

**WOODLAND PARK MUNICIPAL COUNCIL
AGENDA FOR REGULAR MEETING OF
SEPTEMBER 6, 2023**

1. In accordance with the Open Public Meeting Law, P.L.1975, chapter 231, notice requirements for this meeting have been set forth in the resolution adopted by the Municipal Council at its Reorganization Meeting of January 4, 2023 detailing the time and place, with notice given to the public by posting a copy thereof on the bulletin board in the Municipal Building, transmitting copies to the Herald News and The Record of Woodland Park.
2. **Flag salute and Prayer**
3. **Roll Call**
4. **Presentation:**
 - **Woodland Park Police Department Promotions:**
 - **Sgt. Robert Lepore – Lieutenant**
 - **P.O. Anthony Panicci – Sergeant**
 - **Proclamation to Honor Cathy Pagano for Receiving the Wreaths Across America TEACH Award**
5. **Public Hearing:**
6. **Council Comments:**
7. **Mayor's Report:**
8. **Municipal Attorney's Report:**
9. **Consent Agenda:**

All matters listed under the Consent Agenda are considered to be routine by the Council and will be enacted by one resolution. Any item may be removed from the Consent Agenda by the request of any member of this Governing Body, and if so removed, will be acted upon as a separate matter.

- A. **Resolution R23-216, a resolution to approve an award of contract to Boswell Engineering located at 330 Phillips Avenue, P.O. Box 3152 South Hackensack, NJ for engineering services for the roof replacement for the Department of Public Works Building in an amount not to exceed \$8,200.00.**
- B. **Resolution R23-217, a resolution authorizing the Tax Collector to refund the total of \$2,835.47 for the overpayment of taxes to Juan Reyes of Woodland Park, New Jersey with reference to Block 124 Lot 6.01, Q-Co262.**
- C. **Resolution R23-218, a resolution authorizing the Tax Collector to refund the total of \$2,747.28 for the overpayment of taxes to Kensington Vanquard National Land Services, LLC of 600 Parsippany Road, Suite 202, New Jersey with reference to Block 124 Lot 6.01, Q-C0262.**
- D. **Resolution R23-219, a resolution to amend the amount of tax deferred income to be increased to \$1,674.00 for the Length of Service Award Program (LOSAP) effective with the calendar 2022 year to be paid in 2023.**
- E. **Resolution R23-220, a resolution to authorize the disbursement of \$84,048.00 to VALIC to disburse \$1,674.00 to each of the West Paterson Volunteer Firefighters and the West Paterson First Aid Squad Members who have met the requirements of the LOSAP program.**

- F. Resolution R23-221, a resolution requests the Director of the Division of Local Government Services - Lead Grant Assistance Program to approve the insertion of an item of revenue in the budget of the Calendar Year 2023 in the sum of \$20,500.00.**
- G. Resolution R23-222, a resolution requesting that the Director of the Division of Local Government Services - National Opioids Trust Fund to approve the insertion of an item of revenue in the budget of the Calendar Year 2023 in the sum of \$2,847.26.**
- H. Resolution R23-223, a resolution to request that the Director of the Division of Local Government Services - Passaic County Stigma Free Grant approve the insertion of an item of revenue in the budget of Calendar Year 2023 in the sum of \$1,000.00.**
- I. Resolution R23-224, a resolution to authorize the Recreation Department to hire staff for the 2023-2024 Before and After Care Program beginning on September 11, 2023 to the end of the school year in June 2024.**
- J. Resolution R23-225, a resolution to approve at the recommendation of the Borough Engineer to release Four Seasons at Great Notch, 101 Four Seasons Blvd, Woodland Park, NJ escrow account in an amount of \$1,274.20 and the Performance Bond in the amount of \$38,233.20, subject to the conditions stated in the Engineer's letter of recommendation.**
- K. Resolution R23-226, a resolution to award a contract to General Code for codification services in an amount not to exceed \$17,420.00.**
- L. Resolution R23-227, a resolution to approve the appointment of School Crossing Guards for the school year of 2023/2024 to cross children going to and from the schools in the Borough.**
- M. Resolution R23-228, a resolution to authorize the rejection of all bids for the additions and renovations to the Alfred H. Bauman Free Public Library and request that the Interim Borough Administrator have this project rebid as soon as possible.**
- N. Resolution R23-229, a resolution to approve the actions noted in the Consent Agenda, items A. through N., be and are hereby approved and the proper officers are directed to take necessary action on same.**

10. Collector/Treasurer Report:

CFO, Heather Barkenbush authorization for payment:

Authorize payment of the 09/15/2023 regular and miscellaneous payroll estimated at \$375,000.00.

Payment of bills from voucher list of 08/31/2023 totaling \$1,116,467.79.

11. Department Reports:

- 1. Fire Prevention Report of September 6, 2023
- 2. Millennium Strategies Monthly Activity Report of September 1, 2023
- 3. Summary Budget Status Report as of August 31, 2023

12. Old Business:

A. Public hearing on the adoption of Ordinance 23-17

B. Resolution R23-230, a resolution to adopt Ordinance 23-17 AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO THE REGULATION OF FILMMAKING.

C. Public Hearing on the adoption of Ordinance 23-18

D. Resolution R23-231, a resolution to adopt Ordinance 23-18 AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO TREE REMOVAL AND PROTECTION.

E. Public Hearing on the adoption of Ordinance 23-19

F. Resolution R23-232, a resolution to adopt Ordinance 23-19 AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO RENT STABILIZATION.

13. New Business:

A. Introduction of Ordinance 23-20

B. Resolution R23-233, a resolution to introduce Ordinance 23-20 AN ORDINANCE TO AMEND ORDINANCE 20-05 CHAPTER 37 ENTITLED “PROJECT LABOR AGREEMENTS”

14. Executive Session:

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION RE23-03**

MOTIONED BY:

SECONDED BY:

**RESOLUTION AUTHORIZING EXECUTIVE SESSION
PURSUANT TO N.J.S.A. 10:4-12**

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:

- **Personnel – Administration**

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.

15. Adjournment:

**Sandra Olivola, RMC
Municipal Clerk**

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-216**

MOTIONED BY:
SECONDED BY:

**CONTRACT AWARD
ENGINEERING SERVICES**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, desire to award a contract for engineering services for the roof replacement for the Department of Public Works Building for the Borough of Woodland Park; and

WHEREAS, Boswell Engineering located at 330 Phillips Avenue, P.O. Box 3152 South Hackensack, NJ 07606 has supplied a quotation in the amount of \$8,200.00 to provide such services; and

WHEREAS, funds are available for the roof replacement for the Department of Public Works Building under line item C-04-23-010-000-920; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby award a contract to Boswell Engineering located at 330 Phillips Avenue, P.O. Box 3152 South Hackensack, NJ 07606 for Engineering Services for the roof replacement for the Department of Public Works Building for the Borough of Woodland Park an amount not to exceed \$8,200.00.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tisco									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

I, Heather Barkenbush, Certified Municipal Finance Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available to fund this agreement.

Heather Barkenbush, CMFO

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-217**

MOTIONED BY:
SECONDED BY:

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 \$2,835.47 was made by the Juan Reyes with reference to, Block 124, Lot 6.01, Q-Co262; and

WHEREAS, Juan Reyes has requested, in writing, that this overpayment be returned to the him; and

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

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$2,835.47 for the overpayment of taxes to Juan Reyes of Woodland Park, New Jersey 07424 with reference to Block 124 Lot 6.01, Q-Co262; and

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

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

I, Heather Barkenbush, Certified Municipal Finance Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available under line item 3-01-55-008-006-003 to authorize the overpayment of taxes.

Heather Barkenbush, CMFO

September 6, 2023
Dated

I, Bernadette Lawler, Woodland Park’s Tax & Water Collector, do hereby confirm that the information contained in this resolution is accurate and that I have requested authorization from the Woodland Park Mayor and Council to refund the stated overpayment.

Bernadette Lawler, Tax & Water Collector

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-218**

MOTIONED BY:
SECONDED BY:

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 \$2,747.28 was made by the Kensington Vanquard National Land Services, LLC with reference to, Block 124, Lot 6.01, Q-C0248; and

WHEREAS, Kensington Vanquard National Land Services, LLC has requested, in writing, that this overpayment be returned to the them; and

WHEREAS, the Tax Collector of the Borough of Woodland Park hereby requests a refund of said overpayment be made to Kensington Vanquard National Land Services, LLC;

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector be and is hereby authorized to refund the total of \$2,747.28 for the overpayment of taxes to Kensington Vanquard National Land Services, LLC of 600 Parsippany Road, Suite 202, Parsippany, New Jersey with reference to Block 124 Lot 6.01, Q-C0248; and

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

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

I, Heather Barkenbush, Certified Municipal Finance Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available under line item 3-01-55-008-006-003 to authorize the overpayment of taxes.

Heather Barkenbush, CMFO

September 6, 2023
Dated

I, Bernadette Lawler, Woodland Park’s Tax & Water Collector, do hereby confirm that the information contained in this resolution is accurate and that I have requested authorization from the Woodland Park Mayor and Council to refund the stated overpayment.

Bernadette Lawler, Tax & Water Collector

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-219**

MOTIONED BY:
SECONDED BY:

AMENDING LOSAP PROGRAM

WHEREAS, the voters of the Borough of Woodland Park, by referendum, voted to initiate a Length of Service Award Program (LOSAP) for the members of the West Paterson Volunteer Fire Department and First Aid Squad on November 2, 1999; and

WHEREAS, it was voted upon that each volunteer firefighter/first aid squad member that performs that minimum amount of service will have \$1,635.00 deposited into a tax deferred income account that will earn interest for the volunteer; and

WHEREAS, on September 6, 2023, by resolution, the amount of the tax deferred income was increased to \$1,648.00;

NOW BE IT RESOLVED, that the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby amends the amount of tax deferred income to be increased to \$1,674.00 effective with the calendar 2022 year to be paid in 2023.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tisco									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-220**

**MOTIONED BY:
SECONDED BY:**

LOSAP AWARD

WHEREAS, the voters of the Borough of Woodland Park, by referendum, voted to initiate a Length of Service Award Program (LOSAP) for the members of the West Paterson Volunteer Fire Department and First Aid Squad on November 2, 1999; and

WHEREAS, it was voted upon that each volunteer firefighter/first aid squad member that performs the minimum amount of service will have \$1,674.00 deposited into a tax deferred income account that will earn interest for the volunteer; and

WHEREAS, on September 6, 2023, by resolution, the amount of the tax deferred income was increased to \$1,674.00; and

WHEREAS, the Mayor and Council are in receipt of a list of members of the West Paterson Fire Company Nos. 1, 2 and 3, and the West Paterson First Aid Squad who have met the requirements of LOSAP in order to qualify for full disbursement of the same;

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 disbursement of \$84,048.00 to be paid to VALIC who will, in turn, disburse \$1,674.00 to each of the West Paterson Volunteer Firefighters and the West Paterson First Aid Squad Members on the attached list, who have met the requirements of the LOSAP program.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

I, Heather Barkenbush, Certified Municipal Finance Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available in line item 3-01-25-265-267-150 to make this purchase.

Heather Barkenbush, CMFO

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-221**

MOTIONED BY:
SECONDED BY:

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 \$20,500.00 from the Division of Local Government Services Lead Grant Assistance Program and wishes to amend its Calendar Year 2023 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 2023 in the sum of \$20,500.00.

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:
 - DLGS Lead Grant Assistance Program

BE IT FURTHER RESOLVED that the like sum of\$20,500.00

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:
 - DLGS Lead Grant Assistance Program

BE IT FURTHER RESOLVED, that the CFO has forwarded an electronic copy of this resolution to the Director of Local Government Services for approval.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-222**

MOTIONED BY:
SECONDED BY:

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 \$2,847.26 from the National Opioids Trust Fund and wishes to amend its Calendar Year 2023 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Acting Mayor and 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 2023 in the sum of \$2,847.26.

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:
 - National Opioids Trust Fund

BE IT FURTHER RESOLVED that the like sum of\$2,847.26

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:
 - National Opioids Trust Fund

BE IT FURTHER RESOLVED, that the CFO has forwarded an electronic copy of this resolution to the Director of Local Government Services for approval.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Acting Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-223**

MOTIONED BY:
SECONDED BY:

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 \$1,000.00 from the County of Passaic and wishes to amend its Calendar Year 2023 Budget to include this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that 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 2023 in the sum of \$1,000.00

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:
 - Passaic County
 - Stigma Free Grant

BE IT FURTHER RESOLVED that the like sum of\$1,000.00

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:
 - Passaic County
 - Stigma Free 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.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-224**

MOTIONED BY:
SECONDED BY:

**HIRING OF STAFF FOR THE
BEFORE AND AFTER CARE PROGRAM**

WHEREAS, the Recreation Department of the Borough of Woodland Park, County of Passaic, State of New Jersey, are in need of hiring Before and After Care Program staff for the school year beginning on September 11, 2023 through the conclusion of the school year in June of 2024; and

WHEREAS, the Recreation Department wishes to hire the following employees at the following rates per hour unless otherwise noted:

Beatrice Gilmore/Memorial	Aide	\$16.00	Abdeljabbar, Wedad
School 1	Aide	\$16.00	Brito, Ayla
Charles Olbon/School 1	Supervisor	\$21.00	Carswell, Latoya
Beatrice Gilmore/Memorial	Supervisor	\$21.00	Carswell, Quanisha
Charles Olbon	Aide	\$16.00	Cuntrera, Jenna
Charles Olbon	Aide	\$16.00	Dzepa, Emily
Beatrice Gilmore/Memorial	Aide	\$16.00	Guy, Nasir
School 1	Supervisor	\$21.00	Guy, Tiyahna
Charles Olbon	Supervisor	\$21.00	Quintana, Annette
Beatrice Gilmore/Memorial	Aide	\$16.00	Reynoso, Kelsey
Beatrice Gilmore/Memorial	Aide	\$16.00	Santiago, Julia
Beatrice Gilmore/Memorial	Supervisor	\$21.00	Scarpa, Mary Rose
BG/Memorial/ECC/School 1	Supervisor	\$23.50	Tambone, Louisa
School 1	Aide	\$16.00	Upshaw, Shawn Lazzette
School 1/ECC	Aide	\$16.00	Vapore, Sabrina
School 1/ECC	Aide	\$15.00	Herrera, Brenda
Charles Olbon/School 1	Aide	\$15.00	Gonzalez, Lianna
Beatrice Gilmore/Memorial	Supervisor	\$20.00	Cruz, Michael
School 1/BG/Memorial	Aide	\$15.00	Pagan, Sienna
School 1	Aide	\$15.00	Nogueira, Jaylene
Charles Olbon	Aide	\$15.00	Cardenes, Denisse
Beatrice Gilmore/Memorial	Aide	\$15.00	Tambone, Isabella

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 Recreation Department to hire the above individuals as staff for the 2023-2024 Before and After Care beginning on September 11, 2023 to the end of the school year in June 2024.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-225**

**MOTIONED BY:
SECONDED BY:**

**FOUR SEASONS AT GREAT NOTCH
PERFORMANCE BOND RELEASE AND ESCROW REFUND**

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, is in possession of a Performance Bond from 101 Four Seasons Blvd, Woodland Park, New Jersey: and

WHEREAS, the Mayor and Council are in receipt of correspondence from Borough Boswell Engineering requesting the release of said Performance Bond; and

WHEREAS, the Borough Engineer has reviewed the request for release, inspected the installed improvements; and

WHEREAS, the Mayor and Council are in receipt of correspondence from the Borough Engineer recommending that Performance Bond be released in the amount of \$38,233.20 and release of escrow in the amount of \$1,274.20;

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 accept the Borough Engineer’s recommendation to release the escrow account and the Performance Bond subject to the conditions stated in the Engineer’s letter of recommendation.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023

Dated

I, Heather Barkenbush, Chief Financial Officer for the Borough of Woodland Park do hereby confirm that there are sufficient funds available for this release under line item T-13-56-855-000-801.

Heather Barkenbush, Chief Financial Officer

September 6, 2023

Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-226**

**MOTIONED BY:
SECONDED BY:**

**DECLARATION OF EMERGENCY PURCHASE
CONTRACT AWARD**

WHEREAS, the Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey, have declared an emergency, that there is a need for a comprehensive review of the Borough code; and

WHEREAS, consultants with specified skill sets will need to be retained by the Borough of Woodland Park to provide codification services associated with obtaining a comprehensive review of the code for conflicts and inconsistencies with the NJ State Statutes on behalf of the Borough; and,

WHEREAS, the firm of General Code has the necessary experience and expertise as a consultant to provide said services on behalf of the Borough of Woodland Park; and,

WHEREAS, in accordance with its proposal dated February 14, 2023, General Code will provide codification services for an amount not to exceed of \$17,420.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-6, a contract may be awarded without public bidding regardless of the bid threshold in circumstances where an emergency affecting the public health, safety or welfare of our citizens requires the immediate delivery of goods or the performance of services.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council, Borough of Woodland Park, County of Passaic, State New Jersey.

1. That an emergency is hereby declared to exist which will not permit for the advertisement for public bids, subject to the verification of funds by the Chief Financial Officer of the Borough of Woodland Park.
2. That the Borough of Woodland Park, hereby enters into a contract with General Code, at an amount not to exceed of \$17,420.00 sufficient funds are available under account number 3-01-288-55-001-001.
3. The Mayor is hereby authorized to execute a contract with General Code.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-227**

MOTIONED BY:
SECONDED BY:

APPOINTMENT OF CROSSING GUARDS

WHEREAS, the Mayor of the Borough of Woodland Park, County of Passaic, State of New Jersey needs to appoint School Crossing Guards for the school year of 2023/2024 to cross children going to and from the four schools in the Borough; and

WHEREAS, this appointment shall be effective from September 7, 2023 through June 30, 2024 at an hourly rate of \$20.82; and

WHEREAS, the following is a list of the crossing guards being appointed:

Helena Delapaz	David Conte
Manuel Jamie	Anthony Volpe
Jimmy Mojica	Aurel Ardeljan
Patricia Borgese-Volpe	Laura Hodges
Joanne Greenway Faggaini	Jean Schultz
Santa DeCesare	Josephine Rodriguez
Vincent Cicarelli	Steven Broniszewski
Lucia Occhipini	George Delguidice
Frank Allegretto	Donna Marone
Saverio Rocanati	Dennis Kimble

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the Borough of Woodland Park, County of Passaic, State of New Jersey, hereby appoints School Crossing Guards, as listed in this resolution at the rate of \$20.82 per hour for the time period of September 7, 2023 through June 30, 2024.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Date

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-228**

MOTIONED BY:
SECONDED BY:

**REJECTION OF ALL BIDS
ADDITIONS AND RENOVATIONS TO
THE ALFRED H. BAUMAN FREE PUBLIC LIBRARY**

WHEREAS, the Acting Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey desire to build Additions and Renovations to the Alfred H. Bauman Free Public Library; and

WHEREAS, plans and specifications were developed by Joe Clarizio, of A&A Construction Management & Consultants, 6 Gardner, Fairfield, NJ and the bid was advertised according to law on August 13, 2023 with a return date of August 30, 2023; and

WHEREAS, on August 30, 2023, five (5) bids were received with the results as follows:

BIDDER	BASE BID TOTAL COST
Molba Construction	\$6,000,650.00
Brockwell & Carrington Contractors	\$6,025,000.00
Alna Construction	\$6,177,000.00
Tekcon Inc.	\$7,184,270.00
Brahma Construction, LLC	\$6,870,000.00

;and

WHEREAS, upon review of the bid submittals and the accompanying bid costs, all of the cost proposals far exceed the estimate provided by A&A Construction Management & Consultants as well as the amount of funds available for the project; and

WHEREAS, it is the recommendation of the Interim Borough Administrator and Joe Clarizio, of A&A Construction Management & Consultants to reject all bids in compliance with NJSA 40A:11-13.2 (a) “The lowest bid substantially exceeds the cost estimates for the goods or services”, and that the bid be re-advertised upon the approval of this resolution:

NOW, THEREFORE, BE IT RESOLVED that the Acting Mayor and Council of the Borough of Woodland Park, County of Passaic, State of New Jersey hereby authorize the rejection of all bids for the Additions and Renovations to the Alfred H. Bauman Free Public Library and request that the Interim Borough Administrator have this project rebid as soon as possible.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Acting Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-229**

MOTIONED BY:
SECONDED BY:

APPROVAL OF CONSENT AGENDA

BE IT RESOLVED, by the Acting Mayor and Council of the Borough of Woodland Park that the actions noted in the Consent Agenda, items A. through N., be and are hereby approved and the proper officers are directed to take necessary action on same.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Acting Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023

Dated

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-230**

**MOTIONED BY:
SECONDED BY:**

ADOPTION OF ORDINANCE 23-17

**AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF
THE CODE OF THE BOROUGH OF WOODLAND PARK WITH
REGARD TO THE REGULATION OF FILMMAKING**

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled **AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO THE REGULATION OF FILMMAKING**; and

WHEREAS, notice of introduction and passage on first reading was published in the Herald News dated August 22, 2023 setting the date of September 6, 2023 or soon thereafter 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 September 6, 2023 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that ordinance **23-17 AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO THE REGULATION OF FILMMAKING** be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk is hereby authorized and directed to publish said Ordinances according to law.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
ORDINANCE NO. 23-17**

**AN ORDINANCE TO AMEND CHAPTER 8, ADDING SECTION 26 OF
THE CODE OF THE BOROUGH OF WOODLAND PARK WITH
REGARD TO THE REGULATION OF FILMMAKING**

PREAMBLE

This Chapter shall be known and may be cited as the "Filmmaking" Ordinance of the Borough of Woodland Park, and codified within Chapter 8, Section 26: Filmmaking in the Borough's Codified Ordinances.

§28:1-1. Filing of Copies.

Immediately upon adoption of this Chapter, the Borough Clerk shall file a copy of this Chapter with the Office of the County Administration and the New Jersey Motion Picture and Television Commission.

§28:2-1. Establishment & General Provisions.

It is hereby established that all matters relating to filmmaking in the Borough of Woodland Park will be heard and approved, waived and/or denied by the Borough Administrator. Applications will be decided on a case-by-case basis and appeals from the Borough Administrator's decision can be made to the Mayor and Council of the Borough of Woodland Park by formal letter stating the objections to the Administrator's decision. Filmmaking is defined as photography (whether still or motion picture) and/or audio recording, that is recorded to film or any other medium, digital, analog, or otherwise, that has or has not been currently invented." This Chapter does not seek to regulate, control or restrict any personal or family filmmaking, videotaping or still photography. Private wedding and family event productions are exempt, even when made on public property using professional photographers and videographers, so long as the final product is for personal use only. Weddings and events that will be used for any use other than distribution to family and friends (people who personally know the subjects) are not exempt (i.e., reality shows, etc.). Other exemptions on public property include news coverage (newspapers, magazines, and like publications) and student productions. Permanent commercial film production facilities which have met all zoning and building codes requirements for certificates of occupancy are specifically exempt from the provisions of this Ordinance (Chapter 28, et seq.) of the Borough's Codified Ordinances, Filmmaking, unless a specific production will impact outside of the facility (lighting, sound, off-site parking, etc.). In addition, the requisites of the applicability of this Ordinance shall be determined by the size of the production.

§28:3-1. Experts and Staff.

The Borough Administrator or Council may employ or contract for the services of experts and utilize other staff and services as it may deem necessary to assist with the review, approval of and administration of permits that are submitted for review and consideration.

§28:4-1. Rules and Regulations: Powers and Duties.

The Borough Council shall adopt such rules and regulations as may be necessary to carry into effect the provisions and purpose of this Chapter. Filmmaking on public property and filmmaking on private property that will be disruptive to the Borough residents and businesses that are not part of the production shall be delineated herein. The determination between whether a production needs approval or permits will not be determined on a private vs professional basis but will be based on the size of the production, as addressed herein. In addition, the applicant must obtain a listing of property owners within a 100' radius of the proposed filming site and must be included within the said application. This listing can be obtained from the Borough's Tax Assessor's office.

§28:5-1. Application Required.

Anyone desiring to conduct filmmaking on public property or a large production on private property shall submit an application to the Borough Administrator. The instructions for the application are set forth on the application document. The application is available through the office of the Borough Clerk and further explained and defined, herein. In addition, the completed application with all required information/attachments must be submitted to the Borough's Clerk.

§28:6-1. Time for Final Approval.

- A Application for final approval shall be granted or denied within five (5) days of the submission of a complete application or within such further time as may be consented by the applicant.
- B Final approval shall expire seven days from the designated start date established by the Borough at the time of approval.
- C. Extensions will be considered based upon need and will not be unreasonably withheld.
- D. An emergent application, which intends to bypass the timelines established herein, may be filed by an applicant. Wherein, the applicant will be required to pay an additional fee based upon the extra resources that are required to process the emergent application, as well as any/all additional costs that are attributable to an expedited request.

§28:7-1. Application Procedure.

- A. Applications for filmmaking within the Borough of Woodland Park shall be filed with the Borough Administrator's office five (5) days prior to the proposed filming date.
- B. The following shall be delivered to the Borough Clerk for all productions, with a gross budget in excess of \$75,000.00 (seventy-five thousand dollars), and is determined a "large project".
 - (1) The original application document and ten (10) copies of an application in a form for approval by the Borough Administrator.
 - (2) A location map, including the nearest cross streets and ten (10) copies of the location map.
 - (3) An administrative review of the application is to be completed by the Mayor, Administrator, Police Department, Fire Department, Zoning Officer and Emergency Management Coordinator, upon completion of the review the Borough Administrator shall approve or deny the application within the time prescribed herein.
 - (a) The report shall contain, but not be limited to, the following:
 - 1. Traffic issues.
 - 2. Environmental issues.
 - 3. Use of Borough resources.
 - 4. Related zoning issues.
 - 5. Fire related issues.
 - 6. On-site emergency medical issues.
 - 7. Other Borough operational matters.
 - 8. Other community impacts.
 - (b) Said report shall be used as a basis to determine the need for Borough involvement in the filmmaking operation. All costs incurred by the Borough of Woodland Park for the health, safety, and welfare of residents and visitors will be borne by the applicant.

(4) Permit fees.

(a) On public property:

1. Small production, less than five (5) people on-site involved in production: \$500.
2. Medium production, five (5) to (20) people on-site involved in production: \$1,500.

[a] Small or medium sized productions on private property, whether personal or professional, that do not disrupt the surrounding area will not require a permit fee and no location fees will be charged. However, a disruption, including but not be limited to, excess parking of vehicles in the area, visible lighting from inside that is greater than what is customary for a business or residence, external lighting that disrupts traffic, external lighting at night, public visibility of the action being filmed, loud or frequent noises related to the production, generators, etc. In cases where disruptions occur, location fees will be charged to mitigate those impacts.

3. Large production, more than 20 people on-site involved in production: \$2,000.

[a] All large productions, even on private property, are required to apply for a permit and will be subject to applicable location fees.

- (b) Note: People involved in a production include all individuals involved in the production whether paid or unpaid, including, but not limited to, crew, talent, interview subjects, craft services, medical personnel, publicists, production staff, media coverage of the production itself, interns, observers, guests, and onlookers. Permits do not include exclusive access to an area unless expressed in the permit. Exclusive access requires a police presence and therefore, a location fee.

(5) Location fees.

- (a) Location fees may be applied to any size production noted above and whether they will take place on public or private land. Location fees shall be paid to the Borough prior to the commencing any filming or production work, as well as any additional costs that may be applicable.
- (b) The Business Administrator shall consult with all of the Borough's Department heads as necessary to determine the impact to the Borough. Location fees will include, but not be limited to costs incurred by the Borough because of the production such as police, fire, or EMS personnel required on set, closing of streets, traffic concerns due to vehicles, infrastructure concerns, required presence of a utility, protection of neighboring properties. The Business Administrator may waive, increase or decrease fees on a case-by-case basis, as dictated by the depth/complexity of the said application.
- (c) The charge for the use of the Borough owned property if requested, will be determined by the Business Administrator and will be dependent upon the parameters of the request (i.e.: location, length of use, services required, etc.), and is not part of this application process.

(6) Insurance.

- i. Prior to the issuance of permit for filming on Borough property, facilities, or with use of Borough employees, the applicant shall provide the Borough with satisfactory proof of the following:
 1. Proof of insurance coverage listing the Borough of Woodland Park as an insured or additional insured which coverage shall provide as a minimum:
 - a. For bodily injury/property damage in the amount of one million (\$1,000,000) dollars per occurrence and in the aggregate amount of two million (\$2,000,000) dollars.

- b. For personal/advertising injury one million (\$1,000,000) dollars for each occurrence.
2. A written hold harmless and indemnification agreement acceptable to the Office of the Borough Administrator. The holder of a permit shall not harm the area in which filming takes place and holder of a permit shall not assign its rights under a permit to any other individual or entity. This section shall not create any liability to the Borough of Woodland Park with respect to any adjoining property owners. The applicant shall agree to indemnify and hold harmless the Borough of Woodland Park from any and all liability, expense, claim, or damages resulting from the use of Borough Public Lands and Borough Facilities.
3. The Borough may require a performance bond, depending on the nature of the filming.
4. The holder of a permit shall take all reasonable steps to minimize interference with the free passage of pedestrians and traffic over public lands and shall comply with all lawful directives issued by Municipal law enforcement, the Borough's Fire Code Official, and the Borough's Building Code Official, and with respect thereto.
5. The permit holder shall conduct filming in such a manner as to minimize the inconvenience or discomfort to adjoining property owners attributable to such filming and shall, to the extent practicable, abate noise and park vehicles off of public thoroughfares so that they will have a minimal effect on traffic. Permit holders must obey County and Municipal noise ordinances and any all vehicles parked on public rights of way shall be done so in accordance with all applicable state, county, and municipal regulations.
6. The permit holder shall not interfere with previously scheduled activities upon Borough Public Lands and in Borough Facilities and shall limit, to the extent possible, any interference with normal public activity on such Borough Public Lands and normal operations in Borough Facilities.
7. If the holder of the permit shall fail to comply with the provisions outlined herein, the Borough Administrator shall revoke the permit and the applicant must immediately cease and vacate its operations from the Borough's Public Lands and/or Facilities.
8. It is requested that the holder of a permit consider adding a credit to the completed film noting that it was "filmed in the Borough of Woodland Park", New Jersey, with the cooperation of the Mayor and Council of the Borough of Woodland Park.
9. Permit holders shall not portray the Borough, its departments or agencies, or any officers or employees thereof in a false or negative light or in a manner that would give a false impression of the fact of any of the foregoing in the mind of a reasonable viewer.
10. Refusal to Issue Permit, Employment of Law Enforcement and Alterations to Facilities.

