to refund the amount of \$68.60 to Melina Enterprises, 491 McBride Avenue, Woodland Park, New Jersey.

I. Resolution R14-162, a resolution approving Mrs. Shannon McDermot’s application for a handicap parking spot in front of her residence at 151 Jackson Avenue, Woodland Park, NJ, for the exclusive use of Mrs. McDermot.

HANDICAPPED PARKING SPACE

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey adopted Ordinance 08-11, on September 3, 2008, and amended by Ordinance 09-14, on September 2, 2009, permitting disabled residents of the Borough of Woodland Park to apply for a handicapped parking space in the front of their residences; and

WHEREAS, Mrs. Shannon McDermot, 151 Jackson Avenue, Woodland Park, has applied to the Borough Clerk’s Office for such handicapped parking and has complied with all the terms of Ordinances 08-11 and 09-14; and

WHEREAS, an investigation was done by the Woodland Park Police Department and said approval has been recommended by that department;

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby approve Mrs. Shannon McDermot’s application and gives authorization to have a restricted parking zone, with handicapped signs, placed in the front of 151 Jackson Avenue, Woodland Park for the exclusive use of Mrs. McDermot.

- J. Resolution R14-163, a resolution authorizing Camp Sunshine & Camp Snowflake, Inc., Ridgewood New Jersey to conduct one (1) Off Premise 50/50 Raffle, one (1) On Premise 50/50 Raffle and one (1) On-Premise Merchandise Raffle to be held on October 22, 2014 at the Westmount Country Club, Woodland Park, NJ, between the hours of 5:00 and 11:00 p.m.**

RAFFLE APPLICATION

WHEREAS, Camp Sunshine & Camp Snowflake, Inc., 1133 East Ridgewood Avenue, Ridgewood, New Jersey, is seeking approval to conduct one (1) Off Premise 50/50 Raffle, one (1) On Premise 50/50 Raffle and one (1) On-Premise Merchandise Raffle to be held on October 22, 2014 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 one (1) Off Premise 50/50 Raffle, one (1) On Premise 50/50 Raffle and one (1) On-Premise Merchandise Raffle to be held on October 22, 2014 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 5:00 and 11:00 p.m.

- K. Resolution R14-164, a resolution, based on the recommendation of the Borough Engineer, rejecting K Hovnanian’s request to release or reduce the Phase 3 On-Site Performance Bond until all deficiencies identified by the Borough Engineer are addressed.**

**K. HOVNANIAN
FOUR SEASONS AT GREAT NOTCH
PHASE 3 ON-SITE IMPROVEMENTS
PERFORMANCE BOND RELEASE**

REJECTION

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, is in possession of a Phase 3 Onsite Performance Guarantee (No. 1060668) from K. Hovnanian, 110 Fieldcrest Avenue, Edison, NJ, for certain On-Site Improvements in connection with the premises commonly known as Four Seasons at Great Notch, and

WHEREAS, the Mayor and Council are in receipt of correspondence from K. Hovnanian dated February 11, 2014, requesting that the Borough consider releasing the Performance Guarantee based on their judgment that all of the improvements have been fully and satisfactorily completed; and

WHEREAS, the Mayor and Council are in receipt of correspondence dated May 7, 2014, from the Borough Engineer, advising the Borough that his office has performed a final inspection of the site to determine the amount of bondable improvements satisfactorily

installed to date; and

WHEREAS, based on that inspection, the Borough Engineer has determined that various bonded improvements have been found to be unsatisfactory, which require corrective action to complete and has documented same in his May 7, 2014 correspondence; and

WHEREAS, the Borough Engineer has further documented in his May 7, 2014 correspondence that in consideration of the noted deficiencies, his office cannot recommend any further release or reduction of the performance bond for this project, since there remains outstanding corrective work and 30% minimum of the original bond must be retained in accordance with the terms of the existing bond posted for the project;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, based on the recommendation of the Borough Engineer, hereby rejects K Hovnanian’s request to release or reduce the Phase 3 Performance Bond until all deficiencies are addressed to the satisfaction of the Borough Engineer.

- L. Resolution R14-165, a resolution authorizing the purchase of lighting fixtures for the Dowling Gardens Pathway Lighting project from CND Consultants, 31 Virginia Road, Montville, NJ, in an amount not to exceed of \$35,615.00.**

**AUTHORIZATION TO PURCHASE
DOWLING GARDENS PATHWAY LIGHTING**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to install pathway lighting in Dowling Gardens; and

WHEREAS, written quotes were sent to multiple vendors to secure pricing for the purchase of the fixtures for this project; and

WHEREAS, one response was received from CND Consultants, 31 Virginia Road, Montville, NJ 07045, in the amount of \$35,615.00; and

WHEREAS, funds for this purchase are available from the Passaic County Open Space and Farmland Trust Grant;

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 authorizes the purchase of the lighting fixtures for the Dowling Gardens Pathway Lighting project from CND Consultants, 31 Virginia Road, Montville, NJ 07045, in an amount not to exceed of \$35,615.00.

