

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON MARCH 5, 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 March 5, 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 Kallert, Councilwoman Pascrell 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 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 presented two (2) Annual Woman's History Month Awards to:

Maria Koukoularis, Organizer, Easter Basket Drive of Northern New Jersey. Maria Koukoularis was recognized as "A Caring, Motivated Altruist".

Jacqueline Donovan, Vice President of Marketing, Fairway Market. Jacqueline Donovan was recognized as "A Generous Community Partner".

Bernadette Lawler, Tax/Utility Collector provided a presentation to the Mayor, Council and residents of the Borough of Woodland Park in reference to online bill paying of tax and water bills.

PUBLIC HEARINGS:

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

Frank Cappello, 60 Maple Ave, spoke about the billboard project and voiced his concerns about the billboard. He wanted to know why he was not notified of this. He stated that he just read about this in the Passaic Valley Today Newspaper on February 27, 2014.

Andrew Dillon, 16 Ryle Park Ave, spoke about the Commercial Vehicle Parking Ordinance, Ordinance #14-1 and the Traffic Ordinance, Ordinance #14-3. He spoke about the Traffic Ordinance, Ordinance #14-3, specifically Chapter 7, title 7-8.2. Mr. Dillon stated that Ordinance #14-3 is misleading and is requesting that the Mayor and Council revisit Ordinance #14-3, specifically Chapter 7, title 7-8.2, and put a stipulation in the Ordinance that the vehicles that are permitted by the town to park overnight, can also park at the homes during the day.

Caren DiSilva, 72 Rose Place, spoke about the Commercial Vehicle Parking Ordinance, Ordinance #14-1 and the Traffic Ordinance, Ordinance #14-3. Ms. DiSilva stated that she would like the Mayor and Council to revisit Ordinance #14-3, specifically Chapter 7, title 7-8.2.

Sanjay Desai, 186 Mt. Pleasant Avenue, spoke about the future billboard project. He asked the Mayor and Council to reconsider putting a bill board up. He expressed his concerns about the bill board. He spoke about the School Board Meeting and complained about the parking issues at Memorial School. He complained about the Police Officers who sit outside the schools inside of the Police Vehicles and do not do anything about the traffic or how the Police Officers do not do anything about moving the traffic.

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

Mayor Kazmark stated to Mr. Cappello that the meetings regarding the billboard were advertised and announced. He stated that there was a preliminary meeting that was held prior to the bids and also two (2) Council Meetings were held in which the highest bidder attended and gave two (2) separate presentations. He stated that at this time the bids were rejected. He stated that the Borough is looking to create a funding source. At some time the Borough is looking to rebid on the billboard project.

Mayor Kazmark stated to Mr. Dillon that the Parking Ordinance will be looked at as well as Mrs. DiSilva's concerns regarding the Parking Ordinance.

Mayor Kazmark stated to Mr. Desai that at this time the bids were rejected. He stated that the Borough is looking to create a funding source. At some time the Borough is looking to rebid on the billboard project. He spoke about Mr. Desai's accusations with regard to the Board of Education. He spoke about providing Police Personnel during drop off and dismissal at the schools. Some staffing issues are being faced in the Police Department over the next few months. Mayor Kazmark stated that he contacted the Vice President of the Board of Education and the two (2) Board of Education Liasons and a Meeting was convened where all three (3) Members of the Committee were advised of the staffing concerns that the Borough is facing. It was discussed that the Board of Education should fund a Special Police Officer who would be a Borough Employee and who would be assigned by the Police Chief to monitor the Schools and the traffic.

MINUTES:

Upon Motion by Councilman DeCesare, seconded by Council President Spinelli, and passed on roll call vote, the Minutes of the Special Meeting of February 19, 2014, the Minutes of the Regular Meeting of February 19, 2014, the Minutes of the Executive Session of February 19, 2014 and the Minutes of the Special Meeting of February 24, 2014 were approved as submitted.

CONFERENCE COMMITTEE REPORTS:

Administration & Finance – Councilwoman Gatti spoke about the online tax and water bill payments.

Public Works – Councilman Spinelli spoke about preliminary cost estimates that were received for the road resurfacing project.

Public Safety – Councilman DeCesare spoke about concerns residents have regarding the traffic issues on McBride Ave during school dismissal. The West Paterson First Aid Auxillary is sponsoring a Fish and Chips Dinner which is being held on April 2, 2014 from 4:30p.m to 7:30p.m., the money that will be profited will go to the Families on Jackson Avenue. He gave his condolences to the Family of the Wallington Firefighter who tragically died in the line of duty.

