

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

Mayor Eustace asked Council if all were in agreement to pull Ordinance #22-08 from tonight’s agenda in order to allow further discussion on the ordinance – All in favor.

Councilperson Rupp introduced Carmine DeMarco from Virtual Town Pages who will report on his firm’s proposal to re-vamp the Borough website.

Mr. DeMarco gave a brief description of his firm’s history to the Mayor and Council.

Mr. DeMarco stated his firm currently handles websites for the towns of Fort Lee, Ridgefield, Dumont, Lodi and most recently Bergenfield. He advised that the website can be as comprehensive as we would like it to be. He said it can furnish downloadable documents to the public and can be broken down by individual departments. He stated the borough can designate someone within the office who could access the site directly to make immediate updates.

Mr. DeMarco stated the site would have a “private” back area where borough officials could access their council packets through pdf format to cut down on paper. This portion of the website would allow the borough officials to send private messages to each other.

Mr. DeMarco advised the site includes a citizens notification system which can be used by residents to sign up for various alerts and communications they may wish to receive. He stated two-way communications can also be set up with citizens by way of “Service Request Forms” which would allow citizens to alert borough officials to any needs within the borough. He stated these inquiries would automatically be forwarded to the proper official and/or employee for a response based on the subject of the inquiry.

Councilperson Rupp asked if the website would be owned by the Borough.

Mr. DeMarco stated the domain would be owned by Maywood.

Councilperson McVey asked if there has been a search of names available for the site.

Councilperson Rupp responded.

Mr. DeMarco stated a “.gov” address would be advantageous to the Borough since only government related entities can own a “.gov” web address.

Administrator Richards asked if email can still be handled through a “.gov” web site.

Mr. DeMarco responded yes.

Councilperson Rupp asked how long it would take to have a website up and running.

Mr. DeMarco stated it generally takes four to six weeks.

Administrator Richards asked if a Borough newsletter could be placed on the website.

Mr. DeMarco stated they currently have a link on other municipal websites where past and present newsletters can be accessed. He stated this is done at no cost to the town.

Mayor Eustace asked how this is done at no cost.

Mr. DeMarco stated it is advertiser subsidized.

Councilperson Fleischmann questioned different services that could be made available to the public through the website.

Mr. DeMarco responded. He added if his firm is aware when our weekly meeting agendas are due to be added onto the site, it can be done within two to three hours of receipt of the information.

Councilperson McVey stated he is very much in favor of the citizen notification abilities through the website.

Councilperson McVey asked Councilperson Rupp how many companies he researched.

Councilperson Rupp stated three.

Attorney Rupp asked who the monthly licensing fee is payable to.

Mr. DeMarco responded Virtual Town Pages.

Attorney Rupp asked what happens to the system if in two years we are not happy with the site and/or service.

Mr. DeMarco responded it is a licensing agreement with Virtual Town Pages for the use of their software and although the Borough owns the domain, it does not own the software to operate the site.

Attorney Rupp stated we need to clarify what the Borough owns and does not own. He also stated with the initial cost of approximately \$9,000.00 and \$7,200.00 for the monthly payments, the Borough is

required to solicit informal quotes. He asked Mr. DeMarco about their firm's experience with other municipalities.

Mr. DeMarco responded he was unaware of other towns having solicited other quotes prior to selecting their firm.

Attorney Rupp asked if there had been any OPRA issues with the "private" messaging abilities through the site.

Mr. DeMarco responded that no other municipalities are currently using that area of the site.

Mayor Eustace thanked Mr. DeMarco for his presentation.

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

**ORDINANCE # 23-08**

**AN ORDINANCE AMENDING CHAPTER 273 OF THE CODE OF THE BOROUGH OF**  
**MAYWOOD RELATING TO SHOPPING CARTS**

WHEREAS, the Borough of Maywood has heretofore adopted Chapter 273 of the Code of the Borough of Maywood respecting the regulation of shopping carts; and

WHEREAS, the New Jersey Legislature recently adopted P.Y. 2008, c.13 (N.J.S.A. 40:48-2.65) limiting the conditions under which a municipality may impound and dispose of shopping carts as well as the fines that may be imposed for the release of such carts;

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

SECTION 1. Chapter 273 of the Code of the Borough of Maywood, entitled "Shopping Carts" is hereby amended to read in full as follows:

**“CHAPTER 273: SHOPPING CARTS**

**§ 273-1. Definitions.**

1. As used in this chapter, the following terms shall have the meanings indicated:

**ABANDONED**-means the placing of an unattended shopping cart outside the premises or parking area of a retail mercantile establishment or within the public streets or ways.

**PARKING AREA** - means a parking lot or other property provided by a retailer for the use of a customer for parking an automobile or other vehicle. The parking area of a retail mercantile establishment located in a multi-store complex or shopping center shall include the entire parking area used by the complex or center.

**PUBLIC STREETS OR WAYS**-means roadways, sidewalks, driveways, alleys, lanes, culverts or crosswalks, municipal parks, public parking lots, or other public places used by the general public.

**SHOPPING CART** — means a push cart of the type or types which are commonly provided by grocery stores, drug stores or other retail mercantile establishments for the use of the public in transporting commodities in stores and markets and their parking areas.

§ 273-2. Declaration of findings.

It is hereby determined and declared that the obstruction of public streets and ways by abandoned shopping carts creates a dangerous and hazardous condition to the public, and to better promote the general health, safety and welfare of the borough, it is hereby deemed advisable to regulate the use, removal and disposal of said shopping carts within the borough.

§ 273-3. Identification.

Any shopping cart made available for use by a grocery store, drug store or other retail mercantile establishment within the borough shall have securely attached thereto a plastic or metal identification tag measuring not less than 3 1/2 inches by 5 inches in size identifying the owner or retailer of the cart and listing a valid telephone number or address through which the owner or retailer can be contacted.

§ 273-4. Abandonment.

No person or his agent or employee shall abandon and suffer or permit to be left any shopping cart, either owned by him or in his possession, custody or control, upon any public street or way within the borough.

§ 273-5. Removal of abandoned carts; notice to redeem.

Any abandoned shopping cart left upon any public street or way shall be removed by the Public Works Department of the borough and stored at the public garage.

(a) If the shopping cart has the identification required pursuant to section 273-3 above, the Public Works Department shall notify the owner or retailer within 24 hours of impounding the shopping cart and include information on how the cart can be retrieved. The Public Works Department shall release the cart to the owner, retailer or authorized agent without charge or fine whatsoever, if the owner, retailer, or authorized agent retrieves the cart within five business days of notice.

(b) If the shopping cart does not have the identification required under section 273-3 above, or if the owner, retailer or authorized agent of said shopping cart fails to retrieve said shopping cart within five business days of the notice of impoundment, the borough may dispose of such shopping carts as set forth in section 273-6 below. Prior to disposal, the owner, retailer or authorized agent of said shopping cart may redeem said shopping cart upon payment to the borough of a fee, not to exceed \$50.00 per

occurrence during a 24 hour period, as set forth in Chapter 169, Fees, to cover the cost of recovery and administration of this chapter.

§ 273-6. Disposition of unredeemed carts.

A In the event that any shopping cart is not retrieved within the period of time fixed or is unidentified, the borough, upon adoption of a resolution by the Mayor and Council, shall conduct a public sale of said shopping carts by posting a notice of such sale on the bulletin board at Borough Hall and by placing a legal advertisement in the official newspaper of the borough, fixing a place, date, time and terms of public sale to the highest bidder. A specific term of said public sale shall be that no cart shall be sold for less than \$10.

B In the event that any shopping carts shall be in a damaged condition or unsold at public sale, the Public Works Department may destroy and dispose of said shopping carts.

§ 273-7. Disposition of proceeds; report.

Upon the redemption or sale of said shopping carts, the proceeds of all redemptions and sales shall be paid over to the Borough Treasurer. In addition, the Public Works Department shall make quarterly reports to the Mayor and Council with regard to the impoundment, redemption, sale or other disposition of such shopping carts.

§ 273-8. Violations and penalties.

Any person violating any of the provisions of this chapter shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for a term not to exceed 90 days, or both. Each violation shall be deemed to be a separate and distinct offense. However, an owner retrieving or redeeming a cart pursuant to § 273-5 of this chapter shall not be subject to said fine.”

SECTION 2. All ordinances or parts thereof inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

SECTION 4. This ordinance shall take effect upon passage and publication as required by law.

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

John Brown – 41 Stelling Avenue – asked if the responsibility is placed on the police department and DPW to immediately seize the shopping carts or will it be up to the public to call about the abandoned cart to be picked up.

Attorney Rupp responded.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance #23-08 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 reminded everyone that Tuesday, October 14, 2008, is the last day to register to vote and stated the Clerk's office will be open from 8:30 am through 9:00 pm. She reported registrations have been coming in on a daily basis. She stressed the deadline for receipt of absentee ballot applications to be mailed to the County is Tuesday, October 28, 2008.
2. She stated she has the signed certification of funds for the resolution that was added to tonight's agenda.

### **REPORT OF ADMINISTRATOR**

Borough Administrator Richards reported on the following:

1. He reported the gasoline agreement with Rochelle Park is moving forward and stated he is working on submitting required information to the township at this time.
2. He reported United Water has relocated the fire hydrant from in front of the ambulance bay apron to in front of the fire department memorial at no cost to the Borough. He thanked Kevin O'Connor of United Water for his assistance with this project.
3. He reported Maywood will be hosting a mischief night for children up to age 16 on October 30, 2008, in the swim pool parking lot from 6:30 pm to 9:00 pm enabling us to consolidate the toilet paper, etc., that is usually found throughout the streets.

Councilperson Jengo stated there will be a variety of games and music for the children, adding hot dogs and soda will be served. She stated there will be a police presence and parents are welcome to stay. She stated there will be a curfew of 10:00 pm allowing the older children an hour to walk home.

3. He stated we have the resolution on tonight's agenda for the CDBG Grant which will enable us to pave Orchard, Brookdale and Beech Streets. He reported we have \$390,000.00 in grants and the bid

4. came in at \$238,000.00; therefore we are going to see if there are any other streets in the census zone that can be paved.
5. He stated the purchase order has been submitted for the fencing at the swim pool. He reported we have kept costs down by having the DPW remove the old fence and with help from Rochelle Park's back hoe, the poison ivy roots have been removed. He stated the purchase order will be submitted shortly for the repair of the roof. Additionally, he stated there is approximately \$8,000.00 of bond monies remaining which they would like to use towards improvements in the kiddie pool area.

### **REPORT OF ATTORNEY**

Borough Attorney Rupp reported on the following:

1. He reported he has been working on a BCUA ordinance amendment that he would like to present at next week's meeting.

### **COMMITTEE REPORTS**

**Councilperson Rupp reported on the following:**

1. He questioned the Administrator and CFO regarding blanket purchase orders.

Administrator Richards stated unless requisitions are approved by himself and the CFO, spending is halted.

2. He reported fourteen radios purchased for the fire department a couple of years ago no longer have functioning batteries. He stated the purchase order to replace the batteries was expedited by the Administrator and all is working well.

Mayor Eustace asked if there was a possibility of this happening again in the near future. He stated he wanted to ensure this will not happen in another year.

3. He requested that the Council review the presentation they just received from Virtual Town Pages and be prepared to speak about it next week.

**Councilperson Jengo reported on the following:**

1. She reported that additional handicap spaces will be added in the swim pool parking lot for next year and the employees will be asked to park further towards the back of the lot.
2. She reported last week she distributed a copy of the proposed after school programs for review. She stated this is the first time the school and the recreation department are working together and thanked Principal Jordan for his support.

Councilperson Fleischmann asked if there have been any discussions on intramural sports programs.

Councilperson Jengo responded yes.

Teresa Conoscenti stated intramural sports cannot start until the Spring.

Mayor Eustace added that arrangements should be made for outdoor intramural sports also.

Councilperson Jengo stated that once the after school program is started and they have settled in, the additional programs will be planned and made available to the students.

4. She asked Administrator Richards the status of the outdoor lighting at the Senior Center.

Administrator Richards stated the electrician has been notified.

5. She requested that the Senior Center be professionally cleaned on either a quarterly and/or semi-annually basis.

Administrator Richards responded.

6. She reported that the two side rooms at the Senior Center have been switched between the Recreation Department and the nursing office.

7. She reported the Bergen County Volunteer of the Year Award Ceremony will be held on October 30, 2008 honoring Martha DeYoung and William Jerlinski. She stated if any other Council member would like to join the Mayor and herself to please contact her as soon as possible.

**Councilperson McVey reported on the following:**

1. He stated he has been out of town and unfortunately out of touch.

**REPORT OF MAYOR**

Mayor Eustace reported on the following:

1. Mayor Eustace stated Councilperson McVey has put together a presentation on green vehicles and the usage by various departments which will be presented to the Council. He thanked him for his diligent efforts in putting this presentation together for the Council.
2. He reminded everyone that flu shots will be available at the Senior Center on November 10, 2008 from 8:30 am to 10:30 am.
3. He reported that the planters for the turn-a-round circles on West Pleasant will be delivered next week.

**RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

1. Tom Thomas – removal from the Maywood First Aid and Emergency Squad effective this date.
2. Alex Matthews – removal from the Maywood First Aid and Emergency Squad effective this date.

Councilperson Rupp moved the resignations be accepted, seconded by Councilperson Jengo; and so carried my unanimous roll call vote.

**APPOINTMENTS – APPROVAL OF THE FOLLOWING**

1. Christopher D. Hill as a probationary member of the Maywood First Aid and Emergency Squad effective this date.
2. James Mazzer as Plumbing Sub-Code Official effective 10-13-08 at an annual salary of \$5,000.00.
3. John Pohts as a probationary member of the Maywood Fire Department assigned to Peerless Engine Co. #2, effective this date.

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

**COUNCIL APPROVAL OF THE FOLLOWING**

NONE

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

**RESOLUTION #153-08**

**RESOLUTION AUTHORIZING THE EXECUTION OF VARIOUS DOCUMENTS IN CONNECTION WITH THE BERGEN COUNTY IMPROVEMENT AUTHORITY'S BERGEN MUNICIPAL BANK PROGRAM FOR THE PURCHASE OF A 2008 FORD ESCAPE HYBRID VEHICLE**

WHEREAS, under the Bergen Municipal Bank Program (as defined herein), various municipalities and school districts within the County of Bergen (the "County") and the County ("Local Governments") and other corporations, including non-profit corporations (each a "Participant") submit a

request (the "Application") to the Bergen County Improvement Authority (the "Authority") to borrow funds from the Authority (the "Bergen Municipal Bank Program") to finance the lease purchase of certain capital equipment and, if applicable, other personal property (the "Equipment"; the financing of the Equipment under the Bergen Municipal Bank Program may be referred to herein as the "Project"); and

WHEREAS, under the Bergen Municipal Bank Program, the Authority intends to enter into the hereinafter defined Authority Lease with Commerce Commercial Leasing, LLC (the "Lessor"); and

WHEREAS, under the Bergen Municipal Bank Program, the Lessor intends to provide funds to acquire the Equipment over time, and immediately lease the Equipment to the Authority, all pursuant to the terms of that certain "Master Lease Purchase Agreement" to be entered into by and between the Lessor, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Authority Lease"); and

WHEREAS, under the Authority Lease, the Authority shall make rental payments that are subject to annual appropriation of the Authority solely from amounts received by the Participant under the hereinafter defined Participant Lease; and

WHEREAS, simultaneously with the Authority Lease, the Authority will sublease the Equipment to the Participant pursuant to the terms of that certain "Sublease Purchase Agreement" to be entered into by and between the Authority, as sublessor, and the Participant, as sublessee (together with any amendments thereof or supplements thereto in accordance with the terms thereof, the "Participants Lease"), under which Participant Lease the Local Government Participant will make rental payments that are subject to annual appropriation of said Participant and the non-Local Government Participant will make rental payments that are general obligations of said Participant in an amount sufficient to pay the corresponding rental payments applicable to the Equipment, and as appropriated by the Authority under the Authority Lease, plus all administrative expenses of the Bergen Municipal Bank Program; and

WHEREAS, the Borough of Maywood desires to fund the lease/purchase of a 2008 Ford Escape U59 4dr 14 CVT Hybrid Vehicle at a price of \$26,231 pursuant to State Contract A71077 (Section 2, T-2297) through the Bergen County Improvement Authority's Bergen Municipal Bank Program; and

WHEREAS, in accordance with the terms of that certain agreement entitled "Agreement to Effectuate the Bergen County Improvement Authority's Bergen Municipal Bank Program" between the County and the Authority (the "County Agreement"), the County intends to appropriate moneys to the Authority to the extent the rental payments made by the Authority to the Lessor are not sufficient;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, BERGEN COUNTY, NEW JERSEY, as follows**

Section 1. The Participant Lease, in the form presented to this meeting, be and the same is hereby approved, and the Mayor is hereby authorized to execute, and the Borough Clerk to attest, the Participant Lease, with such additions, deletions or modifications as such officer shall approve, and to deliver the same to the addresses designated on such Participant Lease, such approval to be conclusively evidenced

by the execution and delivery thereof, for the lease/purchase of a 2008 Ford Escape U59 4 WD 4 dr 14 CVT Hybrid Vehicle, at a price of \$26,231, pursuant to State Contract # A71077 (Section 2, T-2297)

Section 2. That any Authorized Participant Representative is hereby authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for the execution and delivery of the Participant Lease and for carrying out the sale, issuance and delivery of the lease obligations, and all related transactions contemplated by this resolution.

Section 3. This resolution shall become effective immediately.

**RESOLUTION #154-08**

**A RESOLUTION AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT WITH O.B.S. LEASING, LLC FOR A DIGIOP VOICE LOGGING SYSTEM FOR USE BY THE MAYWOOD POLICE DEPARTMENT**

WHEREAS, the Maywood Police Department is in need of a voice logging system; and

WHEREAS, the Chief of Police had solicited at least two informal quotes for such vice logging system; and

WHEREAS, a quotation had been received from O.B.S. Leasing, LLC, for the lease of a Digiop voice logging system for a 5 year period commencing on June 8, 2008, at an annual lease payment of \$3,954.00, for a total cost of \$19,770; and

WHEREAS, N.J.S.A. 40A:11-6.1 permits the award of a contract less than the bid threshold of \$21,000 after soliciting at least two informal quotations to a vendor whose response is most advantageous, price and other factors considered; and

WHEREAS, N.J.S.A. 40A:11-15 permits the lease of equipment for up to five years provided that such leases shall contain a clause making them subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation, or contain an annual cancellation clause;

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 and directed to execute, nunc pro tunc, and the Borough Clerk to attest, a Lease Agreement between the Borough of Maywood and O.B.S. Leasing, LLC for the lease of a Digiop Voice Logging System for use by the Police department, for a 5 year period commencing June 8, 2008, at an annual cost of \$3,954.00, subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation.

A certificate of availability of funds is on file in the office of the Borough Clerk and sufficient funds for the first year of this contract are available under Police-Other Expenses.

**RESOLUTION #155-08**

**RESOLUTION AUTHORIZING THE REDEMPTION OF A TAX SALE CERTIFICATE FOR  
BLOCK 17 LOT 17 TO CRUSADER LIEN SERVICES**

**WHEREAS**, Crusader Lien Services on December 12, 2007 purchased Tax Sale Certificate # 07-002 on property known as 837 No Lincoln Ave Block 17 Lot 17 and has paid subsequent taxes and interest; and

**WHEREAS**, the Tax Sale Certificate has been redeemed for \$18,055.07 effective September 18, 2008 and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Council that the Tax Collector be authorized to issue a refund check drawn to the current account, Commerce Bank in the amount of \$18,055.07.

Crusader Lien Services  
179 Washington Lane  
Jenkintown, PA 19046

**RESOLUTION # 156-08**

**RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR THE 2007  
PAVING OF VARIOUS STREETS, MAYWOOD, NEW JERSEY**

**WHEREAS**, sealed bids were received on October 7, 2008, for the 2006-2007 Community Development Improvements Project for Road Resurfacing of Orchard, Brookdale, Beech and Maybrook , following public advertisement as required by law and in accordance with specifications therefor; and

**WHEREAS**, the following bids were received:

1. Smith Sondy Asphalt  
150 Anderson Avenue  
Wallington, N.J. 07057  
  
Base Bid: \$ 238,273.49
  
2. English Paving Co., Inc.  
1087 Edgewater Avenue  
Ridgefield, N.J. 07657  
  
Base Bid \$ 255,649.00
  
3. Tilcon New York  
625 Mt. Hope Road  
Wharton, N.J. 07885  
  
Base Bid \$ 263,664.00
  
4. Joseph Sanzari, Inc.  
90 W. Franklin Street  
Hackensack, NJ 07601  
  
Base Bid \$ 268,991.00
  
5. D & L Paving Contractors  
185 High Street  
Nutley, N.J. 07110  
  
Base Bid \$ 275,287.50
  
6. Cross Roads Pavement Maintenance  
81 Franklin Avenue  
Nutley, N.J. 07110  
  
Base Bid \$ 306,074.00

- 7. Cross Roads Construction  
312 Emmet Street  
Newark, NJ 07105  
  
Base Bid \$ 341,987.50
  
- 8. Intercounty Paving  
859 Willow Grove  
Hackettstown, NJ 07840  
  
Base Bid \$ 442,280.00

**WHEREAS**, a review of said bids indicates that Smith Soudy Asphalt of 150 Anderson Avenue, Wallington, NJ 07057 is the lowest responsible bidder in the total sum of \$238,273.49, which represents the Base Bid; and

**WHEREAS**, the Mayor and Council find that it would be in the best interests of the citizens of the Borough of Maywood to award a contract to Smith Soudy Asphalt, 150 Anderson Avenue, Wallington, NJ 07057 for the 2006-2007 Community Development Improvements Project for Road Resurfacing of Orchard, Brookdale, Beech and Maybrook for the Base Bid amount of \$ 238,273.49;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the bid of Smith Soudy Asphalt, 150 Anderson Avenue, Wallington, NJ 07057 for the 2006-2007 Community Development Improvements Project for Road Resurfacing of Orchard, Brookdale, Beech and Maybrook for the total sum of \$238,273.49, in accordance with the specifications therefor, is hereby accepted, and be it further

**RESOLVED** that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, an agreement between the Borough of Maywood and Smith Soudy Asphalt, 150 Anderson Avenue, Wallington, NJ 07057 to carry out the foregoing purposes of a form approved by the Borough Attorney.

A certificate of availability of funds, signed by the Borough's Chief Financial Officer, is on file in the office of the Borough Clerk, certifying that sufficient funds for this purpose are available under Ordinances # 6-08 and 21-08.

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

Marianne Auriemma – 521 Lincoln Avenue – Questioned Resolution #155-08.

Councilperson Jengo moved for adoption, seconded by Councilperson Rupp; and so carried by unanimous roll call vote with Councilperson Fleischmann voting no to Resolution #154-08 and Councilperson McVey voting no to Resolution #153-08.

**INTRODUCTION OF ORDINANCES**

**ORDINANCE # 25-08**

**AN ORDINANCE TO ESTABLISH, RATIFY AND CONFIRM CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, NEW JERSEY, AND TO PROVIDE FOR AND DETERMINE THE MAXIMUM RATE AND METHOD OF COMPENSATION TO SUCH OFFICERS AND EMPLOYEES (FOR CURRENT EMPLOYEES AS OF EFFECTIVE DATE OF THIS ORDINANCE)**

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

Section 1. The following offices and positions of employment of the Borough of Maywood are hereby established, ratified and confirmed and the minimum and maximum annual salary and hourly rates of compensation for such offices or positions of employment are hereby fixed and determined as follows, for current employees as of the effective date of this ordinance:

<u>POSITION</u>	<u>SALARY</u>	
	Minimum	Maximum
<u>ADMINISTRATIVE</u>		
Borough Administrator (1)	\$91,129.60	\$111,242.56
Borough Clerk/Official Title Search Officer/ Election Official (1)	\$65,160.00	\$82,825.60
Deputy Borough Clerk (1)	\$25,552.80	\$36,300.00
Administrative Assistant (1)	\$25,552.80	\$48,553.19
EMT/Maintenance (2)	\$25,552.80	\$37,271.61
 <u>FINANCE</u>		
Chief Financial Officer (1)	\$22,633.42	\$28,769.59
Tax Collector/Official Tax Search Officer (1)	\$55,721.02	\$70,827.60
Treasurer	\$ 3,000.00	\$ 3,300.00
Assistant Finance Administrator	\$37,037.52	\$48,728.80

Administrative Assistant (2)	\$25,552.80	\$48,553.19
Assessor (1)	\$11,475.36	\$14,586.46

MUNICIPAL COURT

Certified Municipal Court Administrator (1)	\$44,958.89	\$57,147.74
Judge (1)	\$17,508.82	\$22,255.65
Prosecutor (1)	\$13,133.02	\$16,693.52
Deputy Court Administrator (1)	\$24,336.00	\$36,300.00

DEPARTMENT OF PUBLIC WORKS

Superintendent of Public Works (1)	\$58,032.00	\$71,564.90
Foreperson (1)	\$53,000.00	\$64,900.00
Administrative Assistant (1)	\$25,552.80	\$48,553.19
Recycling Coordinator (1)	\$ 4,151.16	\$ 5,073.64

DEPARTMENT OF COMMUNITY AFFAIRS

Construction Code Official (part-time)(1)	\$ 3,000.00	\$ 9,900.00
Building Sub-Code Official (part-time) (1)	\$ 4,000.00	\$ 9,900.00
Building Inspector (part-time) (1)	\$ 1,000.00	\$ 9,900.00
Housing Inspector (part-time) (1)	\$ 1,000.00	\$ 4,400.00
Plumbing Subcode Official (part-time) (1)	\$ 4,000.00	\$ 9,900.00
Plumbing Inspector (part-time) (1)	\$ 4,000.00	\$ 9,900.00
Electrical Subcode Official (part-time) (1)	\$ 4,000.00	\$ 9,900.00
Electrical Inspector (part-time) (1)	\$ 4,000.00	\$ 9,900.00
Fire Subcode Official (part-time) (1)	\$ 4,000.00	\$ 9,900.00
Fire Inspector (part-time) (1)	\$ 2,000.00	\$ 6,600.00
Fire Inspector (part-time) (1)	\$ 15.00/hr.	\$ 27.50/hr
Zoning Officer	\$ 2,000.00	\$ 6,600.00
Property Maintenance Officer	\$ 2,000.00	\$ 6,600.00
Administrative Assistant (1)	\$ 25,552.80	\$48,553.19

Elevator Inspector (1)	\$ 3,500.00	\$ 4,600.00
Swim Pool Manager (June 15-Sept. 15) (1)	\$11,475.00	\$14,586.00
Swim Pool Assistant Manager (June 15-Sept.15) (2)	\$ 7,000.00	\$ 9,323.60
Swim Team Coach (2) (per season)	\$ 1,400.00	\$ 1,601.60
Fire Prevention Official (1)	\$ 3,894.00	\$ 4,949.41
Fire Prevention Inspectors (6) (per inspection as determined by Borough Administrator)	\$ 15.00/hr	\$ 82.50/hr
 <u>DEPARTMENT OF PUBLIC SAFETY</u>		
Chief of Police (1)	\$121,000.00	\$142,198.01
Secretary to Chief of Police/Supervisor of Records Bureau (1)	\$ 35,000.00	\$ 38,500.00
Secretary, Board of Fire Officers (1)	\$ 1,460.16	\$ 1,856.03
Police Dispatcher (full-time 37-1/2 hrs.) (3)		
Starting Salary	\$ 28,408.64	\$ 33,124.48
After completion of first year	\$ 32,236.88	\$ 37,588.20
After completion of second year	\$ 33,009.60	\$ 38,489.20
After completion of third year	\$ 34,793.85	\$ 40,569.63
After completion of fourth year	\$ 36,627.24	\$ 42,707.36
After completion of fifth year	\$ 39,057.82	\$ 45,541.42
OEM Director (part-time) (1)	\$ 1,119.04	\$ 1,230.94

Section 2. Employees assigned to attend meetings of various boards and agencies and/or prepare agendas, minutes and correspondence therefor shall be paid for any hours outside of normal business hours at the hourly rates established for such employees with a minimum of three hours per meeting attended.

