

“On January 3, 2008 and as revised on May 1, 2008 and June 5, 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 Lapin, Savage, Rupp, Fleischmann, Jengo, and McVey. Also present were Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra and Borough Administrator Thomas H. Richards.

Presentation to the Council by the Bergen Towne Center has been rescheduled for the July 10, 2008 Work Session.

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

NONE

**CORRESPONDENCE AND REPORT OF BOROUGH CLERK**

Borough Clerk Pelligra reported on the following:

1. She introduced her Youth Month counterpart Gabriella Ulubay and stated she spent time in the Clerk's office yesterday and reviewed tonight's agenda.
2. She reported that a resolution needs to be done for the August 10, 2008 Street Fair.
3. She stated letters of request were received to fill the appointments on the Recreation Advisory Board and confirmed that they will be placed on next week's agenda.
4. She reminded the council of the New Jersey League of Municipalities Convention November 18 thru 21, 2008 and asked that anyone who is interested in attending contact her.
5. She reported that a request was received to do a proclamation for Ovarian Cancer Awareness Month for September 2008.
6. She reported on the Clerk to Clerk Connectivity program and stated it will come to fruition in the near future.

**REPORT OF ADMINISTRATOR**

Administrator Richards reported on the following:

1. He stated a \$250.00 refund was needed for a summer camp after care program registrant and requested council approval – All in favor.
2. He distributed and discussed the current health benefit policy. He stated he contacted other municipalities regarding their policies relating to employees who opt not to take the health benefits.

Councilperson LaPietra Lapin stated this should be a policy that is the same across the board and not one that is handled on an individual basis.

3. He reported that the swipe card system is up and running. He stated there are repairs that need to be done to some of the doors so they close properly.
4. He reported on the borough phone system and contract. He stated he has been trying to speak with a “rate” person at Verizon. He explained to the council that the phone service will still remain with Verizon but would be handled by Mettel. He stated there will be a savings of 8 – 10 percent.

Councilperson Fleischmann stated Verizon has not responded over the past months and feels we need to move forward at this time.

Mayor Eustace stated he would like to have the paperwork for Extel ready for next week’s meeting.

5. He stated an emergency services meeting is being held at this time downstairs to review what is needed for the July 3<sup>rd</sup> fireworks presentation at Memorial Park and everything seems to be in order.

Attorney Rupp asked if we had the signed contract, etc., back from the fireworks company.

Borough Clerk Pelligra responded.

6. He reported that sample radios for the fire police are here and are being tested by their members. He stated money has been set aside for the cost of the radios.
7. He reported on the automatic door time-delay issue.
8. He reported on the cost of fuel with the county and stated it would be approximately the same as Rochelle Park. He stated we should contract with both and use them interchangeably depending on the fuel costs.

Attorney Rupp discussed the fees involved for equipment maintenance with regards to the agreement with Rochelle Park.

Mayor Eustace stated we will hold the Interlocal fuel agreement with Rochelle Park until next week and he and Councilperson Savage asked Administrator Richards to provide information about Rochelle Park's equipment and the cost figures that would be involved.

Administrator Richards responded.

9. He stated he spoke to Realty Appraisals and they stated a meeting at this busy time of year is difficult.
10. He reported on the downed trees throughout town that were the result of the recent storm. He stated the DPW was able to remove the tree that fell on a house on Orchard Place. Kodiak was unable to respond due to the overwhelming amount of calls they were receiving.
11. He reported that the press release was not done on Street Scapes since he would like to coincide this information with the July 4<sup>th</sup> ceremonial opening of West Pleasant Avenue.
12. He reported there have been some issues with Zuccaro regarding the completion of some items on West Pleasant Avenue and stated he and the Engineer, Mr. Villano, have been working together on getting these items resolved.
13. He reported that the "wet tap" used for watering the trees in the center islands on West Pleasant Avenue has been completed.
14. He brought in one of the flag holders that will be attached to the light poles to allow the council members to see it prior to their installation on West Pleasant Avenue. He stated installation will begin tomorrow on the light poles.
15. He reported on the fire violations that have been found at the Maywood Library. He stated there is currently no emergency lighting on the lower level.