- i. The Borough of Woodland Park may refuse to issue a permit wherever it determines on the basis of objective facts and after a review of the application by the Borough's Administrator and by other County agencies involved with the proposed filming site, that filming at the location and/or the time set forth in the application would violate a law or ordinance or would unreasonably interfere with the use and enjoyment of adjoining properties, unreasonably impede the free flow of vehicular or pedestrian traffic, unreasonably interfere with Borough business, or otherwise endanger the public's health, safety and welfare.
- ii. The Borough of Woodland Park reserves the right to require one or more sworn Municipal Law Enforcement officers, security personnel, fire/EMS personnel or any other such specialized Borough officials to remain on-site during the times indicated on the permit, in situations where the production may impede the proper flow of traffic or otherwise impact upon public safety. The cost of all such personnel shall be borne by the applicant as cost of production.
- iii. Any and all modifications to Borough property, including but not limited to electrical power lines, facility modifications, or temporary structures must be requested in writing to County Administration for review prior to engaging the services of any tradesman or craftsman. When existing electrical power lines are to be utilized by production, an on-site licensed electrician may be similarly required if the production company does not have a licensed electrician on staff.

§28:8-1. Hearings.

- A. Rules. Appeals from the Borough Administrator's decision. The Borough Council shall make rules governing the conduct of the hearings before it. A hearing shall be held for each application appeal submitted.
- B. Testimony. The testimony of all witnesses relating to the application for filmmaking shall be taken by the Borough Attorney, and the right of cross examination shall be permitted to all interested parties through their attorneys, if represented, or directly if not represented, subject to the discretion of the Borough Attorney and to reasonable limitations as to time and number of witnesses.
- C. Evidence. Technical rules of evidence shall not be applicable to the hearing, but the Borough Council may exclude irrelevant, immaterial or unduly repetitious evidence.

§28:9-1. Notice of Hearing.

- A. The applicant shall give notice of the hearing as follows:
 - (1) Public notice shall be given by publication in the official newspaper of Borough of Woodland Park at least ten (10) days prior to the date of the hearing.
 - (2) Notice shall be given to the owners of all real property, as shown on the current tax duplicate or duplicates, located within 500 feet in all directions of the property which is the subject of such hearing and whether located within or without the Borough of Woodland Park in which the applicant wishes to conduct filmmaking in accordance with this Chapter. Such notice shall be given by serving a copy of the application on the owner as shown on said current tax duplicate, or his agent in charge of the property by mailing a copy thereof by certified mail to the property owner at the address as shown on said current tax duplicate. A return receipt is not required. Notice to a partnership owner may be made by service upon any partner. Notice to a corporate owner may be made by service upon its president, vice president, secretary, or other person authorized by appointment or by law to accept service on behalf of the corporation.

- (3) Notice shall be given by personal service or by certified mail to the Passaic County Commissioners and the New Jersey Motion Picture and Television Commission.
- B. All notices hereinabove specified in this section shall be given at least 10 days prior to the date fixed for bearing, and the applicant shall file an affidavit of proof of service with the Borough Council.
- C. Any notice made by certified mail as hereinabove required shall be deemed to be complete upon mailing and the filing of domestic return receipt documents (PS Form 381 1) with the Borough Clerk.
- D. Form of notice. All notices required to be given pursuant to the terms of this Chapter shall state the date, time and place of the hearing, the nature of the matter to be considered and identification of the property proposed to conduct filmmaking by street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Borough Tax Assessor's office and the location and times at which any maps and documents for which approval is sought are available as required by this Chapter.

§28:10-1. List of Property Owners.

The Tax Assessor of the Borough of Woodland Park shall, within seven days after receipt of request therefore and upon receipt of payment of a fee of \$100 make and certify a list from the current tax duplicate of names and addresses of owners to whom the applicant is required to give notice pursuant to, as required by this Ordinance. This will include all property owners located within 100' feet of the proposed filming site.

§28:11-1. Decisions.

- A. Each decision on any application appeal for filmmaking shall be set forth in writing as a resolution of the Borough Council.
- B. A copy of the decision shall be mailed by the Borough Clerk within 10 days of the date of decision to the applicant or, if represented, then to the attorney of record without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and who have paid the fee of \$5 to the Borough Clerk in advance of the decision. A copy of the decision shall also be filed with the Passaic County Administrator and the New Jersey Motion Picture and Television Commission.

§28:12-1. Enforcement.

- A. The requirements of this Chapter shall be enforced by the Woodland Park Police Department. If the Police Department finds filmmaking being conducted in the Borough of Woodland Park without the appropriate approval by the Borough Administrator or Borough Council, all activities relating to and in support of filmmaking will cease immediately and summonses will be issued to the property owner and the filmmaking company. Both the property owner and the filmmaking company shall appear in the Borough of Woodland Park Municipal Court.
- B. Upon notice to cease, from the Woodland Park Police Department, should filmmaking activities continue both the property owner and the filmmaking company shall be subject to per diem fines in accordance with this Chapter, in an amount not to exceed \$5,000.

§28:13-1. Violations and Penalties.

Violations of the provisions of this Chapter shall be punishable as follows:

- A. Filmmaking being conducted in the Borough of Woodland Park without the appropriate approval by the Borough Administrator:
 - (1) Property owner: up to \$5,000.
 - (2) Filmmaking company: up to \$5,000.

B. Failure to cease filmmaking activities after being noticed by the Police Department:

(1) Property owner, for each day of violation: up to \$5,000.

(2) Filmmaking company, for each day of violation: up to \$5,000.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduced: August 16, 2023

Adopted:

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-231**

**MOTIONED BY:
SECONDED BY:**

INTRODUCTION OF ORDINANCE 23-18

**AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD
TO TREE REMOVAL AND PROTECTION**

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled **AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO TREE REMOVAL AND PROTECTION**; and

WHEREAS, notice of introduction and passage on first reading was published in the Herald News dated August 22, 2023 setting the date of September 6, 2023 or soon thereafter 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 September 6, 2023 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that ordinance **23-18 AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO TREE REMOVAL AND PROTECTION** be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk is hereby authorized and directed to publish said Ordinances according to law.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
ORDINANCE NO. 23-18**

**AN ORDINANCE TO AMEND CHAPTER 27 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD TO
TREE REMOVAL AND PROTECTION**

§ 27-1 **TITLE.:** **Tree Removal and Protection Ordinance, for the betterment of Forestry in the Borough of Woodland Park.**

This chapter shall be known as "Tree Removal and Protection Regulations of the Borough of Woodland Park."

§ 27-2 **FINDINGS AND PURPOSE.**

The Borough Council of the Borough of Woodland Park finds that the preservation, protection and planting of trees aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces stormwater runoff and the potential damage it may create; aids in removal of pollutants from the air and assists in the generation of oxygen; provides a buffer and screen against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for birds and other wildlife and otherwise enhances the environment; protects and increases property values; conserves and enhances the Borough's physical and aesthetic appearances and generally protects the public health and safety as well as the general welfare.

§ 27-3 **PERMIT REQUIRED FOR CERTAIN ACTS, WITHIN HIGHWAYS OR PUBLIC PLACES.**

No person shall do or cause to be done any of the following acts affecting the trees, shrubbery or ornamental material planted or growing naturally within the highways or public places under the jurisdiction of the municipality, except with a written permit first obtained from the Department of Public Works (DPW);

Cut, trim, break, disturb the roots of, or spray with chemicals any living tree or shrub; or injure, misuse, or remove any structure or device placed to support or protect any tree or shrub;

Plant or remove any living tree or shrub, or climb with spikes any living tree or shrub;

Fasten any rope, wire, electric attachments, sign or other device to a tree or shrub, or to any guard about such tree or shrub;

Close or obstruct any open space provided about the base of a tree or shrub to permit the access of air, water or fertilizer to the roots of such tree or shrub;

Pile any building material, or make any mortar or cement within six (6) feet of a tree or shrub;

Change the grade of the soil within the limits of the lateral spread of the branches of any such tree.

§ 27-4 **DEFINITIONS.**

The following definitions shall apply to this chapter:

PERSON

shall mean the owner of a parcel of real estate or any other individual, group, company, firm, corporation, partnership, association, society or other legal entity.

TREE

shall mean a deciduous or evergreen tree which shall be a caliper of at least two and one-half (2-1/2) inches measured four and one-half (4-1/2) feet about the ground when planted (e.g. red, Norway, silver or sugar maple; sweetgum; London plane tree; American sycamore; white, red or pin oak; American elm; yellow or white poplar; or copper beech), unless otherwise identified through the mitigation process.\

RIGHT OF WAY

shall mean the use of a landowner's property, from the beginning of the property line up to six feet inward – for access by the Borough for uses that are beneficial to the public good. Which include but not be limited to access and use for infrastructure and utilities.

SPECIES

shall mean for purposes of this chapter, the common name of the tree.

STRUCTURE

shall mean a combination of materials to form a construction for occupancy, use or ornamentation, whether installed on, above or below the surface of a parcel of land.

§ 27-5 WIRE, CABLE, ELECTRIC CURRENT.

Every person having control over any wire for the transmission of an electric current along a public highway shall at all times guard all trees through, or near, which such wire passes against any injury from the wire or cable or from the electric current carried by it. The device or means used shall in every case be subject to approval by the Department of Public Works.

§ 27-6 PERMIT REQUIRED.

No person shall cut down or remove any tree of a caliper of four (4) inches or greater measured at a height of four and one-half (4 1/2) feet above the ground or engage in any site clearing without a tree removal permit.

§ 27-7 GUY WIRES, BRACES PROHIBITED.

No person shall place any guy wire, brace or tree device on any such tree in such a manner as to injure it.

§ 27-8 INJURY BY ANIMALS.

No person shall hitch or fasten an animal to any tree or shrub upon a public highway or to any guard or support provided for the same, or permit an animal to bite or otherwise injure any tree or shrub.

§ 27-9 CHEMICAL DAMAGE.

No person shall permit any brine, gas or injurious chemical or liquid to come in contact with the stump or roots of any tree or shrub upon a public highway.

§ 27-10 INTERFERENCE WITH DEPARTMENT OF PUBLIC WORKS.

No person shall prevent, delay or interfere with any lawful work undertaken by the Department of Public Works or its authorized agent. Any act to interfere with the work of the DPW or Borough Agent, may lead the offender to be charged with a criminal violation.

§ 27-11 DANGEROUS TREES AND SHRUBS.

§ 27-11.1 Removal Required; Notice.

In case any tree or shrub, or any part thereof, along the public highway, public street or public right of way, shall become dangerous to the public safety, the owner of the property in front of which such tree or shrub shall be, shall remove the same, or the required part thereof, forthwith upon service of written directive to that effect from the Department of Public Works or Borough Code Enforcement. The notice shall be sufficient if served in the same manner as a summons may be served in accordance with the New Jersey Rules of Court.

§ 27-12 CLEAR VIEW REQUIRED AT INTERSECTIONS; HEIGHT OF BRUSH; AND RIGHT OF WAY

- A. The owner or tenant of any lands lying within the municipality may be required to trim brush, hedges, trees, or any other plant growth that may cause visibility issues along a roadway or intersection within the Borough, at the discretion of the DPW Superintendent or Borough Code Enforcement.

The owner or tenant of any lands lying within the municipality shall keep all brush, hedges and other plant life, growing within ten (10) feet of any roadway and within twenty-five (25) feet of the intersection of two (2) roadways, cut to the height of not more than two and one-half (2 1/2) feet.

- B. The landowner is also still responsible to remove overgrown brush, dying/dead trees and the like from the right of way which is property which will remain under the control of the landowner for maintenance, etc. This provision is consistent with the prevailing law of the State of New Jersey, and the Borough's other property maintenance Ordinances.

§ 27-13 REMOVAL BY MUNICIPALITY.

If the owner fails to remove the tree or shrub or portion thereof within four (4) weeks after the service of written notice to do so, the work shall be performed by the municipality under the supervision of the DPW Superintendent, who shall certify the cost thereof to the Council.

§ 27-14 COSTS CHARGED AGAINST LAND; LIEN ESTABLISHED.

Upon receipt of the certified costs, the Council shall examine same and if found correct shall cause the costs to be charged against the lands, or if the Council deems the costs to be excessive, shall cause the reasonable cost to be charged against the lands. The amount so charged shall forthwith become a lien upon the lands and shall be added to and become and form part of the taxes next to be assessed and levied upon the lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced by the same officer and in the same manner as taxes.

§ 27-15 APPLICATION PROCEDURE.

- a. Application for a tree removal permit shall be made by submission of the following:

- 1. An original application on forms provided by the Borough containing the following information: the names and addresses of the applicant; the street address of the property in question; the number of trees to be removed; and such other information as may be required, including a map drawn to scale.**

§ 27-16 FEES.

"Per property, the first tree permitted for removal will not incur a mitigation charge. There will be no mitigation charge if a tree is deemed dead, upon inspection by the DPW Superintendent. With prior approval from the DPW Superintendent, the property owner may agree to plant one (1) tree, per mitigation charge, to offset the cost of mitigation. Said tree(s) must be planted within a reasonable amount of time, as determined by the DPW Superintendent prior to approval of the permit.

Number of Trees	Fees
1 to 5	\$50.00
6 to 10	100.00
11 to 20	200.00
21 to 50	300.00
51 and over	400.00, plus an additional 100.00 for each additional fifty (50) trees or part thereof"

§ 27-17 STANDARDS FOR APPLICATION REVIEW.

The following standards for review of applications shall apply:

- a. Permitted Removal. No tree shall be permitted to be removed unless the tree is:
 1. Located within the building footprint of a proposed principal building.
 2. Located between the curb lines of a proposed roadway approved pursuant to the subdivision ordinance.
 3. Dead or poses a safety hazard.
 5. Located within fifteen (15) feet of any building.
 6. Located within the area of a proposed driveway, walkway, utility line, accessory building or any other structure.
 7. Specifically permitted to be removed in a site plan approved pursuant to the Municipal Land Use Law.
- b. Conflict with Other Laws. Notwithstanding anything in this chapter to the contrary, no tree removal shall be permitted where prohibited by Zoning Ordinance (e.g. buffer zones and crestline provisions) or any other municipal, State or Federal Statute, ordinance or regulation.
- c. Hardship Appeal. In the event that an applicant believes the standards set forth in paragraph a. above constitute a hardship which prohibits a reasonable use of all or substantially all of the property in question, an applicant may seek relief from the Governing Body of the Borough of Woodland Park in the event that such relief is sought, the applicant shall submit an additional eight (8) copies of the documents required to be submitted as to the reasons for the claimed hardship. In addition, the applicant shall submit a fee for the hearing of the matter in the amount of three hundred (\$300.00) dollars. The Governing Body, upon submission of a complete application to the Borough Clerk, shall schedule a public hearing in connection with the requested relief. The applicant shall cause to be published in an official newspaper of the municipality a notice setting forth the time, date and place of the hearing to be so held, together with a brief statement of the relief requested. Such notice must be published within ten (10) days prior to the date of the hearing. Additionally, the applicant shall cause to be served upon all property owners within two hundred (200) feet of the property in question a similar notice by certified mail, return receipt requested, or by personal service. Proof of publication and service of notice shall be required to be submitted prior to the hearing. At the hearing, the applicant shall present witnesses under oath, and any other interested parties may do the same. All witnesses shall be subjected to cross-examination. The decision of the Governing Body shall be binding upon the municipal official in charge of enforcement and administration of this chapter.
- d. Mitigation. If there is a need to conduct tree removal to mitigate environmental issues, there may be additional charges, upon review from the DPW Superintendent.

§27-18 MITIGATION.

1. The charges associated with Mitigation of tree removal on a given property will be as follows:
 - (a) The first tree removed from a given property will not incur a mitigation charge.
 - (b) Each tree removed, beyond the first, will incur a mitigation charge. This charge is based on the current cost to plant a tree on public property, within the Borough of Woodland Park, as determined by the DPW Superintendent. This charge will be remitted to the Borough "Tree Fund".
 - (c) Upon review by the DPW Superintendent, a tree deemed to be "dying" or "dead" will not incur a mitigation charge.
2. Except in the event of a tree removal pursuant to an approved subdivision or site plan where a performance bond to assure tree planting was posted, as a precondition to the issuance of a permit where mitigation is required, the applicant may be required to post a cash bond to assure mitigation in an amount equal to the amount set forth in the resolution adopted by the Borough Council pursuant to subsection 27-17(d) for each minor and major tree to be planted. The bond shall be returned to the applicant upon completion of the required mitigation.

3. In the event that it is unknown how many trees were removed from any given site, and removal took place without a tree permit issued pursuant to this chapter, the number of trees requiring mitigation shall be computed by assuming trees over six (6) inches in caliper.
4. The Application requesting a hardship mitigation consideration may be denied if it is determined that the removal of the proposed trees will cause an undue and adverse impact to the property in question, and other properties – without also submitting a mitigation plan.

§ 27-19 PROTECTION OF EXISTING TREES.

- a. In connection with any construction subsequent to tree clearing but prior to the issuance of a building permit or start of construction, snow fencing or other protective barrier acceptable to the official charged with the administration and enforcement of this chapter shall be placed around trees that are not to be removed. The protective barriers shall be placed at least ten (10) feet from the trunk of any tree and shall remain in place until all construction activity is terminated. No equipment, chemicals, soil deposits or construction materials shall be placed within any area protected by barriers. Any landscaping activities subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.
- b. No person shall:
 1. Cut down or remove any tree except as permitted by this chapter or allow or cause such cutting or removal.
 2. Cause or allow any willful damage, injury or disfigurement of any tree growing within the Borough. For purposes of this subsection, the actions of any person shall be deemed willful if the damages, injury or disfigurement of any tree is caused as the result of but not limited to the following: cutting, gashing, or slitting of any tree; the pouring of any liquid or other material on any tree; or on the ground nearby; the construction or placement of any nonporous material on the ground around any tree so as to cut off the air, light or water from the roots; or placement or removal of any soil from within ten (10) feet of any tree.
 3. Store or pile building material or debris or place construction equipment within ten (10) feet of any tree.

§ 27-20 APPEALS.

Any person aggrieved by the decision of the official charged with the administration and enforcement of this chapter shall have the right within ten (10) days of the issuance of any decision by such official to appeal to the Borough Council, which shall take action as it deems necessary in matter. In the event of such an appeal, the procedures set forth with reference to applications based on hardship continued in subsection **27-17(c)** of this chapter shall apply.

§ 27-21 ENFORCEMENT.

If any person shall continue to violate ANY provisions of this chapter, after being duly notified of the violation, or shall neglect to comply with any lawful order of the Department of Public Works, the failure to comply with a second or each of any subsequent notifications or orders, shall be constituted as an additional violation of this chapter, and each additional offense shall subject the offending party upon conviction to the same penalty as provided for the first offense. Violators shall be liable, upon conviction, to the penalty stated in Chapter I, Section **1-5**.

This Ordinance shall take effect immediately upon final passage and publication as required by law.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduced: August 16, 2023

Adopted:

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-232**

**MOTIONED BY:
SECONDED BY:**

INTRODUCTION OF ORDINANCE 23-19

**AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD
TO RENT STABILIZATION**

WHEREAS, the Borough of Woodland Park, County of Passaic, State of New Jersey, desires to adopt an ordinance entitled **AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO RENT STABILIZATION**; and

WHEREAS, notice of introduction and passage on first reading was published in the Herald News dated August 22, 2023 setting the date of September 6, 2023 or soon thereafter 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 September 6, 2023 at the regularly scheduled meeting of the Mayor and Council;

NOW, THEREFORE BE IT RESOLVED, that ordinance **23-19 AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE BOROUGH OF WOODLAND PARK WITH REGARD TO RENT STABILIZATION** be and is hereby adopted as having been approved on second and final reading, and the Municipal Clerk is hereby authorized and directed to publish said Ordinances according to law.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
ORDINANCE NO. 23-19**

**AN ORDINANCE TO AMEND CHAPTER 21 OF THE CODE OF THE
BOROUGH OF WOODLAND PARK WITH REGARD
TO RENT STABILIZATION**

§ 21-1 PURPOSE.

Under the legal powers granted to the Mayor and Municipal Council in order to promulgate the health, safety and general welfare of the citizens of the Borough, these provisions hereof are enacted, through this ordinance.

§ 21-2 DEFINITIONS.

AVAILABLE FOR RENT TO TENANTS

Fit for habitation as defined by the statutes, codes and ordinances in full force and effect in the State of New Jersey, County of Passaic and Borough of Woodland Park and occupied or unoccupied and offered for rent.

DWELLING

Shall mean any building or structure or garage space which may be rented or offered for rent, to one or more tenants or family units. Exempted from this chapter are dwellings containing five or fewer housing space providing the landlord rents or offers for rent no other housing space in the Borough of Woodland Park. Also exempted is any motel, hotel or other premises primarily serving transient persons within the Borough of Woodland Park.

HOUSING SPACE

Shall mean that portion of a dwelling rented or offered for rent for living and dwelling purposes to one individual or family unit together with all privileges, services, furnishings, furniture, facilities and improvements, including, but not limited to parking space, garage space, storage space connected with the use or occupancy such portion of the property.

LANDLORD

Shall mean any person, firm, partnership, corporation or other entity and any officer, agent or employee, or any of the foregoing, which is the owner, rental agent, manager of, or otherwise has the authority to rent any rental unit to a tenant.

TENANT

Shall mean any non-owner occupant of a rental unit.

§ 21-3 ESTABLISHMENT OF RENTS.

- a. Establishment of rents between landlords and tenants to whom this chapter is applicable shall hereinafter be determined by the provisions of this chapter. At the expiration of a period of not less than twelve (12) consecutive calendar months following the effective date of the last previous rental increase for any unit of multiple dwelling housing space subject to rent regulation under the terms of this chapter, no landlord shall request, demand, receive or collect an increase in rental for such unit which shall exceed one hundred (100%) percent of the percentage increase in the Consumer Price Index in effect for the third month next preceding the month during which the rental increase permitted hereby is to take effect (hereinafter referred to as the "base month") and the consumer price index in effect one (1) year prior to the base month.

(Example: Any rent increase is limited to the increase in the CPI from a given month in year 1 to the same month in year 2.)

- b. For purposes of this chapter, Consumer Price Index means the Consumer Price Index for Urban Wage Earners and Clerical Workers, New York-Northeastern New Jersey published by the Bureau of Labor Statistics, United States Department of Labor.
- c. There shall be no increase in the rent of a month-to-month tenant within the period of any twelve (12) months and then no landlord may request to receive a percentage increase greater than as set forth in paragraph a. hereof.

- d. In the event of a vacancy a landlord may request, demand, receive and collect any increase for the rental unit from a new tenant.

§ 21-4 RENTAL INCREASES.

- a. Increase; when void. Any rental increase at a time other than at the expiration of a lease or termination of a periodic lease will be void.
- b. Unauthorized increases prohibited. No landlord shall after the effective date of this chapter charge any rents in excess of what he or she was receiving from the effective date of this chapter, except for increases authorized by this chapter.
- c. Violations and Penalties. A willful violation of any provision of this chapter, including, but not limited to, a landlord charging a tenant with inappropriate rents, will be charged with a violation of this chapter, and fined \$1,000 for each violation. Thereafter, the tenant is entitled to advance a civil action in the Superior Court of New Jersey's Special Civil Part, seeking any and all damages that the Court deems appropriate.
- d. Interpretation of This Chapter. This chapter shall be necessary for the welfare of the Borough and its inhabitants, and shall be liberally construed to effectuate the purposes thereof.
- e. Severability. If any provision of this chapter or the application for such provision to any person or circumstances is declared invalid, such invalidity shall not affect other provisions of this chapter which are declared to be severable.
- f. Effective date. This chapter is to take effect immediately upon passage and publication according to the laws of the state of New Jersey, and shall remain in full force and effect until such time that this ordinance is changed.

§ 21-4.1 MAXIMUM INCREASE ALLOWABLE.

Establishment of rent between a landlord and a tenant to whom this chapter is applicable shall hereafter be determined by the provisions of this chapter. At the expiration of a lease or determination of this increase by a periodic tenant, no landlord may receive or request a percentage increase in rent greater than 2.5% in any calendar year.

§ 21-5 INCREASES; NOTICE TO TENANT.

Any landlord seeking an increase in rent shall notify the tenant of the calculations involved in computing the increase, including the Consumer Price Index at the date of the entry of the lease, the Consumer Price Index one hundred twenty (120) days before the expiration of the lease and the allowable rent increase.

§ 21-6 TAX SURCHARGE.

A landlord may seek a tax surcharge from a tenant because of an increase in municipal property taxes. The tax surcharge shall not exceed that amount authorized by the following provisions. The landlord shall divide the change in the property tax between the previous two (2) calendar years by the number of rooms in the dwelling to obtain the tax increase per room. The tenant shall not be liable for a tax surcharge exceeding the tax increase per room multiplied by the number of rooms occupied by the tenant.

§ 21-7 NOTIFICATION OF TAX SURCHARGE.

Any landlord seeking a tax surcharge shall notify the tenant of the calculations involved in computing the tax surcharge including the present property tax, the total number of rooms in the dwelling, the tax increase per room, the number of rooms occupied by the tenant and the maximum allowable surcharge.

§ 21-8 PAYMENT OF SURCHARGE.

The tax surcharge that each tenant is liable for shall be paid in twelve (12) monthly installments.

§ 21-9 SURCHARGE NOT CONSIDERED RENT.

The tax surcharge shall not be considered rent for purposes of computing cost of living rental increases. In instances when tax surcharges shall have been imposed resulting from increases in municipal property taxes, proportionate reductions shall be provided in instances when municipal property taxes shall have been reduced.

§ 21-10 INCREASES FOR CAPITAL IMPROVEMENTS.

Landlord may seek additional rental for any major capital improvement or any substantial increase in the services rendered to the tenants. The landlord shall notify each tenant who may or shall be affected by such rental increase by certified mail of the total cost of the completed capital improvement, the number of years of useful life thereof as claimed by the landlord for the purpose of depreciation for Federal income tax purposes, the average annual cost of the improvement or service, the total number of square feet in the structure in which any multiple dwelling space is situated, the total number of square feet occupied by the tenant, and the capital improvement or service increase surcharge which the landlord is seeking from each tenant. The tenant shall not be liable for a capital improvement or service increase surcharge exceeding the same ratio to the total annual cost thereof as the number of square feet occupied by the tenant to the total number of square feet in the building or structure in question. Any landlord seeking a capital improvement or service increase surcharge shall appeal for the surcharge to the Municipal Council. The Municipal Council shall determine if any improvement is a major improvement or if the service increase is a substantial service increase. In no event shall any surcharge granted pursuant to this chapter exceed fifteen (15%) percent of the tenant's rent in effect at the time of the granting of such surcharge. Commencing with the month next succeeding the date of the granting of any such capital improvement or service increase surcharge, each tenant affected thereby shall pay, together with his monthly rental, one-twelfth (1/12) of the portion of such surcharge allocated to him by application of the calculation hereinabove set forth. Prior to any such appeal to the Municipal Council for any such capital improvement or service increase surcharge, a landlord shall post in the lobby of each building where the tenants of which may or shall be affected thereby, or, if no lobby is present, then in a conspicuous place on the premises, a notice of the appeal setting forth the basis for the appeal and the place and date scheduled for the hearing thereof. The notice must be posted not less than ten (10) days in advance of the date scheduled for the hearing of the appeal.

§ 21-11 TAX APPEALS.

In the event of a tax appeal the portion of a tenant's tax surcharge not being paid by the landlord to government will be held in an interest-bearing account.

§ 21-13 HARDSHIP INCREASES.

In the event a landlord cannot meet his mortgage payments and maintenance, or cannot realize a reasonable profit from his investment in his property, he may appeal to the court of competent jurisdiction for increased rents.

§ 21-14 STANDARDS OF SERVICE AND MAINTENANCE.

- a. Maintenance of Standards. During the term of this chapter the landlord shall maintain to minimum housing standards service, maintenance, furniture, furnishings or equipment in the housing space and dwelling as he provided or was required to do by law or lease at the date the lease was entered into.
- b. Deficiency in Maintenance of Standards, Recourse. An individual tenant or a class of tenants who are not receiving substantially the same standards of service, maintenance, furniture or furnishings or equipment may have the court of competent jurisdiction determine the reasonable rental value of the housing unit or dwelling in view of this deficiency. The tenant or class of tenants shall pay the reasonable rental value as full payment for rent until the landlord proves that the deficiency has been corrected.

§ 21-15 UNAUTHORIZED INCREASES PROHIBITED.

No landlord shall after the effective date of this chapter charge any rents in excess of what he was receiving from the effective date of this chapter except for increases authorized by this chapter.

§ 21-16 FIRST RENTAL OF DWELLING SPACE.

The owner of housing space or dwelling being rented for the first time shall not be restricted in the initial rent CHARGED. Any subsequent rental increases, however, shall be subject to the provisions of this chapter.

§ 21-17 VIOLATIONS AND PENALTIES.

