

“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, Rupp, Fleischmann, and Jengo. Also present were Borough Attorney William F. Rupp and Borough Clerk Jean M. Pelligra. Councilpersons Savage and McVey and Borough Administrator Thomas H. Richards were absent.

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

READING OF AMENDMENTS TO 2008 MUNICIPAL BUDGET

RESOLUTION #128-08
RESOLUTION TO AMEND BUDGET

	From	To
5. SUBTOTAL GENERAL REVENUES (Items 1, 2, 3 and 4)	4,079,273.19	4,521,069.10
6. Amount to be Raised by Taxes for Support of Municipal Budget		
(A) Local Tax for Municipal Purpose Including Res. for Uncollected Taxes	10,254,277.47	9,843,534.47
TOTAL AMOUNT TO BE RAISED BY TAXES FOR SUPPORT OF MUNICIPAL BUDGET	10,254,277.47	9,843,534.47
7. TOTAL GENERAL REVENUES (Items 5 and 6)	14,333,550.66	14,365,203.57

APPROPRIATIONS

8. (A) Operations Within "CAPS"		
Public Buildings and Grounds	198,500.00	191,900.00
Other Expenses		
Maintenance of Vehicles	86,500.00	73,100.00
Other Expenses		
Police	3,214,213.89	3,205,146.89
Salaries and Wages	9,397,823.89	9,388,756.89
TOTAL OPERATIONS (Item 8(A) Within "CAPS")	9,398,323.89	9,389,256.89
TOTAL OPERATIONS INCLUDING CONTINGENT WITHIN "CAPS"		
Detail:		
Salaries and Wages	5,074,056.89	5,064,991.89
Other Expenses (Including Contingent)		
(H-1) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES WITHIN "CAPS"	9,691,545.89	9,682,476.89

8. (A) Operations - Excluded from "CAPS"		
Utilization of Cash Surplus CAP Waiver (N.J.S.A. 40A4-45-3)(ee)		
Police		
Salaries and Wages	73,786.11	82,853.11
Total Other Operations Excluded from "CAPS"	2,836,067.11	2,845,134.11
Public and Private Programs Offset by Revenues		
Clean Communities Program	0.00	10,518.91
Total Public and Private Programs Offset by Revenues	62,011.90	72,530.81
TOTAL OPERATIONS - EXCLUDED FROM "CAPS"	3,019,575.30	3,039,164.21

	From	To
Detail:		
Other Expenses	2,945,792.19	2,955,311.10
8. (D) Municipal Debt Service - Excluded from "CAPS"		
Green Trust Program		
Interest - Project 727	0.00	1,950.00
BCIA - Principal and Interest	63,500.00	62,684.00
TOTAL MUNICIPAL DEBT SERVICE EXCLUDED FROM "CAPS"	1,058,043.00	1,079,177.00
(H-2) TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES EXCLUDED FROM "CAPS"	4,242,004.77	4,282,724.68
(O) TOTAL GENERAL APPROPRIATIONS - EXCLUDED FROM "CAPS"	4,242,004.77	4,282,724.68
(L) SUBTOTAL GENERAL APPROPRIATIONS (Items (H-1) and (O))	13,933,550.66	13,965,203.57
(M) Reserve for Uncollected Taxes		
9. TOTAL GENERAL APPROPRIATIONS	14,333,550.66	14,365,203.57

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the 2008 Local Municipal Budget so amended.

BE IT FURTHER RESOLVED, that this complete amendment, in accordance with the provisions of N.J.S.A. 40A:4-9, be published in the Our Town, in the issue of July 24, 2008, and that said publication contain notification of public hearing on said amendment to be held at the Municipal Building on August 7, 2008 at 7:30 o'clock p.m.

IT IS HEREBY CERTIFIED that the Amended Budget hereto and hereby made a part hereof is a true copy of the Amended Budget approved by resolution of the Governing Body on the 17th day of July, 2008



Clerk

Jean M. Pelligra, RMC

Certified by me, this 17th day of July, 2008

IT IS HEREBY CERTIFIED that the Adopted Budget Amendment annexed hereto and hereby made a part of the 2008 Budget is a copy of the original on file with the Clerk of the Governing Body, that all additions are correct, all statements contained herein are in proof and the total of anticipated revenues equals the total of appropriations.



