

WORK SESSION

MARCH 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, Jengo, Fleischmann, and Savage. Also present were Borough Attorney William F. Rupp, Borough Clerk Jean M. Pelligra, Borough Administrator Thomas H. Richards, and CFO Charles Cuccia. Councilperson Auriemma arrived at 7:40 pm.

Mayor Eustace welcomed back the Youth Counterparts and asked that they arrive at 7:15pm next week to review the agenda prior to the start of the meeting.

Dan Kaufman of Neglia Engineering was present to give the monthly report.

1. 2009 NJDEP ECONOMIC RECOVERY PROGRAM

March Update: Our Construction Management Proposal has been submitted for review, in order to finalize the loan, our proposal will need to be executed and a copy sent to the NJDEP.

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.

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.

Mr. Kaufman stated the Mayor and Council should have received a copy of the Construction Management Proposal in their packets for their review and comments, adding, it needs to be executed and finalized to close out this loan and move forward.

Councilperson Fleischmann questioned the construction management fees.

Mr. Kaufman responded the fees cover the Lincoln/Mendez and sewer lining parts, not the pump station.

2. FETZER PARK IMPROVEMENTS

March Update: No Update

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.

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.

Mr. Kaufman stated punch list items will be addressed when the weather breaks.

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

March Update: A punch list is currently being prepared, and will be addressed 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

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

Mr. Kaufman stated punch list items will be addressed when the weather breaks.

Councilperson Fleischmann stated he had given Mr. Berliner a list of items regarding the Magnolia Avenue paving.

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

March Update: Our Solar Energy Architect made a presentation at the last Mayor and Council Work Session. We have updated the federal grant budget sheets based on the USDOE's comments leaving \$257,500 for the supply and installation of the system. Our Design and Construction Management Proposal has been submitted for review.

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.

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.

Mr. Kaufman explained the Solar Energy Grant includes all costs.

Tom questioned CFO about payments – out of Philadelphia.

Attorney Rupp asked CFO Cuccia about the need for a capital ordinance and certificate of availability of funds.

Attorney Rupp stated you need an appropriation to spend money even if it is through a grant.

CFO Cuccia stated he would like to speak with Bond Counsel regarding funding.

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

BOROUGH OF MAYWOOD
Closed Session Resolution # 61-11

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):

Personnel Matters, Contract Negotiations and Attorney Client Privilege
Matters in Connection with Police and DPW Contracts and Related Budgetary Matters

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

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

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

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

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

Date of Passage: 3-10-2011 Time: 7:50 pm

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

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 the bid opening for use of the municipal swim pool was held on March 8, 2011 at 10:00 am and reported no bids were received.
2. She reviewed the items that were added to tonight's pending list.

Councilperson Jengo stated the Attorney for the organization interested in using the swim pool thought the bid opening date was March 12, 2011, and apologized for missing the correct date, and added they are willing to pay for the re-printing of the Publication of Notice.

Mayor Eustace asked Attorney Rupp to prepare a date for the re-bid.

REPORT OF ADMINISTRATOR

Administrator Richards reported on the following:

1. He stated he and Councilperson Febre attended a meeting on the Route 17 widening project with representatives from Rochelle Park and explained if federal funding is not received, they will not be able to move forward with the project.
2. He reported on the swim pool and requested approval from the council for a resolution giving him authorization to process a purchase order for the chemicals needed for the pool season in the amount of \$16,000.00.
3. He stated he has requested a list of streets from PSE&G where they anticipate street openings and explained they already have a number of gas replacements planned for Orchard Place and Prospect Avenue that were both recently paved.

Councilperson Fleischmann asked if PSE&G responds when we notify them we are going to be paving a street.

Administrator Richards responded it is not PSE&G, rather they are being directed by the Board of Public Utilities to replace old gas lines. He also explained if we had an ordinance in place that only permitted road openings for emergencies, they would honor it.

A discussion ensued amongst the council and in summary, Attorney Rupp stated we can look at the ordinance and review the paving requirements after a repair is made, increase their bond amount, and not permit a road opening within three years of a newly paved roadway unless it is an emergency.

4. He spoke regarding the purchase of the rescue truck from Haworth and explained after speaking with the CFO and Bond Counsel, bond money cannot be used to purchase used equipment. He stated he contacted the BCIA and consulted CFO Cuccia who feels we may

not be able to fund the purchase this way, adding, the only other option we have would be to fund it with regular dollars which we cannot afford to do.

5. He stated the front end loader will be towed to Piscataway for evaluation free of charge by the County. He explained the fee for the assessment is \$1,700.00 but this amount will be taken off the cost of the repairs if we move forward with them.
6. He contacted Cablevision per Councilperson Febre's request and set up a meeting for March 17, 2011 with Mayor Eustace, Councilperson Febre, Gary Shaw of Cablevision and himself at Superintendent Jordan's office.

Mayor Eustace responded this was his original idea and it has been in the works for two years, adding, "you tube" was Councilperson Febre's idea.

Councilperson Febre responded he was looking for an inexpensive way to tape the meetings.

Councilperson Febre stated Gary Shaw of Cablevision returned his call and advised him due to a change in the law, they are not required to make further payments. He also explained Cablevision is willing to install a line for us to broadcast on Channel 77, adding, it could be installed here in lieu of the school.

Mayor Eustace responded we already promised the line to the school.

REPORT OF ATTORNEY

Attorney Rupp reported on the following:

1. He stated per the council's request he responded to the planning board to clarify their "impervious coverage" definition and advised they have decided to keep the percentage coverages the same but will be clarifying the definitions of coverage and side yard.

COMMITTEE REPORTS

Council President Savage reported on the following:

1. He asked Administrator Richards for the status of the Borough Shuttle Bus.

Administrator Richards responded it was evaluated by Hawthorne Chevrolet and was not in need of any major work, adding, it requires an alternator and two batteries which can be done in-house. He stated until our bus is up and running, Lodi is lending us a bus.

Councilperson Fleischmann questioned Administrator Richards about the fire department radio equipment and asked if the purchase orders had been cut.

Administrator Richards responded once the front end loader is resolved, he will see what is left for additional radios, and added, if the fire department has any questions; please have them call me directly.

Council President Savage continued his report:

2. He stated the 2011 Municipal Budget will be introduced next week.
3. He spoke regarding property revaluation/reassessment and suggested based on changes in market values and amount of tax appeals being submitted, we need to have the CFO, Tax Assessor and Attorney take another look at a reassessment and report back to the council.
4. He stated we all need to be more involved in responding to the State Legislative District Delegation Committee and the Proposed State Legislative Agenda and encouraged the administration to put together a legislative agenda.

Administrator Richards left the meeting at this time.

Councilperson Febre reported on the following:

1. He stated he would like to comment on the “non-vote” from last week’s meeting. He stated he does not believe Councilperson Jengo agrees with him about the salaries and added, if she believes in the democratic process, why did she and Councilperson Bresko not take the opportunity to second his motion regarding salary rollbacks.

Councilperson Jengo responded a vote on the salary increase was taken by the council and although she voted no, the majority voted yes; and stated she believes that is a democratic process. She further explained her position on the salary increases.

A discussion ensued.

2. He spoke regarding a free education program provided by Cablevision that certifies you to use their video equipment.

Councilperson Fleischmann stated since Hackensack High School is borrowing our cable channel, they could do a trial run and tape a meeting.

Councilperson Febre responded that is an excellent idea and added he will be attending next week’s meeting at Superintendent Jordan’s office.

Councilperson Bresko stated he has no report at this time.

Councilperson Auriemma stated he has no report at this time.

Councilperson Jengo reported on the following:

1. She reported on updates from the Planning Board.

2. She reported she spoke with Attorney Rupp about the e-ticketing program not being under state contract, and added she believes it falls under the bid threshold.

Attorney Rupp responded quotes will still be needed.

3. She stated the website is up-to-date with all information she has received.

Councilperson Fleischmann reported on the following:

1. He stated the light in the municipal lot behind the Maywood Inn is still broken and asked how we can follow up on the repair with PSE&G.

Mayor Eustace responded he will speak with the gentlemen in charge at PSE&G headquarters.

2. He questioned the status of the Stelling Avenue repair and paving project.

Mayor Eustace responded we still plan on doing Stelling Avenue, but we are waiting for the numbers so we can determine what we can do.

REPORT OF MAYOR

Mayor Eustace reported on the following:

1. He stated the Governor has declared a State of Emergency preparing for the anticipated rain storm.
2. He stated he is meeting with the County Parks Director tomorrow regarding the skate park and will report further next week.
3. He stated he visited Memorial School this past week for Read Across America day.
4. He reviewed pending list items with the council.

Army Corps Sewer Agreement – Administrator Richards and Attorney Rupp will discuss the agreement and report to the council at the April 7, 2011 meeting.

E-Ticketing – Chief Pegg will acquire three quotes.

Planning Board – Impervious Coverage and Lot Coverage Recommendations – Attorney Rupp will prepare ordinance for review at the April 7, 2011 meeting.

Mayor Eustace confirmed all resolutions, council approvals and appointments to be placed 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.

Arlene Formisano – 608 Edel Avenue – stated she has seen an email that was sent from Congressman Rothman’s office outlining grants other municipalities have received for paving and other projects and asked if we applied for any of those grants.

Mayor Eustace responded yes and explained the monies for the pump house, the re-lining of the sewers, Lincoln and Mendez and the solar projects are all stimulus monies secured through Congressman Rothman’s office.

Joan Rivera – 57 Parkway – questioned item no. 12 on the pending list and asked if that referred to a new hire.

Mayor Eustace responded no and explained we are simply re-titling a current job position.

Ms. Rivera questioned if a raise was involved.

Attorney Rupp responded only the percentage increase that the other employees received, but not including any retroactive money.

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

CLOSED SESSION – IF APPLICABLE

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

**BOROUGH OF MAYWOOD
Closed Session Resolution # 62 -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):

Coaches Park, Fetzer, Personnel, OPMA

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

(X) 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

(X) Will return to open session after this meeting.

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

Date of Passage: 3/10/2011 Time: 10:05 pm

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

ADJOURNMENT

Councilperson Fleischmann moved the meeting be adjourned; seconded by Councilperson Jengo and so carried at 10:20 p.m.

Borough Clerk