

“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: Councilpersons LaPietra Lapin, Savage, Rupp, Fleischmann, and McVey. Also present were Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra and Borough Administrator Thomas H. Richards. Mayor Eustace and Councilperson Jengo arrived late.

Councilperson LaPietra Lapin advised the council that the presentation by Bergen Town Center will be postponed and Realty Appraisal Co. will be unable to attend this meeting.

Administrator Richards advised the representatives from Bergen Town Center were unable to attend tonight's meeting due to their involvement with legal counsel regarding the recent wall collapse at the center. He stated they will be present at the August 7, 2008 work session.

Administrator Richards also addressed the council on behalf of Mayor Eustace advising Realty Appraisals will address the council prior to the July 17, 2008 council meeting at a special meeting scheduled for 7:00 pm.

Borough Clerk Pelligra stated we will need to advertise the special meeting and asked that we confirm they will be available for the 7:00 pm meeting.

Dominick Villano from Neglia Engineering was present to give the monthly Engineer's report.

#### **1. WEST PLEASANT AVENUE STREETScape, PHASE II**

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

The Contractor has completed all the work under the original contract with the exception of some minor punch list items. Zuccaro received delivery of the bollards, and anticipates starting the installation commencing next week.

Mr. Villano stated West Pleasant has been paved and striped. He stated they are adding “turning arrows” and a “dot” within the turn around areas at each block. He stated planters will eventually be placed in the center of the turn arounds.

Mr. Villano explained the change order items to the council.

Councilperson LaPietra Lapin asked what took the place of the imprinting of the crosswalks when it was removed from the original contract.

Mr. Villano responded and stated a red rubberized, skid-proof material will be used in the crosswalks. He noted it has been done by the Maywood Market.

Attorney Rupp reviewed the list of items included in each of the past change orders.

Administrator Richards further explained the monies for each change order item and advised the monies are being monitored to make sure they are available.

Councilperson Jengo asked if we could see an actual line item list showing how each change order affected the original contract price.

Councilperson LaPietra Lapin stated it makes sense to approve the installation of the red skid-proof crosswalks and asked CFO Cuccia if the funds were available.

Councilperson Rupp made a motion authorizing Attorney Rupp to prepare a resolution for walkway striping; seconded by Councilperson Jengo – All in favor.

Councilperson LaPietra Lapin asked if new stop signs were included in the original contract as well as the planting of bushes.

Mr. Villano responded yes; however, he would review the contract and confirm same.

Mr. Villano stated he would like to put a “no U-turn” sign on the side of West Pleasant Avenue by Victor’s Maywood Inn by the one turn that is a one-way turn only.

Mr. Villano stated the bollard installation will begin on Monday.

## **2. SAFE STREETS TO SCHOOL PROGRAM**

The Governing Body awarded a contract to Concrete Construction Corp., of South Hackensack, New Jersey in the amount of \$142,799.50.

The contractor has completed all the work under the contract, and ordered two (2) additional warning lights per the approved change order by the Governing Body. The contractor received these lights and anticipates installing within the week, at which point we can closeout this project.

Mr. Villano stated this project is basically completed with the exception of the installation of two additional blinking lights which will be done next week. He stated once this is completed, we can close out this project.

**3. 2007 VARIOUS STREETS RESURFACING**

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

All the work under the base and the various alternates have been completed by the contractor. In addition, the contractor milled, paved and striped Spring Valley Road from West Pleasant Ave to Passaic St. We are preparing the closeout documents.

Mr. Villano stated this is basically done and it included streets west of Spring Valley Road.

**4. ORCHARD/BEECH/BROOKDALE/MAYBROOK RESURFACING**

The Borough received a grant in 2006 in the amount of \$150,000.00 and a second grant in 2007 for the milling and paving of Orchard Pl (from Maywood Ave to Brookdale St); Brookdale St (from Orchard Pl to Beech St); and Beech St (from Brookdale St to Maywood Ave). We were advised by the Borough Administrator that an additional grant in the amount of \$100,000.00 was recently awarded, for a total construction amount of \$390,000.00. As requested we revised our proposal to include this additional scope of work, and met with the Bergen County Community Development Block Grant administrator to amend the project limits. Accordingly the Borough was allowed to revise the project scope to include the following: Orchard Pl (from Van Cleeve to Brookdale; Brookdale (from Orchard to Beech); Beech (from Ward to Brookdale; and Maybrook (from Hammel to Demarest).

