

WORK SESSION

MARCH 4, 2010

“On January 7, 2010, 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 2010, 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.”

In case of an emergency or fire alarm, you must evacuate the building by using the exit door immediately to my right at the rear of the room. Occupants must exit the building by using the staircase and not the elevator.

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

PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES

ORDINANCE # 3-10

**AN ORDINANCE AMENDING ORDINANCE NO. 25-08
ENTITLED 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) RESPECTING
THE SALARY OF THE TAX COLLECTOR/OFFICIAL TAX
SEARCH OFFICER**

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

Section 1. Section 1 of Ordinance No. 25-08 entitled “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)” is hereby amended to modify the minimum and maximum for the position of Tax Collector/Official Tax Search Officer as follows:

POSITION

	<u>SALARY</u>	
Minimum		Maximum

FINANCE

Tax Collector/Official Tax Search Officer (1) (effective 01/01/10)	-	
		\$4,000.00

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 All ordinances or parts thereof inconsistent herewith are repealed to the extent of such inconsistency.

Section 3. 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.

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

Joan Rivera – 57 Parkway – questioned the increase in pay.

Mayor Eustace responded that it is a new position for this employee, therefore, it is \$4,000.00 in addition to what she is earning.

Hearing no further comments, Mayor Eustace closed this portion of the meeting.

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

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance #3-10 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 stated she did not receive a complete correct certificate of insurance for the towing application request on tonight’s agenda; therefore, the request should be removed.

Mayor Eustace stated the request will be pulled from the agenda.

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2. She stated she distributed various council information and invitations and asked that anyone who may be interested to please contact her.

REPORT OF ADMINISTRATOR

Administrator Richards reported on the following:

1. He spoke regarding the Fourth of July fireworks and asked for council direction; reporting approximately \$1,300.00 has been received and he expects donations totaling five to six thousand dollars by next week, adding, letters have not been mailed out yet.

Mayor Eustace stated Attorney Rupp handed out an opinion about pay-to-play and asking for donations for fireworks.

Mayor Eustace spoke regarding the date for the fireworks display and parade, explaining that he had been approached by several people to hold the fireworks on Friday evening, July 2, 2010 and the parade Saturday, July 3, 2010, adding, Administrator Richards stated Sheriff's officers will provide man-hours at a minimal cost in lieu of police overtime costs. He stated this will have to be discussed by the council this evening.

Administrator Richards explained the overtime costs for DPW and police personnel would be higher if the fireworks and/or parade were held on Sunday, July 4th or Monday, July 5th, 2010. He further advised the average hourly cost for a patrolman is \$79.00 and the sheriff's officer is \$85.00, therefore, the total cost for seven sheriff's officers to cover the fireworks would be approximately \$1,800.00.

Mayor Eustace asked the opinion of the council to host the fireworks Friday, July 2, 2010 and the parade, Saturday, July 3, 2010 – All in favor.

2. He distributed a report by the structural engineer regarding the integrity of the municipal building's roof for the council to review.
3. He asked direction of the council to add the replacement of DPW and first aid radios to the police department radios, adding, the total cost would be approximately \$130,000.00. He explained the reason for the replacement is due to the federal government compressing the radio frequencies by the end of 2012; therefore, he would like to replace the radios at one time.

Mayor Eustace asked the consensus of the council to purchase the radios together – All in favor.

4. He stated he was contacted by E. A. Berg who is requesting to rent five to fifteen parking spaces at the municipal swim pool lot.

Attorney Rupp explained the municipal swim pool lot is governed by green acres funding and can only be used for recreational purposes; therefore, the parking spaces cannot be rented out.

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5. He reported that he cannot in good conscience put additional money into repairing the police SUV. He stated the front end was evaluated by B & V today; adding, this would be an additional \$1,900.00 repair for a total of \$19,000.00 in repairs.

Mayor Eustace asked council's opinion to replace the SUV. Councilperson Lapin stated yes; Councilperson Savage stated no and has questions; Councilperson Jengo stated no; Councilperson Fleischmann wants a comparison with the Expedition; Councilperson Bresko stated he has questions but is leaning towards yes.

Councilperson Savage stated he has unanswered questions; adding, requested information has not been received.

Administrator Richards responded the tour commander will be using the vehicle, will be equipped with an hour meter and accurate maintenance records will be maintained.

Mayor Eustace polled the council regarding the replacement of the police SUV – Councilpersons Lapin, Savage, Fleischmann and Bresko voted yes and Councilperson Jengo voted no.

6. He stated harassment training was provided to the borough employees, adding, the fire department and first aid squads will also receive the training.
7. He spoke regarding Verizon Fios wanting to install their service in the Maybrook apartments and explained if the municipality has an ordinance in place, they must adhere to that ordinance. He stated the borough ordinance lists a fee of twenty dollars for every port installed.

Mayor Eustace asked Administrator Richards and Attorney Rupp to work it out with the attorneys for Verizon.

8. He spoke regarding Steadyflow who monitors the water flow at the Malt Products noting the flow was measured at nineteen and one-half million gallons. He explained the costs involved with water testing, adding, he spoke to the Director of the BCUA who advised him they will assist us.

REPORT OF ATTORNEY

Attorney Rupp reported on the following:

1. He spoke regarding solid waste collection and advised our current contractor, Scuffy Carting, LLC, failed to submit the required performance bond prior to the expiration of the first year of the contract which resulted in the termination of this contract, adding, arrangements are being made to solicit for temporary emergency proposals for solid waste

collection services for 60 days to six months maximum. He stated the notice is to be published on March 11, 2010 to implement a June 1, 2010 contract.

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Mayor Eustace stated the current carter has agreed to continue picking up trash until the borough has an emergency trash collector.

Attorney Rupp responded that we do have continuation of services, but we do not have a contract.

Attorney Rupp discussed the two sets of bids, one for the emergency collection and one for the new contract and explained any necessary additions or updates to the bid specifications from last year.

He stated the legislature has adopted a statute relating to contracts with options, which does not allow a municipality to choose a bid based on options, and now requires municipalities to prioritize their options and determine the criteria for same. He explained to the council how he prioritized the options on the collection of solid waste bid specifications.

2. He stated the council received a memo on the Oak Street Tavern, adding, there are items under council approval on tonight's agenda. He explained the fixed awning that was installed does not comply with the borough ordinance.

Councilperson Jengo stated a council decision had been made that a fine be given to either the building owner or the business owner.

Mayor Eustace responded that we can issue a summons, not a fine.

Councilperson Jengo asked if the action that we requested last week was taken.

Mayor Eustace asked Administrator Richards if the summons had been issued.

Administrator Richards responded that Mr. Mazzer was instructed to issue the summons but he would have to see if it has been served.

3. He stated the issue of solicitation of funds for the fireworks was raised again; adding, he prepared a memo of explanation for distribution to the council.

Mayor Eustace confirmed there is nothing unethical about requesting donations for the fireworks.

CFO Cuccia was present to speak with the Mayor and Council about the 2010 Budget.

He reported Governor Christie will be making some statements on March 16, 2010 that might impact our 2010 budget. He stated he does not anticipate receipt of any extraordinary aid and very little, if any of the comptra money. He explained they cannot touch the Energy Aid.

He spoke regarding the PBA contract that was recently passed and advised that 2009 retro-active payments will have to be made; therefore, a transfer resolution on the budget reserve will be needed.

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Councilperson Fleischmann questioned the rate of pay for a vendor listed on last month's bill list.

CFO Cuccia responded explaining that she is here for internal controls and that her salary has remained the same for the past five years.

Council President Lapin asked if pension payments will be made for 2009.

CFO Cuccia responded yes.

COMMITTEE REPORTS

Council President Lapin reported on the following:

1. She reported the name of the candidate for the police department will be known next week.

Mayor Eustace confirmed that we are currently down two police officers.

Council President Lapin responded yes and we are looking to hire one officer.

Mayor Eustace responded we were originally at twenty-four officers and we are going to remain at twenty-three.

Council President Lapin added yes with the hiring of one additional police officer. She explained there were three or four candidates that were favorable; however, one was contacted by another municipality. She stated the Chief has determined his first and second choices; therefore, we should have a name for next week. She stated she would like to put the name on the agenda for discussion if the background check comes back positive.

Mayor Eustace responded yes.

Councilperson Savage reported on the following:

1. He asked the status of the 2009 Planning Board Report of Action, adding, can it be discussed at the next work session.

Mayor Eustace responded yes and stated it will be on Councilperson Bresko's agenda.

Councilperson Fleischmann reported on the following:

1. He spoke regarding building maintenance items including lights that are out, cleanliness of bathrooms, and a door in need of repair. He questioned who is responsible for this maintenance.

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Administrator Richards responded that he is responsible and is currently working on it.

Councilperson Savage complimented the Administrator, Mayor and DPW for the terrific job that was done during the weekend snowstorm.

Councilperson Jengo reported on the following:

1. She spoke regarding Day in the Park and stated Recreation will do a "Fly a Kite" Day.
2. She stated she is working diligently on the borough website.

Mayor Eustace asked that she advise him when the website is near completion so a certificate of appreciation can be presented.

3. She stated she would like to have the volunteer honorees recognized by the Mayor and Council at the April Council Meeting, adding, coffee and cake could be served afterwards.

Councilperson Bresko reported on the following:

1. He stated he attended a special meeting of the Historical Committee where the topic of archiving was discussed.
2. He stated there was a special meeting of the Library Board last night to review the thirty-one applications received for the Director's position, adding, four applicants were chosen to be interviewed.
3. He reported on the Board of Education meeting, highlighting the impact of budget cuts, a reverse 911 system for parents of school children only, and approval for the use of Memorial School for the summer camp.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He reported the Superintendent of Schools has stated all students will be re-registered to avoid attendance of out-of-town students.
2. He reported council members were here at 6:00 pm to meet their youth counterparts and then attended an insurance seminar at 6:30 pm, adding, \$250.00 was saved by the borough for each councilperson that attended.

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

Mayor Eustace opened the meeting to the public for any comments on or off the agenda.

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Joan Rivera – 57 Parkway – questioned the cost effectiveness of the summer camp since the YMCA offers a program.

Councilperson Jengo responded that our summer camp program is self-sustaining and any money made goes back to the children. She stated the half-day program will be eliminated this year since the full day program was more popular.

Mayor Eustace reiterated that it is a self-sustaining program that does not cost the taxpayers any additional money.

Richard Hennion – 150 W. Pleasant Avenue – stated he is the present owner of the Maywoodbiz.com website and would like to continue posting meeting agendas, public notices, announcements etc. for the borough. He requested to be copied on any changes to garbage, recycling, shuttle bus or calendar schedules. He welcomed the Chamber of Commerce and any other borough organization to contact him regarding website postings.

Councilperson Jengo asked if she could have his website linked to the Borough website.

Mr. Hennion responded yes.

Hearing no further comments, Mayor Eustace closed this portion of the meeting.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

NONE

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. Yvette Ulubay as 2010 Summer Club Director at an hourly salary of \$20.00, not to exceed \$6,000.00 for the season, effective 3/4/10.
2. Colleen Cataldi as 2010 Pre-School Club Director at a seasonal salary of \$2,000.00 effective 3/4/10.
3. Laura Lynn Hofsommer as a part-time telecommunicator for the Maywood Police Department at an hourly salary of \$ 15.50 per hour effective March 4, 2010.

Councilperson Lapin moved the appointments, seconded by Councilperson Bresko.

Councilperson Savage questioned if the hourly salary in Approval #3 was in accordance with the borough salary ordinance.

Mayor Eustace responded yes.

Roll call was taken showing a unanimous roll call vote.

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COUNCIL APPROVAL OF THE FOLLOWING

All requests for approval were pulled.

1. Oak Street Tavern, 24-26 West Pleasant Avenue, requests permission to install an awning 22 feet wide by 3 feet projection on their building.
2. Oak Street Tavern requests permission to license three (3) automatic amusement games; (pool table, juke box and video game) on their premises.
3. Belfis Auto, 9 Forest Ave., Paramus, requests a towing license (secondary) for the year 2010 in the Borough of Maywood.

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION #56-10

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

WHEREAS, the Borough of Maywood and Scuffy Carting LLC had entered into a five year contract for the collection of solid waste generated within the Borough of Maywood for the period commencing March 1, 2009, and terminating on February 28, 2014; and

WHEREAS, pursuant to said contract, Scuffy Carting LLC was to have furnished the Borough of Maywood with a Performance Bond for the second year of the contract at least 120 days prior to February 28, 2010; and

WHEREAS, by reason of Scuffy Carting LLC's failure or refusal to provide such Performance Bond, Scuffy Carting LLC is in default under said contract; and

WHEREAS, by reason of such default, the Borough of Maywood is required to advertise for the receipt of new bids for the Collection of Solid Waste generated within the Borough of Maywood; and

WHEREAS, pursuant to N.J.S.A. 40A:11-15, permits 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

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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.

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

INTRODUCTION OF ORDINANCES

NONE

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

Councilperson Lapin made a motion for a five minute recess; seconded by Councilperson Jengo – All in favor.

CLOSED SESSION – IF APPLICABLE

Councilperson Bresko 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 # 58-10**

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):

DPW Negotiations, Solid Waste Contract
Personnel, Oak Street Tavern Permits

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:

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- () 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: 3-4-2010 Time: 9:00 pm

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

ADJOURNMENT

Councilperson Bresko moved the meeting be adjourned; seconded by Councilperson Lapin and so carried at 9:55 p.m.

Borough Clerk