

Mayor Eustace called the meeting to order at 7:30 PM. The Clerk made the following announcement: "On January 3, 2008, adequate notice of this meeting pursuant to the Open Public Meetings Act has been furnished by inclusion thereof in the Annual Schedule of Meetings for 2008, which has been posted on the bulletin board at Borough Hall, filed with the Borough Clerk, faxed to the Our Town, The Record, The Community News and The County Seat newspapers and distributed to all persons, if any, requesting copies of same pursuant to said Act."

Roll call showed the following Members of the governing Body present: Mayor Eustace, Councilpersons LaPietra, Savage, Fleischmann, and Jengo. Councilperson Rupp arrived at 9:25 PM. Also present Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra and Borough Administrator Thomas H. Richards.

The following presentation was given by the representatives of the American Cancer Society:

The American Cancer Society is requesting permission from the Mayor and Council to host an overnight fundraiser, "Relay for Life", at Memorial Park on Friday, June 20, 2008 through Saturday, June 21, 2008.

Mayor Eustace requested the Council members ask questions of the representatives pertaining to the fundraising event.

Councilperson Savage inquired how many people are anticipated to participate in the event.

Alice Rosenthal responded approximately 750 to 1000 people based on last year's event in Rochelle Park.

Councilperson Savage asked for information regarding the activities that will occur during the overnight hours.

Alice Rosenthal responded that several activities are planned; however, the Opening Ceremony, the 10 o'clock Luminary Ceremony honoring cancer survivors using candles and/or glow sticks, and the Closing Ceremonies where thank you's, acknowledgements and the recap of the monies raised are announced are all standard events that will take place.

Councilperson Savage asked if the representatives were familiar with Memorial Park and the surrounding area.

The representatives responded that they were aware of the surrounding residential area and that the noise level of the activities and music can be toned down. They also stated that approximately one and one-half weeks prior to the function, the surrounding residents would receive a letter alerting them of the event.

Councilperson Savage suggested that the area residents be polled at this time so that a consensus can be made of their opinions and concerns prior to the event coming to Memorial Park.

Councilperson Fleischmann questioned who would be responsible for security and policing of the area as well as traffic and crowd control.

Beverly Nicholas responded that our community would be responsible for the security of the event and the surrounding areas. Their society does not provide security.

Councilperson Fleischmann questioned the overtime and compensation for the additional police officers that would be required.

Beverly Nicholas responded that arrangements could be made with the American Cancer Society. She also stated that the original attendance number quoted by Alice Rosenthal was not necessarily the expected amount. The actual attendance range has been 350 to 500 people.

Councilperson Jengo requested information on the amount of money that actually goes back to be used for research.

Alice Rosenthal responded that as of 2006, their calculations state 76% is returned to the communities in the Eastern Division. She stated this information was included in the packet of information circulated to the Mayor and Council.

Councilperson LaPietra inquired as to who ensures that the event site is kept clean and is left clean at the end of the festivities.

Both Alice Rosenthal and Beverly Nicholas responded that they depend on the Relay Teams to pick up any garbage as well as the event staff. A "clean-up lap" takes place during the 5:00 am lap. They stated that the local DPW often donates some time in assisting with clean-up. They also stated that an event site has never been left untidy.

Councilperson LaPietra asked for Alice and Beverly to reiterate the activities that take place during the overnight hours.

Alice Rosenthal explained that one member of each Relay Team is on the track at all times. While that person is on the track, the other members will be involved in other planned activities; i.e., games, movies under the stars, etc. She stated the activities are molded to the surrounding community.

Councilperson LaPietra inquired if there will be any cooking or grilling during the event.

Alice Rosenthal responded that food for the event is donated.

Councilperson LaPietra asked how many tents would be used for the event.

Beverly Nicholas responded that the American Cancer Society has a tent company set up four major tents. The smaller, individual tents are brought by participants to use for sleeping or to keep their personal belongings in.

Mayor Eustace stated the tents would be allowed on the field next to the parking lot. He asked the representatives what is done regarding parking for the participants.

Alice Rosenthal stated she advises participants that parking at the event is not provided. They encourage people to “walk-in” or bring their bicycles. Vehicle parking would have to be on residential streets in the area.

Mayor Eustace inquired as to when the four large tents would be set up. He also stated the set-up would have to be supervised to ensure they are set up in specified areas.

Alice Rosenthal stated they would be set up Friday morning. Registration begins at 5:00 PM Friday evening. The tents would be removed by Saturday morning.