Councilpersons LaPietra Lapin and Rupp requested copies of the noted violations and asked why some of these conditions exist.

Mayor Eustace stated whichever way things go, this is a borough building and these violations should be corrected.

16. He stated the cost per hybrid vehicle that he has been discussing would be \$26,950.00. He also stated we need a fleet number.

CFO Cuccia stated a fleet number is assigned to the municipality by Ford after a certain amount of Ford vehicles have been purchased.

17. He stated the "no parking" signs for the Senior Recreation Center have been ordered.

### **REPORT OF ATTORNEY**

1. He spoke regarding the salary discussions that will be necessary during tonight's closed session.

**COMMITTEE REPORTS**

Councilperson LaPietra Lapin reported on the following:

1. She stated the new police cars have arrived and are currently being striped.
2. She reported that our newest police officer, Jason Liaban, will be graduating from the police academy on Thursday.
3. She stated the Police Chief has requested permission to open interviews up for a new police officer. She reported he has referred back to his original list of applicants and had also received a call from the applicant who was their second choice from that list.

Councilperson Fleischmann stated he would like to advertise for the position.

Councilperson Jengo stated we should consider the recommendation made by the Chief.

Councilperson McVey stated we should consider the list and readvertise as well.

Councilperson Savage stated he would like to review the entire hiring process for police officers.

Councilperson Savage reported on the following:

1. He introduced his youth month counterpart, Barry Chen, and stated it was Barry's second year in the program.
2. He commented on the work done by the DPW cleaning up the fallen trees and branches from the storm and stated the purchase of the tree truck was an asset to the DPW and Maywood.

Councilperson Jengo reported on the following:

1. She introduced her youth month counterpart, Christina Quinn, who is currently a sophomore at Bergen Tech studying fashion.
2. She reported on the phone in the Senior Recreation Center and stated the seniors were requesting an additional phone to be used as an emergency contact phone if they needed to be reached. She stated she explained the current phone on premise is a dedicated line to the Senior Center and can be used for emergency contact purposes.
3. She stated a new answering machine and/or system is needed for the phone at the Senior Center to use for informational purposes during the summer camp season so that parents can call in for daily information.

Mayor Eustace and Borough Clerk Pelligra responded.

4. She stated copies were distributed by her counterpart to the Council giving an overview of the 2008 summer camp program. She requested that the trips for the camp program need to be paid for advance.
5. She reported on the swim pool and stated everything is going well. She stated she received a letter from a group home in Paramus requesting memberships for 18 people at no cost. She stated she discussed the request with the swim pool committee.

Mayor Eustace stated we should contact Paramus and see if they would be willing to pay for membership and in addition, obtain further information regarding any necessary supervision the children may require.

Councilperson Jengo stated she will obtain further information.

Attorney Rupp stated policy issues need to be discussed.

6. She reported on the sensor light that needs to be moved on the Senior Recreation Building so that it functions properly. She stated she did not want the tree compromised in any way.
7. She asked Administrator Richards about the Senior Recreation Center walkway.

Administrator Richards responded and stated he and the engineer are working on it.

8. She reported a vacuum and cleaning supplies are needed to be kept at the Senior Recreation Center for use in cleaning up after projects but also stated the premises were in need of a cleaning.

Administrator Richards responded and requested from the Council that an additional cleaning person be hired.

Mayor Eustace took a brief moment to thank the Youth Counterparts for participating in the work session and stated they could leave at this time. He reviewed their schedule for the following week's council meeting and advised that they would be going to Villa Roberto's after the council meeting for food and refreshments.

Administrator Richards continued with his report and stated he anticipates receiving the license for the paid EMS service very soon and stated the revenues should cover their salaries. He again requested permission to hire an additional cleaning person who could also have their EMT license and be available to cover.

Councilperson Fleischmann requested that we try someone part-time initially for cleaning.

Councilperson Fleischmann reported on the following:

1. He referred to CFO Cuccia to discuss the appraisals with the Council that are needed for the tax appeals.

CFO Cuccia explained.

