

WORK SESSION

MARCH 3, 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, Jengo, Fleischmann, and Savage. Also present were Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra, and Borough Administrator Thomas H. Richards.

ABSENT: Councilperson Auriemma

Councilperson Bresko introduced the Youth Month Counterparts and asked each of them to say a few words about themselves.

Mayor Eustace welcomed the Youth Counterparts and explained the council will be reviewing the budget this evening and added, everyone is welcome to stay but advised the counterparts they will be more involved at the next two meetings.

Chuck Cuccia, CFO and Steven Wielkottz, RMA were present to discuss the proposed 2011 Municipal Budget.

Mr. Cuccia stated the proposed budget is in compliance with the required appropriation and levy caps.

Mr. Cuccia reviewed the budget on a page by page basis with the Mayor and Council.

Mr. Cuccia stated we will be utilizing \$855,126.00 of the \$1.4 million surplus that we had at year end.

Mr. Cuccia reported our state aid will remain the same as last year per the Governor's budget statement.

Mayor Eustace questioned the receipt of cable franchise fees and asked if the senate bill to remove these fees passes this year, would it affect our budget this year or next year.

Mr. Cuccia responded we usually receive the franchise fees in the first quarter of the year.

Mayor Eustace stated he sent a letter to our Governor and Senator to vote against it.

Auditor Wielkotz distributed a document to the council indicating where the borough stands right now as compared to last year.

Mayor Eustace pointed out our health care benefits and pension costs alone are going up \$600,000.00.

Auditor Wielkotz explained our municipal tax impact would be a little over five tax points which, on an average home assessment of \$412,109.00 would come to \$206.80, and reiterated this does not include the school or county tax yet.

Mr. Cuccia continued the budget review.

Mayor Eustace asked if the revenue from the ambulance billing covers the salaries of the two paid EMT's.

Mr. Cuccia responded they do but we have not anticipated the revenue in the budget, however, we are generating surplus to use towards tax reduction.

Mr. Cuccia stated the total general appropriation for municipal purposes within the cap is \$11,263,508.71.

Mayor Eustace asked CFO Cuccia to speak to the council regarding pension contributions.

CFO Cuccia responded the Borough of Maywood has paid all of the pension costs that the State has required them to pay both in the PFRS and the PERS; however, the State has not made their portion of the contribution for a number of years.

CFO Cuccia explained the items under the "excluded from the cap" portion of the budget.

Mayor Eustace pointed out the garbage collection by Hackensack should be listed outside the cap.

Mayor Eustace asked the council if they had any further questions for CFO Cuccia.

Council President Savage questioned the amount paid for street lighting.

CFO Cuccia responded the amount is lower due to our involvement in the NJSEM, adding, we will be going out for bid again in April for both electricity and natural gas.

Council President Savage questioned the amount in FEMA funds received.

CFO Cuccia and Administrator Richards responded and reviewed the funds that were received for last year's storm and advised the paperwork has been submitted for the December storm.

Administrator Richards stated with the closing of Maywood Hardware, our DPW will have to go elsewhere for items they need and asked CFO Cuccia to explain what can be done.

CFO Cuccia explained credit cards cannot be used; therefore, our best option would be to open a blanket purchase order and place that amount on a gift card the DPW can draw down on.

Mayor Eustace stated Council President Savage asked him to point out the average assessment on an average home last year was \$232.19 and this year there is a \$25.00 savings at \$206.37

Councilperson Fleischmann stated we are allowed to realize a reduction in the budget with savings from the energy consortium, but asked why we cannot do the same with FEMA money.

CFO Cuccia responded the FEMA monies are reimbursed funds.

Mayor Eustace and Auditor Wielkotz explained the two percent cap.

Mayor Eustace thanked CFO Cuccia and Mr. Wielkotz for addressing the council.

PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES

NONE

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra reported on the following:

1. She stated she received a request from the MYAA, which is not listed on the pending list, to close West Pleasant Avenue and other streets for their annual Opening Day parade and asked if it could put on for approval on the March 17, 2011 agenda.
2. She stated she received notice that paperwork will be submitted for the Walter D. Head Foundation Rotary raffle, and if received in good order, asked if it could be listed on the March 17, 2011 agenda.

Council was in agreement to place both approvals on the March 17, 2011 agenda.

3. She reported the borough shuttle bus is out of service until further notice and she posted the message on the website.

REPORT OF ADMINISTRATOR

Administrator Richards reported on the following:

1. He reported numbers were received for the repair of Stelling Avenue and stated a decision needs to be made. He explained we will not be receiving any funds this year from the DOT. He also strongly suggested Hunter Avenue be addressed at the same time and hopes to have numbers for the council next week.

Mayor Eustace questioned if Administrator Richards had asked CFO Cuccia if the money was available to do Stelling Avenue.

Administrator Richards responded the money would have to be bonded; however, there are some funds left over from the monies bonded for last year's project, adding, he is waiting to hear from Bond Counsel as to the amount.

Mayor Eustace asked the Administrator to follow up because he believes it is the will of the Council to take care of Stelling Avenue.

Councilperson Fleischmann stated we need to plan the project and see where it comes in and then determine what we can do.

2. He spoke regarding the OEM meetings attended by himself, John Gargagliano and Chris Tuttle regarding the December 2010 snow emergency.
3. He reported on Sunday evening we had a major sewer blockage on Prospect Avenue and large chunks of grease were found in the lines from eateries on West Pleasant Avenue.
4. He stated T-Mobile is fulfilling their obligation to supply a generator at the Peerless Firehouse but explained he needs to determine who will be installing it.

Attorney Rupp stated there are no provisions in the contract that we will install the generator.

Administrator Richard responded he will speak with Attorney Rupp.

Councilperson Fleischmann questioned the problem with the electrical bill at the Hunter Avenue firehouse.

Administrator Richards responded we received a reduction and the bill is no longer a problem.

5. He reported we received money from the insurance company for the vehicle being used by the DEA officer that was totaled.
6. He reported on the costs to either repair or replace the current bucket loader, advising the cost to repair the basic unit would be \$22,000.00 and the bucket \$20,000.00. He stated he will report further next week.
7. He spoke regarding the issues with the lighting in the municipal and DPW buildings and stated the lights will be repaired either tomorrow or Monday.

REPORT OF ATTORNEY

Attorney Rupp stated his items of discussion are for Closed Session.

COMMITTEE REPORTS

Councilperson Febre reported on the following:

1. He stated he spoke with School Superintendent Jordan and there is an eighth grade student who is willing to tape the Mayor and Council meetings, adding, he would like to start with the March 17, 2011 meeting.

Councilperson Febre made a motion to allow the student to begin videotaping Mayor and Council meetings beginning with the March 17, 2011 meeting; seconded by Councilperson Savage.

Councilperson Fleischmann questioned if this service was included in our Cablevision contract.

Mayor Eustace responded they were going to supply a camera to the grammar school and train people how to do the taping.

Councilperson Jengo stated she thought we were also supposed to get a specific cable channel.

Administrator Richards responded he will contact Gary Shaw at Cablevision to find out what we need to do to get the channel.

Attorney Rupp stated Teaneck Council meetings are on live television and explained there have been occasions when the language used was not appropriate and it is non-preventable.

Councilperson Fleischmann asked where the meetings would be viewed.

Councilperson Febre responded it would be available on "you tube" via a link from our website.

Mayor Eustace stated he is not in favor of this being on "you tube" and wants to make sure everything is legal prior to moving forward with something like this.

Councilperson Febre made a subsidiary motion to have Administrator Richards obtain further information from Cablevision; seconded by Councilperson Jengo; and so carried by unanimous roll call vote.

2. He stated a resident has suggested turning the property located next to Coaches Park into a dog park.

Mayor Eustace responded we already have one dog park and in a mile square town, he stated that is a pretty good ratio.

Attorney Rupp advised there are some outstanding litigation issues that should be addressed in closed session.

Councilperson Febre made a motion to roll back the employees' salaries to 2008 levels, not taking back what they have received so far, but moving forward going with the 2008 salaries.

Mayor Eustace asked for a second on the motion – no second received.

Councilperson Jengo responded she agrees and stated both she and Councilperson Bresko voted against the salary increase but she believes in the democratic process and a vote was taken after several discussions. She recommended a one year salary freeze with a possibility of a second year for any salaries that can be frozen.

Mayor Eustace explained you cannot tell future councils what to do.

Mayor Eustace stated people have touted him about his recommendations to have residents pay for their own garbage pick-up and sewer user fees, but explained residents would only pay for what they use and this could save \$700,000.00 in garbage costs and \$500,000.00 in sewer user fees.

Councilperson Fleischmann stated, moving forward, he would like to negotiate a wage freeze with all employees including the unions, adding, he would like to consider savings the CFO presented in a 2010 memo regarding furlough days.

Mayor Eustace responded we need to speak about contracts in closed session, but agreed wage freezes and furlough days have to be considered for all employees across the board.

Administrator Richards spoke about the third floor employees and thinks they would all agree to a wage freeze.

Councilperson Fleischmann stated he would like to see those numbers from the CFO.

Councilperson Jengo reported on the following:

1. She reported the police department and the third floor are in need of new computer servers and explained they are working together with United Computer to purchase the servers together.

Mayor Eustace suggested we check with the schools to see if they are in the process of buying servers, so we can purchase them all together as a municipality.

Administrator Richards stated we are working on obtaining additional IT time, increasing it from two to three hours every two weeks.

Councilperson Jengo stated the police department is also in need of desktop computers but will wait until DEA funds are available.

2. She spoke regarding the police department E-Ticketing program and asked the council if they would like a presentation.

Mayor Eustace responded no but he believed the attorney had some questions.

Attorney Rupp stated there were some issues as to whether this was state contract.

Mayor Eustace polled the council and the consensus was to go ahead with E-Ticketing, and added, if it is not state contract, we will have to go out to bid.

3. She reported from the Planning Board, a new retail furniture store will be taking over the Fedex building.

Councilperson Fleischmann asked how long the lease is and if this affects the redevelopment project.

Councilperson Jengo responded it is a ten and one-half year lease and as per the Planning Board Attorney, it does not affect the redevelopment area.

4. She stated on Tuesday, March 8, 2011, there will be bid openings for use of the swim pool.
5. She requested the council's support of a resolution recognizing Womens History Month.
6. She spoke regarding the annual Volunteer of the Year award and suggested we again honor someone on our own in lieu of going through the County.

Councilperson Bresko reported on the following:

1. He reported on behalf of the Board of Education:
 - They approved the use of the school for the Summer Club Program from June 27 through August 12, 2011.

Administrator Richards spoke about possibly using the school to extend the summer club by one week, adding, the alternative would be to use the senior center.

- They received an increase of \$200,000.00 in financial aid from the State; however, they have a deficit of \$700,000.00.
- They will maintain the Superintendent/ Principal consolidation as one position.
- They are working on other reductions in positions together with outsourcing.
- They are continuing with the feasibility study.

- They are in contract negotiations with the NEA to see if there is anything that can be done.
2. He reported on Youth Month activities and stated the dinner will be held at St. Martin's Church on March 31, 2011.

Councilperson Fleischmann reported on the following:

1. He stated the fire department ladder truck was brought to a new vendor for repairs and explained an additional repair to the counter-balance was needed before they could return the truck. He stated the truck manufacturer originally submitted a quote for \$7,700.00 for the repair of the counter-balance part; however, it was done for \$700.00 by the new vendor.
2. He reported, going forward, the fire chief is requesting cost estimates from this vendor for all preventative maintenance, which should be considerably less than what has been paid in the past.
3. He stated amongst his paperwork, he found a memo from T-Mobile dated February 17, 2011 addressing the generator and the electricity use at Peerless Firehouse and passed a copy on to Administrator Richards and Attorney Rupp for a determination.

Mayor Eustace asked the Administrator and Attorney to work this out with T-Mobile.

Council President Savage had no report at this time but asked for a clarification of January correspondence relating to Public Officials and Employment Practices Liability Claims Reporting Procedures and the requirement to appoint two people and do a resolution.

Borough Clerk Pelligra responded the required form was completed and returned.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He spoke regarding the by-laws and asked the council to read and know them.
2. He stated closed session items should remain confidential and not be discussed outside of this room.
3. He asked the council to please open and read their council packets prior to attending the meetings, adding, he does not feel comfortable having someone vote on an item they have not read about yet.
4. He reviewed pending list items with the council.

Senior Center Fees – Council agreed to have fees remain as is and removed this issue from the list.

Army Corps Sewer Agreement – the Administrator, Attorney and Engineer will look into this further for discussion next week.

Super Mower and E-Ticketing – Remove current date and leave on list for future action.

Fetzer Park – Further discussion next week.

Precious Metals Ordinance – The Attorney, Administrator, Police Chief and Detective met to discuss the ordinance.

Councilperson Savage made a motion to introduce the ordinance at the March 17, 2011 Council meeting; seconded by Councilperson Jengo.

Councilperson Febre questioned the change from three days to seven days and the burden this places on the store owner.

Attorney Rupp responded and explained the reasons for the changes.

Councilperson Jengo explained we are also trying to send a message that our store owners will not allow the purchase of stolen items.

Councilperson Fleischmann stated there are state and county laws in place and feels this would be over governing by further restricting our business owners and added we should not pursue this ordinance.

Attorney Rupp gave an overview of the ordinance stating it is meant as a deterrent to help catch the people who are fencing and provide a mechanism to make victims whole again by catching who stole said merchandise.

Mayor Eustace requested a straw poll and asked the council if they wished to pursue the ordinance - Councilperson Jengo voted yes and Councilpersons Febre, Fleischmann and Savage voted no. Councilperson Bresko stated he required more time for a decision.

The precious metal ordinance was removed from the pending list.

Skate Board Park – No update.

Planning Board – Impervious coverage and lot coverage recommendations – Further Review

Front Loader – Further discussion at March 10, 2011 meeting.

Fire Rescue Truck – Administrator Richards stated we cannot use capital funds for used equipment and added the only way to purchase the truck would be to increase the fire department budget by \$30,000.00.

Council President Savage asked what it would take to get the current rescue truck in good working order.

Councilperson Fleischmann responded it is currently in working condition.

Administrator Richards stated he will discuss this further with Bond Counsel and CFO Cuccia tomorrow.

The fire rescue truck will be discussed further at the March 10, 2011 meeting.

Board of Education – Summer Club Program – Further discussion March 10, 2011 meeting.

Mayor and Council discussed several appointments and approvals on the pending list and were in agreement to place them on the March 17, 2011 agenda.

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 West Pleasant Avenue – questioned the precious metal ordinance.

Mayor Eustace responded no official action was taken.

John Brown – 41 Stelling Avenue – spoke about a quote from Mayor Eustace published in the Community News regarding police salaries.

Mayor Eustace responded it was his mistake and stated Mr. Brown is correct, the police chief did receive an increase.

Jim Csaposs – 644 Wyoming Avenue – he stated he has a recollection from a previous work session that pension payments were deferred.

Mayor Eustace explained last year we were required by the state to defer half of our pension payment in order to receive state aid; adding, to clarify, the CFO stated we paid the monies we were required to pay.

Rick DeHeer – 18 Hammell Place – spoke regarding a comment made by the CFO during the review of the budget where he stated construction fees were down and questioned if we really need a full time building official.

Administrator Richards explained there will be quite a bit a work forthcoming this year.

Mayor Eustace responded a number of part-time jobs were simply consolidated into one full time position.

Rick DeHeer – spoke regarding healthcare and pension costs and stated he would like to receive a copy of this information.

Mayor Eustace advised him to submit an OPRA request to Borough Clerk Pelligra.

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

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

NONE

INTRODUCTION OF ORDINANCES

NONE

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

Councilperson Savage made a motion for a five minute recess; seconded by Councilperson Bresko – All in Favor.

CLOSED SESSION – IF APPLICABLE

Councilperson Fleischmann 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 # 60-11

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):

**Fire Chief Vehicle, Administrative Assistant, Future Sanitation
Velocity 17, Tax Appeals, Police Department, Library, Sewers**

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
- (X) 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: 3/3/2011 Time: 9:50 pm

Councilperson Breko made a motion to return to the regular order of business; seconded by Councilperson Jengo – All in favor.

ADJOURNMENT

Councilperson Bresko moved the meeting be adjourned; seconded by Councilperson Jengo and so carried at 10:35 p.m.

Borough Clerk