

“On January 3, 2008 and as revised on May 1, 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, Borough Administrator Thomas H. Richards and CFO Charles Cuccia.

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

A discussion concerning the verbiage of Ordinance #14-08 took place amongst the Council members.

Attorney Rupp further defined the difference between what constitutes a “structure” and a “building”.

Council members were in agreement regarding the verbiage and the reading of Ordinance #14-08 by Borough Clerk Pelligra continued.

ORDINANCE # 14-08

AN ORDINANCE AMENDING VARIOUS SECTIONS OF THE MUNICIPAL LAND USE ORDINANCE OF THE BOROUGH OF MAYWOOD, BEING CHAPTER 209 OF THE CODE OF THE BOROUGH OF MAYWOOD, PERTAINING TO DEFINITIONS, ESTABLISHING A FLOOR AREA RATIO WITHIN THE RESIDENTIAL TWO FAMILY ZONE AND THE RC ZONE, ADDING ZONING REQUIREMENTS FOR SWIMMING POOLS AND AMENDING CHAPTER 291 OF THE CODE OF THE BOROUGH OF MAYWOOD RESPECTING SWIMMING POOLS

WHEREAS, pursuant to the provisions of N.J.S.A. 40:55D-70.1, the combined Planning Board and Board of Adjustment of the Borough of Maywood is required to prepare and submit to the Mayor and Council an annual report on applications and appeals for variances, its findings on zoning ordinance provisions which were the subject of variance requests and its recommendations for zoning ordinance amendments or revisions, if any; and

WHEREAS, pursuant to a memorializing resolution adopted on February 12, 2008, the Planning Board submitted a 2007 Annual Report of Action, including recommendations to the Mayor and Council for review of particular Zoning Ordinance provisions; and

WHEREAS, the Mayor and Council has reviewed the report and recommendations of the Planning Board and desire to implement said recommendations as more particularly set forth herein;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

Section 1. Section 209-25 of the Municipal Land Use Ordinance of the Borough of Maywood, being Chapter 209 of the Code of the Borough of Maywood, pertaining to Definitions, is hereby amended to add thereto or to amend the following definitions to read as follows:

“Lot Coverage - The area of a lot covered by buildings, structures, garage areas, swimming pools, porches, decks, cabanas, sheds, gazebos, and sidewalks and walkways, parking lots and parking areas, driveways, and other paved surfaces whether constructed of asphalt, concrete, compacted stone, flagstone, brick, pavers or similar material.”

“Impervious materials - Buildings, structures, concrete, asphalt, brick, pavers, flagstone and other paved surfaces.”

“Story - That part of a building between the upper surface of one floor and the upper surface of the floor next above or between the top floor and ceiling or flat roof. In the case of a building having a sloping roof, if the line of intersection of the sloped ceiling and the wall face is more than three feet above the floor level or if the floor area with head room of more than five feet occupies more than 60% of the total floor area of the story directly beneath, it shall constitute a story. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be deemed a story.”

“Story-half - A space under a sloping roof which has the line of intersection of the sloped ceiling and wall face not more than three feet above the floor level and in which space the floor area with head room of five feet or less occupies at least 40% of the total floor area of the story directly beneath.”

“Floor area - For the purposes of this chapter, the aggregate area, expressed in square feet, of all floors, using the outside wall dimensions of all buildings, including the basement area, but excluding the area of the basement used for mechanical equipment, such as heating or ventilating apparatus, and which is not otherwise devoted to the principal use of the building or areas devoted to interior off-street parking, including parking spaces, aisles, ramps and maneuvering space.”

“Floor area ratio (FAR) - The percentage of the sum of the floor area of all buildings on a lot compared to the total area, expressed in square feet, of the lot or site on which such buildings are located.”

“Private swimming pools - Any structure that contains water over 24 inches in depth and which is used, or intended to be used, for swimming or recreational bathing as an accessory use to a residential use, including both in-ground and above-ground swimming pools.”

Section 2. The Municipal Land Use Ordinance of the Borough of Maywood, being Chapter 209 of the Code of the Borough of Maywood, is hereby amended to add thereto Section 209-31.3, pertaining to swimming pools, to read in full as follows:

“209-31.3. Private Swimming Pools

A. No private swimming pool shall be constructed, installed or maintained in the front yard of any residential property.

B. No private swimming pool shall be constructed or installed on any lot unless:

- (1) Upon said lot shall be located a residence dwelling, as defined in the Zoning Ordinance of the borough, or unless said lot shall be located immediately adjacent to the owner's residence.
- (2) The inner face of the closest side pool wall shall not be located less than five (5) feet from the rear lot line and any side lot line.
- (3) The inner face of the closest side pool wall shall not be located less than fifteen (15) feet from a dwelling or less than ten (10) feet from an accessory shed, garage or other such structure.
- (4) Where such residential property is a corner lot or where such private swimming pool is to be constructed, installed or maintained in a side yard, no such private swimming pool or any walkways, buildings, structures, equipment, fences or other appurtenances thereto shall be located less than the minimum depth of setback from any street line as established by the Zoning Ordinance of the Borough for front yards in the zone in which such residential property is located, and in no event shall said private swimming pool or any walkways, buildings, structures, equipment, fences or other appurtenances thereto have a front yard setback from any street line less than any existing building on said lot.
- (5) All pumps and filtration systems shall be located below ground or in an enclosed structure not to exceed eight (8) feet in height, suitably screened from any adjacent property. No pump or filtration system nor enclosure therefor shall be located closer than five (5) feet from any property line.
- (6) The private swimming pool shall only be for the private non-commercial use of the property owner's or tenant's family and guests.