Mayor Eustace and Councilperson Jengo suggested that a letter be sent polling the area residents as well as placing an article in the local newspaper listing Michael Jordan, Principal of Memorial School, as a contact person to answer any questions the residents may have. After a set amount of time, Mr. Jordan could respond back to the Mayor and Council with any concerns that arose from the residents.

PUBLIC HEARING ON PENDING ORDINANCES - ADOPTION OF ORDINANCES RECEIPT OF BIDS

NONE

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

The Clerk reported on the following:

1. She stated Tuesday, January 15th, 2008, is the last day to register to vote prior to the Presidential Primary election to be held on February 5, 2008. The Clerk's office will be open until 9:00 PM.
2. She reported that the polling place at the Maywood Avenue School was changed back to the small gym from the large gym.
3. She questioned if the acceptance of Carol Dass's retirement should be put on next week's agenda.

Mayor Eustace responded that it should.

REPORT OF ADMINISTRATOR

Borough Administrator Richards reported on the following:

1. He requested the Mayor and Council direct their attention to the blueprints on the board. He addressed the location of the pedestrian crossing over Essex Street with a light signal and

explained the requirements for it's location. He stated he was unsure if there will be additional property taken. A meeting to discuss the particulars will be scheduled at a later date.

Mayor Eustace requested that Attorney Rupp investigate the amount of land that was previously donated.

2. He reported that the County has reneged on their commitment to purchase a street sweeper. He stated Lodi would be introducing an ordinance to purchase a street sweeper and asked if we had interest in sharing the purchase.
3. He reported that Maywood, Rochelle Park and Lodi would participate in the construction of a Skate Park in Rochelle Park.

Mayor Eustace suggested that Councilpersons Jengo and Fleischmann meet with a committee of local children to gather their ideas on design for the Skate Park.

4. He reviewed his list of repairs that would be required for the Swim Pool. He stated these repairs would be paid for through Swim Pool revenues.
5. He reported on the purchase of a new Front End Loader/ Back Hoe that is needed by the DPW. He stated the last unit was purchased in 1976. The new unit would be beneficial in the planting of trees and snow removal.

Mayor Eustace requested that we reach out to other towns to see if they have a front end loader available to share.

Borough Administrator Richards responded.

6. He stated the DPW is also requesting the purchase of a pick up truck with a plow at an approximate cost of \$30,000.00.
7. He reported on the inspection of the Sally Port at the Police Station and the necessary repairs that are needed.
8. He spoke of the recent police car that was totaled and the replacement vehicle that will be needed.

Councilperson Fleischmann made a motion to suspend the regular order of business for the purpose of appointing Jason Yu Liaban as a Probationary Police Officer to the Maywood Police Department, seconded by Councilperson Savage – All in favor.

APPOINTMENTS - APPROVAL OF THE FOLLOWING

1. Jason Yu Liaban as a Probationary Police Officer effective 01-10-08 at a salary in accordance with the current salary ordinance.

Mayor Eustace moved to appoint Jason Yu Liaban as a Probationary Police Officer to the Maywood Police Department effective January 10, 2008, in accordance with the current salary ordinance.

Councilperson LaPietra moved for the confirmation of the appointment, seconded by Councilperson Fleischmann and so carried by unanimous roll call vote.

Councilperson Fleischmann made a motion to suspend the regular order of business for the purpose of swearing in Probationary Police Officer Liaban, seconded by Councilperson Jengo – All in favor.

Mayor Eustace administered the Oath of Office to Probationary Police Officer Liaban.

Councilperson Fleischmann made a motion to return to the regular order of business, seconded by Councilperson Savage – All in favor.

Borough Administrator Richards resumed his report:

9. He reported on the on-going problem in the Police Department regarding the sewer gases. He explained how this situation could be repaired.

Mayor Eustace questioned what the consequences would be if the repairs were not successful.

Borough Administrator responded.

10. He discussed the water problem at Lincoln and Mendez. He stated the Engineer would review.
11. He reported on the First Aid Squad gear stating that the Chapter 159 approval has not been received.

CFO Cuccia responded that he had received a verbal approval.

Borough Administrator advised he will confirm this tomorrow.

12. He stated mandatory Anti-Harassment Training will be scheduled for all borough personnel in the near future. The council is welcome to attend.
13. He reported on the current HVAC system in the Municipal Building. He stated a complete report was available in his office.
14. He reported on the installation of cameras in the park, swim pool, Thoma Park, First Aid Squad bays.

Chief Pegg reported further on how the camera system would function.

CFO Cuccia will advise on the remaining monies available from the 2004 Bond.

15. He reported on the Police car radios and portable radios.

Chief Pegg reported on the current status of the car radios. One patrol car is currently without a radio. Motorola will not perform repair work on these older radios and replacement parts are no

longer available. Chief Pegg stated the cost of the car radio package for nine cars would be approximately \$26,000.00, and the cost of 30 portable radios would be approximately \$56,700.00.

Councilperson Fleischmann asked how many cars are used on a daily basis by the Police Department.

Chief Pegg responded.

Borough Administrator Richards stated he will present a complete set of figures for the Capital Expenses for 2008 at the February 7, 2008, work session.

Mayor Eustace requested CFO Cuccia be present at the February 7, 2008 work session.

Councilpersons Fleischmann and Savage suggested having the Borough Engineer recommend a Mechanical Engineer review the repairs required on the building's HVAC System.

REPORT OF ATTORNEY

Attorney Rupp reported on the following:

1. He reported that the list of three individuals was submitted by the County Committee relative to the vacancy on the Borough Council.

Councilperson Savage stated he would like to receive information on each of the individuals that were chosen.

Councilperson LaPietra will obtain biographies on each of the candidates being considered for the vacancy on the Council. She stated the council position would be filled at the Council Meeting on January 17, 2008.

Councilperson Jengo discussed the Schedule of Meetings for 2008.

Mayor Eustace responded and stated the Meeting Schedule Resolution for 2008 had been voted on as written.

2. He discussed the adoption of Ordinance #33-07 regarding the salary range for the DPW Foreperson. As the twenty day statutory waiting period will expire on January 16, 2008, the Council may introduce a resolution regarding the Foreperson's salary at the next meeting on January 17, 2008.

Mayor Eustace asked the pleasure of the Council regarding the resolution regarding the foreperson's salary to be put on the January 17, 2008 council meeting agenda – All in favor.

3. Regarding Streetscapes Phase II, he discussed the modification of the sidewalk in front of the post office building.

4. He advised that the specifications for the protective clothing for the First Aid Squad had been prepared and is able to go out for bid.
5. He discussed the police department table of organization ordinance and the hiring of a Class II officer further.
6. He advised that the third round of regulations for COAH have been proposed and have to be published. He discussed the position of a COAH Enforcement Officer and recommended that this position be created and adopted at the January 17, 2008 meeting.
7. He reported on Cablevision and advised that a meeting was to be scheduled. An ordinance has not been created to renew the Cablevision franchise.

Councilperson Savage questioned what would happen if we did not sign the contract with Cablevision.

Attorney Rupp responded.

Borough Administrator Richards advised that a meeting will be held to discuss what Cablevision will offer the Borough.

8. He discussed the agreement he scripted for the shared ownership of the stump grinder with the Township of Rochelle Park and explained the additional provisions he added to the agreement. He advised the stump grinder would be shared on an "as needed" basis and it would be housed in Maywood. A discussion ensued amongst the Council.

Mayor Eustace asked the pleasure of the Council regarding placement of the resolution authorizing the Agreement for the stump grinder on the agenda for the January 17, 2008 Council Meeting – All in favor.

COMMITTEE REPORTS

Councilperson LaPietra reported on the following:

1. She thanked the Council for the appointment of Probationary Police Officer Liaban.
2. She stated that John Gargagliano resigned as the Director of OEM at the January 3, 2008 meeting. Christopher Tuttle has agreed to fill the position of Director and John Gargagliano will become a Deputy Director. A meeting will be planned with the OEM members to review the resources that will be needed before the end of February.
3. She questioned the Administrator if the recycled Christmas Trees would be chipped.

Borough Administrator responded.

Councilperson LaPietra asked if the wood chips from the recycled Christmas Trees could be used for a dog park.

Borough Administrator will investigate this tomorrow.

Councilperson Savage reported on the following:

1. He requested that he be advised when the budget meetings will be held.

Borough Administrator Richards advised that the budget books will be available after all budgets are submitted on or about February 15, 2008.

Councilperson Fleischmann suggested that in lieu of additional meetings with individual department heads, that each department submit their budget to the Borough Administrator, CFO, and Finance Liaison for review. They in turn would present the budgets to the Mayor and Council and if necessary, would request the department head attend a work session for additional information.

2. He stated that we received a notice from the Bergen County Utilities Authority (BCUA) indicating that we will be receiving a \$0.00 rebate check.

Mayor Eustace requested that Borough Administrator Richards look into why we are not receiving monies from the BCUA.

Councilperson Rupp arrived to the meeting at this time.

Councilperson Fleischmann reported on the following:

1. He questioned why the "No Parking" signs have not yet been installed on the designated streets and stated that we are unable to enforce the ordinance if the signs are not present.

Mayor Eustace responded that Police Chief Pegg is currently taking action on the signs.

2. He reported on the Swim Pool repairs. He explained that there are three different parts to the repairs involving three separate vendors. He further explained that all three contractors have to work together and ensure that their job is properly completed. He requested that CFO Cuccia explain the Emergency Resolution.

CFO Cuccia responded. He explained that this Emergency Resolution can be initiated after the approval of the Annual Financial Statement but before the adoption of the Budget.

Councilperson Fleischmann stated that Borough Administrator Richards, the DPW and himself would oversee the entire Swim Pool repair project in its entirety.

Councilperson Jengo reported on the following:

1. She reported that they will be reviewing the applications for the position of Recreation Director. She stated that Borough Administrator Richards had separated the applications and eliminated those that did not comply with requirements.

Mayor Eustace advised that the new committee will be Councilpersons Jengo and Fleischmann. They will meet with Administrator Richards regarding the applications.

Councilperson Rupp reported on the following:

1. He stated that he attended the Fire Board meeting and reported that Mutual Aid with Rochelle Park, Lodi, and Saddle Brook was working well and that protocols are in place for emergency response during the construction project at Route 17 and Essex Street.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He submitted a DPW brochure published by Midland Park and suggested we could offer information to our residents in a similar fashion.
2. He suggested that all of our Professionals use the MS Word program in lieu of Word Perfect so that it is easier for all involved.
3. He stated that he wished to have the correct time put on the clock on the front of the Borough Building.
4. He advised that he spoke with Chief Pegg regarding supplying our Parking Enforcement Officer and/or a Class II Officer with an electric car or Smart Car in lieu of the current 8-cylinder vehicle.

Dominick Villano from Neglia Engineering was present to give his monthly report at this time.

Mr. Villano requested that his attendance be changed to the first Work Session of each month. Mayor Eustace requested the pleasure of the Council on this change – All in favor.

Mr. Villano reported on the following:

Mr. Villano reported on the BCUA letter referenced earlier in the Work Session. Applicants are required to pay a fee for all new connections. If a Municipality submits information on anyone who did not apply and pay a fee, they would in turn receive a “reward”. The letter documents that we did not report anyone.

1. WEST PLEASANT AVENUE STREETSCAPE, PHASE II

The Governing Body awarded a contract to Zuccaro and Son’s of 64 Commerce Street, Garfield, New Jersey in the total amount of \$1,355,264.50. This consists of a base bid in the amount of \$983,140.00 for the streetscape amenities, and an Alternate Bid ‘A’ in the amount of \$372,124.50 for the milling and paving of West Pleasant Ave.

The Contractor has completed the concrete sidewalk, a majority of the pavers, electrical conduits and light stations, and installed bollards within the bump-outs. The contractor ceased work for the holiday season, and will resume shortly, weather permitting.

We forwarded a copy of Mr. Csaposs letter to the contractor whereby they cut the expansion joint material at certain locations, and the expansion joint does not extend the full depth of the concrete sidewalk. Accordingly, Zuccaro, will saw cut each of the affected joints and rectify this issue.

In addition, we have instructed Zuccaro to replace several concrete slabs to relieve ponding conditions within the newly installed sidewalk.

Mr. Villano reported that the installation of lights is scheduled for the end of January, beginning of February.

Mayor Eustace suggested that PSE&G be contacted every Monday until existing lights are fixed.

The handicap ramp and sidewalk modifications in front of the Maywood Post Office were discussed.

Mayor Eustace addressed the stop signs with Mr. Villano. Mr. Villano responded.

Councilperson Fleischmann requested a price be obtained on core-drilled bollards to be installed on the bump-outs, in lieu of bolted bollards. He stated this would be a safer alternative.

Engineer Villano responded that he is in the process of obtaining unit prices for core-drilled bollards.

Borough Administrator Richards will contact the manufacturer to find out the lead time on the planters and benches that have been ordered for the Streetscapes II project.

2. SAFE STREETS TO SCHOOL PROGRAM

The Governing Body awarded a contract to Concrete Construction Corp., of South Hackensack New Jersey.