- M. Resolution R14-167, a resolution authorizing the disposal in the most cost effective manner as determined by the Borough Administrator and in compliance with State statutes, of obsolete vehicles previously used by the Woodland Park Department of Public Works, namely, a 2000 Jeep Cherokee, VIN #1J4FF48S2YL171245 and a 2000 Jeep Cherokee, VIN#1J4FF48S0YL171244.**

**RESOLUTION TO DISPOSE OF VEHICLES USED BY
DEPARTMENT OF PUBLIC WORKS**

WHEREAS, the Department of Public Works is currently in possession of a 2000 Jeep Cherokee, VIN No. 1J4FF 48S2Y L1712 45 and a 2000 Jeep Cherokee, VIN No. 1J4FF 48S0Y L1712 44; and

WHEREAS, the vehicles no longer have any value, they are in need of major repairs and

will cost the Borough a substantial amount of money to repair; and

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of George Galbraith of the Woodland Park Department of Public Works, the Mayor and Council of the Borough of Woodland Park hereby directs the Administrator to dispose of said vehicles in the most cost effective and efficient manner.

- N. Resolution R14-168, a resolution authorizing the Tax Collector of the Borough of Woodland Park to refund the total of \$1,368.58 for the overpayment of taxes to Antoinette Pomante, McBride Avenue, Woodland Park, with reference to Block 501, Lot 26.01, and to adjust the books and records accordingly.**

OVERPAYMENT OF TAXES

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic and State of New Jersey have been informed by the Tax Collector of the Borough of Woodland Park that an overpayment of taxes, in the amount of \$1,368.58, was made by Antoinette Pomante, with reference to, Block 501, Lot 26.01; and

WHEREAS, Antoinette Pomante has requested, in writing, that this overpayment be returned to them; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Antoinette Pomante; and

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$1,368.58 for the overpayment of taxes to Antoinette Pomante, McBride Avenue, Woodland Park, NJ 07424 with reference to Block 501, Lot 26.01; and

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

- O. Resolution R14-169, a resolution approving the realignment of the 2009 Bond Ordinance as shown in said resolution and adding Terrace Avenue to the list of streets to be repaved under Bond Ordinance 09-06.**

2009 BOND ORDINANCE LINE ITEM REALIGNMENT

WHEREAS, on May 6, 2009, the Mayor and Council of the Borough of Woodland Park adopted Bond Ordinance 09-06 in the amount of \$1,574,000.00; and

WHEREAS, during the implementation of the various projects, it has been necessary to expend funds in amounts greater than anticipated in certain line items in that Bond Ordinance, which is permissible as long as the total amount of the bond ordinance is not exceeded; and

WHEREAS; it is necessary to document these expenditures through a resolution;

NOW THEREFORE BE IT RESOLVED; that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey does hereby approve the realignment of the 2009 Bond Ordinance as shown in the table below; and

BE IT FURTHER RESOLVED; that the total amount of the 2009 Bond Ordinance in the amount of \$1,574,000.00 has not been exceeded; and

BE IT FURTHER RESOLVED; that Terrace Avenue be added to the list of streets designated for resurfacing, as permissible, in that dependent upon the contract price and other exigent circumstances, and upon approval by the Municipal Council, there may be additions to or deletions from the original list of streets noted in the Bond Ordinance.

2009 BOND ORD. LINE ITEMS	ORIGINAL ALLOCATION	REVISED ALLOCATION
Relocate McBride Ave Sewer Line	253,000.00	51,777.00
Fire Apparatus	150,000.00	331,223.00
IT/FD Equip & Machinery	109,300.00	109,300.00
IT/DPW Comm. & Signal Equip.	17,900.00	17,900.00
Various Road Resurfacing	600,000.00	588,778.00
PD/DPW Admin Vehicles	260,000.00	286,222.00
McBride Structure Removal	25,000.00	23,337.21
Section 20 Costs	158,800.00	165,462.79
TOTAL	\$1,574,000.00	\$1,574,000.00

P. Resolution R14-170, a resolution requesting the Director of Division of Local Government Services to approve the insertion of an item of revenue in the 2014 Budget, in the sum of \$17,639.78 for Solid Waste Administration, Clean Communities Grant.

**INSERTION OF AN ITEM OF REVENUE
CLEAN COMMUNITIES GRANT**

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Woodland Park has received notice of an award of \$17,639.78 from the State of New Jersey, Solid Waste Administration, Clean Communities Grant and wishes to amend its 2014 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Woodland Park, in the County of Passaic, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum.....\$17,639.78

Which is now available as a revenue from:

- Miscellaneous Revenues:
- Special Items of General Revenue Anticipated with Prior Written Consent of the Director of the Division of Local Government Services:
- Public and Private Revenues Off-set with Appropriations:
- Clean Communities Grant

BE IT FURTHER RESOLVED that the like sum of.....\$17,639.78 be and the same is hereby appropriated under the caption of:

- General Appropriations:
- (a) Operations Excluded from CAPS
- Public and Private Programs Off-Set by Revenues:
- Clean Communities Grant

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution to the Director of Local Government Services for approval.