A willful violation of any provisions of this chapter including, but not limited to, the willful filing with the Municipal Council of any material misstatement of fact, shall be liable, upon conviction, to a penalty equal to twenty-five (25%) percent of the monthly rental fee in question; the penalty for subsequent offenses shall be equal to one hundred (100%) percent of the monthly rental fee in question. In addition, treble damages may be sought in a Court of competent jurisdiction. Such fine or fines and/or damages shall be computed on the basis of a separate violation as to each household.

§ 21-18 INTERPRETATION OF CHAPTER.

This chapter being necessary for the welfare of the Borough and its inhabitants, shall be liberally construed to effectuate the purpose thereof.

§ 21-19 SEVERABILITY.

If any provision of this chapter or the application for such provision to any person or circumstances is declared invalid, such invalidity shall not affect other provisions of this chapter which are declared to be severable.

§ 21-20 EFFECTIVE DATE AND TERM.

This chapter, upon passage and required publication, shall take effect immediately (adopted by Ord. No. 06-02) and shall remain in full force and effect until the Governing Body amends, revises or repeals this section according to law.

§ 21-21 ENFORCEMENT.

Matters of dispute should be referred to the court of competent jurisdiction.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduced: August 16, 2023

Adopted:

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION R23-233**

MOTIONED BY:
SECONDED BY:

INTRODUCTION OF ORDINANCE 23-20

**AN ORDINANCE TO AMEND ORDINANCE 20-05 CHAPTER 37
ENTITLED “PROJECT LABOR AGREEMENTS”**

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 20th day of September, 2023, 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.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Acting Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September, 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated

**BOROUGH OF WOODLAND PARK
ORDINANCE NO. 23-20**

**AN ORDINANCE TO AMEND ORDINANCE 20-05
CHAPTER 37 ENTITLED “PROJECT LABOR AGREEMENTS”**

WHEREAS, the Borough of Woodland Park has a compelling interest to ensure that development projects with a total estimated cost equal to or exceeding \$5 million, excluding land acquisitions costs, are completed at responsible cost with the highest degree of quality; and

WHEREAS, the Borough of Woodland Park has a compelling interest in ensuring that workers on such development projects are paid appropriate wages and that their families receive appropriate benefits; and

WHEREAS, a highly skilled workforce ensures the efficient, economical and safe completion of contracts as described above; and

WHEREAS, the employment of apprentices in such contracts can maintain reasonable costs while providing valuable and rewarding work opportunities for new workers; and

WHEREAS, the Borough of Woodland Park also seeks to ensure that job opportunities generated by contracts as described above are also utilized to help low-income, minority and women workers gain access to careers in the construction trades; and

WHEREAS, the Borough seeks to promote meaningful job opportunities for all of its citizens; and

WHEREAS, the benefits received by contractors impacted by this ordinance will create opportunities to employ a substantial number of apprentices from Woodland Park, thus ensuring that those projects will expand access to living wage careers in the construction trades for a new generation of Woodland Park workers. However, if a construction project is put out to bid pursuant to this Ordinance and which contains a “Project Labor Agreement” and none of the bids received are within the budget for that project, the Borough shall rebid the project without mandating the use of a “Project Labor Agreement”; and

WHEREAS, to facilitate the above, the Mayor and Borough Council have determined that the annexed amended Chapter entitled “Project Labor Agreements” shall be added to the General Code of Woodland Park;

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Woodland Park, in the County of Passaic and the State of New Jersey, that:

1. The annexed amended Chapter 37 “Project Labor Agreements” shall be added to the General Code of Woodland Park.
2. If any section, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.
3. All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
4. This Ordinance shall take effect upon passage and publication as required by law.

Attest:

Approved:

Sandra Olivola, Municipal Clerk

Tracy Kallert, Acting Mayor

Introduction:
Adoption:

Chapter 37. Project Labor Agreements

§37-1. Purpose.

This chapter shall ensure that large construction projects with total costs that exceed \$5,000,000, excluding land acquisition costs and certain public construction contracts with total costs that exceed \$5,000,000 that the municipality directly undertakes or for which it provides financial support, are performed promptly, at a reasonable cost and with the highest degree of quality. This chapter also creates opportunities to employ a substantial number of apprentices, thus ensuring that these projects will expand access to living wages careers in the construction trades for a new generation of workers. However, if a construction project is put out to bid pursuant to this ordinance and which contains a Project Labor Agreement requirement and none of the bids received are within the budget for that project, the Borough shall rebid the proposed contract without mandating the use of a "Project Labor Agreement".

§37-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPRENTICE

A worker who participates in a federally-approved apprenticeship program or as an apprentice equivalent participates in a federally-approved training program, takes a construction apprenticeship test and receives benefits and pay not less than those received by an apprentice.

APPRENTICE PROGRAM

An apprenticeship program operated by an entity registered by the Bureau of Apprenticeship and Training of the United States Department of Labor or registered by a federal apprenticeship agency recognized by the Bureau.

CERTAIN PROJECTS

The Borough in its sole discretion may exempt projects which otherwise would fall within the purview of this chapter from the requirements of same.

CONTRACTOR

A person or entity awarded a public works project or contract on a publicly funded project contemplated by this chapter.

CRAFT-REQUEST FORM

A form which delineates the job or craft titles and descriptions (for example, but not by way of limitation, plumbers, glazers, carpenters, etc.) which are needed for a particular project, which form may be the one customarily used by the relevant trade or craft unions at that time and place.

DEVELOPER

The recipient of financial assistance for a redevelopment area financing project or the contractor for a public works project.

LABOR ORGANIZATION

An organization which represents, for purposes of collective bargaining, employees involved in the performance of construction contracts and eligible to be paid prevailing wages under the "New Jersey Prevailing Wage Act," P.C. 1963, c. 150 (N.J.S.A. 34:11-56.25 et seq.) and has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work and which has an apprenticeship program registered by the Bureau of Apprenticeship and Training of the United States Department of Labor.

NOT-FOR-PROFIT

Any entity that is organized as a nonprofit or not-for-profit entity, corporate or otherwise as a governmental entity.

PROJECT LABOR AGREEMENT

A contract between a contractor/labor organization, and a developer and/or the Borough of Woodland Park that contains, at a minimum, the requirements set forth in this chapter.

PRIVATE ENTITY

Any organization which conducts a profit-making business and is not otherwise organized as a nonprofit organization or governmental entity.

PUBLIC WORKS PROJECT

Building, altering, repairing, improving or demolishing any public structure or facility constructed, acquired or otherwise owned by the Borough of Woodland Park to house local government functions or provide water, waste, disposal, power, transportation and other public infrastructure.

PUBLICLY FUNDED PROJECTS

Includes public works projects that the Borough of Woodland Park directly undertakes with total costs that exceed \$5,000,000 and redevelopment area financing projects with total costs that exceed \$5,000,000.

REDEVELOPMENT AREA FINANCING ("RAF") PROJECT

A project that has a total construction cost that is equal to or exceeds \$5,000,000, exclusive of any land acquisition costs, which and receives (1) a tax exemption pursuant to N.J.S.A. 40A:20-1 et seq. or N.J.S.A. 40A:21-1 et seq. and (2) receives some form of redevelopment area financing such as an affordable housing trust fund grant, a community block development grant, or a redevelopment area bond.

SUBCONTRACTOR

A person or entity that is engaged or performs work or provides materials for a contractor or developer as defined herein, which person or entity may or may not be in privity of contract with the Borough of Woodland Park.

TOTAL PROJECTS COSTS

Shall be inclusive of environmental work, demolitions, pre-construction and construction costs.

§37-3. Coverage.

The terms of this chapter, set forth in Sec. 37-4 below are applicable to covered projects. "Covered projects" includes public works and publicly funded projects.

§37-4. Conflicts.

To the extent of any of the provisions of this chapter are deemed to conflict with N.J.S.A. 52:38-1 et seq. (P.L. 2002, c. 44) or any other applicable New Jersey statute, the statute shall control. To the extent the provisions of this chapter conflict with the Borough's ordinance implementing an Affirmative Action Program (Ordinance No. 7 of 1982), this chapter shall prevail. To the extent this chapter conflicts with any additional local ordinances, this chapter shall control.

§37-5. Requirements for covered contracts.

- A. Projects labor agreement required. Public works projects and publicly funded projects shall require the execution of a project labor agreement that complies with the requirements of this chapter, unless the Borough determines that it is in the best interests of the Borough to waive this requirement. The agreement shall either be directly entered into with a labor organization or the award of the contract shall be made on the conditions that the construction manager for the contract shall negotiate a project labor agreement in good faith with one or more labor organizations.
- B. Project labor agreement requirements. Each project labor agreement executed pursuant to this chapter shall be in conformity with N.J.S.A. 52:38-1 et seq. (P.L. 2002, c. 44).
 - (1) Advance the interests of the Borough of Woodland Park, including the interests in cost, efficiency, quality, timeliness, skilled labor force, and safety;

- (2) Contain guarantees against strikes, lock-outs, or other similar actions;
 - (3) Set forth effective, immediate, and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;
 - (4) Be made binding on all contractors and subcontractors on the project in all relevant documents, including bid specifications;
 - (5) Require that each contractor and subcontractor working on the project utilize have an apprenticeship program as defined herein;
 - (6) Fully conform to all statutes, regulations and Borough of Woodland Park ordinances regarding the implementation of set-aside goals for women and minority owned businesses, the obligation to comply with which shall be expressly provided for in the project labor agreement;
 - (7) Include a publicly available plan which is in full conformance with the requirements of all applicable statutes, regulations, executive orders and Borough ordinances and is mutually agreed upon by the participating labor organizations and the public entity or the developer which will own the facilities which are built, altered or repaired under the project, provided that any shares mutually agreed upon pursuant to this subsection shall equal or exceed the requirements of other statutes, regulations, executive orders or local ordinances;
 - (8) State that contractors and subcontractors need not be a party to a collective bargaining agreement with the applicable labor organization other than for-the project covered by the project labor agreement;
 - (9) Require the Borough to monitor, or arrange to have a state agency monitor, the amount and share of work done on the project by minority group members and women and the progression of minority group members and women into apprentice and journey worker positions and require the Borough to make public, or have the state agency make public, all records of monitoring conducted pursuant to N.J.S.A. 52:38-1 et seq. (P.L. 2002, c. 44), this chapter and the project labor agreement;
 - (10) State that any and all residents who are already in any signatory union or an apprenticeship program shall be referred to contractors or subcontractors who request them, even if those Woodland Park residents were not in line for referral under normal hiring hall procedures;
 - (11) Require the contract for the public works project to provide whatever resources may be needed to prepare for apprenticeship a number of women and minority members sufficient to enable compliance with the plan agreed upon pursuant to this chapter and provide that the use of those resources be administered jointly by the participating labor organization and the public entity;
 - (12) State that the terms of the project labor agreement shall prevail over conflicting terms of any collective bargaining agreements;
 - (13) Require that the labor organization utilize members who are Woodland Park residents as their first choice for staffing without regard of any other preferential status; and
 - (14) Require that 10% of the labor hours required shall be performed by the Woodland Park residents who are participating in the apprenticeship program and that 100% of the apprentices shall be Passaic County residents.
- C. Advertisement. At such time as its sponsored apprentice program is seeking applications, the labor organization will advertise in two newspapers regularly published and distributed in the Borough and outreach via other media, such as cable television, the Internet and/or radio. The advertisement shall solicit apprenticeship applications for the labor organization's apprenticeship program, describe the basic requirements for admission, describe the job training and set forth the range of salaries.

