

“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, Rupp, Fleischmann, Jengo, and McVey. Also present Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra and CFO Charles Cuccia. Borough Administrator Thomas H. Richards was absent.

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 she distributed a copy of the Planning Board's annual report to all council members in their mailboxes.
2. She stated the Adler Aphasia Center has requested the use of the Borough shuttle bus to visit JFK University Medical Center in Edison, New Jersey, on Saturday, April 5th, 2008 from 8 am to 3 pm.
3. She stated the MYAA has submitted a request to have their opening day parade on West Pleasant Avenue.
4. She reported that the employee / personnel policy draft from the Attorney was sent home in the council's mail packages.
5. She reported that she had the new NJ Local Government Desk Book in her office and it is available to anyone who may need or want to use it.

REPORT OF ADMINISTRATOR

The report of the Administrator will be incorporated into the Mayor's report.

REPORT OF ATTORNEY

Attorney Rupp reported on the following:

1. He reported that he has the specifications ready for the swim pool concession stand bid requirements.

2. He stated he drafted an ordinance on the requirements for background checks on volunteer coaches.
3. He stated the police chief agreement can be placed on the February 21, 2008 meeting agenda for approval.

COMMITTEE REPORTS

Councilperson LaPietra reported on the following:

1. She reported on the fireworks display planned for the 4th of July celebration. Tom Cavanagh of the Fire Prevention Bureau is handling the necessary documentation. She will report further as work progresses.
2. She stated the interviews for the administrative assistant for the police department are in progress. The Police Chief asked if any council members were interested in sitting in on the final interviews.
3. She reported a list of requirements for the OEM office is being worked on by director Chris Tuttle.
4. She reported on the traffic light at Edel and the requirement for the one-way streets to be striped.
5. She reported on the annual report from Greg Padavano, Attorney for the Planning Board. She requested that the council members read through the report and plan to discuss it at the March 6th, 2008 work session.

Councilperson Savage reported on the following:

1. He requested that the council receive an annual report from the CFO listing the borough employees who are bonded.
2. He received the 2007 annual report from the DPW and will request that the Administrator give a copy to all council members. He also stated he did not receive an annual report on the shuttle bus.

Councilperson Jengo reported on the following:

1. She stated that she attended the 4th of July monthly parade meeting. They are planning a week long celebration from June 29th through July 4th with a planned event for each day. She advised letters have been sent out by the committee for donations towards the celebration.

Councilperson Savage requested to see a preliminary budget for the anticipated expenses for the planned holiday activities.

2. She stated the meeting for the swim pool is next Tuesday evening. She asked the Borough Clerk if the notice had been sent out for the concession stand bids.

Borough Clerk Pelligra responded.

Councilperson Fleischmann responded on the following:

1. He reported on the council website email. He stated there were 100 unread emails and the majority was junk mail and requested that the council email be checked on a regular basis.

Mayor Eustace responded that Borough Administrator Richards and Sheri are working on the email system.

Councilperson Rupp reported on the following:

1. He reported that the fire department is in the process of assigning serial numbers to all the new pagers to keep track of who has possession of the pager.
2. He stated he had questions for the CFO regarding the grant for Fetzer Park.

Councilperson McVey reported on the following:

1. He reported on the new program Principal Jordan has initiated at Maywood Avenue School for the High Honor Achievers whereby they celebrate with their peers. He stated he was invited as the Council Liaison to attend the new ceremony; however, he will be away.

Councilperson McVey also stated he will be away for the scheduled Open House at the schools on the 23rd. Mayor Eustace and Councilperson Fleischmann stated they will attend and Mayor Eustace encouraged anyone else who was available to attend as well.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He reported that he is still waiting for input from Chief Pegg on the Reverse 911 system. He stated the County just hired a new company and does not believe we will encounter the problems we have had in the past. The Mayor stated a decision will be made by early March.
2. He reported on the installation of cameras and stated that Chief Pegg and Borough Administrator Richards are working together on this and will have an update as soon as FIOS is installed.
3. He reported that Chief Pegg and Borough Administrator Richards are working on the swipe card system for our entrance doors as well.
4. He requested the pleasure of the Council regarding the request of the MYAA to host an opening day parade on West Pleasant Avenue. Decision was made to place this on 2/21/08 agenda.
5. He requested the pleasure of the Council regarding the use of the shuttle bus by the Adler Aphasia Center.

Council agreed to have Administrator Richards handle the necessary requirements such as the Certificate of Insurance and Hold Harmless Agreement.

6. He reported on the Indo American Group regarding the use of the Senior Center. He stated they cannot afford to pay the fees as stated; however, they are willing to pay the security deposit and the cost of the utilities. He reported that they are a non-profit organization that hosts beneficial programs for seniors and Dr. Patel, who runs the program, is a Maywood resident.

Councilperson McVey commented that if you bend the rules once, you have to bend the rules for all.