Registered Municipal Accountant
Steven D. Wielkocz, C.P.A.

Certified by me, this 17th day of July, 2008

Mayor Eustace opened the meeting to the public for any comments or questions relative to the 2008 Municipal Budget as amended.

John Brown – 41 Stelling Avenue – stated there was a miscalculation in the numbers listed in the sheets that were distributed at the last meeting. He questioned the percentage of increase from 7.5 percent to 8.1 percent.

Auditor Wielkotz stated the figures were determined by a formula.

Mr. Brown stated the percentage increase was incorrect; however, the number is correct.

Mr. Brown questioned the borough's operating budget and the article in the Community News in which Administrator Richards stated there had been no increase.

Mayor Eustace and Auditor Wielkotz responded.

Mr. Brown commented that a statement by Administrator Richards printed in the newspaper stating that the borough's operating budget had not changed in six years is misleading and should be corrected.

Mayor Eustace and Auditor Wielkotz responded.

Mr. Brown questioned why hybrid cars have not been addressed by the council and also asked what is going to be done about the high sewer charges.

Councilpersons LaPietra Lapin and Fleischmann responded.

Mayor Eustace stated he has been working with the borough engineer to correct the problem. He also stated there are no current grant programs or low-interest loans available. He reported this would have to be handled strictly through bonded monies.

Councilperson Rupp made a motion to close the public hearing on the 2008 Budget as amended, seconded by La Pietra Lapin ; and so carried by unanimous roll call vote.

RESOLUTION # 130-08
2008 MUNICIPAL BUDGET AS AMENDED

RESOLUTION #130-08

SECTION 2 - UPON ADOPTION FOR YEAR 2008

(Only to be included in the Budget as Finally Adopted)

RESOLUTION

Be it Resolved by the Mayor and Council of the Borough of Maywood of the County of Bergen that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$9,843,534.47 (Item 2 below) for municipal purposes, and
- (b) \$0.00 (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18:9-3) and the certification to the County Board of Taxation of the following summary of general revenues and appropriations.

RECORDED VOTE
 (Insert last name)

Ayes	(Nays	(Abstained	(
((((((
((((Absent	(
((((((

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated		08-100	400,000.00
Miscellaneous Revenues Anticipated		40004-10	3,776,169.10
Receipts from Delinquent Taxes		15-499	345,500.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)		07-190	9,843,534.47
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			9,843,534.47
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
Total Revenues	40000-10		14,365,203.57

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:			
Within "CAPS"		XXXXXX	XXXXXXXXXXXXXXXXXX
(a&b) Operations Including Contingent		XXXXXX	XXXXXXXXXXXXXXXXXX
(c) Deferred Charges and Statutory Expenditures - Municipal			9,389,256.89
(g) Cash Deficit			293,222.00
Excluded from "CAPS"		XXXXXX	XXXXXXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"			3,039,164.21
(c) Capital Improvements			95,000.00
(d) Municipal Debt Service			1,079,177.00
(e) Deferred Charges - Municipal			69,363.47
(f) Judgements			
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40A:48-17.1 & 17.3)			
(g) Cash Deficit			
(k) For Local District School Purposes			
(m) Reserve for Uncollected Taxes (Include Other Reserves if any)			400,000.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S.A. 40A:4-13)			
Total Appropriations			14,365,203.57

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 7th day of August, 2008. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2008 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 7th day of August 2008, Jean M. Pelligra, RMC Clerk
 Sheet 42

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

Mr. Basham Mhich, General Manager and Mr. Eric Dindenberg from the Bergen Town Center were present to give a presentation to the Mayor and Council.

Mr. Mhich stated the project is moving forward and their construction schedule is aiming for completion of all major construction by the end of this year.

Mr. Mhich reported that two pads have been prepped on the Maywood side of the parking lot and they are anticipating having the two locations leased within the next few weeks. He presented pictures to the council.

Mr. Mhich stated Spring Valley Road has been prepped to be repaved once the utilities are connected to the pads and this should be completed prior to the opening of the school season.

Mayor Eustace asked when they anticipated having the grand opening.

Mr. Mhich stated he anticipates the grand opening to be in early spring 2009.

Mr. Dindenberg reported the leasing of the pads on the Maywood side is moving in a positive direction and hopes to submit a formal report in a couple of weeks.

Mayor Eustace asked if the majority of the construction on the body of the mall is close to completion.

Mr. Mhich responded all site work is to be completed by October and the façade is due to be completed by mid November. He stated the interior work has been started.

Councilperson LaPietra Lapin asked if the simulated building in the picture represented the buildings on the Maywood side.

Mr. Dindenberg responded.

Councilperson LaPietra Lapin asked if there was to be a third pad.

Mr. Mhich responded.

Councilperson Rupp asked about the widening of the road and if the natural barrier of trees will be replaced once it is completed.

Mr. Mhich responded approximately 13 trees will be replaced.

Attorney Rupp asked if there had been changes to the site plan. He questioned if trees were to be planted between the wall and the curb.

Mr. Dindenberg responded.

Councilperson LaPietra Lapin asked about the names of the stores posted on the exterior walls.

Mr. Mhich stated this is simply pre-marketing; however Whole Foods will be located in the mall.

Councilperson Jengo asked if Whole Foods was the sole source of food within the mall or will there be a food court.

Mr. Mhich stated there will not be a food court or a full scale restaurant. He stated Whole Foods will be a food court within itself.

Councilperson Fleischmann asked if the construction of any building would take place prior to having a lease.

Mr. Dindenberg responded.

Councilperson Fleischmann asked what the time frame would be for building on the Maywood side.

Attorney Rupp stated there is a time limit in the developer's agreement.

Mayor Eustace thanked Mr. Mhich and Mr. Dindenberg for attending and answering the councils' questions.

Ms. Rosalyn Weistuck was present from Extel Communications and Mr. Mike Cortez was present from MetTel to make a presentation to the Mayor and Council.

Ms. Weistuck introduced Mr. Cortez who will be our account manager.

Ms. Weistuck thanked the Mayor and Council for choosing Extel for the borough's telephone needs. She stated the service will remain the same; however, the bills will be significantly lower.

Mayor Eustace asked how often an audit of our account would be done.

Mr. Cortez stated it could be done quarterly or twice a year.

Mayor Eustace asked Mr. Cortez if he would be the borough's point of contact

Mr. Cortez explained the support team that will be available; however, if we would prefer that he be the direct contact, he would accommodate our request.

Councilperson LaPietra Lapin asked what their response time would be to a problem.

Mr. Cortez responded and stated it would depend on the problem.

Councilperson Fleischmann questioned the services that are covered by the \$2,900.00 yearly service contract.

Ms. Weistuck stated maintenance on the telephones.

Councilperson Fleischmann asked what specifically is covered by the contract.

Ms. Weistuck responded.

Councilperson Fleischmann questioned the hourly fees stated in the contract compared to the hourly fees charged on the recent invoices.

Ms. Weistuck responded.

Councilperson LaPietra Lapin asked about the fuel surcharge fee that was also charged but was not part of the original contract.

Mayor Eustace asked if wires shorted out due to a lightning strike, would it be covered by the maintenance contract.

Mr. Cortez stated yes.

Councilperson Fleischmann questioned the \$2,900.00 contract fee from MetTel vs. a lower fee quoted by another vendor.

Ms. Weistuck responded it did not provide 24/7 coverage.

Borough Clerk Pelligra questioned remote service availability.

Ms. Weistuck responded.

Attorney Rupp questioned the master service agreement.

Mr. Cortez stated Attorney Rupp could "red line" the contract and send it back to their legal department for review.

Attorney Rupp asked why there is a "service term" in the contract which would essentially prevent the borough from switching service providers if we felt MetTel was not working well for us.

Mr. Cortez responded it would cost the borough more if we handled it on a month to month basis.

Attorney Rupp stated there is a clause stating the rates could change at any time.

Mr. Cortez responded if there is a signed agreement, MetTel cannot change their rates.

Attorney Rupp stated there is a 25 day payment date which he stated the finance department would have to advise on.

Mr. Cortez stated most municipalities work on a 45 day payment structure.

Mayor Eustace requested that Attorney Rupp review the contract and make any necessary changes to the contract and forward it to MetTel's legal department for review.

Mayor Eustace thanked Ms. Weistuck and Mr. Cortez for being present to answer the questions of the Mayor and Council.

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, the list is being compiled and will be forwarded to Zuccaro for resolution. The sub-contractor, Statewide Striping is scheduled to return the week of August 4, 2008 to complete the turning arrows, pavement markings and striping, and install the Safe-T-Grip crosswalk material. Due to manufacturer recommendation this work will be done during the evening hours, and street closing will be coordinated with the Borough's Traffic Division.

Zuccaro has completed installing the bollards and sleeves per the approved change order, for the entire length of West Pleasant Ave from Maywood Ave to Lincoln Ave. Per the Borough Administrator we checked the adhesion of the sleeves to the bollards, and according to the bollards representative, additional tape is needed to make the installation tighter. We have instructed Zuccaro to address this issue.

Mr. Villano stated he spoke with Statewide regarding the striping that is to be done in the crosswalks. He reported it is scheduled to be done Monday.

Mayor Eustace stated we are approaching the one-year anniversary of the Street Scapes project and he would appreciate seeing it completed.

Mr. Villano stated the bollards are now completed. He reported that an additional strip of adhesive is needed to secure the sleeves to the bollards.

Mr. Villano reported on a letter received from Mr. Csaposs stating some concerns regarding the Street Scapes project.

Mr. Villano spoke about the expansion joints and stated if any problems arise, we do have a two-year maintenance agreement. He stated any issues that arise can be corrected.

Councilperson Jengo voiced her concerns about some cracks in the concrete that have already occurred around the base of the bollards.

Mr. Villano responded.

Councilperson Jengo addressed the weeds that are now growing up through the red bricked areas. She stated it does not appear that sand was swept into the spaces between the bricks. She stated it was done in front of Maywood Hardware; however, they did it themselves.

Mr. Villano stated this is a punch list item.

Councilperson Jengo also stated the lights are still on during the entire day.

Mr. Villano responded.

Mayor Eustace asked if Joe Crifasi from Neglia Engineering had confirmed if there was enough funding left to add the planters to the turn areas.

Mr. Villano stated he believes there was enough money left to add these planters.

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 them during the week of August 4, 2008, at which point we can closeout this project.

Mr. Villano stated we have the two additional lights but was unsure if they have been installed yet.

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, including the resurfacing of Spring Valley Road from West Pleasant Ave to Passaic St. We have prepared the closeout documents and forwarded to the Borough Administrator and Clerk for processing.

4. ORCHARD/BEECH/BROOKDALE/MAYBROOK RESURFACING

The Borough received various grants in 2006, 2007, and 2008 totaling \$390,000.00 for the milling and paving of Orchard Pl; Brookdale St; and Beech St. We met with the Borough Administrator and 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 August 4, 2008.

Mr. Villano stated he has the design ready for Orchard, Beech and Brookdale.

Borough Clerk Pelligra stated we still need confirmation from CFO Cuccia that we have received the letter from the county for the street projects.

Mayor Eustace asked that this be confirmed by Monday.

5. 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, and we submitted our proposal for engineering and construction management services.

On Tuesday, July 15, 2008 we met with Councilwoman Jengo, the Borough Administrator and DPW Superintendent to review the project scope and scale down the original work. Accordingly, we have revised our proposal and forwarded to the Borough Administrator for authorization by the Governing Body.

Mr. Villano stated he has a revised proposal for the project. He stated if his firm is needed for construction management, please advise. He reported that there will be four fields that they will be working on and summarized the work to be done.

6. 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.

We submitted our proposal for engineering and construction management services, and await the Governing Body authorization.

Councilperson Rupp stated he faxed drawings to Mr. Villano this past week regarding the fire department monument located in the center of the park. He stated he is looking for direction from the council regarding the remainder of the park.

Mr. Villano stated he is concerned with the weight of the monument; therefore, he would like permission to obtain three quotes to perform soil and water samples so he can determine from the results the type of base that will be needed to support the monument. He stated these tests would also determine if under-drains would be needed.

Mr. Villano stated he can have his landscape architect present a few options to the council based on what their cost basis would be.

Councilperson Jengo stated when the park was first developed, a childrens' play area was not included because they wanted to keep the area quiet. She asked what the thoughts were today.

Mr. Villano stated he can have one of his staff members who is certified on playground safety look at the equipment that the school is willing to donate.

Councilperson Rupp stated Mr. Villano and the fire department can work together on the specifications and he encouraged that this project be completed before Memorial Day 2009.

Councilperson Rupp made a motion to authorize Neglia Engineering to obtain soil and water samples from Fetzer Park at a cost not to exceed \$2,500.00, seconded by Councilperson Fleischmann – All in favor.

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

ORDINANCE # 16-08

**AN ORDINANCE FOR DETERMINING POSITIONS ELIGIBLE FOR THE
DEFINED CONTRIBUTION RETIREMENT PROGRAM**

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

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

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

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance #16-08 be and is passed upon second and 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 reported on behalf of Administrator Richards that there is \$32,000.00 remaining in the swim pool bond ordinance for repairs.
2. She stated all council members received information in their mailbox from OEM regarding the MOU radio program.

Councilperson LaPietra Lapin asked if there was a cost to the borough.

Mayor Eustace asked Councilperson LaPietra Lapin to contact Chris Tuttle, OEM Director.

3. She stated she received a call from Alice of the American Cancer Society relating to the Relay for Life in September. They have requested permission to print the borough seal on t-shirts for the event.

Mayor Eustace asked the opinion of the council regarding the use of the seal.

The council was not in agreement to allow the use of the borough seal on t-shirts.

4. She offered Mayor Eustace to give the initial report on the damages to the Maywood Pool that occurred overnight.

Borough Clerk Pelligra advised on the damage in more detail.

5. She reported on the resolution to relocate the fire hydrant in front of 15 Park Avenue. She stated Administrator Richards would like to send a thank you letter to Mr. O'Connor of United Water who was instrumental on the waiving of the fees for the relocation.

The Council was in favor of the letter.

6. She reported on this week's managers' meeting and reported Administrator Richards was present. She stated the Administrator had spoken to Mr. Trainer, the Volleyball Director, regarding the volleyball program and charging out of town participants \$25.00. He stated the out of town coaches who coach the youth program would not be charged. Borough Clerk Pelligra stated the Administrator would like the opinion of the council.

Mayor Eustace asked Councilperson Jengo's opinion as recreation commissioner.

Councilperson Jengo stated we often do have many out of town participants.

Councilperson Fleischmann reported that Mr. Trainer has increased the program significantly and stated we do offer many programs at no charge. As the program grows, it may be in our best interest to charge a nominal fee.

Mr. Trainer was present and stated he was willing to forego his stipend to avoid charging participants.

Mayor Eustace advised Mr. Trainer that they are in receipt of his letter and that the council will discuss his concerns listed in the letter.

Councilperson LaPietra Lapin stated that a list should be drawn up for the next work session itemizing the programs offered and the costs involved.

Councilperson LaPietra Lapin stated it is admirable that Mr. Trainer is offering to turn back his stipend; however, this needs to be factored in to establish an accurate cost basis.

Borough Clerk Pelligra stated the volleyball program starts the first week of September and for that reason, they were hoping a decision would be made.

Councilperson Jengo stated she will begin working on a calendar of recreation programs similar to that of the senior center calendar.

REPORT OF ADMINISTRATOR

Borough Clerk Pelligra reported on behalf of the Administrator during her report.

REPORT OF ATTORNEY

Borough Attorney Rupp reported on the following:

1. He reported that in the Planning Board's annual report, they recommended rezoning Block 125 to a High Density Office zone. He further reported on June 24th, 2008 the Planning Board amended the Master Plan; however, they did not come up with any recommended criteria for the zone. He stated Mr. Padovano drew up a chart for a proposed application. He also stated he has been working with Mr. Padovano to arrive at a schedule of regulations and plans for the zone.

Mayor Eustace stated we should forward this ordinance to the Planning Board for their review.

2. He reported on the proposed ordinance regarding the RC Commercial rezoning of the Duane Reade property. He stated the Planning Board originally proposed creating a new zone; however, they wished to retain a provision limiting hours of operation primarily for businesses that abut a residential zone. He reported it was recommended that in lieu of creating a new zone, the limit on hours of operation should simply be extended to include all current RC zones with exceptions for such businesses as the post office and restaurants. He stated the recommendation of the Planning Board and as reflected in the Master Plan is to amend the RC Districts with a provision to make it uniform. He stated the RC ordinance is ready for introduction at the next scheduled meeting.
3. He reported on the redevelopment grant for H2M and reviewed the estimated timetable. He stated the Planning Board has to declare an area that is in need of redevelopment at their next meeting.

COMMITTEE REPORTS

Councilperson LaPietra Lapin reported on the following:

1. She reported she spoke to Administrator Richards regarding the number of times recyclables are picked up throughout the borough. She referred to the responses received from Borough Clerk Pelligra's blast email to other municipalities and has asked Administrator Richards to perform a study on the number of times recyclables should be collected per month. She stated a change in the current schedule could reap a fuel savings as well as freeing up DPW personnel to do other jobs.

Attorney Rupp stated they need to be aware of the collection schedule if we make changes so as to be aware if a holiday falls on a pick up day.

2. She reported on tonight's appointment of the Parking Enforcement Officer.

Councilperson Fleischmann asked Councilperson LaPietra Lapin to look into the recent increase in overtime listed on the recent police department payroll reports and ask the Chief what is causing the increase.

Mayor Eustace stated we should not have police officers on the desk as dispatchers.

Councilperson Rupp reported on the following:

1. He stated he will continue working with the fire department and the borough engineer regarding Fetzer Park.

Mayor Eustace thanked Councilperson Rupp for moving on the project.

2. He reported that the fire chiefs met and were in agreement to sell the Mack engine. He also stated he received a letter from the volunteer members of Peerless Engine Company stating reasons why the Mack should not be sold. He stated he would make copies for each councilperson after the work session. He reiterated the Chiefs' recommendation to the council to sell the Mack.
3. He stated Peerless Engine Co. No. 2 celebrated their 100th Anniversary last month and asked the council to recognize the anniversary with the presentation of a plaque.

Mayor Eustace requested Borough Clerk Pelligra to have a plaque ordered for presentation.

4. He reported that both Velocity 17 and the Maywood Center for Health required fire hydrants be installed on their properties. He stated the borough is currently paying for these hydrants and they have not been billed.

Borough Clerk Pelligra responded.

5. He reported Chris Tuttle, Captain of Peerless Engine Co. received a request from Pierce, the manufacturer of their new engine, to bring the new Engine 19 to the Wildwood Convention to place on display. He stated Peerless would receive some preventative maintenance service free of charge in return. He stated Pierce would also be responsible for the fuel and insurance costs.
6. He reported Administrator Richards had purchased the radios for the fire police and they are pleased with the ten Motorola radios.

Councilperson Fleischmann stated twenty-one radio units were necessary and only ten were purchased.

Councilperson LaPietra Lapin responded.

Councilperson Fleischmann stated he still would have preferred twenty-one new radios be purchased.

Councilperson Rupp stated he agreed with other departments where radios are replaced as needed each year.

7. He reported on the borough website. He stated one company, "C3", offers an email and phone security alert; however, this company costs twice the amount of the other web site companies.

Councilperson Fleischmann reported on the following:

1. He stated he will be reviewing the Carrier service contract with Administrator Richards upon his return.

Councilperson Jengo reported on the following:

1. She reported they now have a full roster on the Recreation Advisory Committee. She stated they had a meeting last week to discuss with Michael Jordan, principal of Maywood Avenue School, what programs and services they can offer for the after school program in the fall.
2. She reported the Chess Club will be restarted at Maywood Avenue School this fall.
3. She stated the Summer Camp program was very successful this year with 140 participants. The after care program had 25 – 30 participants, and the Wednesday field trips were very successful.
4. She extended an invitation to the members of the council to attend field day next Wednesday August 13, 2008, at Memorial Park from 8:30 am to 3:00 pm. She stated our bus will transport any after care children to the Senior Center at the end of the day. She stated lunch will be served between 11:00 am and 1:00 pm and the Administrator has offered to be the chef.
5. She reported that she has requested Joe Esposito, Summer Camp Director, to review all monies received for the camp program and determine if everything has been collected pursuant to the print-out received from the finance department. She stated she wanted to ensure there were no uncollected funds prior to end of camp next Friday.
6. She reported on September 10, 2008 Senior Day will be celebrated at Van Saun Park in Paramus. She stated Administrator Richards is working on a schedule to have our borough bus transport our seniors to the park for the festivities.
7. She stated she has requested Lisa Schieli to arrange events for the seniors. She reported they have a trip scheduled to Radio City Music Hall for the Christmas show.
8. She stated she has three senior ladies that would like to be appointed to the Senior Advisory Board which will fill the roster.

At Councilperson Jengo's request, Councilperson Fleischmann discussed the remaining balance of the grant relating to the playground at the Maywood Pool. He stated he would like to verify if the funds are still available and order some additional equipment and umbrellas for the play area.

Mayor Eustace stated Administrator Richards was determining if the remaining funds could be utilized towards a new pump for the kiddie pool.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He reported on the list of employees Superintendent Russell of the DPW was requesting to hire. He stated the recommended employees would be placed on the next agenda for discussion and approval.
2. He stated he had requested the council members to visit Woodland Avenue to view the curb cut that was being requested by Mr. Bicher. He requested the pleasure of the council regarding the curb cut only pending Planning Board outcome at August 12, 2008 meeting – All in favor with the exception of Councilperson LaPietra Lapin abstaining.
3. He reminded the council and members of the public that the Street Fair is Sunday, August 10, 2008 from 10:00 am to 5:00 pm.

Councilperson LaPietra Lapin reported on the resolution from East Rutherford relating to the Xanadu project and Giant Stadium.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

NONE

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. William J. McNeil as Parking Enforcement Officer at a salary of \$12.00 per hour effective August 7, 2008.
2. Patrick M. Gildea as part-time telecommunicator for the Maywood Police Department at a salary of \$12.00 per hour effective August 7, 2008.

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

COUNCIL APPROVAL OF THE FOLLOWING

1. Knights of Columbus requesting permission to serve beer and wine at Annual Family Picnic on Saturday, September 13, 2008, at Memorial Park from 12 noon to dusk.

After discussion by the council, permission was granted with the provisions that all wine and beer be served from 12 noon to 8:00 pm only in a fenced-off area designated by the Borough Administrator.

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

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 131 -08

**RESOLUTION AUTHORIZING UNITED WATER
NEW JERSEY, INC. TO RELOCATE AN EXISTING FIRE HYDRANT**

WHEREAS, United Water Company New Jersey, Inc., at the request of the Fire Chief request permission to relocate the fire hydrant # 26-61 located on the east side driveway of the Park Avenue Fire House and install a new hydrant forty-five feet east of the current position in front of the Fireman’s monument because it is currently in danger of being knocked over by vehicle traffic moving in and out of the driveway under emergency conditions; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Maywood that United Water New Jersey, Inc. is hereby authorized to relocate the existing fire hydrant listed below at no cost to the Borough of Maywood.

Relocate hydrant # 26-21 located on the east side of driveway of Park Avenue Fire House and install a new fire hydrant 45 feet east of the current position; and

BE IT FURTHER RESOLVED that the Borough Clerk is hereby authorized and directed to forward a copy of the within resolution to United Water New Jersey, Inc. and Chief Ahrens of the Maywood Fire Department.

RESOLUTION #132-08

**RESOLUTION TO ENTER INTO A GRANT AGREEMENT
WITH THE COUNTY OF BERGEN COMMUNITY DEVELOPMENT FOR ROADWAY
IMPROVEMENTS**

BE IT RESOLVED, that the Mayor and Council of the Borough of Maywood wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$100,000 in 2008-2009 Community Development Block for Roadway Improvement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Timothy J. Eustace to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Thomas H. Richards, to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Maywood is liable for any funds not spent in accordance with the Grant Agreement; and that the liability of the Mayor and Council is in accordance with HUD requirements.

RESOLUTION #133-08

**RESOLUTION TO ENTER INTO A GRANT AGREEMENT
WITH THE COUNTY OF BERGEN OPEN SPACE TRUST FUND MUNICIPAL
PROGRAM FOR THOMA AVENUE PARK TENNIS COURTS**

BE IT RESOLVED, that the Mayor and Council of the Borough of Maywood wishes to enter into a Grant Agreement with the County of Bergen for the purpose of using \$50,000.00 in 2008-2009 Open Space Trust Funds for Thoma Avenue Park Tennis Courts in the Borough of Maywood; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Timothy J. Eustace to be a signatory to aforesaid Grant Agreement; and

BE IT FURTHER RESOLVED, that the Mayor and Council hereby authorizes Thomas H. Richards, to sign all county vouchers submitted in connection with the aforesaid project; and

BE IT FURTHER RESOLVED, that the Mayor and Council recognizes that the Borough of Maywood is liable for a dollar for dollar match for any funds awarded in accordance with the Trust requirements.

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 LaPietra Lapin asked if we have the grant for Resolution #133-08.

Borough Clerk Pelligra responded.

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

INTRODUCTION OF ORDINANCES

NONE

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

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

Jeff Spendley – 113 Hartwich – stated he understood the fence at the Grant Avenue field was going to be taken out completely and replaced with new. He stated he was going to assist in redesigning the area including the dugouts, on-deck circles, back-stop and 8’ fencing down the lines. He stated after meeting with Administrator Richards, Councilperson Jengo and DPW Superintendent Donald Russell and reviewing what needed to be done, it appeared the work to be done was more like patchwork. He stated there are two state-of-the-art fenced in little league baseball fields in town for the boys; however, there are no such field for the girls. He stated he had fence companies look at the field and give him ideas for the fencing; however, they would not submit a quote since it would be a borough bid project. He stated he estimated the cost for the work he described to be approximately \$30,000.00 - \$40,000.00. He acknowledged that he would not expect the entire sum of monies to be funded by the borough and was willing to fund raise for the balance needed.

Mayor Eustace stated we have not made a decision as to what is going to be done at the field.

Jeff Spendley – stated he would be happy to do a walk-thru with Borough Engineer Villano.

Councilperson Fleischmann stated this has been discussed for over two years and the field has to be addressed.

Jeff Spendley – stated we should do the work that needs to be done correctly from the beginning. He stated he was willing to do whatever could be done with available funds and offered to add funding from the softball league funds.

Mayor Eustace stated he was aware a “million dollar” little league baseball field was built for the boys and that for many years the girls have been left out by previous councils; however, he stressed this council was very aware of the situation and will work on getting the girls what is needed.

Councilperson Jengo stated she will set up another appointment to walk-thru the Grant Avenue field area with Borough Engineer Villano.

John Brown – 41 Stelling – stated almost 40% of this year’s increase was due to the BCUA increase of \$413,000.00. He asked the council what exactly has been going on and how the council is going to address it. He suggested following the flowing water; ie. Coles Brook. He stated it could be a matter of cleaning the brook.

Mayor Eustace stated the borough engineer is working on this problem and assured Mr. Brown that we are moving ahead on this issue. He stated the council is looking towards the federal government for grant money to address these large infrastructure problems. He agreed with Mr. Brown that it must be dealt with.

Mike Trainer – 37 Stelling Avenue – commented on the recreation program he has been running for the past 24 years and advised it will start up this year on September 9, 2008.

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 # 134-08

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):

Appraisals – Acquisition of Land, DPW Disciplinary – Attorney/Client, Cumberland Farms – Contract Negotiations, Consolidation Petition – Attorney/Client, H2M Redevelopment – Potential Litigation, Police – Labor matters, Swim Pool Concession – Attorney/Client, DPW Grievance – Attorney/Client.

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
- (X) 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
- () 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: 08/07/2008 Time: 10:00 PM

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

ADJOURNMENT

Councilperson Jengo moved the meeting be adjourned; seconded by Councilperson Rupp and so carried at 11:05 p.m.

Borough Clerk