

“On January 3, 2008 and as revised on May 1, 2008 and June 5, 2008, adequate notice of this meeting pursuant to the Open Public Meetings Act has been furnished by inclusion thereof in the Annual Schedule of Meetings for 2008, which has been posted on the bulletin board at Borough Hall, filed with the Borough Clerk, faxed to the Our Town, The Record, The Community News and The County Seat newspapers and distributed to all persons, if any, requesting copies of same pursuant to said Act.”

Roll call showed the following members of the Governing Body present: Mayor Eustace, Councilpersons LaPietra Lapin, Savage, Rupp, and Jengo. Also present were Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra, Borough Administrator Thomas H. Richards and Councilpersons-elect Auriemma and Bresko. Councilperson Fleischmann arrived late.

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

NONE

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra reported on the following:

1. She stated the Change Order for the CDBG 2006-2007 Road Resurfacing is in the Council packets, adding if CFO Cuccia attends the meeting, he can sign the Certification of Funds and it can be added to the agenda.

Administrator Richards further explained the change order to the Council.

Councilperson Savage asked how much of Maybrook Drive will be resurfaced.

Administrator Richards responded.

2. She reported the Elected Official Liability Seminar will be held on Thursday, March 12, 2009 at 6:00 pm in Washington Township. She explained the reimbursement on the Borough's Liability Insurance received for each official attending.
3. She stated she distributed a resolution sent over by the Elmwood Park Clerk regarding permit fees for soil removal from Bergen County.
4. She stated the resolution for the salary ordinance will be on next week's agenda.

5. She reported she spoke with the County Clerk and stated the Certification of the General Election was sent out today and should be received by our office tomorrow; adding 79.3 percent of the Borough's registered voters came out to vote on November 4, 2008.

REPORT OF ADMINISTRATOR

The Administrator reported on the following:

1. He stated a Capital Budget list from each department was distributed to the Council mailboxes. He further discussed some of the priority items that will be needed which were submitted on the lists. He specifically noted that the DPW Superintendent has been pricing trucks and the fire department will require turn-out gear.

Mayor Eustace questioned the fire department turn-out gear.

Christopher Tuttle – OEM Director explained any turn-out gear older than ten years is no longer considered acceptable by OSHA and new members will not be permitted to attend class at the fire academy if they are issued gear tens years or older handed down from another member to use at the academy.

Mayor Eustace stated we are working with Rochelle Park regarding the use of their backhoe as well as other equipment.

2. He reported he spoke with the manager of the Maywood Tennis Club regarding the moving of the bus stop.
3. He reviewed the list of repairs requested to be done at the Senior Center and advised on the status of same. He stated the purchase order was issued today for the water heater.
4. He reported the resurfacing has been done on Spring Valley Avenue.
5. He reported on the pre-construction meeting with the CDBG regarding the 2006-2007 Resurfacing program and stated work will begin next week.

Councilperson Jengo asked about the tree that was being removed by the corner of the swim pool parking lot. She warned it may cause further flooding problems.

6. He reported the swim pool roof is being worked on and the fencing is nearing completion.

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, all change order items, and punch list items. Mr. Joseph Jagniatkowski of the NJDOT recently performed a final inspection and all outstanding items have been addressed. We will begin preparing the closeout documents and apply to the NJDOT for final reimbursement.

He reported that the majority of the punch list items have been completed on the Street Scapes II project.

He reported that he sent a letter to PSE&G to ensure they will restore the area, where recent repairs were made, back to its original condition once their work is completed.

Mayor Eustace stated we should contact PSE&G for the coming year regarding the sum of money they are to send to the Borough in preparation for any 2009 street openings.

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.

3. ORCHARD/BEECH/BROOKDALE/MAYBROOK RESURFACING

The Borough accepted bids on October 7, 2008 and a contract was awarded to Smith Soudy Asphalt Construction Co., 150 Anderson Avenue, Wallington, New Jersey 07057 in the total amount of \$ 238,273.49 which includes the following: Orchard Pl (from Van Cleeve St. to Brookdale St.; Brookdale St (from Orchard Pl. to Beech St.); Beech St. (from Ward St. to Maywood Ave; and Maybrook Dr. (from Hammel Pl. to Demarest Pl.).

We held a preconstruction meeting with the contractor on Friday, October 31, 2008 and the contractor will submit a schedule detailing the anticipated commencement date. In addition, since the bid amounts were substantially lower than the grant amount, we prepared a change order adding additional curb, sidewalk and driveway apron replacement for consideration by the Governing Body.

He reported a pre-construction meeting was held and work was added to the project due to the additional monies that were available.