Councilperson Savage stated the use of the center should not be at a cost to the Borough.

The Mayor asked the pleasure of the Council to allow the use of the Senior Center by the Indo American Group – All in Favor.

Reporting on behalf of the Administrator:

7. He stated a list will be provided with the names of the applicants who are of interest for the position of administrative assistant to the police chief.
8. He reported that the Administrator encouraged that we move on the list of equipment he spoke about at the last meeting, especially that equipment pertaining to the DPW and the park.
9. He reported that the Administrator stated the lights were fixed on West Pleasant Avenue.
10. He stated Administrator Richards reiterated that Donna was not to pay invoices without a valid purchase order number.

The Mayor stated he will speak with the Administrator regarding the letter that was sent by the American Cancer Society.

11. He reported on the request by Ikegami to erect a net above the fence by the Thoma Avenue field.

A discussion ensued amongst the Council.

CFO Charles Cuccia reported on the following:

1. He reported that he spoke with Joe Rutch, Director of Community Development in charge of Block Grants for Bergen County and he stated that we have an unused 2006 road improvement grant for \$150,000 for Orchard Place and a 2007 unused road improvement grant for \$140,000 also for Orchard Place. There is no match with these grants and if they are not used this year, Mr. Rutch will not consider 2008 projects.

Mayor Eustace asked the pleasure of the Council to consider putting a Bond Ordinance on the agenda for the February 21, 2008 council meeting – All in Favor.

2. He reported on the 2004 Open Space grant for the Memorial Park basketball courts.

Attorney Rupp stated this has been done.

3. He reported on the 2005, \$150,000.00 matching grant for Memorial Park Field improvements as well as the 2004, Fetzer Park \$147,500.00 matching grant. He stated a bond ordinance would have to be drawn up in order to keep these funds available.

Mayor Eustace stated we could stand down for one year and not submit any applications for 2008 grants. We currently would have to bond \$900,000.00 for all projects discussed.

Councilperson Fleischmann stated engineer will bring in files regarding the Fetzer Park project.

A discussion ensued amongst the Council regarding bonding issues.

Councilperson Savage asked CFO Cuccia for the reasonable bonding level that is favorable for our size municipality.

CFO Cuccia responded that they just completed the Annual Debt Statement and that we are allowed 3% of our equalized valuations and we currently have less than 1%.

Councilperson Rupp stated that we will need to have the engineer provide the council with more information.

Attorney Rupp indicated that the council should keep in mind that they have the right to cancel remaining funds of a bond ordinance.

The consensus of the council was to have the bond ordinances prepared for both Memorial and Fetzer Parks so that we can secure the funds from the CDBG and put them on the agenda for the next meeting.

4. He distributed a post closing – trial balance sheet to all council members and stated that at this time we do not have a tax anticipation note; however, that did not mean we would not need one.

Mayor Eustace and Attorney Rupp requested CFO Cuccia to find out exactly what the \$12,000.00 parking improvements line item represents.

APPOINTMENTS - APPROVAL OF THE FOLLOWING

1. Christopher Tuttle as Director of the Local Office of Emergency Management for a three-year term effective January 1, 2008 through December 31, 2010.
2. Marc Pedone as Probationary Lead Man for the Department of Public Works, effective February 14, 2008 at an annual salary in accordance with the current salary ordinance.
3. James Mazzer as Municipal Housing Liaison effective February 14, 2008.

Councilperson Savage moved the appointments, seconded by Councilperson LaPietra and so carried with Councilpersons LaPietra and Savage voting yes to all; Councilpersons Rupp, Fleischmann and Jengo voting yes to appointments 1 and 3 and no to 2; and Councilperson McVey voting yes to appointment 1, no to 2 and abstained from 3.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

None

COUNCIL APPROVAL OF THE FOLLOWING

1. The Maywood Rotary has requested permission to host their 5K Run on Saturday, May 17, 2008 and to hang banners in three designated areas in Maywood to advertise the event.

Councilperson Rupp moved for approval; seconded by Councilperson McVey and so carried by unanimous roll call vote.

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 45-08

AUTHORIZING APPOINTMENT OF MUNICIPAL HOUSING LIAISON

WHEREAS, the Mayor and Council of the Borough of Maywood has petitioned the Council on Affordable Housing (COAH) for Third Round substantive certification of its Housing Element and Fair Share Plan on September 14, 2006; and

WHEREAS, the Borough of Maywood’s Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, *et. seq.*) and COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1, *et. seq.*); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et. seq.*, the Borough of Maywood is required to appoint a Municipal Housing Liaison for the administration of the Borough of Maywood’s affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et. seq.*; and

WHEREAS, the Mayor and Council of the Borough of Maywood has amended Chapter 46 entitled “Officers and Employees” to provide for the appointment of a Municipal Housing Liaison to administer the Borough of Maywood’s affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Maywood in the County of Bergen, and the State of New Jersey that James Mazzer is hereby appointed by the Mayor and Council of the Borough of Maywood as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Article XVI of Chapter 46 of the Code of the Borough of Maywood.