We are finalizing our design and will schedule a bid date with the Borough Clerk for advertising during the week of July 14, 2008.

**Mr. Villano stated they have finalized their design for this project and it is ready to go out for bid.**

**5. BERGEN COUNTY CDBG VARIOUS PROJECTS**

As requested by the Governing Body, we have prepared our engineering and construction management proposals for the following Bergen County CDBG funded projects, and we await authorization before proceeding with our designs:

- A. Memorial Park Improvements** – The Borough received a matching grant in the amount of \$150,000.00 for the Little League and Girls Softball Fields designated as Fields #2, #4, and #5 within the Memorial Park Complex. Accordingly, the Governing Body is optioning to utilize only one half of this matching grant or \$75,000.00 for the proposed improvements.
  
- B. Fetzer Park Improvements** – The Borough received a matching grant in the amount of \$147,500.00 for the park improvements for the Borough property designated a Block 4 Lot 10, located between Cedar Ave and Locust Dr.

Councilperson Jengo requested a meeting be held before anything is done in Memorial Park. Mr. Villano stated he will have Administrator Richards arrange a meeting for Tuesday.

Councilperson Rupp stated he received an email from Bob Fajvan of the fire department stating they will have numbers available on the monument for Fetzer Park next week.

**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 reported on the Our Lady Queen of Peace Carnival that was on tonight’s agenda under Council Approval and stated due to non-receipt of the certificate of insurance, it would be removed from tonight’s agenda and be placed on next week’s agenda if paperwork is complete.
- 2. She reported on the playground equipment that the school has offered to donate to the borough.

**REPORT OF ADMINISTRATOR**

Borough Administrator Richards reported on the following:

- 1. He reported on the health benefit compensation question regarding employees who are not enrolled in the borough’s plan. He stated we have three people who could be eligible to sign off on benefits for a predisposed reimbursement.

Councilperson Savage requested that the Administrator prepare in writing a recommendation on health care benefit compensation for the council's consideration.

Councilperson LaPietra Lapin asked if a standard table of compensation was available to the borough to reference.

Borough Administrator responded there was not and that it is handled individually by other municipalities.

Borough Clerk Pelligra stated she will send a "blast" email to the members of the Clerk's association for a response on this issue.

2. He reported on the letter sent to Captain Paul of the Fire Police regarding the radios. He discussed radio requirements and the use of the borough's repeater with the council.

Councilperson Fleischmann stated the Fire Police should accept the radio that has been recommended by the Police Chief and the Administrator after their research.

3. He reported that the purchase order has been issued to Automatic Door for the additional item Mr. Csaposs requested.
4. He stated per the Mayor and Council's direction, he has researched the cost of three hybrid vehicles and stated their state purchasing cost each was \$26,231.00. He stated if the council wishes to proceed, we can direct the attorney to draft a resolution.

Councilperson LaPietra stated the police department is concerned as to whether the hybrid vehicle has the power to act as a police patrol vehicle.

Administrator Richards responded.

Administrator Richards stated the battery of the hybrid vehicle has a 10-year life and warranty.

Councilperson Rupp stated he does not agree to buying three hybrid vehicles at one time. They should be purchased one at a time to see if the vehicle meets the borough's expectations.

5. He reported that the Fourth of July week of festivities went very well and commended Bill Jerlinski and Martha DeYoung for all their efforts. He explained the costs involved for the entire week of events and how they were funded.
6. He stated he would like to arrange an end of the summer "Concert in the Park" with the remaining parade funds.

Councilperson Jengo reported on the upcoming street fair to be held in August and stated a collection jar will be located at the recycling table for donations towards next years' fireworks display.

Administrator Richards reported he is having donation cans made to be placed in our local stores to collect monies for next year's fireworks display. He stated the Rotary has agreed to act as a conduit for the donations and then one check will be received from them for the total amount collected.

Attorney Rupp commented.