- Q. Resolution R14-171, a resolution authorizing the Administrator, Mayor, Chief Financial Officer and other Borough Officials to take such action as they may deem necessary or advisable to effect such compliance and designating \$6,425,000.00 of Notes, consisting of \$5,725,000.00 General Bond Anticipation Notes and \$700,000.00 Water Utility Bond Anticipation Notes both issues dated June 6, 2014 and payable June 5, 2015 as "Qualified Tax-Exempt Obligations" pursuant to section 265(b)(3) of the Internal Revenue Code of 1986, as amended.**

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R14-171**

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 \$6,425,000 OF NOTES, CONSISTING OF \$5,725,000 GENERAL BOND ANTICIPATION NOTES AND \$700,000 WATER UTILITY BOND ANTICIPATION NOTES, BOTH ISSUES DATED JUNE 6, 2014 AND PAYABLE JUNE 5, 2015, AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" 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

WHEREAS, the Borough intends to issue \$6,425,000 of Notes consisting of \$5,725,000 General Bond Anticipation Notes and \$700,000 Water Utility Bond Anticipation Notes, both issues dated June 6, 2014 and payable June 5, 2015 (collectively, the "Notes"); and

WHEREAS, the Borough desires to designate the Notes as "qualified tax-exempt obligations" 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 the Notes 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 Notes are hereby designated as "qualified tax-exempt obligations" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Notes are not "private activity bonds" 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 2014.

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 Notes) during the calendar year 2014.

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 are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Notes and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2014 dated as of the date of delivery of the Notes.

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

R. Resolution R14-172, a resolution to approve the actions noted in the Consent Agenda, items A. through Q., 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 Q. be and are hereby approved and the proper officers are directed to take the necessary actions on same.

Upon Motion made by Council President Spinelli, and seconded by Councilwoman Pascrell, 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 Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of the 06/15/2014 regular and miscellaneous payroll estimated at \$290,000.00

Upon Motion made by Councilwoman Gatti, seconded by Councilman Holloway and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 05/27/2014 totaling \$240,546.89.

DEPARTMENT REPORTS:

1. Library Report for May 19, 2014.
2. Summary Budget Status Report for May 27, 2014.
3. Fire Prevention Report for April 2014.

OLD BUSINESS:

Public Hearing on Borough Ordinance No. 14-10

Upon motion made by Council President Spinelli, seconded by Councilwoman Pascrell and passed on roll call vote, a public hearing was opened on Resolution R14-153, Ordinance No. 14-10.

With no one wishing to be heard, upon a motion made by Councilwoman Pascrell, seconded by Councilman Holloway and passed on roll call vote, the public hearing was closed.

a. RESOLUTION R14-153, adoption of Borough Ordinance No. 14-10

ORDINANCE NO. 14-10

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XII OF THE ORDINANCES OF THE BOROUGH OF WOODLAND PARK, WHICH IS KNOWN AS “PARKS AND PLAYGROUNDS” TO REGULATE THE USE OF OUTDOOR ATHLETIC FACILITIES AND OTHER PUBLIC AREAS LOCATED IN THE BOROUGH TO PROTECT THE PUBLIC HEALTH AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XII OF THE ORDINANCES OF THE BOROUGH OF WOODLAND PARK, WHICH IS KNOWN AS “PARKS AND PLAYGROUNDS” TO REGULATE THE USE OF OUTDOOR ATHLETIC FACILITIES AND OTHER PUBLIC AREAS LOCATED IN THE BOROUGH TO PROTECT THE PUBLIC HEALTH AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY**; and

WHEREAS, notice of introduction and passage on first reading was published in The Herald News dated May 19, 2014, setting the date of June 4, 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 June 4, 2014 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that the ordinance entitled **AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XII OF THE ORDINANCES OF THE BOROUGH OF WOODLAND PARK, WHICH IS KNOWN AS “PARKS AND PLAYGROUNDS” TO REGULATE THE USE OF OUTDOOR ATHLETIC FACILITIES AND OTHER PUBLIC AREAS LOCATED IN THE BOROUGH TO PROTECT THE PUBLIC HEALTH AND WELFARE, AND TO PRESCRIBE PENALTIES FOR FAILURE TO COMPLY**

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 Ordinance according to law.

Upon motion made by Councilman Holloway, seconded by Council President Spinelli and unanimously passed on roll call vote, Resolution R14-153, Ordinance No. 14-10 was adopted.

NEW BUSINESS:

a. Resolution R14-166, Introduction of Ordinance 14-11

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER XIII OF THE ORDINANCES OF THE BOROUGH OF WOODLAND PARK, WHICH IS KNOWN AS “PERSONNEL POLICIES,” TO MANDATE DIRECT DEPOSIT FOR MUNICIPAL EMPLOYEES BY THE BOROUGH OF WOODLAND PARK PURSUANT TO C. 52:14-15f et. seq.

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 18th day of June, 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 Councilwoman Pascrell, seconded by Councilman Holloway, 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 – Emergency Services

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

June 4, 2014 305

Council that the public interest will no longer be served by such confidentially and if not then legally privileged.

Upon Motion made by Council President Spinelli, seconded by Councilwoman Pascrell and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 7:56 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 8:40 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor