

APRIL 1, 2015

**BOROUGH OF WOODLAND PARK
REGULAR MEETING OF THE MUNICIPAL COUNCIL
HELD ON APRIL 1, 2015**

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 1, 2015 and was called to order by Mayor Keith Kazmark at 7:00 p.m.

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

Absent: Councilman Holloway

Kevin Galland, Municipal Clerk/Administrator, and Albert Buglione, Municipal Attorney, were present.

Kevin Galland, Municipal Clerk/Administrator, Sandra Olivola, 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 7, 2015 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 presented a certificate to the 2015 Passaic County Poster Contest Winners Alisha Muhith and Hailey Casillas.

INRODUCTION OF THE 2015 BUDGET:

A. Resolution R15-091, an ordinance to exceed the Municipal Budget appropriation limits and to establish a cap bank for the calendar year 2015.

**CALENDAR YEAR 2015
BOROUGH ORDINANCE 15-2
AN ORDINANCE TO EXCEED THE MUNICIPAL
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 1.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Woodland Park in the County of Passaic finds it advisable and necessary to increase its CY 2015 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 2.0% increase in the budget for said year, amounting to \$235,664.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Woodland Park, in the County of Passaic, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2015 budget year, the final

appropriations of the Borough of Woodland Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$412,412.81, and that the CY 2015 municipal budget for the Borough of Woodland Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Upon motion made by Councilman Spinelli, seconded by Councilman DeCesare and unanimously passed on roll call vote, Resolution 15-091 was adopted.

B. Resolution R15-092, a resolution authorizing an increase in deferred school taxes for the local and regional high school.

AUTHORIZING INCREASE IN DEFERRED SCHOOL TAXES FOR LOCAL AND REGIONAL HIGH SCHOOL TAXES

WHEREAS, the Division of Local Government Services requires that the Governing Body of any municipality which has Deferred School Taxes must authorize any increase in the deferral of any additional amounts, and

WHEREAS, the Governing Body has decided that an increase in Deferred School Taxes is in the best interest of the Borough at this time,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the following Deferred School Taxes be hereby increased for the year ended December 31, 2014 as follows:

	<u>Deferred Local School Taxes</u>	<u>Deferred Regional High School Taxes</u>
Amount Deferred 12/31/13	\$7,314,996.96	\$3,353,048.43
Amount Deferred 12/31/14	\$7,456,034.48	\$3,685,933.50

BE IT FURTHER RESOLVED by the Governing Body that a certified copy of this resolution be filed with the Director of the Division of Local Government Services.

Upon motion made by Councilwoman Pascrell, seconded by Councilman DeCesare and unanimously passed on roll call vote, Resolution R15-092 was adopted.

C. Resolution R15-093, a resolution requesting authorization to utilize a 98.50 percentage rate of collection of taxes in 2015 for “Reserve for Uncollected Taxes”.

RESOLUTION PROVIDING FOR INCREASE IN RESERVE FOR UNCOLLECTED TAXES PERCENTAGE

WHEREAS, the Borough of Woodland Park collected only 97.28% of the 2014 taxes due to an increase in State and County tax appeals as a result of unfavorable economic conditions in the local economy and real estate markets for 2014, and

WHEREAS, the lower percentage collected in 2014 has an effect on the “Reserve for Uncollected Taxes” in 2015; and

WHEREAS, the Governing Body is desirous of reducing the 2014 total tax levy by the amount of the tax appeals in calculating the 2014 tax collection percentage resulting in a collection percentage of 99.11% for 2014, and

WHEREAS, the Governing Body desires to anticipate 98.50% collection for 2015, to help reduce the “Reserve for Uncollected Taxes”, with prior written consent of the Director of Local Government Services,

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Woodland Park, County of Passaic, State of New Jersey that the prior written consent of the Director of Local Government Services be requested to anticipate 98.50% collection of taxes in 2015 in figuring the “Reserve for Uncollected Taxes”.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Office of the Director of Local Government Services.

Upon motion made by Councilwoman Gatti, seconded by Councilman Spinelli and unanimously passed on roll call vote, Resolution R15-093 was adopted.

D. Resolution R15-094, a resolution to introduce 2015 Budget.

INTRODUCTION OF 2015 BUDGET

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2015;

Appropriations within cap	\$12,369,992.00
Appropriations excluded from cap	\$ 3,537,923.03
Reserve for uncollected taxes	\$ 734,000.00
Total General Appropriations	\$16,641,915.03
Anticipated Revenues	\$ 4,225,463.03
Amount to be raised by taxation	\$11,845,291.00

BE IT FURTHER RESOLVED that said Budget be published in the North Jersey Herald News in the issue of April 9, 2015.

Mayor Kazmark expressed that this Budget was a more challenging budget than the past three years. One of the challenges we had was time, while we would ordinarily begin our budget talks shortly after the reorganization meeting in January, we were unable to do that until all of the reassessment data was transmitted to the County Board of Taxation which was due on March 6th. While we were working on our appropriation numbers, salaries and wages and some of the fixed numbers we were unable to calculate until after March 6th, how it would have an effect on the average tax payer here in the Woodland Park. Through the reassessment process some of the tax burden was shifted to the commercial entities in town and many of our residents saw a reduction in their property assessment which in turn will have an effect on their municipal taxes.

He mentioned a few areas of concern. There are three areas that has had an effect on us in 2015. As of January 1st we have commenced solid waste pick up for the Westmount Village apartments. Do to the Municipal Services act we are now required to do that. The second issue is an increase in our Pension obligation of approximately \$115,000.00. The third issue has the biggest effect on our 2015 municipal budget, our health benefits cost increase of \$259,318.00. An appointed committee of three council members are to meet with our Business Administrator, Kevin Galland and our Risk Manager, Frank Covelli to discuss if we have any flexibility with our current health care plan and other possibilities we may have to bring this cost down. These three line items are not something we have any control over.

Upon motion made by Councilman Holloway, seconded by Council President Kallert and unanimously passed on roll call vote, Resolution R15-094 was adopted.

PUBLIC HEARINGS:

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

Dave Herman – Captain of Passaic Valley Hills Company #2, 1070 McBride Avenue. Mr. Herman spoke regarding resolution R15-087 requesting approval for a boot shake at numerous intersections including the Notch Road intersection. Chief Gallietti denied them access to boot shake at the Notch Road intersection. Mr. Herman advised that they noticed a huge drop in

profits last year in not being able to have the boot shake at the Notch Road intersection and is requesting that they be permitted to include Notch Road as they were given in prior years.

Sirrano Baldeo, President of the New Jersey Pulse Newspaper, P.O. Box 695, Paterson, New Jersey. Mr. Baldeo spoke about the arrest of Rick Mahmoud, the owner of Perfect Shine Car Wash. Mr. Baldeo explains why he believes Mr. Mahmoud was falsely arrested. He believes that somewhere the process went wrong in this matter and it needs to be changed. He also believes the Mayor and Council have a responsibility to do that because they are responsible for hiring the court employees.

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

Mayor Kazmark addressed Mr. Baldeo and advised him that there are Attorney General Guidelines that prohibit any elected official in the State of New Jersey from interfering with the day to day operations of the Municipal Police Department. Another jurisdiction where elected officials cannot get involved is the courts. There is an office called the Administrative office of the Courts which governs all municipal courts throughout the State of New Jersey. I do not have the jurisdiction to tell the Police Department nor the Police Chief what to do when it comes to a signed complaint. I do not have the ability to talk to the Judge or the Court Administrator about specific court cases. He advised Mr. Baldeo that if he has a concern about the Police Department or an Officer he should contact Chief Gallietti who will put him in touch with our Internal Affairs Division and an investigation may be conducted. He also recommended Mr. Baldeo contact the Honorable Judge Dolph Corradino, the presiding municipal judge for Passaic County with his concerns of any court related matter. As a member of the judiciary, Judge Corradino can conduct an investigation. Mayor Kazmark turned the conversation over to the Municipal Attorney, Al Buglione for comment.

Mr. Buglione stated that he is in agreement with Mayor Kazmark. He advised Mr. Baldeo that since he has made a formal complaint on the record, he will be able to access the meeting notes from this session and send them to our Municipal Judge to review them. Mr. Buglione stated that he cannot provide any comments nor can he provide any influence in any way. He proceeded to provide Mr. Baldeo with contacts he could forward his complaint to regarding the matter.

