

“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 Savage, Rupp, Fleischmann, Jengo and McVey. Also present Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra, Borough Administrator Thomas H. Richards, and CFO Charles Cuccia. Councilperson LaPietra arrived at 7:45 pm.

The following presentation was made by representatives of H2M regarding the designation of an area in need of redevelopment:

Mr. Puszcz discussed the \$55,000 grant that the Borough of Maywood has received and stated a redevelopment project must be initiated and reported to Smart Growth showing progress and/or completion by July 2008.

Mr. Puszcz distributed a visual analysis and stated he would like to meet with borough officials to prepare a draft plan which can then be presented to the Planning Board and ultimately to the Mayor and Council.

He explained presenting status reports to Smart Growth is a key part of the grant administration process.

Mr. Pessolano recommended that the Mayor and Council give consideration to H2M to move forward with the grant and advised there would be no monies to pay with taxpayers' dollars.

Mr. Pessolano explained that H2M is here to be the borough's staff. They are here to work Maywood through the process and put Maywood's plan on paper. They are not here to dictate the plan.

Mayor Eustace stated the idea is to get a plan in place and to expedite the grant through Smart Growth.

Mr. Pessolano reiterated that Smart Growth will not dictate the plan. The governing body is the redevelopment authority and it is their responsibility to initiate the plan and to show progress to Smart Growth.

Councilperson Savage stated he is supportive of this redevelopment process and agrees that it must move forward.

Mr. Pessolano stated the plans must be very visual and graphic oriented so that everyone involved can picture what Maywood wishes to plan for that area.

Mayor Eustace responded that we have three months to do so.

Mr. Puszcz stated it is important to initiate the project and show Smart Growth progress is taking place.

Mayor Eustace stated that worst case scenario is that Maywood loses the grant money.

Attorney Rupp asked if H2M's compensation is conditioned on the "non-pulling" of the grant.

Mr. Puszcz stated yes it is.

Attorney Rupp asked if we were to assume a proposed plan included a hotel and then we find that no one is interested in a hotel, what would happen.

Mr. Puszcz stated that research marketing has been done for the development area in question.

Administrator Richards stated we should be looking to develop this area as a phase project.

Attorney Rupp stated at this time we will have to make the assumption that the Planning Board will make a recommendation for the area in need of redevelopment.

Mayor Eustace stated that we are planning for the redevelopment of the area adjacent to Route 17 and we will be trying to put a plan together to use the Smart Growth grant by June.

### **PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES RECEIPT OF BIDS**

None

### **CORRESPONDENCE AND REPORT OF BOROUGH CLERK**

The Borough Clerk reported on the following:

1. She reminded the Council of the Shared Services meeting to be held tomorrow, March 14<sup>th</sup>, at 2:30 pm at Loretta Weinberg's office.
2. She stated she received and distributed a copy of the letter from the DOT approving Edel and Oak as one way streets.
3. She reported that she spoke with the auditor today and as confirmed by CFO Cuccia, the budget will be introduced on March 20<sup>th</sup>, 2008.
4. She stated she distributed copies of notification that we may be charged for the Presidential primary should the State not cover the costs. A copy was given to CFO Cuccia, for budgetary reasons, and he is reviewing same.

**REPORT OF ADMINISTRATOR**

1. He reported that he met with the representative from T-Mobile today. They visited the site located by Peerless Firehouse and a proposal will be submitted.
2. He stated the topics of police negotiations and police compensation time are ongoing.

Councilperson Savage asked about the ongoing police negotiations.

Administrator Richards responded that a PBA representative was in to speak with him.

3. He reported the Hergesell property is due to close this week.
4. He reported he met with other town managers who are eager to become involved with Interlocal Purchase Agreements for such equipment as the asphalt repair machine used to repair potholes more effectively.
5. He reported on the front end loader/backhoe together with other equipment that is needed by the DPW.

Councilperson Savage requested that the list submitted by Administrator Richards listing the DPW equipment also include the priority of each machine and the cost.

6. He reported that the sally port door has been repaired and is now working.
7. He reported that the swipe card system for the doors is now working; however, new cards cannot yet be made. The fire department door has also been repaired.
8. He reported on the replacement of a small dump truck and fire police radios using monies from bond ordinance #17-05.
9. He reported handicap access to 15 Park Avenue should be completed within the next three weeks.
10. He stated the bullet proof glass at the front police desk has migrating cracks and needs to be replaced before it loses its' integrity.
11. He reported on the Lincoln & Mendez drainage problem.
12. He reported on the building HVAC system that is in need of repair.