RESOLUTION # 46-08

RESOLUTION AUTHORIZING FINAL CLOSEOUT AND FINAL PAYMENT FOR THE CONSTRUCTION OF THE MEMORIAL PARK BASKETBALL COURT IMPROVEMENTS

WHEREAS, sealed bids were received on April 25, 2007, for the construction of the Memorial Park Basketball Court Improvements, following public advertisement as required by law and in accordance with specifications therefor; and

WHEREAS, the Borough accepted the bid submitted by A. Macchione Brothers Construction, Inc., 71 S. Newman Street, Hackensack, New Jersey 07601, in the base amount of \$63,668.65, for the construction of the Memorial Park Basketball Court Improvements; and

WHEREAS, the Borough authorized and approved change order # 1 to delete Item 6 - "top soiling/seeding" for the sum of \$6,760.00 and Item 7 - "Site Grading" for the sum of \$3,176.25 and add "Mill 2" of existing pavement on Basketball Court" for the sum of \$9,936.25; and

WHEREAS, the contract price did not change as the result of such change order; and

WHEREAS, A. Macchione Brothers Construction, Inc. has been paid to date the sum of \$60,968.65; and

WHEREAS, the Borough Administrator has certified that the project has been satisfactorily completed by A. Macchione Brothers Construction, Inc. in accordance with the plans and specifications and approved change orders and recommended approval of the final payment in the sum of \$2,700.00, for a total contract price of \$63,668.65; and

WHEREAS, the Contractor has submitted certified payroll records and a maintenance bond for a two year period in the sum of \$16,000.00, representing at least 25% of the contract price;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the Mayor and Council hereby authorizes the closeout of the aforesaid project and the payment of the final payment in the sum of \$2,700.00 to A. Macchione Brothers Construction, Inc.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized to return the performance bond.

RESOLUTION # 47-08

2008 TEMPORARY CAPITAL BUDGET

WHEREAS, the Borough of Maywood desires to constitute the 2008 Temporary Capital Budget of said municipality by inserting therein the following project.

NOW, THEREFORE BE IT RESOLVED by the Council of the Borough of Maywood as follows:

Section I. The 2008 Temporary Capital Budget of the Borough of Maywood is hereby constituted by the adoption of the schedule to read as follows:

Temporary Capital Budget of the
Borough of Maywood
County of Bergen, New Jersey
Projects Scheduled for 2008
Method of Financing

<u>Project</u>	<u>Est. Costs</u>	<u>Grants</u>	<u>Budget Appr. Fund</u>	<u>Capital Imp. Fund</u>	<u>Bonds</u>	<u>Self Liquidating Bonds</u>
Pool Improvements	95,000			4,750		90,250

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for 2008 Temporary Capital Budget, to be included in the 2008 Permanent Capital Budget as adopted.

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 Jengo and so carried by unanimous roll call vote.

INTRODUCTION OF ORDINANCES

ORDINANCE #4-08

BOND ORDINANCE TO AUTHORIZE THE REFURBISHMENT OF THE FILTRATION SYSTEM AND THE ACQUISITION OF VARIOUS NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY IN, BY AND FOR THE SWIM POOL UTILITY OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$95,000 TO PAY THE COST THEREOF, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance # 4-08 pass on first reading and that said Ordinance will be further considered for final passage at a meeting of the Mayor and Council to be held on March 6, 2008 at 7:30 pm at the Borough Hall, 15 Park Avenue, Maywood, New Jersey at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

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

Jeff Spendley – 113 Hartwich – Came to speak on behalf of Maywood/Rochelle Park Girls' Softball. He stated that the Thoma Avenue Park Field was not constructed for girls' softball but is an official boys' little league field. The girls will not be able to use it; therefore, the organization plans on using the Grant Avenue field at Memorial Park and it needs improvement. It is likely this will be the only available field since the field at Carlock Field in Rochelle Park is currently under construction.

Councilperson Fleischmann suggested the schools be contacted regarding the improvement of their fields.

Mayor Eustace also suggested that Mr. Spendley speak with Councilperson Jengo and work with her on a list of improvements that are needed for the Grant Avenue field.

Mr. Spendley stated opening day for the Maywood/Rochelle Park Girls' Softball league is April 12th, 2008.

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

Councilperson Rupp made a motion to go into closed session; seconded by Councilperson Savage – All in favor.

**BOROUGH OF MAYWOOD
Closed Session Resolution # 48-08**

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):

DPW, Contract Negotiations, Towne Center

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
- Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- 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 return to open session after this meeting.
- Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: February 14, 2008

Time: 9:10 PM

Councilperson Rupp 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 McVey and so carried at 9:40p.m.

Borough Clerk