Mayor Kazmark addressed Mr. Herman and advised him that he is pulling resolution R15-087 from the agenda and he will have Mr. Galland look into the matter and thereafter advise Mr. Herman as to why the Notch Road intersection was or was not included and if it can be included going forward.

MINUTES:

Upon Motion by Councilwoman Pascrell seconded by Councilman Spinelli, and passed on roll call vote, with an abstention from Council President Kallert as to the March 18, 2015 Executive Minutes, the Minutes of the Executive Session of January 7, 2015, January 21, 2015 and March 18, 2015 were approved as submitted.

COUNCIL COMMITTEE REPORTS:

- A. Administration & Finance – Councilwoman Gatti reported that her committee will be meeting next Monday. She stated that she believes our residents should be very happy with the tax rate for the 2015. She thanked Kevin Galland, Borough Administrator, Ann Purzycki, Treasurer and Mayor Kazmark for doing a great job and keeping the taxes down.
- B. Public Works – Councilman Spinelli reported that work continues on the diesel gas tank by the public works building. He advised that work will begin on the building of the sun shelters at Memorial Field.
- C. Public Safety – Councilman DeCesare reported on ambulance services for the month of February, Paterson responded in 12 minutes during the day and Woodland Park responded in 7 minutes during the night. He advised that the Fire Department were able to purchase thermal imaging cameras from their fund raising efforts. He stated that 75 more hydrant markers are to go up and that project will be completed.

- D. Health & Senior Services – Councilwoman Kallert reported that the Health Fair is now only two weeks away and there will be about 45 vendors attending. She thanked Lou Taylor and Kelly Spinelli for their help on posters and flyers for this event. She announced that a flood board meeting is scheduled for next week. She advised that the flooding rates are due to go up however, we are waiting on a CRS rating and stated as the rates go up the CRS rating will help bring the rates down.
- E. Recreation & Community Relations – Councilwoman Pascrell reported that the Bunny Breakfast was very well attended and thanked everyone for coming out. She thanked Kelly Spinelli and Lou Taylor for all their help organizing the Breakfast. We are getting ready for the Memorial Day Parade and the Street Fair that will follow. She announced that camp registration is ongoing.
- F. Laws & Ordinances – Council President Holloway was absent however, Mayor Kazmark advised that the committee will be meeting next Tuesday with Catherin Gregory and Special Legal Counsel who is in the process of drafting the zoning ordinances to support the master plan.

MAYOR'S REPORT:

Mayor Kazmark reported that he attended the Mayors Lunch at the Passaic County Board of Realtors with Mayors from Passaic, Bergen and Morris County and had the opportunity to thank the Realtor's both at the State level and the Passaic County level for their support in fighting the Passaic Valley Water Commission's plan to install the concrete water tanks in place of the reservoir's. He stated that another topic that came up amongst the Mayor's was the heroin epidemic that has so much as seized a lot of young in our State. He mentioned Mayor Vergano, the Township of Wayne Mayor and that the Township of Wayne has restructured their entire police department in order to give more attention to narcotics. Mayor Kazmark said that after the Mayor's meeting he had a meeting with the Borough of Woodland Park Chief, Tony Galietti. Chief Galietti is just as aware of this situation as is any Police Chief in the area. He will discuss some of the strategies that have been put in place here in Woodland Park with the governing body in executive session tonight at the conclusion of this meeting.

Mayor Kazmark announced that there will be two (2) town hall meetings. The first meeting will be held on Monday, April 6, 2015 with the residents of Oak Ridge Road, Old Orchard road and Elizabeth Lane to update them on the design relative to the installation of the sewer and water lines in that neighborhood. The second meeting will be on Monday, April 20, 2015 with any resident that wishes to discuss the Rose Place Park and Zaccaria Park improvements which we have been discussing over the past few months.

MUNICIPAL ATTORNEY'S REPORT:

Mr. Buglione reported that we are continuing on all of the projects we have been undertaking since the beginning of the year. In addition we have been in contact with the administration and several department heads with regard to Open Public Records requests and different employment actions that are currently ongoing.

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.

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 I., be and are hereby approved and the proper officers are directed to take the necessary actions on same.

- A. **Resolution R15-086, a resolution authorizing, Court Appointed Special Advocates, Passaic County to conduct one on Premise 50/50 Raffle and one Tricky Tray to be held on June 8, 2015, Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 6:00-10:00 P.M.**

RAFFLE APPLICATION

WHEREAS, Court Appointed Special Advocates, Passaic County, 415 Hamburg Turnpike, Suite B1, Wayne, NJ 07470, is seeking approval to conduct one On Premise 50/50 Raffle and one Tricky Tray to be held on June 8, 2015, at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 6:00-10:00 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 Court Appointed Special Advocates, Passaic County, 415 Hamburg Turnpike, Suite B1, Wayne, NJ 07470, is seeking approval to conduct one On Premise 50/50 and one Tricky Tray to be held on June 8, 2015 at the Westmount Country Club, 728 Rifle Camp Road, Woodland Park, New Jersey between the hours of 6:00 and 10:00 P.M.

- B. **Resolution R15-087, a resolution authorizing the Passaic Valley Hose Company #3, to conduct a Can Shake Fundraiser from May, 28 2015 thru May 31, 2015, at the intersections of McBride Avenue & Lackawanna; Glover & McBride; Browertown Road (near the entrance to the Fairway & Kohl's Shopping Plaza) and Squirrelwood Road (near Jackson Avenue; Hillary St & McBride Avenue and Browertown Rd. near Capital One Bank subject to the conditions set forth in this resolutions.**

**PASSAIC VALLEY HOSE COMPANY #3
CAN SHAKE FUNDRAISER**

WHEREAS, the Passaic Valley Hose Company #3 has requested permission to conduct a Can Shake Fundraiser on May 28th through May 31st 2015, in order to collect voluntary contributions for operational costs and expenses for students who wish to partake in off-campus competitions and trips; and

WHEREAS, the Passaic Valley Hose Company #3 has requested that this activity be held at the intersections of McBride Avenue and Glover Avenue; McBride Avenue and Lackawanna Avenue; Browertown Road near the entrance to the Fairway & Kohl's Shopping Plaza, Squirrelwood Road near Jackson Avenue, Hillary St. and McBride Ave, and Browertown Rd near Capital One Bank; and

WHEREAS, the Mayor and Council of the Borough of Woodland Park fully support the dedicated efforts of the Passaic Valley High School Band Association in all of their activities and recognize the need to periodically solicit contributions from the public; and

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park authorizes the Passaic Valley Hose Company #3 has requested that this activity be held at the intersections of McBride Avenue and Glover Avenue; McBride Avenue and Lackawanna Avenue; Browertown Road near the entrance to the Fairway & Kohl's Shopping Plaza, Squirrelwood Road near Jackson Avenue, Hillary St. and McBride Ave, and Browertown Rd near Capital One Bank.

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.

- C. **Resolution R15-088, a resolution authorizing the tax collector to refund a total of \$567.89 for the overpayment of taxes, because of the State Tax Rebate, to Donald Lightner, 42 Wallace Lane, Woodland Park, New Jersey 07424.**

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, because of the State Tax Rebate, in the amount of \$567.89, was made; and

WHEREAS, Donald Lightner, 42 Wallace Lane, Woodland Park, is entitled to a refund of said overpayment being a 100% disabled veteran; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Donald Lightner;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$567.89 for the overpayment of taxes, because of the State Tax Rebate, to Donald Lightner, with reference to 42 Wallace Lane; and

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

- D. **Resolution R15-089, a resolution acknowledging that the American Legion, Post No. 227 will be conducting a Poppy Sale Fundraiser on May 15, 2015, May 16, 2015 and May 17, 2015 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 15, 2015, May 16, 2015 and May 17, 2015 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 15, 2015, May 16, 2015 and May 17, 2015 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.

- E. **Resolution R15-090, a resolution based on the recommendation of Chief Paul Salomone, approving the application of Julion Nazario, 100 Rutgers Place, Clifton, NJ to become a West Paterson Volunteer Firefighter.**

ACCEPTANCE OF 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 Julion Nazario, 100 Rutgers Place, Clifton, New Jersey and is seeking approval to become a West Paterson 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 Julion Nazario, 100 Rutgers Place, Clifton, New Jersey to become a West Paterson Volunteer Firefighter.