C. Nothing contained herein shall be deemed to permit a variation or waiver of any of the requirements of Chapter 291 of the Code of the Borough of Maywood or the provisions of the Uniform Construction Code respecting swimming pools.”

Section 3. Section 291-9 of Chapter 291 of the Code of the Borough of Maywood, relating to the location of swimming pools, is hereby repealed.

Section 4. Schedule A-1, Limiting Schedule, of the Municipal Land Use Ordinance of the Borough of Maywood, being Chapter 209 of the Code of the Borough of Maywood, is hereby amended to add to the provisions pertaining to the A-2 Residential Two Family District, the following provision:

“Maximum Floor Area Ratio 50%”

Section 5. Section 209-39 B (5) of the Municipal Land Use Ordinance of the Borough of Maywood, being Chapter 209 of the Code of the Borough of Maywood, pertaining to off-street paved parking within the RC Restricted Commercial Business District is hereby amended to read in full as follows:

- “(5) RC Restricted Commercial Business District.
 - (a) No construction or addition to any building or structure within the RC District resulting in a floor area ratio in excess of 80% shall be erected, altered, remodeled or used unless such construction or addition in excess of a floor area ratio of 80% complies with the minimum off-street parking requirements set forth below.
 - (b) Within the RC District, all construction or additions exceeding a floor area ratio of 80% shall require a minimum of one parking space for each 250 square feet, or portion thereof, of gross floor area in excess of a floor area ratio of 80%, or such other number of parking spaces as shall be required for a particular use pursuant to any other provisions, hereof, whichever is greater.”

Section 6. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. If any sentence, section, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

Section 8. The Borough Clerk is hereby directed to provide notice of the hearing to be held on this ordinance pursuant to the provisions of *N.J.S.A. 40:55D-62.1*, if required thereunder, as well as providing notice thereof and a copy of said ordinance to the Clerks of adjoining municipalities, to the Planning Board of the County of Bergen, and to the Planning Board of the Borough of Maywood, as required by law.

Section 9. This ordinance shall take effect immediately upon final passage and publication as required by law and upon filing of a copy therewith with the Bergen County Planning Board.

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

Councilperson LaPietra 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 #14-08 be and is passed upon final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra reported on the following:

1. She stated she distributed to all council members a copy of the CDBG paperwork regarding the Borough's intent to continue participation.

Councilperson LaPietra requested that this be voted upon by the council at this time.

Mayor Eustace requested the decision of the council to continue participation in the CDBG – All in favor.

2. She stated she distributed information regarding Emergency Notification Services available through the County.

Mayor Eustace stated he had requested the Administrator to ask if a free trial could be done.

Administrator Richards responded.

Borough Clerk Pelligra advised that a response to the notification is required.

3. She reported the last day to register to vote in the June primary is this coming Tuesday, May 13, 2008, and advised the Clerk's office will be open from 8:30 am through 9:00 pm.
4. She stated information was distributed regarding the Memorial School Carnival. She advised this could be discussed under "Council Approvals".
5. She advised a copy of the Estimated Tax Bill Resolution was emailed and a hard copy was placed in everyone's mailbox.

REPORT OF ADMINISTRATOR

Borough Administrator Richards reported on the following:

1. He reported that Orchard Place is half cement and does not require paving; therefore, he is requesting the scope of the paving project be changed to include the paving of Brookdale to Hampton Court.
2. He stated that the Engineer's number for Fetzer Park will be contingent upon the final design and cost for the monument submitted by the fire department.

Councilperson Rupp stated the fire department has a meeting scheduled for next week.

3. He stated he issued a purchase order for the flag pole holders for West Pleasant Avenue and will make every effort to have them installed by Memorial Day. He reported he anticipates approximately \$80,000.00 - \$100,000.00 left available in the Street Scapes II monies.
4. He reported the Mom and Dad of the Year Program and the Youth Month Program are being worked on.
5. He reported the pool filter installation is almost complete and everything appears to be on track for the Memorial Day Weekend opening of the pool.
6. He stated he would like to come to an agreement on a telephone service contract and asked the council for their input.
7. He reported that we received a check in the amount of \$10,518.91 for the Clean Communities Grant.
8. He stated a vacation policy will be distributed to the council via email within the next few days that he has worked on with CFO Cuccia.
9. He reported he met with the NJ Department of Environmental Protection and the Army Corps of Engineers and they are in agreement that there is no soil contamination on the pool grounds. He referenced the studies that were done in the 1980's. He also stated the only contamination ever found was in the water and that has been addressed and has been deemed safe.
10. He reported we received a letter and documentation for the Green Acres funding and anticipate receiving \$500,000 to \$600,000.00 for Coaches Park.
11. He stated he was in contact with the state representative regarding the daytime EMT licensure and reported their licenses are due in the mail shortly. He also stated he will be meeting with various billing companies.