Section 3. Except as otherwise noted, annual salaries are based upon a work week of 35 hours. With respect to any employee for which an hourly rate is shown, the employee shall be compensated for any additional hours worked beyond the regular work week at their hourly rate of pay and at time and one-half for any hours worked in excess of 40 hours per week.

Section 4. This ordinance shall not alter or abrogate the terms of any subsisting collective negotiation agreement. Except as otherwise provided herein, in addition to the salaries set forth above, additional compensation and all aspects of compensation generally referred to as “fringe benefits” shall be as set forth in subsisting collective bargaining agreements, if any, resolution or ordinances, copies of which shall be on file in the Borough Clerk’s Office during the term of said agreement.



or more than one (which taken together constitute full-time employment) shall receive longevity pay which shall be equal to 1% of the employee's salary as above stated, for each three years of service to the full-time employ of the Borough to a maximum of 10% for 30 years of continuous service, unless as otherwise provided by a collective bargaining agreement.

Section 9. Unless as otherwise provided by ordinance or resolution, each Borough Officer or employee shall be paid at the rate of 1/ 26 of his annual salary every two weeks.

Section 10. The Borough Auditor, Borough Engineer, Attorney for the Planning Board and the Borough Public Defender shall be paid for services rendered upon submission and approval by the Mayor and Council verified vouchers in accordance with their respective retainer agreements.

Section 11. Notwithstanding the provisions of any other ordinance establishing terms and conditions of employment for other employees within the Borough of Maywood, the Chief of Police shall receive the following benefits, in addition to salary:

A. The Chief shall enjoy the same remuneration for longevity and college credits received by the ranking police officer next in command pursuant to the collective bargaining agreement then in effect between the Borough of Maywood and PBA Local 102.

B. The Chief of Police shall receive 27 working days of vacation. The Chief shall not receive any additional pay or additional time off nor shall he accrue any additional days off for any holidays. In lieu thereof, payment for such holidays is reflected and included within the base salary for the Chief of Police.

C. The Chief of Police shall receive the same medical and dental benefits as that enjoyed by other superior officers of the Maywood Police Department as contained in the then current collective bargaining agreement between the Borough of Maywood and PBA Local 102. Upon retirement, the Borough shall continue the payment of the Chief of Police medical and dental benefits and such benefits for his spouse to the extent enjoyed by other superior officers of the Maywood Police Department as contained in the then current collective bargaining agreement between the Borough of Maywood and PBA Local 102. It is understood, however, that when the Chief of Police attains the age of 65, he shall, as a condition of continued medical and dental benefits, apply for and pay, at his own cost and expense, all sums as may be due for Medicare coverage, Parts A and B, to the end that the health benefits provided for in this paragraph shall then consist of complimentary coverage. If the Chief of Police shall predecease his spouse, the Borough of Maywood shall continue all such medical and dental benefits for his spouse, with the conditions set forth above when the spouse reaches the age of 65.

D. Upon retirement, the Chief of Police shall be entitled to one month's terminal leave for each eight years of service to the Borough of Maywood as a member of the Police Department, provided, however, that such terminal leave shall not exceed three months. The Chief of Police shall be entitled to receive his terminal leave in the form of a lump sum payment at his option.

Section 12. Notwithstanding the provisions of any other ordinance establishing terms and conditions of employment for other employees within the Borough of Maywood, the Borough Administrator shall receive the following benefits, in addition to salary:

- A. The Borough shall provide the Administrator with the benefits referred to in the Borough's administrative manual and employment policies, as modified from time to time, including, but not limited to, hospitalization, medical, dental insurance, life insurance and sick time. In addition, the Administrator shall be entitled to four weeks vacation and twelve personal days in each calendar year.
- B. The Borough will provide the Administrator with an automobile for use by the Administrator on Borough business and for commuting to and from the Borough.

Section 13. The duties, hours and other terms of employment of the above named officers and employees except as otherwise provided by agreement, statute or collective bargaining agreement, shall be set forth in such ordinance or resolution as shall be or shall have been adopted by the Mayor and Council.

Section 14. At least once in every month, the Borough Clerk shall present to the Mayor and Council warrants drawn to the order of the Borough of Maywood Trust Agency for account for its approval as follows:

- A. For all employees whose salaries are on an annual basis where such salaries are due and payable;
- B. For all employees whose compensation is on an hourly basis when the compensation has been approved by some responsible designated official and the chairman of the appropriate committee and the Mayor and Council, and has been certified by the Treasurer;
- C. At the first meeting of the Governing Body in January of each year there shall be approved an account to be designated the Borough of Maywood Trust Agency Account, and from time to time the Treasurer, upon receipt of a warrant for the amount due from such payroll account, shall deposit the same to the credit of the Trust agency Account charging the appropriate budgetary accounts therewith;
- D. The Treasurer shall draw checks on said payroll account to the employees entitled to payment therefrom;
- E. At each regular meeting of the Governing Body, the Borough clerk shall submit for the approval or ratification, as the case may be, the necessary payrolls for the amount due the several offices or employees for compensation. The payroll shall be considered by the Governing Body in due course and approved if found to be correct;

- F. It shall be the duty of the Treasurer, in case of error or adjustment in the payroll, to see that such error or adjustment is properly corrected and appropriate record made thereof;

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- G. The Mayor and Council or such officers as may be designated by the Governing Body are hereby authorized to sign warrants drawn in favor of the Borough of Maywood Trust Agency Account upon due notices that the appropriate payrolls have been approved by the proper committees and by the proper certifying authorities.