He requested a representative of the Shade Tree Commission do a walk-thru of the work area prior to the start of the project to ensure any questions regarding the trees are addressed.

4. MEMORIAL PARK IMPROVEMENTS

The Governing Body approved our proposal at the October 2008 meeting in the amount of \$2,520.00 to prepare specifications for various improvements at the Little League and Girls Softball Fields designated as Fields #2, #4, and #5 within the Memorial Park Complex.

We are finalizing our specifications and we will be available to meet with Mr. Jeffrey Spendley and Councilwoman Jengo to go over the final scope of work prior to advertising for public bids with the Borough Clerk.

He stated he is working on the specifications for Memorial Park and asked that another meeting be arranged.

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 as Fetzer Park, Block 4 Lot 10, located between Cedar Ave and Locust Dr.

Johnson Soils Company was authorized by the Governing Body to extract a soil sample and analyze same, in the area of the proposed monument, and the sample results were forwarded to the Governing Body with our recommendations for this project. We also prepared a conceptual plan detailing the improvements around the proposed monument and presented same to the Borough's Fire Officials. We await further direction on how to proceed with this project pending availability of funds.

He stated soil samples were taken. He also advised that his landscape architect met with members of the fire department to review ideas for landscaping around the monument.

**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 have prepared a proposal to prepare and secure a NJDEP permit for dredging this section of Coles Brook and await the Governing Body authorization.

He stated a DEP permit is required to clean up the designated area of Coles Brook.

Borough Administrator responded.

Councilperson Fleischmann asked what the costs were on the DEP permit.

Councilperson Savage asked, with regards to Spring Valley Avenue, if damage is done by a contractor to curbing, who is responsible for the repairs.

Engineer Villano responded.

Councilperson Fleischmann questioned sidewalk, curb and apron repair/replacement on Beech, Brookdale, Orchard and Maybrook.

Engineer Villano stated only those sidewalks, curbs and aprons within the paving area will be addressed.

Councilperson Rupp asked if the meeting took place between the Engineer and Councilpersons Jengo and Fleischmann regarding Thoma Park.

Councilperson Fleischmann responded yes and stated they are waiting for revised specifications.

Mayor Eustace invited any Councilperson who had not had the opportunity to attend the DOT meetings at the library to view the CD supplied by the County with their concepts of the Route 17 Redevelopment area, adding their ideas do not correspond with our redevelopment plan.

Administrator Richards stated he has spoken with Mr. Pessolano of H2M and their firm will also be corresponding directly with the County.

REPORT OF ATTORNEY

Attorney Rupp reported on the following:

1. He stated he formulated a resolution based on the information he received from the Board of Education regarding the Homework Club. He asked if anyone has met with the Board of Education.

Administrator Richards and Councilperson Jengo responded. Councilperson Jengo added the program could be done for under \$10,000.00 for the year.

Administrator Richards left the meeting at this time.

2. He stated he scripted a resolution on solid waste collection based on the specifications he was given.
3. He stated the change order for the road resurfacing can be voted on tonight subject on the CFO signing a Certification of Funds.
4. He stated he received the latest copy of the fire department by-laws, made the revisions and submitted them back to the fire department for approval. The Fire Department requested the changes be highlighted that were made. Attorney stated he will forward them to Borough Clerk Pelligra.

Councilperson LaPietra Lapin asked about the application process listed on page 12 of the by-laws with regards to applicants who may be rejected by the Board of Fire Officers. She asked if the Council will be made aware of any such rejections and the reason for same.

Attorney Rupp responded.

Councilperson Savage stated he would like the by-laws and ordinance to be consistent.

5. He stated he drafted an ordinance regarding the allowable parking hours in the municipal lots.
6. He stated he drafted an ordinance for the relocation of the bus stop, adding he still needed information on measurements from the police department.

Mayor Eustace requested that the bus stop ordinance be placed on tonight's agenda – All in favor.

7. He reported on B & V Towing and stated he will be meeting with James Mazzer tomorrow at 3:30 pm to review all correspondence.
8. He stated he distributed an email regarding the scheduling of the Reorganization meeting for 2009.

Mayor Eustace asked if the Reorganization meeting can be held on Wednesday, January 7, 2009 in conjunction with the regular Council meeting at 7:30 pm – All in favor.

Borough Clerk Pelligra confirmed there will not be a meeting on Thursday, January 8, 2009.

9. He reported he spoke with Mr. Padovano and stated the resolution regarding the redevelopment will be on the Planning Board's December 2008 agenda.

COMMITTEE REPORTS

Councilperson LaPietra Lapin reported on the following:

1. She asked if the Council was in agreement to appoint the new police officer on the November 20, 2008 agenda.

Mayor Eustace responded.

2. She questioned the parking ordinance and the change in the time limit to park.

Attorney Rupp responded.

3. She reported on a letter she received from Mr. Padovano asking for information defining the hours of operation for different types of restaurants within the Borough.

Attorney Rupp stated this is a policy issue and should be discussed by the Council.

Mayor Eustace asked that a copy of Mr. Padovano's letter be distributed to the Council for review and further discussion at the December 4, 2008 Work Session.

Councilperson Savage reported on the following:

1. He reported on the new dump trucks that have been requested by the Department of Public Works – all in favor.
2. He stated there is a Shade Tree Commission meeting next Thursday and the issue of trees on private property will be discussed.

Councilperson Rupp reported on the following:

1. He stated he is getting everything together to place the fire truck for sale on eBay. He stated he will advise Borough Clerk Pelligra seven days prior to the start of bidding on eBay so she can take care of the required publication.

2. He asked Councilperson Jengo about the contact she recommended for the web site.

Councilperson Jengo responded stating he is working on a presentation. She also confirmed that the domain will be owned by the Borough.

Councilperson Fleischmann reported on the following:

1. He reported on the Thoma Avenue Field meeting with the Engineer, Administrator and Councilperson Jengo. He stated the specifications that were distributed last week are not correct, adding the Engineer is currently writing up new specifications. He explained in order for the problem to be rectified, the infield will need to be excavated and reconstructed. He stated once he has all the information, he will bring it to the Council.

Councilperson Jengo reported on the following:

1. She stated the after school program at the school will not begin until January; however, the Chess Club did begin meeting two times per week and has fifteen participants.
2. She requested that when the meeting calendar is approved for 2009, that the meeting scheduled for the week of May 10, 2009 be moved in order to allow the Rotary members to attend the District Conference.

Mayor Eustace stated this will be taken under consideration.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He reported on the Elmwood Park resolution regarding DEP soil fees.

He asked the pleasure of the Council to have Maywood send its' own resolution – All in favor.

Mayor Eustace asked that it be added to the November 20, 2008 agenda.

2. He addressed the Council regarding the raffle fees for the 2009 Our Lady Queen of Peace yearly Bingo and Instant Pull Raffle Licenses.

Mayor Eustace polled the Council. The general consensus was to allow the fees to be waived at this time and review and discuss the fee schedule going forward.

Attorney Rupp responded regarding the fees charged by the State and the Borough.

Councilperson Savage made a motion to waive the Borough fees for the Our Lady Queen of Peace 2009 Bingo and Raffle Licenses, seconded by Councilperson LaPietra Lapin – All in favor.

Councilperson Fleischmann requested a list of all of the organizations who submitted various requests to the Borough that have associated fees and how the Borough responded.

3. He reported that the Mayors and Administrators of Maywood and Rochelle Park continue to meet regarding shared services. He stated the Mayor of Rochelle Park was misquoted recently in the newspaper. He reported they are discussing the shared purchase of a streetsweeper, adding significant progress is being made with shared services.
4. He reported a letter was received from PSE&G regarding energy audits where they would perform an audit at a 75% savings to the Borough. Mayor Eustace asked Administrator Richards to look into having the audit performed.
5. He reported on a thank you letter received regarding the driver of our Borough bus.
6. He stated there is a shared services meeting at Bergen Community College on December 2, 2008 at 10:30 am for anyone who is interested in attending.
7. He stated he received a resignation letter from our Public Defender, Marianne Auriemma, whose resignation is effective November 14, 2008.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

NONE

APPOINTMENTS – APPROVAL OF THE FOLLOWING

NONE

COUNCIL APPROVAL OF THE FOLLOWING

NONE

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 167-08

RESOLUTION AUTHORIZING INTER-LOCAL GOVERNMENT SERVICES CONTRACT WITH THE MAYWOOD BOARD OF EDUCATION FOR THE AFTER SCHOOL HOMEWORK AND RECREATION PROGRAM

WHEREAS, the Recreation Department of the Borough of Maywood has announced a new “After School Homework and Recreation Program” to be held at the Maywood Avenue School; and

WHEREAS, the program will run for three weekdays per week from 3:00 p.m. to 5:00 p.m. and will include a homework component, an art club, a dance club, photography club, a chess club, a drama club and media center; and

WHEREAS, to implement said program, an agreement must be entered into between the Borough of Maywood and the Board of Education of the Borough of Maywood for the use of the facilities at Maywood Avenue School,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, BERGEN COUNTY, NEW JERSEY, that the Mayor, Timothy J. Eustace, is hereby authorized to execute and the Borough Clerk, Jean M. Pelligra, to attest an agreement between the Borough of Maywood and the Board of Education of the Borough of Maywood to carry out the foregoing purposes, of a form approved by the Borough Attorney.