Councilperson LaPietra questioned the letter received from Vornado regarding Bergen Towne Center and the taking of property.

Administrator Richards stated there will be no taking of Maywood property.

Attorney Rupp stated he had been waiting for receipt of this letter.

Councilperson LaPietra questioned if the dog park is ready for use.

Administrator Richards stated it is ready.

Mayor Eustace stated he will invite the children who originally initiated the idea and have the dog park dedication prior to Thursday night's council meeting at 7 pm.

Councilperson LaPietra stated she would like to donate a bench and plaque for the dog park.

Administrator Richards stated the trees for West Pleasant Avenue will be ordered tomorrow.

Administrator Richards reported that he spoke with Mr. Villano regarding the paving of West Pleasant and stated he will advise the merchants exactly when it will be done and how long it will take.

REPORT OF ATTORNEY

Attorney Rupp reported on the following:

1. He reported that we received approximately 50 tax appeals for the 2008 tax year. He stated they will be scheduled within the next several months. He stated the resolution will be ready for next week's agenda.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He congratulated Council President LaPietra on becoming a grandmother this morning.
2. He stated the CFO will address the Council regarding the estimated tax bills.

COMMITTEE REPORTS

Councilperson Jengo reported on the following:

1. She stated the council needs to discuss the replacement of the Recreation Director during closed session.
2. She reported the work at the pool is progressing nicely.

Councilperson Rupp reported on the following:

1. He reported the SID Committee met this past week and reported on an issue that arose regarding a property that is for sale on Palmer Avenue directly behind Ricks' Café. He stated the SID is interested in obtaining an appraisal.

Mayor Eustace stated this would be a great opportunity to increase parking for the merchants.

Mayor Eustace requested the consensus of the council to have the appraisal performed and stated he would ask CFO Cuccia if the money would be available.

Councilperson Rupp made a motion to have an appraisal performed on the Palmer Avenue property, seconded by Councilperson LaPietra – All in favor pending availability of funds.

2. He asked if the fire police radios were ordered.

Administrator Richards stated he is working on it and anticipates having information within a week. He stated he is working with Chief Pegg regarding the frequency. He also reported he is trying to find a unit that acts as a pager/radio versus having to supply two separate units.

Councilperson Rupp stated he would like to see radios for the fire police by June.

3. He reported on the Borough website and stated it should be more informative and user friendly. He stated he would like to have a committee work on the website.

Mayor Eustace stated Councilpersons Rupp and Jengo will be on the committee to review the information that should be available on the Borough website.

Councilperson Rupp addressed CFO Cuccia regarding the availability of monies to do an appraisal on the Palmer Avenue property.

CFO Cuccia stated yes.

CFO Cuccia addressed the council regarding the estimated tax bill resolution. He stated if the council adopts the resolution tonight, there will be plenty of time to prepare the estimated tax bills in a timely fashion.

4. He reported he was asked by Principal Jordan of Maywood Avenue School and Keith Timmins to have a councilperson assigned as a liaison for the Relay for Life.

Mayor Eustace stated that Councilperson Rupp will act as the council liaison.

Councilperson Fleischmann reported on the following:

1. He reported that the court administrator performed a survey of the fees charged by other local court systems. The survey indicated we were below many of the standard fees charged; therefore, she recommended the required increases which have now been approved by the Superior Court. He reported he will report back to the council after he reviews this information with the Borough Attorney.
2. He reported he would still like to give Verizon an opportunity to meet with the Administrator to review our account.

Administrator Richards stated a representative has not contacted him to come into the office and the conference call that was to happen between himself and a Verizon engineer did not take place.

Councilperson Fleischmann stated Verizon offered to do an independent study and stated we should take advantage of that opportunity.

Mayor Eustace suggested Councilperson Fleischmann and Administrator Richards meet and give Verizon one more chance.

Councilperson Savage suggested the Administrator, Attorney and Mayor prepare a letter to the President of Verizon outlining what has taken place which would require a response and list a deadline by which they must receive an answer.

Mayor Eustace stated that would be overkill and it would be absurd to send a letter to the CEO of a vendor who we are paying money to for service.

Councilpersons LaPietra and Jengo stated they do not think sending such a letter is absurd.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

NONE

APPOINTMENTS – APPROVAL OF THE FOLLOWING

NONE

COUNCIL APPROVAL OF THE FOLLOWING

1. Memorial School requests permission to host a school-wide carnival for the Memorial School children on Friday, May 23, 2008 (rain date, Friday May 30, 2008) including the use of Memorial Park and the closure of Fairmount Avenue between the hours of 7:30 am to 2:50 pm.

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

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING**RESOLUTION # 96-08****RESOLUTION ADOPTING PERSONNEL POLICIES AND PROCEDURES FOR THE
BOROUGH OF MAYWOOD**

WHEREAS, it is the policy of the Borough of Maywood to treat employees and prospective employees in a manner consistent with all applicable employment laws and regulations including, but not limited to Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, (the New Jersey Civil Service Act,) (the New Jersey Attorney General’s guidelines with respect to Police Department personnel matters,) the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

WHEREAS, the Mayor and Council has determined that there is a need for personnel policies and procedures to ensure that employees and prospective employees are treated in a manner consistent with these laws and regulations.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council that the Personnel Policies and Procedures Manual, consisting of Chapters 25, 28, 52, 56, 79, and 96 of the Code of the Borough of Maywood, together with the revisions annexed hereto, is hereby adopted.

BE IT FURTHER RESOLVED that, except as otherwise noted, these personnel policies and procedures shall apply to all Borough of Maywood officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED that this manual is intended to provide guidelines covering public service by Borough of Maywood employees and is not a contract. To the maximum extent permitted by law, the provisions of this manual may be amended and supplemented from time to time without prior notice thereof and at the sole discretion of the Mayor and Council.

BE IT FURTHER RESOLVED that to the maximum extent permitted by law, employment practices for the Borough of Maywood shall operate under the legal doctrine known as “employment at will.”

BE IT FURTHER RESOLVED that William F. Rupp, Esq. as the Borough Attorney, is hereby designated to advise the Borough of Maywood in personnel matters.

BE IT FURTHER RESOLVED that the Mayor, the Borough Administrator and all managerial/supervisory personnel are responsible for implementing these employment practices. The Borough Administrator and the Borough Attorney shall assist the Mayor and all managerial/supervisory personnel in the implementation of the policies and procedures in this manual.

RESOLUTION # 97-08

**RESOLUTION AUTHORIZING CHANGE ORDER 1 TO THE CONTRACT
FOR THE SAFE STREETS TO SCHOOLS IMPROVEMENTS, MAYWOOD,
NEW JERSEY**

WHEREAS, the Borough of Maywood has been awarded grants in the sum of \$150,000 through the National Highway Traffic Safety Administration’s Safe Routes to Schools Program for various improvements in the vicinity of Memorial School and Maywood Avenue School; and

WHEREAS, the Borough of Maywood has received specifications from the Borough Engineer for the Safe Streets to Schools Improvements; and

WHEREAS, sealed bids were received on August 21, 2007, for the Safe Streets to Schools 2007, following public advertisement as required by law and in accordance with specifications therefor; and

WHEREAS, the following bids were received:

- 1. Concrete Construction Corp.
P.O. Box 4063
South Hackensack, N.J. 07606

Base Bid:	\$134,823.50
Alternate A	4,210.00
Alternate B	20,591.75
Alternate C	17,918.50
Alternate D	3,746.00

- 2. Orchard Holdings, LLC
200 South Avenue, Suite 3
Middlesex, New Jersey 08846

Base Bid	\$135,023.75
Alternate A	4,253.00
Alternate B	21,497.75

Alternate C	18,986.75
Alternate D	3,596.00

WHEREAS, the Mayor and Council awarded a contract to Concrete Construction Corp., P.O. Box 4063, South Hackensack, New Jersey 07606 for Safe Streets to Schools 2007, the lowest responsible bidder, under the Base Bid and Alternate (s) A and D, in the total sum of \$142,799.50; and

WHEREAS, the Contractor has proposed, with the recommendation of the Borough Engineer, change order # 1 to add the following supplemental and extra items:

1. Supplemental item S8 - two (2) Curb Ramps complete @ \$2,500 for an additional cost of \$5,000.00,
2. Supplemental item S9 - rock excavation on beacon foundation for an additional cost of \$250.00,
3. Supplemental item S10 - four (4) existing school sign relocations @ \$75 for an additional cost of \$300.00,
4. Supplemental item S11 - 25 Sq. Yd. Topsoil, seed, fertilizer and mulch @ \$25 for an additional cost of \$625.00,
5. Extra item 5 - two (2) flashing school advance signs @ \$8,000 for an additional cost of \$16,000.00, and
6. Extra item 6 - two (2) school signs @ \$540 for an additional cost of \$1,080.00;

and the following reductions:

1. Item 1 - twenty one (21) square foot of imprint @ \$21 for a reduction of \$446.25,
2. Item 2 - 252 linear feet of Traffic Stripes, long life thermo @ \$1.75 per SF for a reduction of \$441.00,
3. Item 3 - 34 square yards of detectible warning surface @ \$300.00 per SY for a reduction of \$10,200.00,
4. Item 7 - 3 square yards of 6" thick reinforced concrete apron @ \$500 per SY for a reduction of \$1,500.00,
5. Item 1A - 172 square feet of imprint @ \$21.25 per SF for a reduction of \$3,655.00,
6. Item 2A - 60 linear feet of Traffic Stripes, long life thermo @ \$1.75 per LF for a reduction of \$105.00,
7. Item 3A - 1.5 square yards of detectible warning surface @ \$300 per SY for a reduction of \$450.00,
8. Item 1D - 150 square feet of imprint @ \$21.25 per SF for a reduction of \$3,187.50,

- 9. Item 2D - 62 linear feet of traffic stripes, long life thermo @ \$1.75 per LF for a reduction of \$108.50, and
- 10. Item 3D - 1.5 square yards of detectible warning surface @ \$300 per square yard for a reduction of \$450.00,

resulting in a net increase in the contract price of \$2,711.75, from \$142,799.50 to \$145,511.25;

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, Change Order No. 1 to the agreement between Concrete Construction Corp., P.O. Box 4063, South Hackensack, New Jersey 07606 and the Borough of Maywood for the Safe Streets to Schools 2007 for a net increase in the contract price of \$2,711.75, from \$142,799.50 to \$145,511.25.

A certificate of availability of funds, signed by the Borough’s Chief Financial Officer, is on file in the office of the Borough Clerk, certifying that sufficient funds for this purpose are available under Ordinance 25-05.

RESOLUTION # 98-08

**GRANTING PERMISSION TO CHAMBER OF COMMERCE
FOR ANNUAL STREET FAIR**

WHEREAS, the Maywood Chamber of Commerce is planning a Street Fair on Sunday, August 10, 2008; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Mayor and Council does hereby authorize a **Street Fair** along West Pleasant Avenue from Maywood Avenue to Lincoln Avenue on **Sunday, August 10, 2008 (from 10:00 am to 5:00 pm)** and that the street area described herein be closed off; and

BE IT FURTHER RESOLVED, that the Maywood Chamber of Commerce be and it is hereby appointed and designated to manage and coordinate said Street Fair; and

BE IT FURTHER RESOLVED, that the Maywood Chamber of Commerce is to submit a Certificate of Insurance naming the Borough of Maywood as additional insured in accordance with the regulations of the South Bergen Municipal Joint Insurance Fund, as well as a Hold Harmless Agreement, and a Hold Harmless Agreement from **all vendors** participating in the Street Fair on August 10, 2008; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized and directed to forward a copy of the within resolution to the Chamber of Commerce and Frank Covelli, Professional Insurance Associates.

RESOLUTION #99-08

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 4 TO THE
CONTRACT FOR THE CONSTRUCTION OF WEST PLEASANT AVENUE
STREETSCAPE-PHASE II BETWEEN THE BOROUGH OF MAYWOOD
AND ZUCCARO & SONS, INC**

WHEREAS, sealed bids were received on June 13, 2007, for the construction of the West Pleasant Avenue Streetscape-Phase II, following public advertisement as required by law and in accordance with specifications therefor; and

WHEREAS, Zuccaro & Sons, 64 Commerce Street, Garfield, N.J. 07026 was the lowest responsible bidder under the total sum for the Base Bid and Alternate A, having submitted a bid of \$1,355,264.50 and

WHEREAS, the Mayor and Council accepted said bid and awarded a contract to Zuccaro & Sons, 64 Commerce Street, Garfield, N.J. 07026 for the construction of the West Pleasant Avenue Streetscape-Phase II for the Base Bid and Alternate A, by resolution adopted June 21, 2007; and

WHEREAS, included within the bid of Zuccaro & Sons, Inc. was the sum of \$60,000.00 for item 35 of the Base Bid for "irrigation" and the sum of \$132,000 for item 9A of Alternate Bid A for "Stamped Asphalt, Color Yello (sic)"; and

WHEREAS, pursuant to Resolution 144-07, the Mayor and Council approved Change order No. 1 to eliminate such irrigation system and stamped asphalt resulting in a reduction in the contract price in the sum of \$192,000.00 from \$1,355,264.50 to \$1,163,264.50; and

WHEREAS, pursuant to Resolution 195-07, the Mayor and Council approved Change Order # 2 for supplemental item 36S, the construction of Inlet Type E, at an additional cost of \$4,690.00, resulting in an increase in the contract price from \$1,163,264.50 to \$1,167,954.50; and

WHEREAS, pursuant to Resolution 50-08, the Mayor and Council approved Change Order # 3 to add Supplemental item 37S "Construct Concrete Driveway Apron 8" Thick" at a cost of \$14,040.00 and to reduce Item 26 "Concrete Sidewalk" at a cost reduction of \$14,040.00, resulting in a \$0.00 change in the contract price;

WHEREAS, the Borough Engineer has submitted and recommended to the Mayor and Council Change Order # 4 to add the following supplemental and extra items:

1. Supplemental item 43S - 6' DIP Irrigation Pipe between islands for future irrigation at a additional cost of \$15,980.00,
2. Supplemental item 44S - Wet-tap water main and install PVC pipe for future water supply at an additional cost of \$3,735.00,
3. Supplemental item 42S - Post Office Handicap Ramp modifications at an additional cost of \$15,590.00,
4. Supplemental item 45S - 155 Decorative Bollards furnished and installed @ \$400 at an additional cost of \$62,000,
5. Extra item 16 - 22 Guide Signs, type GA @ \$120 at an additional cost of \$2,640

and to subtract the following items:

1. Item # 21 - 26 Zelkova Serrata @ \$650 for a reduction of \$16,900.00, and
2. Item 22 - 20 Acer Rubrum @ \$20 for a reduction of \$13,000.00; and

WHEREAS, as a result of the foregoing, the adjusted contract price will be increased by a net of \$70,045.00, resulting in an increase in the adjusted contract price from \$1,167,954.50 to \$1,237,999.50;

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, Change Order No. 4 to the agreement between the Borough of Maywood and Zuccaro & Sons, 64 Commerce Street, Garfield, N.J. 07026 for the construction of the West Pleasant Avenue Streetscape-Phase II to add the following supplemental and extra items:

1. Supplemental item 43S - 6' DIP Irrigation Pipe between islands for future irrigation at a additional cost of \$15,980.00,
2. Supplemental item 44S - Wet-tap water main and install PVC pipe for future water supply at an additional cost of \$3,735.00,
3. Supplemental item 42S - Post Office Handicap Ramp modifications at an additional cost of \$15,590.00,
4. Supplemental item 45S - 155 Decorative Bollards furnished and installed @ \$400 at an additional cost of \$62,000,
5. Extra item 16 - 22 Guide Signs, type GA @ \$120 at an additional cost of \$2,640

and to subtract the following items:

1. Item # 21 - 26 Zelkova Serrata @ \$650 for a reduction of \$16,900.00, and
2. Item 22 - 20 Acer Rubrum @ \$20 for a reduction of \$13,000.00

resulting in a net increase in the adjusted contract price of \$70,045.00, from a total adjusted contract price of \$1,167,954.50 to \$1,237,999.50.

A certificate of availability of funds, signed by the Borough’s Chief Financial Officer, is on file in the office of the Borough Clerk, certifying that sufficient funds for this purpose are available under Ordinances 15-01 and 6-07.

RESOLUTION #100-08

RESOLUTION AUTHORIZING THE BOROUGH OF MAYWOOD TAX COLLECTOR TO PREPARE AND MAIL ESTIMATED TAX BILLS IN ACCORDANCE WITH P.L. 1994

C.72

WHEREAS, the Borough of Maywood had a public hearing regarding its scheduled budget adoption on April 17, 2008 and the Bergen County Board of Taxation is unable to certify Maywood’s tax rate at this time and the Borough of Maywood Tax Collector will be unable to mail the Borough’s 2008 tax bills on a timely basis; and

WHEREAS, the Borough of Maywood Tax Collector in consultation with the Chief Financial Officer has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and he has signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Maywood, in the County of Bergen, State of New Jersey on this the day of 2008 as follows:

1. The Maywood Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough of Maywood for the Third Installment of 2008 taxes pursuant to P.L. 1994, c72 (N.J.S.A. 54:4-66.2 and 54:4-66.3)
2. The entire estimated tax levy for 2008 is hereby set at \$ 26,727,844
3. In accordance with the law the Third Installment of 2008 taxes shall not be subject to interest until the later of August 10th or the twenty-fifth day after the date the estimated tax bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.

PROPOSED CALCULATION OF 2007 ESTIMATED TAX RATE

Proposed

2008 Estimated Municipal Budget
2008 Estimated School Budget
2008 Estimated Bergen County Levy

2007 TAX LEVY & TAX RATE

2008 ESTIMATED RANGE FOR TAX LEVY
(Percentage of 2007 levy)

	<u>TAX RATE</u>	<u>LEVY</u>		<u>95%</u>	<u>105%</u>
LOCAL	1.487	\$ 9,091,144	LOCAL	\$ 8,636,587	\$ 9,545,701
SCHOOL	2.256	\$ 13,901,964	SCHOOL	\$ 13,206,866	\$ 14,597,062
COUNTY	0.377	\$ 2,326,353	COUNTY	\$ 2,210,035	\$ 2,442,671
OPEN SPACE	0.01	\$ 135,629	OPEN SPACE	\$ 128,848	\$ 142,410
TOTALS:	4.13	\$ 25,455,090		\$ 24,182,336	\$ 26,727,844

2008 ESTIMATED TAX RATE

2008 Ratable total: **\$1,431,538,045**

Amount to be raised by Taxation:	Tax Rate:
LOCAL \$ 9,545,701	.667
SCHOOL \$ 14,597,062	1.019
COUNTY \$ 2,442,671	0.170
OPEN SPACE \$ 142,410	0.010
TOTALS \$ 26,727,844	1.87
ESTIMATED RATE:	1.87

Mayor Eustace stated Resolution nos. 84-08, 85-08, 88-08, 89-08 and 90-08 will be held.

Councilperson Savage stated there is a typographical error in Resolution #99-08 where the number \$4000.00 is typed under item 4 in two locations, it should read \$400.00.

Attorney Rupp responded and listed other required changes to Resolution #99-08.

Attorney Rupp explained the personnel policy ordinance and resolution.

Mayor Eustace opened the meeting to the public for any comments or questions relative to the foregoing resolutions.

John Brown – 41 Stelling Avenue – spoke regarding Resolution #89-08, paragraph four. He stated resellers are not upheld by the Board of Utilities.

Attorney Rupp responded and agreed with Mr. Brown’s research.

Joseph Esposito – 671 Grant Avenue – questioned if any of the striping mentioned in Resolution #97-08 would be going on Mendez and/or Grant Avenues.

Administrator Richards responded.

Councilperson Rupp moved Resolution #'s 96-08, 97-08, 98-08, 99-08 and 100-08 for adoption as amended, 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. Hearing none, Mayor Eustace closed this portion of the meeting.

CLOSED SESSION – IF APPLICABLE

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

**BOROUGH OF MAYWOOD
Closed Session Resolution #101-08**

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):

Protection of Public Safety, Attorney – Client Matter
Personnel

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: 05-08-08

Time: 7:50 pm

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

8:00 pm – Joint Session with Board of Education relating to the 2008-2009 School Budget

Roll call of the Mayor and Council 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, Borough Administrator Thomas H. Richards and Borough Auditor Steven D. Wielkotz.

Roll call of the Board of Education showed the following members of the Board present: Ms. Vargile, Mr. Conoscenti, Mr. DeSimone, Mr. Heaney, Ms. Ketchum, Ms. Mecca, Esq., Cecilia Perumal, Dr. Otnisky. Paul Kaufmann, Auditor, arrived late.

Mayor Eustace welcomed all present at the joint meeting of the Mayor and Council and the Board of Education.

Mayor Eustace asked the Board of Education if the schools would consider shared services between the Department of Public Works and their union custodians as well as the possibility of a unified school district with Rochelle Park.

Ms. Perumal responded that there is a collective bargaining agreement and union concerns with the custodians; however, it would be something they would be willing to explore. She also stated they would be willing to explore shared services options with Rochelle Park.

Mayor Eustace questioned the requested increase of personnel. He stated the estimated student enrollment increase is three; however, the request for additional personnel is seven.

Ms. Perumal responded the third grade currently has 100 students. In order for them to move up to the fourth grade and maintain the same “five” sections in the middle school as they currently have, an additional teacher would be required. In addition, the sixth grade has 109 students and the class size is as high as 28 students. An additional section and teacher will be needed for the upcoming seventh grade class.

Ms. Perumal further explained that the influx of students actually came from the year before due to a large amount of new children that came in that summer. There were no new hires last year; therefore, the actual increase is 63 students.

Ms. Perumal advised Memorial School was requesting a full time guidance and computer instructor. These positions would also involve benefits. In lieu of the full time positions, she reported part-

time positions for these areas have been included since at .6, benefits are not required to be paid. She stated the kindergarten class requires aids in each classroom. This year the program will be full time. She reported Maywood Avenue School currently has a librarian three days per week and have requested this position go full time. In lieu of a full time employee, an aid will be added for two days a week. She explained the grant that was received for the autism program. She stated this grant was only valid for one year 2007-2008 and must be used by June 30th, 2008. She explained this budget reflected the monies required for the autism program without the benefit of the grant.

Mayor Eustace stated he believed there were supposed to be tuition revenues for bringing autistic children into our school district.

Ms. Perumal stated they are hoping to recruit more students for the program next year. She stated the program is currently running well and they have had good reviews from the State.

Councilperson Fleischmann asked about the need of a guidance counselor/social director for grades one through three.

Dr. Otnisky stated several children at Memorial School would benefit from a guidance counselor/social worker for developmental and family problems. Currently, the social worker they have is assisting with the autism program. He stated they do see a real need from which the children could benefit but realize they could not sustain a full time position; therefore, they are considering a part time position.

Councilperson Savage asked what type of an analysis is done to determine the consideration of a request for a new position.

Dr. Otnisky stated it is based on the concerns of the administration and the teachers that have been increasing over the past year.

Mayor Eustace asked what the qualifications and/or certifications would be for this position.

Dr. Otnisky stated the position would handle behavioral and family issues. The position of a social worker was discussed due to the family structures the school is encountering. We are calling them a guidance counselor but we are leaning more towards a social worker.

Ms. Perumal stated that they fully expect Dr. Otnisky to question the administration and teachers when such a request is made and his recommendations are based on logs, journals, emails or other type of correspondence that justifies the request for a new position to fill the needs of the children.

Dr. Otnisky responded as to the qualifications for this position and the issues this person would have to be capable of handling.

Councilperson LaPietra questioned the job description for the K – 3 technology coordinator.

Dr. Otnisky responded he had originally planned to do in-service workshops with the staff; however, there is now a need to have a computer teacher at Memorial to keep up with the required curriculum.

Councilperson Savage asked if the children are entering school from home with some computer knowledge.

Dr. Otnisky stated it is more about the teachers being on the same page and teaching the same curriculum.

Councilperson Jengo asked how we compare to surrounding municipalities.

Dr. Otnisky stated the majority of the districts that were surveyed had some type of guidance service available to their students and we are definitely lacking regarding a computer program.

Mayor Eustace stated he wished to discuss health insurance.