7. He reported on the Interlocal contract with Rochelle Park for fuel.

Councilperson Fleischmann questioned what Rochelle Park and Saddle Brook currently pay for the cost and maintenance of Rochelle Park's equipment.

Administrator Richards stated he will obtain the numbers.

Councilperson Savage asked if we could pay our share of maintenance fees based on fuel usage in lieu of a direct share cut based on the number of municipalities involved.

Administrator Richards responded.

8. He reported he submitted a requisition for the GEM car to be used by the traffic enforcement officer. He stated the cost of this vehicle will be \$12,724.00 and has all of the required features.
9. He stated he is in the process of putting together a complete five year capital plan for all of our departments.

Councilperson McVey asked if we do this type of five year planning for our building maintenance for such items as roofing, windows, and general repairs.

Administrator Richards and CFO Cuccia responded.

10. He reported on the three current vacancies on the Department of Public Works. He stated Superintendent Russell is currently reviewing applications and interviewing candidates and will present recommendations at the next executive session. He also reported on the probability of two more vacancies within the next year. He stated he would like to encourage the council to hire a person who is black seal qualified and who is capable of doing several handyman tasks for when Fred Faul retires.

## **REPORT OF ATTORNEY**

1. He reported on tax appeals filed for 2005, 2006 and 2007 relating to the Sommerhalter tax appeal resolution.
2. He reported on the Defined Contribution Retirement Program and explained what positions are not eligible for the PERS system going forward.

3. He reported on entering into an Interlocal agreement with Paramus for shade trees and plants. He stated this agreement would include Paramus taking care of the trees located on the Maywood portion of the Bergen Town Center. He stated the agreement must still be submitted to Paramus for review.

Councilperson Fleischmann questioned item #12 on the agreement and the purchasing of trees.

Attorney Rupp responded.

Councilperson LaPietra Lapin questioned section #15 on the agreement and the recourse for trees that die.

Administrator Richards and Attorney Rupp responded.

Councilperson Fleischmann questioned the 15% fee to be paid to Paramus.

Administrator Richards responded.

Councilperson Fleischmann stated we should start to develop our own programs that other municipalities can become involved in.

Mayor Eustace responded.

4. He stated he received a memo from Greg Padovano of the Planning Board stating that it had considered the Route 17 zone discussed by the council and had made suggestions for that zone.
5. He reported on the Planning Board's amendments to Master Plan requests. He stated he is speaking with the Planning Board attorney regarding additional changes and/or restrictions to hours of operation in different zones. He stated he will write up a draft for the council's review.

### **REPORT OF MAYOR**

1. He reported that a petition was circulated at the Day in the Park and borough residents were asked to sign the petition relating to consolidation with Rochelle Park. He stated the County Executive took it upon himself to send the petition into our towns without contacting the Mayors of either town.

Administrative Richards stated it was being circulated in Rochelle Park too.

Attorney Rupp suggested the local press be advised that the Mayor and Council of the Borough of Maywood had not been consulted nor did they give approval for this petition.

2. He reported on the \$400,000.00 of extraordinary aid that was recently awarded to Maywood. He explained the approximate \$2 million dollars Maywood received to do Street Scapes I and II projects from the county, the DOT, and the federal government.

Administrator Richards responded.

3. He stated he wanted to reiterate that better enforcement is needed on West Pleasant Avenue to ticket motorists who are driving through the crosswalks as pedestrians are crossing. He also noted that the parking signs are now installed and people will no longer be able to park on West Pleasant Avenue for the entire day.

Councilperson LaPietra responded.

Mayor Eustace stated he did not want to wait for a parking enforcement officer to be hired to have these tickets issued. He made note that we have 24 police officers who can ticket these moving violations on the avenue.

4. He stated he would like to repeat the photo of the ribbon cutting ceremony on West Pleasant Avenue so that the public knows we are close to finishing the Street Scapes II project. He stated the bollards will be installed next week per Administrator Richards. He also reported that the crosswalks will be done in a textured paint.
5. He asked the council's pleasure on the house on Palmer Avenue behind Rick's Café.

Attorney Rupp responded they are waiting for the appraisal.

Mayor Eustace stated the Special Improvement District would like to purchase this piece of property for parking which means the Borough of Maywood would borrow the money and the SID would pay the monies back to the Borough resulting in no cost to the taxpayer.

6. He reported that when any of our agencies apply for a grant, they must submit a request to the Mayor and Council for approval. He stated the Senator and assembly would like to be notified as well because they can forward letters of support on our behalf.
7. He reported on Mr. Bicher who resides on Woodland Avenue who has been to the Planning Board regarding an expanded driveway. The Planning Board advised him to scale down the plan; therefore, he is now requesting permission to extend his curb cut by six feet to make room for an additional car. He advised the council to view the property as well as the adjacent properties before a decision is made. He also stated there is another request from 146 Lenox Avenue that needs to be reviewed. He stated he will entertain further discussion on these requests at the next work session.

**COMMITTEE REPORTS****Councilperson LaPietra Lapin reported on the following:**

1. She reported she had spoken about the hiring of a police officer at the last meeting and stated that the candidate the police department had contacted regarding the available opening had taken another position. She reported the Chief will review the current list and make recommendations to the Mayor and Council.
2. She asked Attorney Rupp to discuss with the council in closed session the results of the hearing that was held today.
3. She reported Officer Liaban has completed his schooling and is now training in the field with our police department.
4. She reported on a "special needs" registry that Chief Pegg had given to her for review.

Mayor Eustace stated he had requested OEM Director Tuttle to add a disclaimer on the bottom of the form noting the information was confidential and would not be shared. He stated once this was done, he wanted these forms sent out in the next tax bill mailing in August.

**Councilperson Jengo reported on the following:**

1. She stated the summer camp has been operating well and additional counselors have been hired to accommodate the number of children enrolled. She reported that the registration remains open.
2. She reported on a letter she received from a foster care home in Paramus regarding pool membership. She stated the pool committee wishes to offer a family membership to the home. She reported the state has the available funds to pay for the membership.

Administrator Richards reported that Ralph Manno stated the camp days at the pool are more organized this year compared to past years.

Mayor Eustace asked about the number of memberships currently registered at the pool.

Councilperson Jengo stated the amount of memberships is 400 members short from this time last year; however, we still have people who join for the month of August. She stated she sent a memo to the Our Town reminding people the pool is still open for registration.

3. She stated there are 130 members on the Maywood Swim Team. She also reported lap swimming will be available to members from 7:15 to 8:00 pm nightly except for Thursday which is raft night
4. She reported they will now be able to do reorganization on the recreation and senior advisory committees.

Councilperson McVey asked if the swim team meet schedule is published anywhere.

Councilperson Jengo stated she was told it was but will remind them to publish it in the paper.

Mayor Eustace asked if activities will be planned for the seniors.

Councilperson Jengo explained that Lisa Schieli is now working at the Senior Recreation Center in the morning and will be able to work more closely with the seniors and monitor what is going on at the center.

Mayor Eustace asked about Councilperson Jengo's idea to host a "Celebrate Volunteers" day.

Councilperson Jengo responded that she plans to designate a volunteer day or month possibly in October after school is back in session.

Mayor Eustace asked that plans begin to organize the day and a list be assembled.

Councilperson Jengo stated she has spoken to Lisa Schieli about planning the day.

Councilperson Savage asked about the County "Volunteer of the Year" award program that has an August 30<sup>th</sup>, 2008 submission deadline.

Councilperson Jengo responded.

**Councilperson Savage reported on the following:**

1. He questioned the H2M resolution that had been discussed at a previous work session.

Borough Clerk Pelligra responded the resolution had been held.

Administrator Richards responded.

Mayor Eustace stated we should move ahead and hire H2M.

Mayor Eustace stated the H2M resolution should be moved on this evening pending confirmation from the Administrator that the funds are still available – All in favor.

2. He stated he is still working with George Trapp regarding shade trees and shrubbery as it relates to them being removed on private property.

**Councilperson Rupp reported on the following:**

1. He stated the fire department has asked the status of the Lo-sap payments.

Administrator Richards responded.

2. He reported the fire department is closer to a decision on the sale of the Mack engine. He stated he has support of 2/3 of the Chiefs. He asked the council how they thought the sale should proceed.

Councilperson LaPietra Lapin stated it should be placed on E-Bay.

