

“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, Fleischmann, Jengo and Auriemma. Also present were Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra, Borough Administrator Thomas H. Richards, CFO Charles Cuccia, and Councilperson-elect Bresko. Councilperson Rupp arrived at 8:30 pm.

**CORRESPONDENCE AND REPORT OF BOROUGH CLERK**

Borough Clerk Pelligra reported on the following:

1. She stated the Council received a copy of the requested contract comparisons comparing the County contracts from 2008 to 2009. She stated the Health Services contract is required to be returned by December 20, 2008, adding they also need to advise her accordingly on the Bloodborne Pathogen contract.

Mayor Eustace stated there is a significant increase in the cost of the health officer and asked Administrator Richards if he had received any feedback on the possibility of sharing a health officer with a surrounding municipality. He requested the Administrator bring this information to next week's meeting.

2. She stated the Council received a copy of the report for the Bingo and Raffle licenses as well as the shuttle bus use.

Mayor Eustace stated when the Council discusses the fee ordinance; security deposit fees and maintenance fees must be reviewed for all organizations using the Senior Center.

Borough Clerk Pelligra noted in the fee ordinance packet relating to liquor licenses, you can increase the fee by 20% from the previous year's fee not to exceed a maximum of \$2,500.00.

3. She stated a request from Chief Pegg was distributed regarding the resolution *Over the Limit Under Arrest 2008* program to be placed on the agenda.

Mayor Eustace asked the pleasure of the Council to place the resolution on next week's agenda – All in favor.

4. She reported on the letters she sent to the public utility companies regarding escrows. She stated all return receipts were received back in the Clerk's office, adding a response from Cablevision was received. She advised a copy of this letter was given to the Attorney to review since they claim they are excluded from escrows.
5. She stated the Reorganization Meeting information was distributed to the Council and the request for volunteers to serve on Boards and/or Commissions was printed in the Our Town newspaper.

### **REPORT OF ADMINISTRATOR**

Administrator Richards reported on the following:

1. He reported he has received two proposals for the Borough website and reminded the Council that this should be addressed before year end.

Councilperson Jengo stated she did visit the West Amwell Borough website as requested by a Borough resident at the last meeting. She advised that she will be meeting with Councilperson Rupp to discuss the borough website.

2. He reported he received a memo from the Bergen County Utilities Authority and discussed the increased rates to the Borough. He stated he spoke with the engineer and requested that he contact the BCUA regarding the flow costs. He stated he anticipates lower rates since we have not had another occurrence as we did in 2006 with the floods.

Councilperson Fleischmann asked where we stood regarding the claim that was submitted to FEMA for the 2006 flood.

Administrator Richards responded.

Councilperson Fleischmann stated we should have a Borough representative present when the BCUA reads our flow meters.

Mayor Eustace agreed.

Administrator Richards asked if the contract for Steady Flow Services can be renewed for the meters to be read at the Malt Products.

Councilperson Auriemma asked where the water from sump pumps is going.

Mayor Eustace responded the water is pumped into the homeowner's yard area and is then leeched into the ground.

3. He reported that he and Mayor Eustace are meeting with Mr. Dressler in Hackensack regarding an interlocal agreement for a skate park.

4. He stated he met with a representative from a company that would furnish recycling bins on the bump-outs on Pleasant Avenue. He explained the income that would be produced by using the bins, adding, a percentage of the income would be generated by having advertising space on the bins.

Councilperson Jengo stated she does not agree with having recycling bins placed on the avenue with advertising, adding it would ruin the recent beautification of the avenue.

Councilperson Savage stated we spent millions of dollars beautifying the downtown area, therefore, why would we place large advertising recycling bins on the avenue.

Administrator Richards responded by stating he was bringing information back to the Council as requested.

Mayor Eustace stated we have to request that the businesses be more recycling compliant on the avenue. He asked the Council if they would consider having the bins on the side streets off of Pleasant Avenue and in the parks.

5. He stated he was asked to report on revenue received from recycling. He reported we collect approximately \$512.00 per month on our aluminum and glass recycling, adding if it had gone through Waste Management, it would have added \$600,000.00 to what the Borough already pays for waste collection.

Mayor Eustace stated recycling has become so valuable that people are stealing white goods from municipalities.

6. He reported on the five-year capital budgets and stated they must be reviewed early next year. He explained the process for our new council members. He advised the council that he met with department heads last week and requested that their capital budgets be submitted by January 15, 2009.
7. He reported that he and DPW Superintendent Russell met with Rochelle Park's Administrator regarding the possibility of our Superintendent overseeing and mentoring their employee who they anticipate will move up to the Superintendent's position in two years. He stated Rochelle Park will compensate our borough.
8. He reported on the breakdown for the sharing of the streetsweeper with Rochelle Park over a ten year period, adding it will be a 50/50 split. He stated the rates he presented are through Bergen County Economic Development.
9. He reported the restaurant lost their financing for their location at the Bergen Towne Center. He stated the cosmetic business will be going into the other location.

Councilperson Auriemma questioned how long we could anticipate the streetsweeper to last.

Administrator Richards stated our current streetsweeper is a 1993.

Councilperson Savage asked if he was correct that the Streetsweeper is part of the 2009 capital budget for the DPW, and if so, aren't there three or four more items for the DPW.

Administrator Richards stated yes.

Councilperson LaPietra Lapin asked if Vornado is looking for other restaurants for the available location.

Administrator Richards stated they are looking for other restaurants and/or will try to assist in getting funding for the current restaurant.

10. He stated the purchase order has been issued for Coaches Park and the work will be moving forward.
11. He stated he followed up with Mr. Pessolano of H2M as to why he was not at the December 4, 2008 Work Session. He reported after speaking with Mr. Pessolano at the NJLM Convention, Mr. Pessolano thought the presentation was moved to January.

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, including all change order items, and punch list items. Mr. Joseph Jagniatkowski of the NJDOT performed a final inspection and acknowledged that all outstanding punch list items have been addressed; same was confirmed in our November 24, 2008 letter to Mr. Jagniatkowski.

Last week we received the final request for payment from Zuccaro and Son's and we are presently processing said request along with the final closeout resolution. We also solicited quotes for extracting ten (10) pavement cores samples as required by NJDOT, and the lowest quote was submitted by Key-Tech, at a cost of not to exceed \$1,200.00. We ask that Governing Body authorize Key-Tec to proceed with this work, ultimately this expense is reimbursed by the NJDOT.

Once all payments are made to Zuccaro and we receive confirmation from Mr. Jagniatowski accepting the project, we will submit the closeout documents to the NJDOT for final reimbursement.

Mr. Villano stated the Streetscapes II project is near completion with all but one punch list item completed which will be addressed as soon as possible.

Councilperson Auriemma asked to explain what a core sample is.

Mr. Villano stated when the DOT is supplying grant funding for roadway paving; a core sample test must be performed and submitted before the monies are released. He stated this is done to ensure the proper materials were used as well as being the correct thickness, adding if it does not conform, the project can be rejected by the DOT and the money will not be released.

## **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. We are awaiting a final inspection by the NJDOT, and we will submit closeout documents to the NJDOT for closure and reimbursement.

Mr. Villano stated all close-out documents have been submitted.

## **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 subsequently the Governing Body approved a change order adding additional curb, sidewalk and driveway apron replacement in order to utilize the remainder of the grant moneys.

On Wednesday, November 26, 2008 we revisited the site with the Borough Administrator, DPW Superintendent and the contractor to mark-out the additional work stipulated in the change order. Per the advice of the DPW Superintendent, the Borough should consider utilizing the remainder of the grant money (or approximately \$100,000) to install a storm system at the intersection of Orchard and Brookdale to alleviate water ponding. We checked with the Bergen County CDBG office, and they will consider amending the grant to include this work. We have prepared a cost estimate and will forward to the Borough Administrator along with our engineering proposal prior to the December 11, 2008 meeting for consideration by the Governing Body. We recommend holding off on commencing the concrete work and paving until the spring of 2009, and allow us to prepare contract bid documents, accept bids and perform the installation of the storm system over the winter months. We await further direction on this project by the Governing Body.

Mr. Villano stated there are several sections of sidewalk that need to be replaced. He further explained that there are drainage problems that need to be addressed by Orchard and Brookdale, adding he contacted the County regarding the drainage issues.

Administrator Richards stated we exhausted all of the census areas for CDBG money.

#### **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 interested members of the Governing Body to go over the final scope of work prior to advertising for public bids with the Borough Clerk.

Mr. Villano stated he will begin work on Memorial Park so that it is ready for the Spring.

#### **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.

We prepared a conceptual plan detailing the improvements around the proposed monument and discussed same to the Borough's Fire Officials. Based on comments received, we revised our construction cost estimate and will forward to the Borough Administrator along with our engineering proposal prior to the December 11, 2008

meeting for consideration by the Governing Body. We ask that the Mayor and Council review this information and make a determination on how to proceed.

Mr. Villano distributed estimates to the members of the Mayor and Council based on his meeting with the Fire Department. He stated the project will cost approximately \$150,000.00.

Mayor Eustace stated now that we have a scope for the project, we need to establish a time line for the project.

Councilperson Fleischmann stated the project has taken on a life of its' own and needs to be scaled down. He stated the drainage issue must be addressed.

Mayor Eustace stated this is a Firemen's Park, adding if anything has to be scaled down, he would prefer that it not be done to the firemen's portion of the park.

Mayor Eustace asked if the cost of the monument could be scaled down to \$50,000.00 in lieu of \$70,000.00.

Councilperson Auriemma stated maybe there is another way to do this so that it can be a Firemen's Park but could also be available as a play area for our children.

Mayor Eustace stated the Council has been working on this project for years. He stated the monument could be scaled down.

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

We were requested by the Bergen County Engineer's office and the Borough Administrator 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 will forward to the Borough Administrator for discussion and authorization by the Governing Body at the December 11, 2008 meeting.

Mr. Villano reported on the costs Maywood will be responsible for regarding the project.

The Mayor stated our Borough's responsibility will be approximately \$6,000.00.

Mayor Eustace asked if the engineering costs are included in the fees.

Mr. Villano stated yes.

**7. THOMA AVE FIELD REPAIRS**

As requested by the Governing Body we solicited quotes for labor and equipment to remove the infield area of the Thoma Ave Little League facility and replace existing

clay with a Pro's Choice Clay Mix, change-out various sprinkler heads, replace the topsoil and sod, and laser grade the infield to alleviate the existing drainage problem.

The lowest of the two solicitations was submitted by Sports Turf Management Systems in the total amount of \$15,800.00. This quotation is based on the Borough purchasing the various material specified in our quotation letter. We ask that the Governing Body review this information and advise on how to proceed.

Mr. Villano reviewed the work that will be done by Sports Turf Management Systems to repair Thoma Avenue Field.

Councilperson Rupp arrived and Mayor Eustace asked if he had a chance to review the breakdown for the Fetzer Park project. He advised Councilperson Rupp of the Council's earlier discussion and asked him to address any questions he may have to the Engineer. He explained that drainage was not included in the scope of the project.

Councilperson Savage reported on a complaint from a resident regarding damage to curbing on Spring Valley Avenue.

Mr. Villano stated this will be repaired.

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

NONE

**REPORT OF ATTORNEY**

Attorney Rupp reported on the following:

1. He reported on Cablevision explaining the first element involves procedural requirements to advertise in the newspaper and hold a public hearing, adding the second element consists of a negotiation of a municipal consent ordinance. He stated there are some issues about what is requested and what is included.

Mayor Eustace stated he will meet with the Attorney and the Administrator and then the Attorney can speak directly with Cablevision.

Councilperson Lapin stated Mr. Shaw, the representative from Cablevision, needs to be present at the public hearing.

2. He stated the discrepancies raised by the Police Chief regarding B & V Towing have been resolved.

Councilperson Fleischmann stated he did not agree with B & V Towing being listed on the agenda as the primary towing company.

Borough Clerk Pelligra responded.

Mayor Eustace responded it is the police department's responsibility to review the application and ensure everything is in order.

Attorney Rupp responded.

3. He reported on the status of the fire department by-laws stating he had previously distributed a copy of them to the council. He stated he has made the modification requested by Councilperson LaPietra Lapin, adding he did not redistribute copies since it was a change of only one sentence regarding notification to the Administrator by the fire department when attending a funeral.

Mayor Eustace asked the Council if they were in agreement to submit the by-laws back to the fire department.

Councilperson Savage asked the Attorney if the by-laws were in agreement with the ordinance.

Attorney Rupp stated yes.

4. He stated a memo was distributed regarding the insurance producer / risk management contracts. He reported the duration of the contracts must be discussed. He stated if they are to be multi-year contracts, they should coincide for the same term. He noted that last year the contract duration was for one year, adding the statute allows for a maximum of three years.

Councilperson Lapin asked if there were a downside to a decision to go with a three year contract.

Attorney Rupp responded.

## **REPORT OF MAYOR**

Mayor Eustace reported on the following:

1. He reported on Governor Corzine's proposal regarding municipalities allocating only fifty-percent of the pension payment and deferring the balance. He stated this had been done by a

previous Governor and it was not a good idea at that time and it is not a good idea now. He explained it only delays the funds being paid and does not help the taxpayers.

CFO Cuccia responded in agreement, adding it may lower the cap for the borough as well.

2. He asked if the council members had seen the regulations regarding the financing on solar power. He asked CFO Cuccia to review the new regulations.
3. He reported on Project Porchlight, an organization that distributes a compact florescent bulb to each resident at no cost to the borough to encourage the use of these longer lasting, energy saving light bulbs. He stated we would only have to supply volunteers to distribute the bulbs, adding distribution at Santacade or at one of the holiday celebrations could be a possibility.
4. He stated he would like to shut off half the lights in the borough building to reduce energy costs.

### **COMMITTEE REPORTS**

Councilperson Savage reported on the following:

1. He asked the Administrator regarding the status of the leaf removal.

Administrator Richards responded that the DPW is ahead of schedule, adding the residents have until next week to put the leaves in the street for pick up.

Mayor Eustace confirmed that leaf pick-up from the street ends on December 14<sup>th</sup> and stated the leaves would have to be bagged or placed in containers for pick-up on Tuesdays after that date.

2. He asked the Administrator about the snow removal preparation.

Administrator Richards responded, stating two trucks should be replaced.

Mayor Eustace asked what would be done in the event one of our current trucks breaks down.

Administrator Richards responded he is working on arrangements as to who he can rent equipment from.

Mayor Eustace recommended he check with Rochelle Park.

3. He discussed recycling and the utilization of the borough's equipment and manpower.

Councilperson Jengo commented on a suggestion from a resident to switch the cardboard and newspaper collection days on Pleasant Avenue.

Mayor Eustace responded.

Administrator Richards suggested that the DPW employee who comes in on Saturdays to empty the trash cans on W. Pleasant Avenue could also pick up the corrugated cardboard to help alleviate this problem.

Councilperson LaPietra Lapin reported on the following:

1. She questioned the After School program.

Councilperson Jengo responded she will be having a meeting tomorrow with Lisa Schieli. She stated we need to move forward with this program and questioned the status of the contract with the Board of Education.

Borough Clerk Pelligra responded.

2. She questioned if the Administrator had sent a memo to the fire department reiterating that they must follow the rules and regulations that had been set in place regarding social events. She also asked if anyone was aware if any other fire company, other than Peerless, was planning a holiday party.

Mayor Eustace responded.

3. She asked if Kyle Eustace had replied to the Rice Notice that had been sent and if this would be discussed on tonight's agenda.

Attorney Rupp stated it would be discussed in closed session.

Councilperson Jengo reported on the following:

1. She stated she wants a letter sent to the fire department and first aid squad advising them that written notification must be given to the Mayor and Council when they will be out of town.
2. She requested a list be submitted to the Mayor and Council regarding the status of classes taken and to be taken by borough employees.

Councilperson Auriemma asked if there are any passing grade requirements for the employees in order to receive reimbursement.

Administrator Richards advised that the borough has always paid for the courses taken by its employees.

Councilperson Savage stated these are job specific courses.

Councilperson Auriemma stated we should have some assurance that employees will stay after the borough has expended the funds for their schooling.

3. She reported that the Senior Center is now recycling.
4. She reported that the council is invited to the Post Stroke holiday party at the Senior Center next Thursday.
5. She stated the floors at the Senior Center still have to be done.

Administrator Richards responded.

6. She reported the drainage at the Senior Recreation Center must be addressed, adding it must be done before someone is injured.
7. She stated the re-organization meeting for SID is scheduled for January 13<sup>th</sup>, 2009.

Councilperson Fleischmann reported on the following:

1. He stated next week CFO Cuccia will have a transfer resolution.

Mayor Eustace asked if the fee ordinance will be addressed at tonight's meeting.

Councilperson Fleischmann responded that he is aware that the information packet has been prepared and distributed; however, he does not feel the council is prepared to discuss it this evening.

Mayor Eustace asked if a date can be set to review the fee ordinance, perhaps at next week's meeting – All in favor.

Councilperson Rupp reported on the following:

1. He reported on the E.bay auction of the Mack Fire Engine, stating it was day eight of the auction. He stated there are four people currently bidding.
2. He reported on the fire on Edel Avenue yesterday stating our fire department as well as the mutual aid towns did an outstanding job.
3. He reported on the request from Peerless Engine Company to host a holiday party.

Councilperson Rupp made a motion to approve the request from Peerless Engine Company to host a holiday party on Sunday, December 21, 2008, with the provision that they adhere to all rules and regulations set forth by the Mayor and Council; seconded by Councilperson Jengo – All in favor.

4. He reported on the borough website stating he has reviewed the information submitted by a local resident to the Administrator. He stated he also viewed the website online that was recommended by another resident. He stated his recommendation is to work with a firm who deals with municipal websites versus someone who can develop one similar to other municipalities. He stated he would not discourage a presentation by the resident.

Administrator Richards stated he received an email “mock-up” from the resident but has been unable to forward it to the Council via email.

Councilperson Rupp noted that larger web site companies can provide reverse 911 capabilities in addition to web journals.

Mayor Eustace asked what the consensus of the web site committee was.

Councilperson Jengo stated she is concerned about the high cost of a website including the monthly maintenance fees. She added that she does not object to the idea of a resident designing and maintaining the website compared to a large company if it ultimately is more cost efficient to the borough.

Councilperson LaPietra Lapin stated she does not feel an amateur website designer can put together a website for the borough with the necessary security and requirements we need.

#### **RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

NONE

#### **APPOINTMENTS – APPROVAL OF THE FOLLOWING**

Mayor Eustace and Councilperson Auriemma recused themselves from this portion of the meeting.

1. Kyle Eustace as a probationary full-time Roadman with the Department of Public Works effective 12-17-08 at an annual salary of \$ 37,978.00.

Councilperson Savage moved the appointment, seconded by Councilperson LaPietra Lapin; and so carried by unanimous roll call vote with Councilperson Fleischmann abstaining and Councilperson Jengo voting no.

#### **COUNCIL APPROVAL OF THE FOLLOWING**

1. Peerless Engine Company #2 requests permission to serve alcohol at the Annual Captain’s Party on Sunday, 12-21-08 from 1:00 to 8:00 p.m. at Peerless Fire House, with the provision that they will adhere to all rules and regulations set forth by the Mayor and Council.

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

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

NONE

**INTRODUCTION OF ORDINANCES**

**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.

Arlene Formisano – 608 Edel Avenue – Asked if paper and cardboard can be commingled.

Mayor Eustace responded.

Arlene Formisano – 608 Edel Avenue – Asked if the Borough can charge for fire department services when they are required to clean up after an accident or hazmat situation.

Administrator Richard responded.

Arlene Formisano – 608 Edel Avenue – Stated florescent bulbs are being put into garbage cans when they should not be.

Mayor Eustace stated it is a matter of educating the public so they are aware of the proper disposal method.

Mr. Csaposs – 644 Wyoming Avenue – stated he understood at a previous work session that the engineer was going to deliver a proposal for Thoma Avenue Park, adding, tonight it was stated that a contractor provided proposals.

Administrator Richards responded

Mr. Csaposs stated it was the infield that was mentioned but he stated he has pictures of the outfield adjacent to the infield where flooding also occurred.

Councilperson Fleischmann responded.

Arlene Formisano – 608 Edel Avenue – Asked if anyone had looked into who does the website for Ship Bottom.

Mayor Eustace responded.

John Brown – 41 Stelling Avenue – stated the Administrator had reported that the restaurant would not be going in at Bergen Towne Center and asked if a tenant had to be secured within a certain time frame and if so, does the Borough have any recourse if a tenant is not found within that time period.

Mayor Eustace and Attorney Rupp responded.

Administrator Richards stated a cosmetic store is due to be built on one of Maywood’s “pads”.

Mayor Eustace stated he will obtain the information regarding the time frame for securing tenants at Bergen Towne Center.

**CLOSED SESSION – IF APPLICABLE**

Councilperson LaPietra Lapin 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 # 176-08**

**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):

**Police Negotiations, Potential Litigation  
DPW Personnel**

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

(X) Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof

( ) Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest

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

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

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

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

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

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

( ) Will return to open session after this meeting.

(X) Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 12-11-08 Time: 10:10 p.m.

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

Administrator Richards reported on stormwater regulations and the washing of vehicles. He stated the car wash on Route 17 South in Lodi that is being rebuilt after a fire will have a truck wash. He stated we will be looking into sending our trucks to that location.

Mayor Eustace and Councilperson Auriemma recused themselves from the following portion of the meeting.

Councilperson Savage made a motion to appoint Kyle Eustace as a probationary full-time Roadman with the Department of Public Works effective 12-17-08 at an annual salary of \$ 37,978.00, seconded by Councilperson LaPietra Lapin; and so carried by unanimous roll call vote with Councilperson Fleischmann abstaining and Councilperson Jengo voting no.

### **ADJOURNMENT**

Councilperson LaPietra Lapin moved the meeting be adjourned; seconded by Councilperson Fleischmann and so carried at 11:30 p.m.

Borough Clerk