Section 15. The above salaries and compensation rates shall be effective as of January 1, of the current year, except as otherwise provided herein, and shall be applicable only to those employees holding said positions as of the date when this ordinance becomes effective. For employees whose position of employment commenced after January 1 of the current year, the annual salary shall be prorated for the period of their employment in said positions

Section 16. Notwithstanding the maximum annual salaries or maximum hourly rates set out in this ordinance, the salary for the holder of any position shall be established by resolution of the Mayor and Council at an amount not in excess of the maximum amount set out herein.

Section 17. All ordinances or parts thereof inconsistent herewith are repealed to the extent of such inconsistency.

Section 18. With respect to any compensation of managerial, executive or confidential employees, as defined under the New Jersey Employer-Employee Relations Act (N.J.S.A. 34:13A-3), this ordinance shall become operative twenty (20) days after final passage and publication, except as otherwise provided under N.J.S.A. 40A:9-165. With respect to the compensation of any other employee, this ordinance shall take effect upon final passage and publication as required by law.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance # 25-08 pass on first reading and that said Ordinances will be further considered for final passage at a meeting of the Mayor and Council to be held on November 6, 2008 at 7:30 pm at the Borough Hall, 15 Park Avenue, Maywood, New Jersey at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

**NEW BUSINESS**

## **OLD BUSINESS**

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## **MISCELLANEOUS BUSINESS**

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

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

David Wiseman – 522 Bergen Avenue – Asked why the leaf ordinance was introduced and why the Borough cannot remove the leaves from the street as required in a week's time. He stated the bagging of leaves would place an additional burden on the homeowner.

Mayor Eustace responded and stated it is often impossible to have the leaves picked up within seven days; adding not many municipalities pick leaves up from the street anymore. He explained the amount of man hours our DPW spends trying to clean up the leaves within the specified time frame. He stated we are still trying to work this out fairly for everybody because the burden ultimately does fall back onto the taxpayer.

Mr. Wiseman stated he does not agree that a substantial amount of time and/or money will be saved by bagging the leaves.

Joseph Celauro – 72 Lafayette Avenue – asked if leaf collection was already in this year's budget as a line item, and if so, why don't we wait until next year.

Mayor Eustace responded that we just might have to do that.

Mr. Celauro stated perhaps the storm drain situation could be helped if our streetsweeper came around more often.

George Sibbald – 98 E. Magnolia Avenue – He stated the bagging of leaves creates a lot more work for the residents and with regards to the senior citizens who are unable to do this type of clean-up, it is a stealth tax. He reported there are no storm sewers throughout the Fairway Knolls and with rain water, the leaves in the street all travel down towards the Esplanade. He stated it is just a tremendous amount of work.

Pete Mellett – 889 Spring Valley Road – He asked about the people who live on the north side of Spring Valley Road where there are no trees. He stated all the leaves still blow onto their properties. He reported there are many seniors who live in those houses and they cannot bag the leaves.

Arlene Formisano – 608 Edel Avenue – She stated many of the Maywood trees have outgrown the properties they are on and residents should not be required to pay for a permit to have them removed. She stated often these overgrown trees become a hazard.

Mayor Eustace responded and explained when a resident clear cuts their property, it also affects the neighboring properties.

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Marianne Auriemma – 521 Lincoln Avenue – She asked about dead trees that can pose a problem to personal property. She stated that maybe provisions should be included in the proposed ordinance.

Mayor Eustace stated that they are diligently working on what can be done to save taxpayers money. He also explained that the Borough cannot expect the \$400,000.00 in aid that we were fortunate to receive this year and that is why it is so important for us to find ways to save money.

David Keller – 80 Thoma Avenue – he asked if the Council has an alternative plan in lieu of bagging.

Mayor Eustace responded.

Georgia Piekart – 683 Coles Street – she stated she is in favor of bagging leaves. She reported there is limited parking on Coles Street and with the bagging of leaves, it would be easier to park.

John Brown – 41 Stelling Avenue – he stated the ordinance reads bagged leaves cannot be placed on the curb until after 6 pm, however, it is already dark at this time, adding perhaps the time could be changed. He also asked if he could be afforded the opportunity to see the dollar savings that were arrived at when the study was done.

Mayor Eustace responded.

David Wiseman – 522 Bergen Avenue – commented on dead trees on private property. He stated it should be in the ordinance that the Borough can declare a dead tree a hazard so that it is taken down before it causes any harm.

Mayor Eustace responded.

Arlene Formisano – 608 Edel Avenue – she asked about the new recycling brochure. She wanted to know if we will be going to two times per month. She stated cardboard is a problem on windy days, adding we need to inform people to be more proactive about anchoring down the cardboard and paper to prevent it from blowing away. She also asked if recycling education can be started in our schools.

Mayor Eustace responded.

Mayor Eustace addressed Mr. Wiseman and stated there is an ordinance regarding dead trees – Chapter 132; Section 132-1 – requiring the tree be removed in ten days.

Jeff Spendley – 113 Hartwich Street – stated he was here on behalf of girl's softball and would like to request that a time line be placed on the field repairs.

Mayor Eustace responded it is our intention to have the work done on schedule.

John Brown – 41 Stelling Avenue – Stated it is easier to blow the leaves into the street and then bag them once they are in the street. He asked if the wording could be changed so this can be done.

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Administrator Richards responded this ordinance was originally put into place in the early 1980's and was then removed. He stated if it had stayed on the books, this would now be a mute issue.

Administrator Richards stated Veterans Day is coming up and he would like to introduce a true hero who is among us this evening. He asked Joe Celauro, who was a pilot in World War II to stand – everyone applauded.

Hearing no further comments, Mayor Eustace closed this portion of the 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 and all change order items. We compiled a punch list which consists of replacing various cracked sections of concrete sidewalk, and re-attaching the vinyl sleeves onto the new bollards, and we have forwarded a copy of the punch list to Zuccaro. Once these repairs are completed we will perform a final inspection with the NJDOT and closeout this project.