Councilperson Rupp reported on the following:

1. He reported he just attended a July 4<sup>th</sup> meeting for emergency services regarding placement of emergency vehicles, responsibilities, etc. for the fireworks planned for July 3, 2008. He reported Joe Mellone explained the details and stated mutual aid fire apparatus will be in town covering while our fire apparatus will be staged at the fireworks display.
2. He reported there will be a parade in Wallington commemorating the 75<sup>th</sup> anniversary of the Fireman's Association. He stated Peerless Engine Company and Protection Hook & Ladder have requested permission to take the new Engine 19 and Truck 17 to participate in the parade. He stated Hackensack and Rochelle Park will be covering our borough. He requested council approval to send both vehicles.
3. He reported on the fire police radios. He stated the Administrator and Police Chief have given the fire police a sample radio to test.
4. He reported on the borough website. He stated we need a central contact within the borough to be in charge of having information supplied to the webmaster. He suggested this responsibility be added to the Recreation Director's job description.

Mayor Eustace stated this would be a great idea.

5. He reported on a meeting regarding the Mack Engine that is currently housed at the Peerless Firehouse. He stated it is currently blocking an emergency exit at the firehouse. The engine is fully functional but is not in service. He stated all necessary equipment has been removed from the engine and placed in service on other vehicles. He stated he suggested selling the engine and put the funds towards new OSHA required turn-out gear.

CFO Cuccia stated the funds must be put into the budget.

Administrator Richards stated when the engine was originally purchased, it was noted that it could always be kept for back-up if another piece of apparatus was out of service for repair.

### **REPORT OF MAYOR**

Mayor Eustace reported on the following:

1. Mayor Eustace requested Administrator Richards to look into the parking agreement that Commerce Bank has which allows tenants to park in their lot. The Mayor requested that a copy of the agreement be faxed to him for review.

**RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

NONE

**APPOINTMENTS – APPROVAL OF THE FOLLOWING**

1. Joseph Sokolow as summer help for the Department of Public Works at the hourly rate of \$12.50 effective June 30, 2008.
2. Lisa Schieli as part-time Recreation Director effective May 17, 2008.
3. Nicholas Delgavio as a Junior member of the Maywood Fire Department effective June 12, 2008.
4. Paige Strothman as a summer Art in the Park counselor at \$7.25 per hour.

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

**COUNCIL APPROVAL OF THE FOLLOWING**

1. From Maywood Police Department, Police Officer M. Tutschek a request for permission to host the annual National Night Out event on Tuesday, August 5, 2008 from 6 pm to 10 pm.
2. From Maywood Fire Department, a request for permission to send fire apparatus to the Wallington Parade on Saturday, June 14, 2008.

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

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

**RESOLUTION #111-08**

**AUTHORIZING MC NERNEY & ASSOCIATES TO PREPARE APPRAISALS FOR TAX COURT APPEALS**

**WHEREAS**, there exists a need in the Borough of Maywood for a real estate expert to prepare appraisal reports and, if necessary, testify on real property valuation issues in connection with Tax Appeals; and

**WHEREAS**, a contract for such services may be awarded without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship or ; and

**WHEREAS**, the Mayor and Council finds that it would be in the best interests of the Borough of Maywood to award a contract for such services to Robert McNerney of McNerney and Associates by reason of his familiarity with real property within the Borough of Maywood, his experience as an appraiser, and his real estate expertise,

**WHEREAS**, the parties wish to mutually set forth the compensation and terms and conditions regarding such appointment; and

**WHEREAS**, the services to be rendered under this Agreement require a written agreement specifying the services to be performed and the compensation to be paid; and

**WHEREAS**, this contract has been awarded pursuant to N.J.S.A. 19:44A-20.5 as other than a "Fair and Open" contract as defined therein

**WHEREAS**, the Borough Administrator has determined and certified in writing that the anticipated payments under said contract may exceed \$17,500; and