3. He reported on the status of selecting a new webmaster. He reported he was in favor of the company who manages Lodi's website. He stated in addition to managing the website they would also send out a monthly newsletter highlighting borough events and important information. He stated the monthly service fee would be in line with the fees the borough was paying; however, the start up fee would be approximately \$9,000.00.

Councilperson LaPietra Lapin asked what the \$9,000.00 set up fee encompassed.

Councilperson Rupp and Administrator Richards responded.

Mayor Eustace stated we should obtain another quote.

Administrator Richards stated he did receive one other quote.

Councilperson Rupp stated he will make copies of all the website information and distribute it to the council.

**Councilperson Fleischmann reported on the following:**

1. He stated he met with Judge Kelly last week and reported the total disbursements to the Borough to date are \$114,000.00. He stated the total disbursements for 2007 was \$149,000.00; therefore, we are ahead of last year with monies to the borough. He reported ticket revenues are down and fine revenues are up from last year.
2. He reported on a Parking Adjudication Trust Fund which is comprised of a percentage of the fines collected. He reported there is an approximate balance of \$16,000.00 in this fund. He stated the GEM car and required sign costs will be paid for through this fund and not by taxpayers' money.

Councilperson LaPietra Lapin asked if the \$114,000.00 is our net amount.

Councilperson Fleischmann responded and stated the Judge asked if the police department can be more proactive with enforcement.

Councilperson LaPietra Lapin responded.

3. He reported that Judge Kelly is looking into a teleconferencing system with the jail so that a prisoner does not have to be transported to the court room but can communicate through the system directly from the jail.

Mayor Eustace stated this system should be put into place.

4. He reported that the court has worked court hours around police department scheduling to reduce the amount of overtime involved. He stated the overtime hours for the court have been significantly reduced over the past five years.
5. He reported on the MetTel contract resolution.

Attorney Rupp discussed concerns he had regarding the contract such as absorbing any transition costs, etc.

Mayor Eustace requested this resolution be placed on next week's agenda.

**CFO Cuccia reported on the following:**

1. He reported that the Borough of Maywood received \$400,000.00 in extraordinary aid and stated certifications should be out tomorrow. He stated he will meet with the auditor.
2. He stated he will have an amendment to the budget prepared for next Thursday.

**Councilperson McVey reported on the following:**

1. He reported Mary Carton advised that the Right to Know Survey updates have been done and submitted to our insurance company.
2. He advised the building department has been extremely active during the last two weeks and are doing a good job. He stated Mr. Mazzer and Cindy Duby are taking care of property maintenance issues.

**RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

None

**APPOINTMENTS – APPROVAL OF THE FOLLOWING**

1. Andrew Conforti as a 2008 Summer Program Camp Counselor effective June 30, 2008, at the rate of \$7.50 per hour.
2. Mark Vesce as a 2008 Summer Program Camp Counselor effective June 30, 2008, at the rate of \$7.50 per hour.
3. Amanda Velasco as a probationary member of the Maywood First Aid & Emergency Squad effective this date.

4. Elizabeth Racas as a 2008 Summer Program Camp Counselor effective July 11, 2008 at the appropriate salary for a second year employee.

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

**COUNCIL APPROVAL OF THE FOLLOWING**

NONE

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

**RESOLUTION # 67-08**

**RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES  
AGREEMENT WITH H2M ASSOCIATES, INC. FOR PROFESSIONAL  
PLANNING SERVICES IN CONNECTION WITH THE PROPOSED  
REDEVELOPMENT OF THE AREA EAST OF ROUTE 17 IN THE  
BOROUGH OF MAYWOOD**

**WHEREAS**, the Mayor and Council have heretofore referred to the Planning Board portions of Block 124, an area east of Route 17 in the Borough of Maywood, for an investigation and hearing to determine whether said area should be declared to be an area in need of redevelopment; and

**WHEREAS**, the Borough of Maywood has received a \$55,000.000 Smart Future Planning Grant to fund the preparation of a Redevelopment Plan for the area from the New Jersey Department of Community Affairs; and

**WHEREAS**, H2M Associates, Inc. (hereinafter “H2M”) of Totowa, New Jersey, has submitted a proposal for professional planning services to prepare such a redevelopment plan in an amount not to exceed the amount of such grant; and

**WHEREAS**, such service constitute professional services which may be awarded without solicitation of public bids therefor in accordance with the provisions of N.J.S.A. 40A:11-5; and

**WHEREAS**, the Borough of Maywood has heretofore awarded to H2M a contract to provide professional planning consultant services to the Planning Board in connection with an investigation and hearing to determine whether an area located east of Route 17 in the Borough of Maywood is an area in need of redevelopment; and

**WHEREAS**, based on the experience, professional credentials and reputation of H2M, the Mayor and Council have determined to award a contract for such professional planning consultant services to H2M Group,

**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, an agreement between the Borough of Maywood and H2M , 555 Preakness Avenue, Totowa, New Jersey 07512, to provide professional planning services respecting the preparation of a proposed Redevelopment Plan for an area east of Route 17 in the Borough of Maywood, as more particularly determined or hereafter determined by the Planning Board and the Mayor and Council as an area in need of redevelopment, in accordance with the provisions of N.J.S.A. 40A:12A-1 et seq., in accordance with a proposal from H2M dated August 17, 2007, at a price not to exceed the amount of the grant in the sum of \$55,000.00, on the condition that any payment to H2M shall be contingent upon receipt of the aforesaid grant, a copy of which is on file in the office of the Borough Clerk and of a form to be approved by the Borough Attorney; and

**BE IT FURTHER RESOLVED**, that the Borough Clerk is hereby authorized and directed to publish a notice in the Our Town a brief notice stating the nature, duration, service and amount of the contract, and that the resolution and contract are on file in the office of the Borough Clerk and are available for public inspection.

A certificate of availability of funds is on file in the office of the Borough Clerk and adequate funds therefor are available under special temporary emergency.

**RESOLUTION # 122-08**

**RESOLUTION AUTHORIZING 2008/2009 MUNICIPAL  
SNOW PLOWING AGREEMENT WITH THE COUNTY OF BERGEN**

**WHEREAS**, the Borough of Maywood has heretofore authorized by ordinance the entering into Inter-Local Services Agreement between the Borough of Maywood and the County of Bergen for snow plowing pursuant to Section 40-5 of Chapter 40 of the Code of the Borough of Maywood; and

WHEREAS, the County of Bergen has proposed for the 2008/2009 snow plowing season, a municipal snow plow agreement pursuant to which the Borough of Maywood agrees to plow the county roads within the Borough and the County agrees to pay the Borough for performing this service; and

WHEREAS, the Mayor and Council find that such agreement would be in the best interests of the citizens of the Borough of Maywood;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Mayor be and he is hereby authorized and directed to execute, and the Borough Clerk to attest, an agreement between the County of Bergen and the Borough of Maywood providing for the plowing of county roads within the Borough, and payment therefor, in accordance with the terms of an agreement on file in the Office of the Borough Clerk and made available for public inspection, at the rate of \$90.00 per hour per plow.

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

Hearing none, Mayor Eustace closed this portion of the meeting.

Councilperson Savage moved for adoption, seconded by Councilperson Rupp; 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.

Fran Camisa – 105 Locust Drive – on behalf of her mother and neighbor on Woodland Avenue regarding the curb cut request at 133 Woodland Avenue. She questioned the position of the driveway and requested the Mayor and Council to look at the property at 133 Woodland.

John Brown – 41 Stelling Avenue – he stated he had not seen the petition and asked if the county executive is allowed to circulate a petition without consent.

Borough Attorney Rupp responded.

**CLOSED SESSION – IF APPLICABLE**

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

**BOROUGH OF MAYWOOD  
Closed Session Resolution # 123-08**

**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):

**Attorney Client – Potential Litigation – Police Matters  
Personnel - Vacancy**

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

- ( ) Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- ( ) Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- ( ) Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- ( ) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- ( ) Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest

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

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

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

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

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

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Maywood

( ) Will 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:** 07-10-2008 **Time:** 9:45 pm

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

**ADJOURNMENT**

Councilperson LaPietra Lapin moved the meeting be adjourned; seconded by Councilperson Rupp and so carried at 10:15 p.m.

Borough Clerk