Health & Senior Services – Councilwoman Kallert spoke about the Health Fair that is being held on March 29, 2014 from 10a.m. to 2p.m..

Recreation & Community Relations – Councilwoman Pascrell stated that there was nothing new to report at this time.

Laws & Ordinances – Council President Holloway spoke about the Laws and Ordinance Meeting that is to be held on Monday March 17, 2014 in which the Parking Ordinance

will be looked into and spoken about.

MAYOR'S REPORT:

Mayor Kazmark spoke about the Annual Read Across America Celebration that is being held by the Alfred H. Baumann Public Library on Thursday March 6, 2014 in the Council Chambers starting at 4p.m.. He spoke about the Open Space Committee that met on Monday March 3, 2014 and made recommendations to the Mayor and Council with regard to the conclusion of Phase II Improvements to Memorial Field. They spoke about continuing with the walk path that will go along the 6th Grade wing and continue out behind the Dowling Parkway Homes. The walk path will go along the Memorial school and Beatrice Gilmore School complex. They spoke about Field Improvement signs that will recognize who the fields were dedicated to over the years. Trash can receptacles and a new flag pole were also spoken about. He spoke about the Army Corp. of Engineers Meeting that he will be attending in Little Falls on Friday March 7, 2014 with regard to Flood Mitigation. He spoke about the 100th Year Centennial Celebration.

MUNICIPAL ATTORNEY'S REPORT:

Mr. Buglione spoke about the continuation of ongoing projects. He spoke about the presentation of one particular matter that is on the agenda for 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 R14-74, a resolution approving the application of Mercury Auto Sales, LLC, 575 McBride Avenue, Woodland Park, to operate a used motor vehicle dealership with the stipulation that all rules and regulations as stated in Section 7-8.7 of the Ordinances of the Borough of Woodland Park, are complied with.**

USED MOTOR VEHICLE DEALER LICENSE

WHEREAS, the Mayor and Council are in receipt of an application for a license to operate a used motor vehicle dealership by Mercury Auto Sales LLC, 575 McBride Ave., Woodland Park, New Jersey, owned by Cosmo D'Ovidio; and

WHEREAS, Mercury Auto Sales, LLC has submitted an application in accordance with Chapter VII of the Revised General Ordinances of the Borough of Woodland Park dated 1972 and Amendments thereto; and

WHEREAS, Detective John Uzzalino and Felix Esposito, Construction Code Official, have completed their investigations and have approved said application;

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 information provided, hereby approves the application of Mercury Auto Sales, LLC to operate a used motor vehicle dealership with the stipulation that all rules and regulations, as stated in Section 7-8.7, specifically 7-8.7c; 7-87e and 7-8.7i of the Ordinances of the Borough of Woodland Park, are complied with.

- B. Resolution R14-75, a resolution authorizing the appropriate administration staff to refund the amount of \$2,406.68 to Quickchek Corp., 3 Old Highway 28, P.O. Box 600, Whitehouse Station, NJ 08889, 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 Quickchek Corp, 3 Old Highway 28, P.O. Box 600, Whitehouse Station, New Jersey, 08889 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 Quickchek Corp;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council hereby direct the appropriate administration staff to refund the amount of \$2,406.68 to Quickchek Corp, 3 Old Highway 28, P.O. Box 600, Whitehouse Station, New Jersey, 08889.

- C. Resolution R14-76, a resolution acknowledging that the American Legion, Post No. 227 will be conducting a Poppy Sale Fundraiser on May 17, 2014 and May 18, 2014 from 11:00 a.m. to 4:00 p.m., at the intersection of McBride and Glover Avenues subject to the conditions set forth in this resolution.**

AMERICAN LEGION POPPY SALE FUNDRAISER

WHEREAS, the American Legion Post No. 227, 180 Union Boulevard, Totowa, New Jersey have requested permission to conduct a Poppy Sale Fundraiser on May 17, 2014 and May 18, 2014 from 11:00 a.m. to 4:00 p.m. in order to collect voluntary contributions; and

WHEREAS, the American Legion has requested that this activity be held at the intersection of McBride Avenue and Glover Avenue; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park fully support the dedicated efforts of the American Legion in all of their activities and recognize the need to periodically solicit contributions from the public;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park acknowledges that the American Legion, Post No. 227 will be conducting a Poppy Sale Fundraiser on May 17, 2014 and May 18, 2014 from 11:00 a.m. to 4:00 p.m., at the intersection of McBride and Glover Avenues;

BE IT FURTHER RESOLVED, that this acknowledgement is conditioned on the following:

1. That no one under the age of eighteen (18) be permitted to solicit funds on any public street or from any person in/on a vehicle on a public street; and
2. That safety measures (clothing/jackets with reflective material/tape, traffic cones, barriers, etc.) be utilized to warn drivers of pedestrian activity in the road to protect the solicitors.
3. With regard to solicitations at the intersection of McBride and Glover Avenues, solicitations are prohibited on Glover Avenue east of McBride Avenue.