Ms. Perumal stated they just left the State Health Plan and are now enrolled in Horizon Blue Cross/Blue Shield.

Auditor Wielkocz stated there is at least a \$30,000.00 cushion in the health care line item.

Mayor Eustace asked when they opted out of the State health plan.

Ms. Perumal stated last fall and we currently have Horizon Blue Cross / Blue Shield Traditional, PPO and HMO. She stated this is a savings over what they had.

Attorney Rupp asked if the contract with the Teachers Union requires that the health benefits be equal to the State Health Benefit Plan.

Ms. Perumal stated she believes it is equal or better.

The Board of Education auditor stated the benchmark is the existing plan as they move forward.

Attorney Mecca explained further that this could be discussed during the next round of negotiations.

Mayor Eustace suggested we review the list further and entertain questions by the council.

Councilperson Savage questioned the 30% increase regarding operations and maintenance of plant services.

Ms. Perumal stated this line included all utilities, i.e. PSE& G, etc.

Councilperson Savage stated there was a decrease in bi-lingual education.

Ms. Perumal stated the decrease was due to the retirement of a teacher.

Councilperson LaPietra questioned the education media increase.

Ms. Perumal stated that is all inclusive of salaries and technology funding.

Mayor Eustace questioned the increase in general appropriation for administration.

Auditor Wielkocz questioned specific increases in legal services, auditors' costs, and other professional services that were budgeted.

Ms. Perumal responded.

Councilperson Fleischmann questioned the language program with regards to the sixth, seventh and eighth graders. He stated they are only receiving one marking period of Spanish instruction per school year. He stated he feels that the school board needs to step up some of their services for the children in order for them to be prepared for high school.

Ms. Perumal responded.

Councilperson Rupp questioned what was involved with the student transport services.

Ms. Perumal explained in detail the requirements for bus transportation to and from the school.

Mayor Eustace asked how much the cost was for last year versus the year before.

Ms. Perumal responded.

Mayor Eustace asked how much money would be saved by eliminating one courtesy bus.

Ms. Perumal responded approximately \$25,000.00.

Auditor Wielkocz questioned architectural services once again.

Ms. Perumal stated it is fair to say we could reduce it from \$15,000.00 – \$20,000.00; however, we are just coming off a building project.

Councilperson Savage questioned the per capita cost per student relating to general supplies and textbooks.

Ms. Perumal stated that cost included computers, etc.

Auditor Wielkocz stated that should be capital outlay.

Councilperson Savage asked if the technology program could be made into a five year plan.

Dr. Otnisky explained the State changed it from a five to a three year plan.

Mayor Eustace asked if there were any more questions on the individual budget lines or if the questions can move on to the lists.

Auditor Wielkotz reviewed the list provided to the Board of Education Auditor by him today.

Surplus balances were discussed and responses were given by the Board of Education.

Attorney Rupp questioned for the benefit of the taxpayers of the Borough of Maywood, what would be a fair number for the surplus. He asked what would be the very least the Board of Education would consider to be a reasonable anticipated number.

Board of Education Auditor Kaufman stated he disagrees with the \$268,000.00 discussed by Auditor Wielkotz. He stated the "0" amount is incorrect, but he feels a conservative number would be \$118,000.00.

Auditor Wielkotz stated based on historical information, this number is very low.

Mayor Eustace stated at this time we will separate, caucus and meet back here. He stated to the Board of Education that they already know the Council feels \$118,000.00 is too low a number.

Councilperson Rupp 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 #102-08

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):

Contract Negotiation Attorney – Client Matter
Board of Education

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: 05-08-08

Time: 8:20 pm

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

Mayor Eustace addressed the Board of Education and stated the Council had its' discussion and have agreed that they have no interest in cutting teachers or programs. He stated he just wants to trim the budget and the number the Council has agreed upon is \$338,000.00.

Auditor Wielkotz explained in detail how this amount was determined. In summary, the amount of \$338,000.00 was arrived at through \$220,000.00 for appropriations and \$118,000.00 of additional surplus.

Attorney Mecca stated the Board of Education appreciates the Mayor and Council's recommendations and further stated the Board carefully reviewed what they felt they could and could not give back. Attorney Mecca continued by explaining to the Council in detail the line items which were singled out. It was determined that the Board of Education would agree to cut \$118,000.00 in surplus and \$95,000.00 in appropriation cuts for a total of \$213,000.00.

Mayor Eustace reiterated that the Council does not wish to cut teachers or programs; however, he stated there is still a difference of \$125,000.00 which he requested be split so that we can do the best for our students and our taxpayers.

Attorney Mecca stated the Board of Education will offer two tax points or the equivalent of \$245,000.00.

Mayor Eustace thanked the Board of Education for their hard work and a very long night. The outcome was very respectable, offering our children a great education and money for our taxpayers. He stated he applauded their efforts.

Mayor Eustace thanked Mr. Wielkocz for his work on the Board of Education budget.

ADJOURNMENT

Councilperson Fleischmann moved the meeting be adjourned; seconded by Councilperson Savage and so carried at 10:45p.m.

Borough Clerk