**WHEREAS**, Robert McNerney has completed and submitted a Business Entity Disclosure Certification which certifies that Robert McNerney and Associates has not made any reportable contributions to a political or candidate committee in the Borough of Maywood pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.L. 2004, c.19, as amended by P.L. 2005, c.51, would bar the award of this contract in the previous one year period preceding the award of this contract, and that the contract will prohibit Robert McNerney and Associates from making any reportable contributions during the term of the contract; and

**WHEREAS**, sufficient funds are available for this purpose pursuant to the 2008 budget of the Borough of Maywood;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, a contract between the Borough of Maywood and Robert McNerney of McNerney & Associates to provide written appraisals in connection with tax appeals filed in the

Tax Court of New Jersey for the year 2008 in accordance with a schedule of fees based on equalized assessments of properties as follows:

\$500,000 and under	\$1,500.00
between \$500,001 and \$1,000,000	\$2,000.00
between \$1,000,001 and \$2,500,000	\$2,500.00
between \$2,500,001 and \$5,000,000	\$3,500.00
between \$5,000,001 and \$7,500,000	\$5,000.00
over \$7,500,000	to be determined

and additional services at the rate of \$100.00 per hour, as more fully set forth in the contract which is on file in the office of the Borough Clerk and is available for public inspection during normal business hours; and be it further

RESOLVED that the Borough Clerk is directed to cause a brief notice of this contract to be published in The Our Town, stating the nature, duration, service and amount of the contract and that this Resolution and contract are on file with the Borough Clerk and are available for public inspection during regular business hours in the office of the Borough Clerk

A certificate of availability of funds is on file in the office of the Borough Clerk and sufficient funds are available pursuant to legal services and costs 01-2010-20-1552-028.

**RESOLUTION #112-08**

**RESOLUTION IN SUPPORT OF A121, THE SMART CONTAINER ACT**

**WHEREAS**, A121, the "Smart Container Act" has been proposed in the New Jersey General Assembly and would require a deposit on most beverage containers sold in the state of New Jersey; and

**WHEREAS**, mandatory recycling has been in effect for decades in New Jersey, recycling rates in the state have dropped precipitously to 33%; and

**WHEREAS**, the 11 states, including nearby New York, Delaware, Connecticut, Massachusetts, and Maine, that currently have deposits on beverage containers enjoy recycling rates 2-3 times that of New Jersey; and

**WHEREAS**, New Jersey taxpayers are being burdened with increased demand on collection

and disposal fees at the municipal level as a result of the popularity of bottled water and other beverages with as much 70% of bottles and cans ending up in our burgeoning landfills or incinerators; and

**WHEREAS**, the deposit is **not** a tax--the deposit is returned directly to the consumer upon return of the container. Unclaimed deposits will not go into a general revenue stream for the state, but rather 75% will be dedicated to environmental projects and education programs and the remaining 25% will go to redemption centers and retailers to offset costs.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Maywood supports A121, the "Smart Container Act" and asks our state representatives to co-sponsor this legislation to help reduce waste disposal costs for our residents and make New Jersey a cleaner place to live; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be sent to District 39 representatives State Senator Gerald Cardinale, Assemblyman John Rooney, and Assemblywomen Charlotte Vandervalk, Assemblywoman Valerie Vainieri Huttle, the sponsor of the bill, and the Mayors and Councils of nearby municipalities.

**RESOLUTION #113 -08**

**RESOLUTION CONFIRMING MAYORAL APPOINTMENTS AND COUNCIL APPOINTMENTS TO COMMUNITY DEVELOPMENT**

WHEREAS, the Mayor of the Borough of Maywood, Timothy J. Eustace, has appointed Councilperson Lorraine LaPietra as the Mayoral Community Development Representative and Councilperson William B. Rupp as the Mayoral Alternate Community Development Representative; and

WHEREAS, the Borough Council is authorized to appoint a Community Development Representative and Alternate Community Development Representative,

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

1. The Mayoral appointments for Community Development Representative and Alternate Community Development Representative as set forth above are hereby confirmed.

2. The Borough Council hereby appoints Thomas H. Richards as the Council's Community Development representative and Jack Savage as the Council's Alternate Community Development representative.

3. The aforesaid appointments shall be effective from July 1, 2008 to June 30, 2009.

**RESOLUTION #114-08****RENEWAL OF 2008/2009 LIQUOR LICENSES**

WHEREAS, the Licenses as noted below have filed application for renewal of their liquor licenses at premises as noted; and

WHEREAS, all applications are in proper order, the license fee has been paid and a Clearance Certificate has been issued by the State of New Jersey, Division of Taxation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Borough Clerk is hereby authorized to issue renewal licenses as follows effective July 1, 2008:

**PLENARY RETAIL DISTRIBUTION**

0234-44-001-003	Maywood Liquors & Deli, Inc. T/A Hollywood Liquors	40 W. Pleasant Avenue
0234-44-003-005	Liquor Place, LLC	68 West. Pleasant Avenue

**PLENARY RETAIL CONSUMPTION**

0234-33-004-005	Vornado Maywood License, LLC.	INACTIVE
0234-33-007-002	Maywood Inn Corp. T/A Victor's Maywood Inn	122-124 W. Pleasant Avenue
0234-33-005-005	JHCC Enterprise, Inc. T/A Bon Buffet Restaurant	125 Essex Street

**PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE**

0234-32-002-005	Great Liquor Group	INACTIVE
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**CLUB LICENSE**

0234-31-009-001	Maywood American Legion Post #142	135 E. Passaic Street
0234-31-010-001	Maywood Columbian Club, Inc.	105 Grove Avenue

**RESOLUTION # 116-08**

**A RESOLUTION TO AUTHORIZE THE ISSUANCE OF A LIMITED NUMBER OF MAYWOOD SWIMMING POOL MEMBERSHIPS TO CERTAIN RESIDENTS OF THE BOROUGH OF PARAMUS FOR THE 2008 POOL SEASON**

WHEREAS, the municipal swimming pool of the Borough of Paramus has been closed for the 2008 swimming season by reason of suspected soil contamination at the Paramus municipal swimming pool; and

WHEREAS, the Maywood Municipal Swimming Pool has an anticipated capacity for an additional 100 memberships (adult(s), adult(s) with child(ren) or senior citizens); and

WHEREAS, the current policy requires that non-Maywood residents must be sponsored by a current Maywood resident pool member; and

WHEREAS, due to the special circumstances resulting from the closing of the Paramus Municipal Swimming Pool, the Mayor and Council find that it is in the public interest to waive the requirement for sponsorship for Paramus residents who submit proof of membership in the Paramus Municipal Swimming Pool during the 2007 swimming pool season;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that 2008 memberships in the Maywood Municipal Swimming Pool shall be available to residents of the Borough of Paramus who submit proof of residency and proof that they were members of the Paramus Municipal Swimming Pool for the 2007 season, not to exceed a total of such 100 memberships (adult(s), adult(s) with child(ren) or senior citizens), without the necessity of sponsorship by a current Maywood resident pool member, and subject to the payment of the required fee therefor and all other applicable rules and regulations governing membership and use of the Maywood Municipal Swimming Pool.

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

John Brown – 41 Stelling Avenue – questioned Resolution #115-08 stating it should be based on usage and pro-rated.

Mayor Eustace and Councilperson Savage responded.

Hearing no further comments, 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)**

Jose Agrelo – 121 Hammell – stated he arrived home from work to find a pile of bird seed on the ground indicating the problem of the pigeons being fed has started again. He stated health department summonses need to be issued.

Mayor Eustace responded.

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

**CLOSED SESSION – IF APPLICABLE**

Councilperson Rupp 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 # 117-08**

**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):

**Health Insurance – Salary Adjustment for  
Records Clerk, Recreation – Salary, Police Department, Zoning Officer**

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

- Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- 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: June 12, 2008 Time: 9:20 PM

Councilperson Fleischmann made a motion to return to the regular order of business; seconded by Councilperson Rupp.

**ADJOURNMENT**

Councilperson Fleischmann moved the meeting be adjourned; seconded by Councilperson Jengo and so carried at 9:55p.m.

Borough Clerk