The contractor poured the bases for the proposed warning lights; however, we instructed them to cease work until the Governing Body approves the change order for this work which is presently being signed and will be submitted within the week.

3. 2007 VARIOUS STREETS RESURFACING

The Governing Body awarded a contract to Cifelli & Son General Contractors, Inc. of Nutley, New Jersey, for the Base Bid (Stavola Place), Alternate Bids "A" (Zuber Place), "B"

(Sanzari Place), “C” (Parkway), “D” (Cummings Avenue), and “E” (Loughlin Place) amount to \$183,596.00. In addition, Alternate Bid “F” (DeSoto Avenue) was in the amount of \$29,856.00; however, the Governing Body will add this street into the program by change order once the funds are appropriated.

The contractor milled and paved both Stavola Place and Sanzari Place, and due to inclement weather, work will cease until the spring of 2008.

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 36-08
TEMPORARY EMERGENCY RESOLUTION

WHEREAS, an emergency condition has arisen with respect to capital repairs to the swim pool filtration system and no adequate provision has been made in the 2008 temporary budget for the aforesaid purpose, and N.J.S.A 40A:4-20 provides for the creation of a temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$50,000.00,

NOW THEREFORE, BE IT RESOLVED, that in accordance with N.J.S.A. 40A:4-20,

1. An emergency temporary appropriation be and the same is hereby made for Swim Pool –Capital Outlay in the total amount of \$50,000.00
2. That said emergency temporary appropriation will be provided for in 2008 by the adoption of a Swim Pool Bond Ordinance prior to the adoption of the 2008 Swim Pool Operating Budget.
3. That one certified copy of this resolution be filed with the Division of Local Government Services.

Form of Certification:

I, Jean M. Pelligra Clerk of the Borough of Maywood, County of Bergen, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Mayor and Council at a meeting of said governing body held on January 10, 2008 and said resolution was adopted by not less than a two-thirds vote of the members of the Borough Council.

RESOLUTION # 37-08
AUTHORIZING SERVICE AGREEMENT WITH MUNIDEX FOR SOFTWARE MAINTENANCE

WHEREAS, the Borough of Maywood is in need of a service agreement for the Software Maintenance of the Munidex Computer Software Systems for the year 2008; and

WHEREAS, the agreement provides for a one (1) year service with fees as noted in the Software Maintenance Agreement and listed as \$160.00 per hour for Support / Consulting, \$195.00 per hour for Programming Services, \$135.00 per hour for Additional Training and \$45.00 per hour for Data Conversion/Data Entry;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, a service agreement between the Borough of Maywood Munidex, Inc. for the maintenance of the Munidex Software Systems, not to exceed \$17,500.00.

Attorney Rupp discussed the Munidex pricing schedule with the Council.

Mayor Eustace opened the meeting to the public for any comments or questions relative to the foregoing resolutions. Hearing none, Mayor Eustace closed this portion of the meeting.

Councilperson Savage moved for adoption, seconded by Councilperson Fleischmann and so carried by unanimous roll call vote.

INTRODUCTION OF ORDINANCES

NONE

RESIGNATIONS - ACCEPTANCE OF THE FOLLOWING

NONE

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

Mayor Eustace opened the meeting to the public for any comments.

Theresa Conoscenti – 191 Zuber Place – Inquired about changing the Election polling place at Memorial School.

Borough Clerk Pelligra responded.

There being no further comments, Mayor Eustace closed this portion of the meeting.

Councilperson Savage made a motion for a five minute recess, seconded by Councilperson Jengo – All in favor.

Councilperson Fleischman made a motion to go into closed session; seconded by Councilperson Savage and so carried by unanimous roll call vote.

**BOROUGH OF MAYWOOD
Closed Session Resolution #38-08**

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Mayor and Council meet in closed session to discuss the following subject matter(s):

Administrative Assistant, Zoning Officer

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- () Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- () Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- () Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- () Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof

() Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest

() Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law

(X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege

(X) Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

() Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Maywood will not return to open session after this meeting but reserves the right to do so.

Date of Passage: January 10, 2008

Time: 10:25 PM

Councilperson Fleischmann made a motion to return to the regular order of business; seconded by Councilperson Savage and so carried by unanimous roll call vote.

ADJOURNMENT

Councilperson Fleischmann moved the meeting be adjourned; seconded by Councilperson Jengo and so carried at 11:05p.m.

Borough Clerk