- F. **Resolution R15-095, a resolution authorizing the Borough Assessor and the Borough Tax Attorney to settle the tax appeals in the matter of 230 Lackawanna Avenue, Woodland Park, New Jersey 07424, relative to Block 122, Lots 1.08 & 1.09.**

**RESOLUTION AUTHORIZING THE SETTLEMENT OF
TAX APPEALS REGARDING BLOCK 122, LOTS 1.08 & 1.09
AS SET FORTH ON THE OFFICIAL TAX MAP OF
THE BOROUGH OF WOODLAND PARK IN
REGARD TO PROPERTY OWNED BY
MAHURE ASSOCIATES**

WHEREAS, Mahure Associates is the owner of the property located at 230-252 Lackawanna Avenue, in Block 122, Lots 1.08 and 1.09 as set forth on the official tax map of the Borough of Woodland Park, and who has filed appeals with the Tax Court of the State of New Jersey bearing Docket Nos. 007770-2008, 007851-2009, 008733-2010, 008693-2011, 005928-2012, 007050-2013 and 006149-2014 from the assessed values of said property for tax years 2008 through 2014; and

WHEREAS, the parties have agreed that the 2008, 2009 and 2010 tax appeals will be withdrawn; and

WHEREAS, the parties have agreed that the 2011 assessments will be reduced to a total of \$5,900,000; and

WHEREAS, the parties have agreed that the 2012 assessments will be reduced to a total of \$5,800,000; and

WHEREAS, the parties have agreed that the 2013 assessments will be reduced to a total of \$5,700,000; and

WHEREAS, the parties have agreed that the 2014 assessments will be reduced to a total of \$5,600,000; and

WHEREAS, the property owner has agreed to take the proposed refunds for all years as a result of this settlement in the form of a credit to be applied first to delinquent taxes due and owing, if any, and then to successive tax bills due immediately following the issuance of the judgments; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgment interest; and

WHEREAS, the Borough Tax Assessor, Borough Appraiser and Tax Counsel have agreed to the reductions in value on the property for the 2008 through 2014 tax years in accordance with the settlement; and

WHEREAS, the settlement results in an approximate total tax refund for the tax years 2008 through 2014 in the amount of \$38,125.89, all of which will be applied as a credit against future taxes; and

WHEREAS, the Borough Council for the Borough of Woodland Park has determined that it is in the best interests of the Borough to adjust the assessments on the aforesaid properties for tax years 2008 through 2014 in accordance with the settlement.

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

1. The tax assessments on the properties located at 230-252 Lackawanna Avenue designated as Block 122, Lots 1.08 and 1.09 on the official tax map of the Borough of Woodland Park shall be affirmed for 2008 through 2010 and shall be reduced to a total of \$5,900,000 for 2011, be reduced to a total of \$5,800,000 for 2012, be reduced a total of \$5,700,000 for 2013 and be reduced a total of \$5,600,000 for 2014.

2. The Borough Tax Collector is hereby authorized to credit the proposed refund of \$38,125.89 to successive tax bills upon issuance of the Tax Court Judgments attributable to the reduction in the assessments for the 2008 through 2014 tax years.

3. This Resolution shall take effect immediately or as otherwise provided by law.

G. Resolution R15-096, a resolution authorizing the Borough Assessor and the Borough Tax Attorney to settle the tax appeals in the matter of Andrews Drive, Woodland Park, New Jersey 07424 relative to Block 122, Lots 3.04.

**RESOLUTION AUTHORIZING THE SETTLEMENT OF
TAX APPEALS REGARDING BLOCK 122, LOT 3.04
AS SET FORTH ON THE OFFICIAL TAX MAP OF
THE BOROUGH OF WOODLAND PARK IN
REGARD TO PROPERTY OWNED BY MAHURE, LLC**

WHEREAS, Mahure, LLC is the owner of the property located on Andrews Drive, in Block 122, Lot 3.04 as set forth on the official tax map of the Borough of Woodland Park, and who has filed

appeals with the Tax Court of the State of New Jersey bearing Docket Nos. 007765-2008, 007856-2009, 008735-2010, 006597-2011, 005930-2012, 007048-2013 and 006151-2014 from the assessed values of said property for tax years 2008 through 2014; and

WHEREAS, the parties have agreed that the 2008, 2009 and 2010 tax appeals will be withdrawn; and

WHEREAS, the parties have agreed that the 2011 assessments will be reduced to a total of \$2,450,000; and

WHEREAS, the parties have agreed that the 2012 assessments will be reduced to a total of \$2,300,000; and

WHEREAS, the parties have agreed that the 2013 assessments will be reduced to a total of \$2,250,000; and

WHEREAS, the parties have agreed that the 2014 assessments will be reduced to a total of \$2,150,000; and

WHEREAS, the property owner has agreed to take the proposed refunds for all years as a result of this settlement in the form of a credit to be applied first to delinquent taxes due and owing, if any, and then to successive tax bills due immediately following the issuance of the judgments; and

WHEREAS, the property owner has further agreed to waive statutory pre-judgment interest; and

WHEREAS, the Borough Tax Assessor, Borough Appraiser and Tax Counsel have agreed to the reductions in value on the property for the 2008 through 2014 tax years in accordance with the settlement; and

WHEREAS, the settlement results in an approximate total tax refund for the tax years 2008 through 2014 in the amount of \$26,840.93, all of which will be applied as a credit against future taxes; and

WHEREAS, the Borough Council for the Borough of Woodland Park has determined that it is in the best interests of the Borough to adjust the assessments on the aforesaid properties for tax years 2008 through 2014 in accordance with the settlement.

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

1. The tax assessments on the property located on Andrews Drive designated as Block 122, Lot 3.04 on the official tax map of the Borough of Woodland Park shall be affirmed for 2008 through 2010 and shall be reduced to a total of \$2,450,000 for 2011, be reduced to a total of \$2,300,000 for 2012, be reduced a total of \$2,250,000 for 2013 and be reduced a total of \$2,150,000 for 2014.

2. The Borough Tax Collector is hereby authorized to credit the proposed refund of \$26,840.93 to successive tax bills upon issuance of the Tax Court Judgments attributable to the reduction in the assessments for the 2008 through 2014 tax years.

3. This Resolution shall take effect immediately or as otherwise provided by law.

H. Resolution R15-097, a resolution approving an increase in the Temporary Budget for a grand total of \$7,500,425.83.

**EMERGENCY TEMPORARY RESOLUTION
PRIOR TO ADOPTION OF THE BUDGET
N.J.S. 40A:4-20**

WHEREAS, an emergent condition has arisen with respect to unexpected expenses and no adequate provision was made in the 2015 temporary budget for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2015 pursuant to the provisions of N.J.S. 40A:4-20 (Chapter 96, P.L. 1951 as amended) including this resolution total \$7,500,425.83 Grand Total of Current Fund Budget Appropriations; and

NOW, THEREFORE, BE IT RESOLVED, (not less than two-thirds of all the members therefore affirmatively concurring) that in accordance with N.J.S. 40A:4-20.

I. Resolution R15-098 a resolution to approve the actions noted in the Consent Agenda, items A. through H., be and are hereby approved and the proper officers are directed to take necessary action on same.

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, C, D, E, F, G and H., be and are hereby approved and the proper officers are directed to take necessary action on same.

Upon Motion made by Councilwoman Pascrell, and seconded by Councilman DeCesare, 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 Council President Kallert and unanimously passed on roll call vote, the Council confirmed the payment of the 4/15/2015 regular and miscellaneous payroll estimated at \$295,000.00.

Upon Motion made by Councilwoman Gatti, seconded by Councilman Spinelli and unanimously passed on roll call vote, the Council confirmed the payment of bills from voucher list of 03/27/2015 totaling \$298,015.90.

DEPARTMENT REPORTS:

1. Library Report for March 16, 2015.
2. Summary Budget Status Report for March 27, 2015.

Upon Motion by Councilman Spinelli seconded by Council President Kallert and passed on roll call vote, the Department Reports were approved as submitted.

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:

- **Pending Litigation - Tax Appeal 115 Lackawanna Development**
- **Police Department Operations**

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 confidentiality and if not then legally privileged.

Upon Motion made by Councilman Spinelli, seconded by Council President Kallert and unanimously passed on roll call vote, the Mayor and Council moved into executive session at 8:15 p.m.

There being no further business to come before the Council, upon Motion by Councilman Spinelli, seconded by Councilwoman Gatti and unanimously passed on roll call vote, the meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Kevin V. Galland
Municipal Clerk

Keith Kazmark
Mayor