- D. Pre-construction meeting. Not less than 30 days prior to the commencement of construction, the developer shall meet with the appropriate Borough officials, as the context makes relevant, or his or her designee to present workforce needs, which will include the job description of the positions to be filled and duration of the project. In addition, the developer will provide the construction schedule to the respective director or his or her designee. The labor organization will present the developer and the respective director or his or her designee with the names, addresses and trades of eligible apprentices who are available to work on the project.
- E. Job fairs. The developer and the labor organization will jointly participate in a job fair to be held in the Borough in order to explain the apprenticeship program and solicit applications from attendees.

However, if a construction project is put out to bid pursuant to this Ordinance and which contains a Project Labor Agreement requirement and none of the bids received are within the budget for that project the foregoing shall not apply.

§37-6. Apprenticeship utilization goals.

On all covered projects, the minority and women employment goals for each contractor and subcontractor for each trade shall be established by the New Jersey Department of Labor in manner that is consistent with N.J.A.C. 17:27-7.2; however, a contractor shall not be subject to enforcement actions for violation of this provision if that contractor can demonstrate that it made good faith efforts to comply with this section. For the purposes of this section, "good faith efforts" for a developer shall at a minimum include compliance with the following:

- A. Entry into a project labor agreement and obtaining letters of assent from each contractor/subcontractor;
- B. Convening pre-bid and pre-construction meetings to educate construction manager and subcontractors about the apprenticeship utilization goals;
- C. Cooperating with Borough representative. The contractor shall cooperate with the representative appointed by the Borough to ensure compliance with this section. The representative shall provide services in support of the Contractor's apprentice hiring goals;
- D. Establish a point of contact to provide information about pre-apprenticeship or apprenticeship opportunities;
- E. Develop and maintain an up-to-date list of persons who have been offered opportunities and those who are working on the project;
- F. Facilitate relationships among approved apprenticeship programs and contractors to enable prompt referrals;
- G. Assist contractors with reporting by working with contractors and the representative where appropriate;
- H. Regularly contacting and documenting of contact with the representative and providing certified payroll and other records on a regular basis to the representative;
- I. Use and documenting use of Borough-approved craft request forms sent to both unions and Borough representative craft request form, as defined herein means a document through which contractors shall request workers from unions;
- J. Requesting apprentices that are Borough residents from union hiring halls;
- K. Documenting reasons for not hiring referred candidates from target populations, if applicable;
- L. Allowing the Borough representative prompt and willing access to documentation of all of the above activities and to the work site if requested.

§37-7. Local minority hiring goals.

For each contractor and subcontractor performing work on a covered project, the project labor agreement shall contain female and minority employment goals that are consistent with the guidelines set forth by the Division of Public Contracts Equal Employment Opportunity pursuant to N.J.A.C. 17.27-7.2.

§37-8. Enforcement.

- A. Monitoring and enforcement. Each contractor and subcontractor subject to the provisions of this chapter shall submit to the Borough a completed certified declaration of compliance form prior to commencing work on the covered project.
- B. Contractors and subcontractors. All contractors on covered projects shall require that their subcontractors comply with the provisions of this chapter. Language indicating the subcontractor's agreement to comply shall be included in the contract between the contractor and subcontractor, and shall contain a provision making such terms enforceable by the Borough. Copies of such agreements shall be submitted to the Borough.
- C. Reports. All contractors and subcontractors shall report to the respective Director or his or her designee on a quarterly basis according to the following schedule (by March 31, June 30, September 30, and December 31 of each year) and shall provide the following information, certified and notarized, for each covered contract for which work was performed during the previous quarter.
 1. Manning report. The developer's/contractor's report, as the case may be, will accurately reflect the total hours in each construction trade or craft and the number of hours worked by Borough residents, including a list of minority resident and women resident workers in each trade or craft, and will list separately the work hours performed by such employees of the contractor and each of its subcontractors during the previous quarter.
 2. Certified payroll report. The developers/contractors, as the case may be, that will specify the residence, gender and ethnic/racial origin of each worker, work hours, and the rate of pay and benefits provided.
 3. Equal employment opportunity reports. A copy of the labor organization's local union report (EEO-3) and apprenticeship information report (EEO-2) which are required to be filed with the Equal Employment Opportunity Commission by the labor organization.
 4. Apprenticeship report. The report of the labor organization that shall list the names, address and contact information of all Woodland Park residents who were accepted in to the apprenticeship program. The report shall also list the names, address and contact information of all Woodland Park residents who were rejected for admission, with the reasons for rejection and, for those Woodland Park residents who failed to finish the program, the reasons why they failed to complete the program.
 5. Total cost report. In the event construction permits have been issued and more than 12 months has expired from the date of the adoption of the ordinance approving the tax abatement, the developer shall be required to resubmit a current estimate of total construction costs to ensure that the total construction costs do not exceed \$5,000,000 or it will be deemed that this chapter applies.
 6. Final cost report. No later than 90 days following project completion, the developer shall submit a certificate of actual total construction costs. All total construction costs shall be certified to the Borough by the project architect and engineer and is subject to review by the Borough at the time of application for certificate of occupancy and audit by the Borough.
 7. Other reports. The developer or the labor organization shall furnish to the Borough of Woodland Park such further information, documents or reports as shall be requested.

- D. Records. Contractors and subcontractors performing work on covered contracts shall maintain certified payroll records for all employees and shall preserve them for a period of three years after completion of the covered contract, making such records available within three days of a written request by the Borough or its designee and upon inspection without notice.
- E. Site and records access. All developers, contractors and subcontractors performing work on covered contracts shall permit access for representatives of the Borough or its designee to all work sites and to all applicable records in order to monitor compliance with the provisions of this chapter. In the event the Borough has good cause to believe that any contractor or subcontractor has failed to comply with the provisions of this chapter, the contractor or subcontractor shall be given written notice and afforded an opportunity for a hearing before the appropriate Borough official prior to the imposition of the sanctions set forth in this section. The decision of the respective director(s) shall be final.
- F. Borough remedies. In the event the Borough has good cause to believe that any contractor or subcontractor on either a publicly funded project or a public works project has failed to comply with the provisions of this chapter, said contractor or subcontractor shall be given written notice of their alleged noncompliance and afforded an opportunity to submit a written response to the Borough. In the event the Borough determines that any contractor or subcontractor on either a publicly funded project or a public works project has failed to comply with the provisions of this chapter, it shall have available all remedies available at law or in equity, which shall include, but not be limited to the following:
- (1) Suspending or terminating the contract, grant, subsidy agreement, or tax abatement agreement in question;
 - (2) Completing the public works project with a different contractor or subcontractor, and require the original contractor or subcontractor to pay all damages and costs in utilizing a substitute contractor or subcontractor and/or make claim on their performance bond;
 - (3) Debarring the developer, contractor or subcontractor from eligibility for future Borough contracts and for financial assistance;
 - (4) Assessing liquidated damages in the amount of 5% of the value of the contract or subsidy in question;
 - (5) Late filing of any report or record or the prohibition of any access required for same under Subsections C, D or E hereof, may result in in a fine of \$1,000 per day for each day that the report is late for up to 15 days applies. After 15 days, the failure to provide same shall constitute a material breach and the above remedies shall apply;
 - (6) Such other remedies available at law or in equity.

§37-9. Implementation.

- A. The Borough shall include language in all grant agreements or other documents approved by the Borough Council providing financial assistance on covered projects, including financial agreements in connection with long term tax abatements, requiring compliance with this chapter.
- B. Any advertisement for a public works project published 60 days or more following the effective date of this chapter shall contain provisions conditioning the award of any contract on compliance with this chapter.

§37-10. Right to Rebid.

- A. In the event that a construction project is put out to bid pursuant to this Ordinance which contains a Project Labor Agreement requirement and none of the bids received are within the budget for that project, the Borough shall have the opportunity to rebid the proposed project without being subjected to any "Project Labor Agreements" which exist, in order for the Borough to act in an appropriate and proper fiscal manner.

**BOROUGH OF WOODLAND PARK
PASSAIC COUNTY, NEW JERSEY
RESOLUTION RE23-04**

MOTIONED BY:
SECONDED BY:

**RESOLUTION AUTHORIZING EXECUTIVE SESSION
PURSUANT TO N.J.S.A. 10:4-12**

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:

- **Personnel – Administration**

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.

Record of Mayor and Council Vote on Passage

	AYE	NAY	Abstain	Absent		AYE	NAY	Abstain	Absent
DeCesare					Yodice				
Gatti					Acting Mayor Kallert				
Sica									
Tiseo									

This resolution was approved by the Mayor and Council of the Borough of Woodland Park at a regular scheduled meeting held on the 6th day of September 2023. Signed and sealed before me.

Sandra Olivola, Municipal Clerk

September 6, 2023
Dated