RESOLUTION #168-08

RESOLUTION AUTHORIZING ADVERTISEMENT FOR THE PUBLIC RECEIPT OF BIDS FOR COLLECTION OF SOLID WASTE

WHEREAS, the existing agreement between Pinto Service, Inc. and the Borough of Maywood for the disposal of solid waste generated within the Borough of Maywood is scheduled to expire on February 28, 2009; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, contracts for such services may be awarded for up to a term of five (5) years following public advertisement and receipt of bids therefor; and

WHEREAS, specifications therefor, in accordance with the provisions of N.J.A.C. 7:26H-1 et seq. and the Uniform Bid Specifications for Solid Waste Collection Service, promulgated thereunder, have been prepared and are on file in the Office of the Borough Clerk;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that in accordance with specifications for the collection of solid waste generated within the Borough of Maywood, a copy of which is on file in the Office of the Borough Clerk, the Borough Clerk is hereby authorized and directed to place the required advertisement in the Our Town, the Record and the Star Ledger for the receipt of public bids therefor.

RESOLUTION #169-08

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 FOR THE 2006-2007 COMMUNITY DEVELOPMENT IMPROVEMENTS PROJECT FOR ROAD RESURFACING OF ORCHARD, BROOKDALE, BEECH AND MAYBROOK

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

WHEREAS, pursuant to Resolution 156-08, the Mayor and Council accepted the bid of Smith Soudy Asphalt, 150 Anderson Avenue, Wallington, N.J. 07057 for said Project for the Base Bid in the sum of \$ 238,273.49; and

WHEREAS, the Borough Engineer has submitted Change Order # 1 to the Mayor and Council for approval which adds Supplemental items numbers 12-concrete sidewalks, 13-concrete aprons and 14-concrete curbs for cost increases in the sum of \$47,590.00, representing an increase of 19.97% of the original contract price for a total contract price of \$285,863.49; and

NOW, THEREFOR, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey that

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, Change Order No. 1 to the contract between the Borough of Maywood and Smith Soudy Asphalt Construction in the sum of \$47,590.00, representing an increase of 19.97% of the original contract price for a total contract price of \$285,863.49; and

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

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

T. Conoscenti – 199 Zuber Place – questioned Resolution #167-08 regarding the inclusion of the Art Club in the program.

Councilperson Jengo made a motion to amend Resolution #167-08 to include the Art Club, seconded by Councilperson Savage – All in favor.

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

INTRODUCTION OF ORDINANCES

ORDINANCE #28-08

AN ORDINANCE AMENDING SECTION 312-18 OF CHAPTER 312 OF THE CODE OF THE BOROUGH OF MAYWOOD RESPECTING BUS STOPS ALONG WEST PASSAIC STREET AND ESSEX STREET

Councilperson Savage moved for introduction, 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 #28-08, pass on first reading and that said Ordinance will be further considered for final passage at a meeting of the Mayor and Council to be held on December 4, 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

MISCELLANEOUS BUSINESS

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

Joan Rivera – 57 Parkway – Asked where we stand on bi-monthly recycling.

Councilperson Savage responded.

Joan Rivera – 57 Parkway – regarding sharing of equipment, she asked if there will be sign-out sheets and people checking the equipment.

Mayor Eustace responded.

Jim Csaposs – 644 Wyoming Avenue – responded to Councilperson Fleischmann’s report regarding Thoma Avenue Park and the placement of the pipes.

Councilperson Fleischmann responded.

John Brown – 41 Stelling Avenue – he requested a cost estimate and savings relative to the recycling proposal.

Mayor Eustace stated it is being prepared and will be made available.

John Brown – 41 Stelling Avenue – questioned what Administrator Richards meant when he spoke about the taking of additional land on Spring Valley Avenue.

Mayor stated he will look into it and will let him know.

Theresa Conoscenti – 199 Zuber Place - questioned the parking at the Fairmount Avenue lot.

Mayor Eustace responded.

Joan Rivera – 57 Parkway – questioned parking on the Esplanade.

Mayor Eustace responded.

CLOSED SESSION – IF APPLICABLE

Councilperson LaPietra Lapin 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 # 170-08**

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):

Redevelopment – Potential Litigation, Contract Negotiations

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

- Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof
- Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

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

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

- Will return to open session after this meeting.
- Do not envision that they will return to open session after this meeting but reserves the ri

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

ADJOURNMENT

Councilperson Savage moved the meeting be adjourned; seconded by Councilperson Fleischmann and so carried at 9:30 p.m.

Borough Clerk