- D. Resolution R14-77, a resolution authorizing Passaic Valley Hose Company #2 to conduct a "Shake-a-Boot" fundraiser from May 30, 2014 through June 1, 2014 with an alternate weekend of June 6, 2014 through June 8, 2014, at the intersections of 1) McBride and Lackawanna Avenues, (2) Glover and McBride Avenues, (3) Notch and Rifle Camp Roads, (4) Browertown Road near the entrance to the Pathmark and Kohl's Shopping Plaza and (5) Squirrelwood Road**

E. near Jackson Avenue, subject to the conditions set forth in this resolution.

**PASSAIC VALLEY HOSE COMPANY #2
“SHAKE-A-BOOT” FUNDRAISER**

WHEREAS, the Officers of the Passaic Valley Hose Company #2 have requested permission to conduct a “Shake-a-Boot” fund raiser from May 30, 2014 through June 1, 2014, with an alternate weekend of June 6, 2014 through June 8, 2014 in order to collect voluntary contributions for the on-going activities of the Company; and

WHEREAS, the Officers have recommended that this activity be limited to the intersections of (1) McBride and Lackawanna Avenues, (2) Glover and McBride Avenues , (3) Notch and Rifle Camp Roads, (4) Browertown Road near the entrance to the Fairway Market and Kohl’s Shopping Plaza and (5) Squirrelwood Road near Jackson Avenue on the dates stated above; and

WHEREAS, the Woodland Park Police Department has been notified of this request; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park fully support the dedicated efforts of the volunteers of the Passaic Valley Hose Company #2 in all of their activities and recognize the need to periodically solicit contributions from the public;

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park authorizes the Officers and Members of the West Paterson Fire Company #2 to conduct a “Shake-a-Boot” fundraiser on May 30, 2014 through June 1, 2014, with an alternate weekend of June 6, 2014 through June 8, 2014, at the intersections of (1) McBride and Lackawanna Avenues, (2) Glover and McBride Avenues , (3) Notch and Rifle Camp Roads, (4) Browertown Road near the entrance to the Fairway Market and Kohl’s Shopping Plaza and (5) Squirrelwood Road near Jackson Avenue on the dates stated above on the dates stated above.

BE IT FURTHER RESOLVED, that this acknowledgement is conditioned on the following:

1. That no one under the age of eighteen (18) be permitted to solicit funds on any public street or from any person in/on a vehicle on a public street; and
2. That safety measures (clothing/jackets with reflective material/tape, traffic cones, barriers, etc.) be utilized to warn drivers of pedestrian activity in the road to protect the solicitors.
3. With regard to solicitations at the intersection of McBride and Glover Avenues, solicitations are prohibited on Glover Avenue east of McBride Avenue.

F. Resolution R14-78, a resolution to authorizing the Tax Collector of the Borough of Woodland Park to return the total of \$423.36 to Elliot Loeb Keogh Plan, 1 Lakeview Road, Saratoga Springs, NY 12866 for the redemption payment of a lien and premium with regard to 21 Woodland Drive, Woodland Park, and to adjust the books and records accordingly.

LIEN REDEMPTION

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 \$423.36 was made on February 27, 2014 with reference to property located at 21 Woodland Drive, Woodland Park; and

WHEREAS, the redemption certificate has been received in the Tax Office and, therefore, the amount of \$423.36 is to be returned to the lien holder, Elliot Loeb Keogh Plan, 1 Lakeview Road, Saratoga Springs, NY 12866; and

WHEREAS, the Tax Collector of the Borough of Woodland Park has requested a lien redemption of said payment to be made to Elliot Loeb Keogh Plan;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$423.36 for the redemption payment of the lien to Elliot Loeb Keogh Plan, 1 Lakeview Road, Saratoga Springs, NY 12866; and

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to return the total of \$423.36 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.

G. Resolution R14-79, a resolution authorizing the payment of \$1,255.00 to be made to the vendors listed in the resolution for materials provided in conjunction with the 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

VENDOR	EXPLANATION	COST
NJ Dept. Of Transportation	Permit For Ramp Closures	\$125.00
Post Master	Mailings	\$1000.00
Johnson, Ron	DVD Sets In Cases	\$130.00

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 \$1,255.00 to the vendors listed for materials provided in conjunction with said Centennial Celebration. Said charges shall be made from the Centennial Celebration Trust Account.

