

WORK SESSION

FEBRUARY 10, 2011

“On January 6, 2011, 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 2011, 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.

Members of the Governing Body Present: Mayor Eustace, Councilpersons Febre, Bresko, Auriemma, Jengo, Fleischmann, and Savage. Also present were Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra, and Borough Administrator Thomas H. Richards.

Police Chief David Pegg was present to address the council regarding police department promotions.

Chief Pegg stated the current structure of the police department as governed by borough ordinance is falling apart as a result of upcoming retirements and asked the council to take action.

He referred to the chart he distributed to the council and reviewed the current and possible six upcoming vacancies in the department.

Mayor Eustace responded it is a tough time to be spending money and with promotions, comes money and your entire department except you got money last year, adding, both your department and the Mayor and Council are between a rock and a hard place.

Councilperson Jengo stated she has been working with the police department and it seems obvious some action has to be taken, and suggested we develop a focus plan for the department to ensure the community stays safe.

Councilperson Auriemma suggested with the possible retirement of superior officers, this may be the time to consider merging our police department with another municipality and asked Chief Pegg if he had a preference.

Chief Pegg responded he has no preference, however, he has some doubts.

The council reviewed and discussed the 2010 police overtime report that was distributed and Councilperson Savage requested that it be done in the same format as the past few years.

Councilperson Auriemma stated \$300,000.00 is an excessive amount of overtime, adding she does not understand how we are saving money.

Mayor Eustace stated there is a difference of \$60,000.00 between the overtime report and the payroll report and asked Administrator Richards to look into it.

Mayor Eustace questioned the number of officers the department was down.

Chief Pegg responded he had two officers that were out on sick leave and one officer on loan to the DEA.

Councilperson Auriemma suggested setting up a committee to review the possibility of a police department merger.

Mayor Eustace responded he will appoint an ad hoc committee prior to next week's meeting.

Chief Pegg advised the council these promotions are necessary for the structure and moral of the department.

Mayor Eustace asked Chief Pegg about the precious metal ordinance.

Chief Pegg responded he met with Attorney Rupp and he is looking into further details.

CFO Cuccia was present to discuss the 2011 Budget and distributed a preliminary draft of the appropriations budget.

Mr. Cuccia stated we have a \$1.4 million surplus thanks to the overall work of our administration and finance department.

Council President Savage asked the council to review the preliminary budget and added CFO Cuccia will be present at the February 17, 2011 meeting to answer any questions the council may have.

Councilperson Fleischmann asked for a better description of each line item.

Mayor Eustace responded if people want to go through the whole budget in more detail, they will need to meet with CFO Cuccia.

CFO Cuccia advised the final draft of the budget will be prepared for the March 10, 2011 meeting and it will be introduced on March 17, 2011.

Dan Kaufman and Michael Berliner of Neglia Engineering were present to give the monthly report.

Administrator Richards introduced Dan Kaufman from Neglia Engineering.

1. 2009 NJDEP ECONOMIC RECOVERY PROGRAM

February Update: We have received authorization to bid from the NJDEP via correspondence dated January 31, 2011. Upon final approval from the Office of Equal Opportunity bid dates will be established.

On March 2, 2009 we submitted an application along with contract documents to the NJDEP under the Environmental Infrastructure Financing Program for the abandonment of the Spring Valley Rd Pump Station; the Lincoln Rd and Mendez Rd storm drainage improvements; and the lining of various sanitary sewers along the Coles Brook and Westerly Brook.

The NJEIT application package was resubmitted on March 1, 2010. A request for a jurisdictional determination from NJDEP regarding the permitting of this activity in the floodplain of the brook was submitted on May 24.

July Update: We received a notification from the NJDEP that the work proposed at the Spring Valley Avenue Pump Station can be done using a Flood Hazard Area 'Permit-by-Rule', will not require a general or individual permit application. We are currently working on a Treatment Works Approval application for the installation of the gravity sewer line. We have continuing dialog with NJDEP reviewers, requesting revisions to or clarifications of the loan application, plans and specifications.

August Update: We have completed the Treatment Works Approval application for the installation of the gravity sewer line. The Treatment Works Approval application requires the signatures of Borough officials and a check for \$2,772. We have continuing dialog with NJDEP reviewers, requesting revisions to or clarifications of the loan application, plans and specifications.

September Update: We have a meeting Friday morning (September 10) with the Paramus engineer to discuss details on the sewer connection and the Treatment Works Approval application for the installation of the gravity sewer line. We have received the NJDEP approval of the Project Planning Report. We have continuing dialog with NJDEP reviewers, requesting revisions to or clarifications of the loan application, plans and specifications.

October Update: The Borough of Paramus has requested certain revisions to the plans before they would sign-off on the Treatment Works Approval application for the installation of the gravity sewer line. We are revising the plans to address these comments. The revisions will require NJDEP Flood Hazard Area permitting.

November Update: We are working on the plans and application for the NJDEP Flood Hazard Area permit and TWA permit for submittal in November.

December Update: We submitted revised plans to NJDEP on December 7 for approval as part of the March 2011 funding round. The plans removed the pump station abandonment portion of the project, as the necessary permits for that work would not be in hand by the NJDEP cut-off date.

January Update: We have received preliminary approval on the Environmental Review and the 'Socially and Economically Disadvantaged' / Equal Opportunity sections of the contract documents. Per the NJDEP requirements, we will be submitting to the Borough a proposal for construction management services.

Mr. Kaufman stated the Construction Management Proposal will be sent to the Mayor and Council for approval and authorization to finalize the loan.

Council President Savage asked for an estimated cost for each of the components of the project.

Administrator Richards responded and explained the work the BCUA will be doing which will reduce the amount of money we will be spending.

Mayor Eustace responded the pump house is off the table.

2. FETZER PARK IMPROVEMENTS

February Update: Change Order # 2 was denied by the governing body and a release of a payment in the amount of \$5,560.73, excluding the Change Order, was recommended to the governing body.

The Borough received a matching grant in the amount of \$147,500.00 from the Bergen County Open Space program for the park improvements for the Borough property designated as Fetzer Park, Block 4 Lot 10, located between Cedar Ave and Locust Dr. The low bidder is DR Mullen Construction of Oakland, New Jersey in the amount of \$151,447.00. Construction began on April 8. The monument was installed on Tuesday, August 17.

September Update: PSEG installed a new utility pole on September 8. The final electrical work remains to be done.

November Update: The final engineers certification and change order have been submitted. The final contract price, after the recommended Change Order #2, is \$161,500.75, an increase of \$10,362.75 (6.6%) above the original contract price of \$151,447.00. The project has been completed, and the contractor has provided the Maintenance Bond.

January Update: Due to the Governing Body's concern with Change Order #2, we are currently renegotiating the matter.

Mr. Kaufman stated a revised Change Order #2 and final close-out will be sent to the Mayor and Council for approval.

3. BOROUGH'S ANNUAL CAPITAL ROADWAY IMPROVEMENT PROJECTS / YEAR 2010 NJDOT MUNICIPAL AID PROGRAM

February Update: Remaining punchlist items have been put on hold due to weather conditions. We anticipate final completion in the spring.

The Borough was awarded a grant by the NJDOT in the amount of \$200,000.00 for the resurfacing of Terrace Ave from Maywood Ave to Coles St, and Coles St from Terrace Ave to Spring Valley Ave.

The design plans and specifications were forwarded to NJDOT on June 29. The project was placed out to bid on July 30 and bids were received on August 12. The current prices offered by the contractors were much lower than estimated. We recommend that all bids be rejected and that the project scope be expanded. If the Mayor and Council approve the authorizing resolutions, we will have a revised bid package available for contractors on August 23, and receive bids on September 8. The revised bid package will include bid alternates for the remainder of Coles Street as well as the entire lengths of Byron Place and Concord Drive.

September Update: The revised bid package was available for contractors on August 23, and we received bids on September 8. The apparent low bidder is AJM Contractors of Passaic, NJ, with a bid of \$189,796.50 for the NJDOT-funded portion of the project, and \$140,086.37 for the Borough-funded portion (final bid values subject to verification).

October Update: AJM Contractors, Inc. issued a notice to residents yesterday indicating that concrete work will begin on October 18, with milling and paving to follow shortly thereafter.

November Update: Magnolia Avenue, Concord Drive, Byron Place and Sinninger Place are completed. The contractor has some work removing concrete roadbed in Terrace Avenue and Coles Street, and should be paving those roads on Monday and Tuesday (November 8 & 9) of next week.

December Update: The paving work has been completed. The striping work is weather dependent. The status of the contract is as follows:

Original Contract:	\$329,882.87
Change Order 1 (additional requested work)	+ 15,779.00
Change Order 2 (final quantities of mill and pave)	- <u>34,309.59</u>
Adjusted Contract (5.6% decrease)	\$311,352.28

January Update: No Update

Mr. Kaufman stated the punch list for the Coles and Terrace paving project will be completed this Spring.

4. SOLAR POWER FOR MAYWOOD, US DEPARTMENT OF ENERGY GRANT

February Update: Our Solar Energy Architect performed a walkthrough of the facilities and a proposal is forthcoming upon our presentation at the next Mayor & Council Work Session.

Initial application forms have been submitted to USDOE. We have been in contact with The Solar Energy Consortium – a USDOE contractor that provides assistance to municipalities regarding grants of this nature. We expect to have all required grant application paperwork submitted by mid-July.

July Update: The application forms were submitted to USDOE on June 30.

September Update: The application forms submitted to USDOE indicated that the Borough was considering a 20% match – up to \$60,000 of local money to supplement the \$300,000 federal money. That grant program was for implementation of solar energy technology, and was a 50% match program. The USDOE advised us that the installation of solar panels on the Borough Hall roof would require a 50% local match, but would be subject to 0% match (full federal funding up to \$300,000) if there was an educational component included. The educational component consists of monitoring equipment that reports system data to a federal database, an educational curriculum implemented in the Borough schools, and an educational kiosk that describes the system and the energy savings. We have received information on the curriculum and kiosk from the DOE. The DOE is requesting that the Borough confirm which type of grant we will pursue.

October Update: The revised application forms showing the educational component and the 0% Borough match were submitted on October 14.

November Update: The revised application forms are under review. The DOE did not object to locating the solar panels on the school building, and we will submit the revised environmental checklist form (EF-1) as requested.

December Update: We have submitted a revised environmental checklist form (EF-1), as well as photographs and site location plans for the proposed installation on the Maywood Avenue School. USDOE is reviewing the submittal, and will advise us if further coordination is necessary with the State Historic Preservation Office.

January Update: We have re-submitted the original environmental checklist form (EF-1), as well as photographs and site location plans for the proposed installation on Borough Hall.

Mr. Kaufman stated their Solar Consultant will address the Mayor and Council on the solar panel project.

Mr. Berliner stated the BCUA will be attending the April 14, 2011 meeting to address the Mayor and Council together with Neglia Engineering regarding the issue of infiltration.

Anthony Molaro, Neglia Engineering's Solar Consultant was present to answer questions regarding the installation of the solar panels.

Mr. Molaro reported the construction time would be approximately two months and upon completion, the panels will yield a savings of forty-five mega watts per year.

Councilperson Fleischmann questioned the status of the Stelling Avenue project.

Mayor Eustace responded we need to look at the numbers left from last year together with the money we have allocated for this year and decide on this year's project.

Administrator Richards asked that the council look seriously into the re-paving of Hunter Avenue.

PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES

NONE

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra reported on the following:

1. She reported she and the Deputy Clerk attended the annual Clerk's Election Update Meeting at the County yesterday and explained we will not know when petitions will be available due to re-districting because they may be changing the filing date, and added, she will advise everyone when she receives further information.
2. She spoke regarding the Community Resource Council and stated it is due for renewal at a cost of \$75.00.

The council was in agreement to renew.

3. She referred everyone to the pending list and pointed out additional items that were placed on the list.

REPORT OF ADMINISTRATOR

Administrator Richards reported on the following:

1. He spoke regarding the March 2010 storm and stated the borough received insurance funds in the amount of \$15,892.00 to cover damage to equipment and also received notice today we will be receiving \$37,877.00 in FEMA funding.
2. He stated President Obama declared the December 26/27, 2010 storm a disaster, therefore, all FEMA documentation collected will be submitted.
3. He stated Modern Equipment will be coming in to evaluate and submit real numbers for the front end loader.

4. He reported on the Fourth of July Parade Committee meeting held on February 7, 2011 and stated it was well attended. He explained Martha DeYoung would not be involved this year due to her husband's illness and asked that she be recognized with a commendation on the Fourth of July.

Mayor Eustace asked for the consensus of the council – all in favor.

5. He reported the train station grounds sustained damage caused by a DPW employee while removing snow.

Councilperson Fleischmann asked who did the retrofitting of the lights at 15 Park Avenue.

Administrator Richards responded he has been in touch with PSE&G and is working diligently to get the people to come back.

Councilperson Jengo questioned the number of lights out on West Pleasant Avenue.

Administrator Richards responded he will look into it.

REPORT OF ATTORNEY

Attorney Rupp stated his items of discussion are listed on the pending list and he will address them when the list is reviewed.

COMMITTEE REPORTS

Councilperson Jengo reported on the following:

1. She thanked the council for allowing Chief Pegg to address the council.
2. She reported on the swim pool and advised she has spoken to DPW Superintendent Russell who stated the pipe sleeving to repair the leak will be performed after the snow.
3. She reported on the borough website and stated she needs the borough staff to review the website and advise her of any updates that are needed.

Mayor Eustace stated CFO Cuccia commented the Recreation and Swim Pool are both well run programs.

Councilperson Febre reported on the following:

1. He suggested sending someone to an HTML or website class so we can handle our own website.

Councilperson Bresko reported on the following:

1. He reported on the Board of Education meeting.

Mayor Eustace asked Councilperson Bresko to look into the cost per student paid by South Hackensack and Rochelle Park and what their performance rating is compared to our students.

2. He asked anyone that had not turned in their Youth Month counterpart form to the Recreation Director, to please do so.

Councilperson Auriemma stated she had no report at this time.

Councilperson Fleischmann reported on the following:

1. He stated he attended the Fire Board meeting and it was discussed that one service will be done on Memorial Day to commemorate the holiday and the grand opening of the fire department memorial at Fetzer Park.
2. He discussed the possibility of forming another parking committee and asked the Mayor to make the appointments because there are still open issues that have to be discussed such as the clearing of snow around Memorial School.

Mayor Eustace commented on Councilperson Auriemma's suggestion stating we should consider one side of the street parking when the roads are snow covered.

Council President Savage stated he had nothing to report on at this time.

REPORT OF MAYOR

Mayor Eustace stated he wanted to state publically that he is not resigning, stepping down or quitting and explained he will be finishing his elected term.

Mayor Eustace reported on the following:

1. He reviewed the scheduled items on the pending list with the council and confirmed all were in favor of the items to be placed on the February 17, 2011 agenda.

He asked Attorney Rupp to comment on Pending List Item #9 regarding impervious coverage and lot recommendations.

Attorney Rupp explained the reasons for the changes to the ordinance as it was originally drafted.

Council President Savage asked that this be sent back to the Planning Board for further review and suggested item #9 be removed from council's pending list.

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.

Rich Henion – 150 W. Pleasant Avenue – questioned the ordinance regarding impervious lot coverage.

Attorney Rupp responded existing properties would not be affected.

James Csaposs – 644 Wyoming Avenue – asked if someone was thinking about the pot holes.

Administrator Richards responded through the interlocal agreement we have with Lodi, we will be able to use their new “hot box” every other day to make the necessary repairs.

Rich Henion – 150 W. Pleasant Avenue – spoke regarding the precious metal ordinance and explained the health care bill requires additional information be taken and a 1099 form be issued for amounts over \$600.00.

John Brown – 41 Stelling Avenue – stated when the police chief was present earlier in the meeting, he did not hear the option of bringing in a Captain from another town.

Mayor Eustace responded there are many ideas that could be considered.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

NONE

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. Adam Conboy and Dennis Fleming as probationary members of the Maywood First Aid and Emergency Squad effective February 10, 2011.

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

COUNCIL APPROVAL OF THE FOLLOWING

NONE

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

NONE

INTRODUCTION OF ORDINANCES

NONE

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

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

CLOSED SESSION

Councilperson Savage made a motion to go into closed session; seconded by Councilperson Febre - All in favor.

BOROUGH OF MAYWOOD
Closed Session Resolution # 44-11

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):

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

Date of Passage: _____ 02-10-2011 _____ Time: _____ 9:30 pm _____

ADJOURNMENT

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

Borough Clerk