Mr. Villano reported the punch list is currently being worked on to complete the project.

Mayor Eustace asked if the paperwork can be completed and submitted once all punch list items are completed.

Mr. Villano responded.

**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 their contract, including change orders, and we submitted the final payment to the Borough Administrator for processing. Once payment has been made, we will submit closeout documents to the NJDOT for closure.

Mr. Villano stated we can close out this project after completion and submission of the closing documents to the DOT.

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**3. 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).

The Borough will accept bids for this project on Tuesday, October 7, 2008 at 10:00 am. We will tabulate the bid results and make our recommendations to the Governing Body at the October 9, 2008 meeting.

Mr. Villano stated the bids were accepted for the CDBG project for road resurfacing and the bids were lower than expected.

Administrator Richards responded that he would like to see if we can qualify to use the remaining funds to resurface additional roadway.

Mr. Villano stated the bid should officially be awarded first and then we can proceed with any additions.

**4. 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.

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, and on Wednesday, August 27, 2008 we met again, this meeting included Jeff Spendley of the Girls Softball League to further clarify the proposed scope of work.

Accordingly, we have revised and scaled down our proposal to prepare specifications and assist the Borough through the bidding process. Our proposal totals \$2,520.00 and a copy will be forwarded to the Borough Administrator for authorization by the Governing Body.

Mr. Villano asked for authorization of payment for engineering services relating to the Memorial Park improvements.

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Mayor Eustace asked the Council for their approval – All in favor.

Councilperson Fleischmann asked Mr. Villano to discuss the scope of the work in more detail.

Mr. Villano responded.

Councilperson Jengo confirmed this will also include the temporary fencing for the outfields.

Mr. Villano stated that is included.

**5. 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.

The Governing Body authorized Johnson Soils Company to extract a soil sample and analyze same, in the area of the proposed monument. We are awaiting the sample results to provide the Governing Body with our recommendations for this project.

Mr. Villano stated soil samples have been taken and was advised the results have been mailed.

Mr. Villano also reported he met with representatives of the fire department regarding the monument and related landscaping.

**6. COLES BROOK DREDGING (ESSEX ST TO RAILROAD CULVERT)**

We were recently notified by the Bergen County Engineer's office to provide a proposal for the preparation of the NJDEP Application for dredging a section of Coles Brook from the Bon Buffet property on Essex St north to the Railroad culvert. We will meet with the County Engineer to determine what available data is on file, and we will submit our proposal for consideration by the Board of Chosen Freeholders.

Mr. Villano stated he was contacted by the County regarding the dredging of Coles Brook. He stated they were going to hire Neglia Engineering to obtain the permit.

Administrator Richards responded this is not the case. He stated when he attended the meeting at the County, he was advised that Maywood was responsible for obtaining permits for 500 feet and Hackensack would be responsible for the other 500 feet.

Administrator Richards voiced his concerns about the possibility of flooding in the area of West Fairmount Avenue as a result of this end of Coles Brook being dredged. He also stated we have to be concerned about debris and blockages in the Brook upstream on the Maywood/Paramus border.

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Mayor Eustace asked Borough Clerk Pelligra to read Resolution #84-08 by title at this time.

**RESOLUTION # 84-08**

**RESOLUTION AUTHORIZING ENGINEERING SERVICES FOR IMPROVEMENTS TO  
MEMORIAL PARK IN THE BOROUGH OF MAYWOOD**

WHEREAS, the Borough of Maywood has received matching grants in the aggregate of \$150,000 from the County of Bergen Open Space, Recreation, Farmland and Historic Preservation Trust Fund, to finance the cost of various improvements to Memorial Park within the Borough of Maywood; and

WHEREAS, the Mayor and Council of the Borough of Maywood has adopted Bond Ordinance No. 8-08 on March 6, 2008, appropriating the sum of \$300,000.00, including the aforesaid amount of the aforesaid grants and authorizing the issuance of \$142,800.00 in bonds or notes to finance said purpose; and

WHEREAS, the Borough Engineer, Neglia Engineering Associates, has submitted a proposal in an amount not to exceed the sum of \$ 2,520.00, based on the hourly rates as set forth in the contract between the Borough of Maywood and Neglia Engineering Associates, a copy of which is on file in the office of the Borough Clerk and is available for public inspection, to perform all necessary professional engineering services for said project, including surveying, design, permitting, contract documents preparation, field and office work, coordinate with all the municipal departments, perform final design and prepare final plans and specifications, prepare an estimate of construction costs and accept, review, tabulate and make recommendations with respect to the receipt of bids and the award of a contract; and

WHEREAS, such services constitute professional engineering services and are included within the scope of the contract between the Borough of Maywood and Neglia Engineering Associates, subject to the approval of a cost proposal therefor,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the proposal of Neglia Engineering Associates to perform the foregoing in an amount not to exceed the sum of \$ 2,520.00, based on the hourly rates as set forth in the contract between the Borough of Maywood and Neglia Engineering Associates, a copy of which is on file in the office of the Borough Clerk and is 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 Ordinance 8-08.

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

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

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Councilperson Rupp made a motion to adopt Resolution #84-08 authorizing professional engineering services for Memorial Park; seconded by Councilperson Jengo, and so carried by unanimous roll call vote.

**CLOSED SESSION – IF APPLICABLE**

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

**BOROUGH OF MAYWOOD  
Closed Session Resolution #157-08**

**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):

**Purchase Orders, Coaches Park**

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
- (X) 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

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**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: 10-9-08 Time: 9:25 p.m.

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

**ADJOURNMENT**

Councilperson Fleischmann moved the meeting be adjourned; seconded by Councilperson McVey and so carried at 10:00 p.m.

Borough Clerk