Mayor Eustace responded that we must speak with the CFO regarding the \$70,000.00 repair estimate.

Councilperson Fleischmann responded.

13. He reported on the odor that is present in the basement of the building and stated a deodorizer has been put into the system and is being monitored to check its' effectiveness.
14. He reported the PSE & G truck has been removed from the borough parking lot.
15. He stated the building department has been rearranged and work to complete the Mayor's office renovations will be done by the end of the month.
16. He stated that Commissioner Jengo and he attended the Fourth of July meeting. He reported that the finances were in place for the fireworks display and that the Day in the Park would be virtually cost-free to the borough.

Councilperson Jengo reported that the fire department and the fire prevention bureau required final confirmation on the fireworks display so that the mandatory notifications can be made to authorities.

17. He reported on the property located at the extreme end of W. Magnolia Avenue. He stated the owner of the property that will house the senior day care center is still interested in purchasing said property.

Mayor Eustace stated to the council that the property has to be appraised before any decisions can be made regarding the sale of the property and requested their approval of same – All in favor.

18. He reported that the personnel manual is being worked on.
19. He reported on the four-way stops at W. Pleasant and Palmer Avenues as well as Golf and Romaine Avenues. He stated the use of concave mirrors at these intersections may be useful.
20. He stated he needed to visit the dog run located in Leonia regarding the layout and height of the fences.

Councilperson LaPietra suggested he call Frank Covelli at PIA regarding the requirements for the height of the fence.

Councilperson LaPietra reported that the Maywood Health Center on W. Magnolia asked if bingo was available at the Maywood Senior Center.

Councilperson Jengo expressed the recreation departments' interest in having the summer camp children visit with the residents at the health center and supply some entertainment for the residents.

Councilperson Fleischmann requested an update regarding the status on cablevision. Administrator Richards stated he will contact them again.

21. He stated he met with the BCUA and reported on the increased costs for this year. There is an overall increase of 40%. He reported that the average increase was 13%; however, Maywood incurred a 15% increase.

Mayor Eustace stated the additional sewer charges can be billed; however, the funds would not be available to use until next year.

22. He reported on the statements printed by the Our Town newspaper regarding the storm drain grates. He stated he would like to have the Our Town check with him prior to printing information.

**REPORT OF ATTORNEY**

1. He stated he prepared an ordinance to rename Grove Avenue Park to Fred Zigrest Jr. Park. He stated this should be submitted to the Planning Board upon introduction due to a name change on the official map.
2. He reported on the contract with the Board of Education.
3. He stated the swim pool concession bids have been finalized and are ready for pick-up.

Borough Clerk reported the bid opening for the swim pool concession is March 27, 2008 at 10 am.

4. He reported on the tree removal ordinance that was distributed for review together with a copy of the current ordinance in place in Englewood. At the request of Councilperson Savage, Attorney Rupp will also review the ordinance in place in Paramus.
5. He reported on the applicability of the youth camp statute to our summer youth program with regards to the ratio of staff vs. students. He stated he reviewed the applicable act and reported that it does not apply to the municipality; however, our youth camp does appear to fall under the statute for day care centers. He suggested that the Recreation Director contact the state.

Councilperson Jengo clarified that the attorney was investigating and answering issues generated by questions at the last recreation meeting.

6. He reported on the status of the paving of the streets between Spring Valley Road and Briarcliff Avenue and stated he is waiting for the costs from the engineer.
7. He stated he discussed the zoning changes with regards to the floor area ratio issue with the Planning Board attorney Greg Padovano relating to parking on West Pleasant Avenue.
8. He stated we have a swim pool ordinance but it is not necessarily a zoning ordinance.
9. He reported the Planning Board discussed designating a zone on the west side of Route 17 for the construction of high density office buildings. He stated he will complete a draft of the ordinance and forward it to Greg Padovano, the Planning Board Attorney, for his review and comments. Upon completion of his review, he will then present it to the Mayor and Council for their evaluation, and then it can go before the Planning Board.
10. He stated he would also review the sign ordinance.

**REPORT OF MAYOR**

1. He requested that Administrator Richards have the handicap signs installed on W. Pleasant Avenue.
2. He reported that PSE & G installed the lights on W. Pleasant Avenue today.

Administrator Richards responded and stated he would remind contractor tomorrow.

3. He reported that Congressman Rothman will be hosting an open house at the senior center on March 17<sup>th</sup> and asked that the council attend.

4. He reported that he and Councilperson Jengo will be attending Senator Weinberg's meeting on shared services.
5. He requested information on the Reverse 911 system from Chief Pegg.
6. He asked the Administrator to have Jim Mazzer address the council regarding the meetings on the third round COAH regulations.
7. He asked the Administrator about the letter from the State Shade Tree Commission.

Administrator Richards responded.

### **COMMITTEE REPORTS**

Councilperson Savage reported on the following:

1. He reported on the DPW pump house repairs and requested that it be reviewed and placed on the 2008 capital budget list.

Councilperson LaPietra reported on the following:

1. She commended all the emergency services who responded to the fire earlier in the morning hours, with special thanks to Officer Madden for getting water immediately onto the fire with the garden hose.
2. She stated that the new records clerk has started and Carol Dass has been in to help train her in this position.
3. She requested the appointment to Sergeant for Terrence Kenny be placed on next week's agenda.

Councilperson Jengo reported on the following:

1. She stated the recreation director's office is set up and Mr. Liso is working diligently.
2. She stated she will be joining both senior clubs and will make every effort to attend their meetings and bring back information to the council.

Councilperson Fleischmann asked if the after school program would be started up again since the recreation director is now in place.

Councilperson Jengo stated Mr. Liso would be starting it in September after he has had a chance to become acclimated and organize everything.

Councilperson Fleischmann requested that the recreation director be approached about starting a program now due to the nice weather coming and the overwhelming response received from the survey that was sent out.

Councilperson Jengo responded.

Councilperson McVey reported on the following:

1. He reported that he and Administrator Richards have been working on the Animal Control Contract and are waiting for a response from Paramus.
2. He stated that the open house for the Maywood Schools is Saturday 3/29/08. He apologized he will not be able to attend.

Mayor Eustace suggested that we establish a list of all the county services that we pay for so we have an accounting of exactly what services we pay for vs. the services we receive at no charge.

Councilperson Rupp reported on the following:

1. He reported on the fire department by-laws that were last updated in 1997. He will give a copy of the current updates to the borough attorney to review.
2. He reported the fire department would like to increase the current clothing allowance from \$250.00/year to \$350.00/year. He stated it was an increase from \$18,700.00 to \$27,600.00. He also reported on the allowances given by other local municipalities and stated Maywood is on the low end.

Mayor Eustace questioned Administrator Richards regarding the keys for the fire department OEM office.

Administrator Richards responded.

Councilperson Fleischmann reported on the following:

1. He reported on the fire that occurred at his neighbor's home earlier in the morning. He commended the work of the police officers first on scene. Their actions helped to save the house from extensive damage. The homeowner requested that Councilperson Fleischmann thank all those who responded to the scene.

### **RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

1. Removal of Richard Cravallo from Maywood Fire Department effective March 13, 2008.

Councilperson LaPietra moved the resignation be accepted, seconded by Councilperson Rupp, and so carried by unanimous roll call vote.

**APPOINTMENTS – APPROVAL OF THE FOLLOWING**

1. Derek Eisenberg as an Alternate # 4 member of the Planning Board filling an unexpired term through 12/31/08.
2. Therefore making the following corrections/amendments to the following Planning Board appointments:
  - a. Mary Carton to Alternate #1 Member term expiration 12/31/09
  - b. Paul Bresko to Alternate #2 Member term expiration 12/31/09
  - c. Charles Goebel to Alternate #3 Member term expiration 12/31/08

Councilperson Jengo moved the appointments, seconded by Councilperson Fleischmann, and so carried by unanimous roll call vote.

**COUNCIL APPROVAL OF THE FOLLOWING**

1. Maywood Girl Scouts – permission to hold a Spring Festival on May 17, 2008 from 10:00 am to 5:00 pm. To use Fairmount Avenue and the small grass area by the parking lot.

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

Councilperson Jengo explained how the “Rotary” clock operates which is located on W. Pleasant Avenue. In order for it to operate properly, it would need a specific computer component at a cost of \$700.00.

Councilperson Jengo reported that the Rotary Club is still donating money to the church that makes up baskets for the holidays for the people of Maywood who are in need of additional help.

**RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING**

**RESOLUTION # 57-08**

**RESOLUTION AUTHORIZING INTER-LOCAL GOVERNMENT SERVICES CONTRACT WITH THE MAYWOOD BOARD OF EDUCATION FOR THE 2008 MAYWOOD SUMMER CLUB PROGRAM**

**WHEREAS**, the Recreation Department of the Borough of Maywood has announced a new “2008 Summer Club Program” to be held at the Maywood Avenue School and Memorial School beginning on Monday, June 23<sup>rd</sup>, 2008 and running through Wednesday, August 20<sup>th</sup>, 2008;

**WHEREAS**, the program will run Monday through Friday (except holidays) from 8:30 a.m. to 3:30 p.m. and will include dancing, quiet games, indoor gym, outdoor gym, arts and crafts, card games, use of playgrounds and special events; and

**WHEREAS**, the program is open to all youth residing within the Borough of Maywood entering 1<sup>st</sup> through 8<sup>th</sup> grade in September, 2008; and

**WHEREAS**, to implement said program, an agreement must be entered into between the Borough of Maywood and the Board of Education of the Borough of Maywood for the use of the facilities at Maywood Avenue School and Memorial School,

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, BERGEN COUNTY, NEW JERSEY**, that the Mayor, Timothy J. Eustace, is hereby authorized to execute and the Borough Clerk, Jean Pelligra, to attest an agreement between the Borough of Maywood and the Board of Education of the Borough of Maywood to carry out the foregoing purposes, of a form approved by the Borough Attorney.

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

**INTRODUCTION OF ORDINANCES**

NONE

**NEW BUSINESS**

**OLD BUSINESS**

**MISCELLANEOUS BUSINESS**

**MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)**

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

Theresa Conosenti- The Our Town Newspaper – She stated that she published what the Administrator said as she understood it.

Administrator Richards explained it was faceplates he was speaking of, not sewer grates.

Theresa Conosenti stated she stands by her original article and the facts that were given to her.

CFO Charles Cuccia reported on the following:

1. He reported on a note sale that took place today at a rate of 2.19%.
2. He discussed the budget stating we had an approximate reduction of \$250,000.00 in revenue requiring the amount to be raised by taxes \$1,250,000.00.
3. He stated he will be completing an application for Extraordinary Aid to be presented at the time of the budget introduction. He reported the aid fund will be smaller this year than last year.

Councilperson Fleischmann asked if the additional BCUA fees can be charged to FEMA assistance due to the storms that we had.

CFO Cuccia responded that he was unsure and asked the Attorney.

Attorney Rupp responded that he did not complete the original FEMA application.

Administrator Richards responded that he would investigate.

Administrator Richards stated he reviewed Ordinance #17-05. There was \$47,000.00 available and some of that was used to purchase a truck with a plow. There is now a balance of \$7,000.00 remaining. He stated the Fire Police is in need of new radios. He stated he would like to amend this ordinance to use the remainder of the monies for these radios.

Administrator Richards also stated the police department will need \$25,000.00 later this year for car radios. Parts for the repair of these radios are no longer available.

Councilperson Fleischmann stated we need to prioritize our needs.

Councilperson Savage requested that the list be created according to priority and be given out to the Council for review.

**CLOSED SESSION**

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

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

**BOROUGH OF MAYWOOD  
Closed Session Resolution # 58-08**

**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):

**Terminations, Terminal Leave Computations**

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
- ( X ) 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 return to open session after this meeting.**

**( X ) Do not envision that they will return to open session after this meeting but reserves the right to do so.**

**Date of Passage:** 3/13/08

**Time:** 9:35 pm

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

Councilperson LaPietra made a motion that Council agrees to pay Police Office Krenn the amount of monies agreed upon by Attorney Rupp and CFO Cuccia; seconded by Councilperson Jengo, and so carried by unanimous roll call vote.

**ADJOURNMENT**

Councilperson Fleischmann moved the meeting be adjourned; seconded by Councilperson Jengo and so carried at 10:40 p.m.

Borough Clerk