H. Resolution R14-80, a resolution to approve the actions noted in the Consent Agenda, items A. through F., 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 F. 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 Kallert, the foregoing resolution was unanimously adopted on roll call vote.

Mayor Kazmark asked for a Motion to remove item D from the consent agenda for further consideration. Upon Motion made by Councilman Spinelli, seconded by Councilwoman Kallert, and passed on roll call vote, item D was removed from the consent agenda for further consideration.

COLLECTOR/TREASURER REPORT:

CFO, Frederick J. Tompkins recommends authorization for payment:

Upon Motion made by Councilman Councilwoman Pascrell, seconded by Councilwoman Gatti and unanimously passed on roll call vote, the Council confirmed the payment of the 03/15/14 regular and miscellaneous payroll estimated at \$295,000.00.

Upon Motion made by Councilman Holloway, seconded by Councilman DeCesare and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 02/28/14 totaling \$128,498.55.

DEPARTMENT REPORTS:

1. Police Report for January 2014.
2. Planning Board Re-Organization Minutes for January 27, 2014.
3. Summary Budget Status Report for 2013.
4. Summary Budget Status Report for 2014.

NEW BUSINESS:

a. Resolution R14-81, Introduction of Ordinance 14-6

AN ORDINANCE TO AMEND CHAPTER XIII OF THE ORDINANCES OF THE BOROUGH OF WOODLAND PARK WHICH IS KNOWN AS “UTILITIES ORDINANCE” ADOPTED 12/29/72 AND AMENDED ON 12/4/74, 9/14/77, 6/11/80, 12/16/81, 3/27/85, 3/9/88, 1/89, 2/90, 2/93, 7/96, 3/01, 4/07 AND 3/09

heretofore introduced, does now pass on first reading, and that said ordinance be further considered for final passage at a meeting to be held on the 19th day of March, 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 Holloway, the foregoing resolution was unanimously adopted on roll call vote.

Mayor Kazmark spoke about item number fifteen (15) on the consent agenda which calls for an Executive Session. He stated, however, while it is not customary most personnel matters are dealt with in an Executive Session format. Employees who are to be discussed are properly served Rice Notices which is named after a case that occurred years ago after an Employee named Rice was involved and needed to be notified that their employment was going to be discussed.

Mayor Kazmark stated that the Executive Session has been suspended as the Employee had elected to have the matter discussed in the Public Session. The matter is a long standing Employee Disciplinary Matter. This case has been worked on for a few years. Mayor Kazmark noted that the Rice Notice was issued on February 26, 2014 and was returned hand delivered to the Clerk’s Office on Monday March 3, 2014. At this time Mayor Kazmark turned the matter over to Mr. Buglione who will discuss this matter in its entirety.

Albert Buglione, Municipal Attorney, described in its entirety the case of Mr. Jak Tripi regarding an Employee Disciplinary Matter. After the case was described in its entirety by Albert Buglione, Municipal Attorney, Mr. Buglione stated that Frank M. Donato J.S.C. has recommended that the appointing authority consider a final disposition up to the termination of Mr. Jak Tripi to the Borough of Woodland Park.

The Mayor and Council of the Borough of Woodland Park decided it was in their best interest to terminate the employment of Mr. Jak Tripi to the Borough of Woodland Park.

Upon Motion made by Council President Spinelli, and seconded by Councilman Holloway, Frank M. Donato's J.S.C recommendation of the termination of Mr. Jak Tripi was incorporated into Resolution R14-40.

Albert Buglione, Municipal Attorney, read Resolution R14-40 as follows:

- a. **Resolution R14-40, a resolution terminating the employment of Mr. Jak Tripi based on the recommendation of Frank M. Donato J.S.C. (Ret.), based upon the disciplinary action that has been advanced.**

DISCIPLINARY ACTION

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, are in receipt of a final disposition from Judge Frank M. Donato J.S.C. (Ret.) with respect to charges brought against Mr. Jak Tripi in a preliminary notice of disciplinary action; and

WHEREAS, Judge Frank M. Donato J.S.C (Ret.) had recommended that the Borough of Woodland Park consider a final disposition up to termination of employment of Mr. Jak Tripi;

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 Frank M. Donato J.S.C. (Ret.), hereby accepts the recommendation of Judge Frank M. Donato J.S.C (Ret.) to terminate Mr. Jak Tripi based upon the disciplinary action that has been advanced and to issue a final notice of disciplinary action notating the termination.

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

There being no further business to come before the Council, upon Motion by Councilman Holloway, seconded by Council President Spinelli and unanimously passed on roll call vote, the meeting was adjourned at 8:58 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor