

April 4, 2011 – Work Meeting

- I. Monday, April 4, 2011 Work Meeting of the Governing Body of the Borough of Lincoln Park, the Clerk called the Work Meeting to Order and announced the Meeting was duly advertised in accordance with the Open Public Meetings Act. The Clerk also advised those present where the exits to the room were and to turn off all Cell Phones and Beepers. All stood for the Pledge of Allegiance.

- II. **ROLL CALL:**

On the Roll Call, Council Members present were: Cardillo, Gemian, Kerwin, Petracca, Wild and Pepe.

ABSENT: Councilwoman Thompson

Present from Administration: Mayor Runfeldt, Borough CFO Kerry Geisler, and Edward Buzak, Borough Attorney.

ABSENT FROM ADMINISTRATION: Borough Administrator Sean Canning; Tiena Cofoni, Borough Attorney

- III. **PRESENTATION:**

Mayor Runfeldt congratulated the Lincoln Park Lightning Traveling Basketball team for their championship win.

Mayor Runfeldt presented the following proclamation:

WHEREAS, the 6th grade Lincoln Park Lightning Boys team has won the league championship; and

WHEREAS, this is the first time that a boys Lightning team has achieved this high achievement;

NOW, THEREFORE, I David A. Runfeldt, Mayor of the Borough of Lincoln Park do hereby proclaim April 3rd through the 9th to be Lincoln Park Lightning week in the Borough of Lincoln Park.

LINCOLN PARK BOARD OF EDUCATION:

Mr. James Grube, Superintendent of Schools made a presentation to the Council on the school budget. Council President Pepe introduced two Board members that were present, Carol Nielsen and Lou Nazzaro.

Mr. Grube discussed the general fund operating budget including the financial information, funds allocated for tax relief, the estimated tax impact, budget restorations and the voting information.

- IV. **COUNCIL AGENDA:**

1. **PROPOSED 2011 SALARY COMPENSATION ORDINANCE:**

Council was provided with copies of the 2011 Salary Compensation Ordinance for discussion.

Council concurred and an Ordinance will be Introduced at the April Regular Meeting.

2. **PROPOSED 2011 SALARY RESOLUTION:**

Council was provided with copies of the 2011 Salary Compensation Resolution

Council concurred and a Resolution will be placed on the Regular Agenda but will not take effect until the Budget is Adopted.

3. **PROPOSED ORDINANCE – GRANTING NON-EXCLUSIVE PERMISSION AND CONSENT TO FIBER TECHNOLOGIES NETWORKS, LLC TO USE VARIOUS PUBLIC ROW:**

Council was provided with copies of the proposed Ordinance granting the exclusive rights to Fiber Technologies Networks to use various Rights-of-Way for a period of 10 years. This Ordinance was prepared by the Borough Attorney.

Council concurred and an Ordinance will be placed on the Regular Agenda for Introduction.

V. **MISCELANEOUS/COUNCIL COMMITTEE REPORTS:**

1. Councilman Cardillo had nothing to report.

2. Councilman Gemian had one (1) item:

1. Advised Administration that he is working on a draft proposal for marketing for the Borough and will be ready in a couple of months.

3. Councilman Kerwin had one (1) item:

1. Wanted to thank DPW for the great job they did in getting the fields ready for spring.

4. Councilman Petracca had nothing to report.

5. Councilman Wild had nothing to report.

6. Council President Pepe had two (2) items:

1. May 5th is the 60th National Day of Prayer.

2. The Lincoln Park Middle School will be holding a “Kid vote during the school election on the 27th.”

VI. **MAYOR’S AGENDA:**

1. **POLICE SHARED SERVICES DISCUSSIONS:**

Discussions commenced with Pequannock and Montville. Chiefs of police are involved as well and part of the process.

Talks progressing, progress should be measured in terms of long term goals rather than short term objectives

The immediate objectives are discussions among the chiefs as to short term potential opportunities, a long term goal framework and a combined meeting to be requested involving the three Governing Bodies, police chiefs, and other stakeholders.

This meeting will be asked for to outline long term goals if any agreed upon and to ensure the meetings are as transparent as possible and held in the public view.

As events progress we will keep council informed.

2. **REVISED MUNICIPAL LIBRARY TAX LEVY LAW:**

Council was provided with copies of the Local Finance Notice 2011-14.

CFO Kerry Geisler spoke on the immediate impact upon the Borough's compliant budget. She explained that the end result is an approximate \$7,000.00 gap in the budget which was created by this law

Administrations recommendation is to use sale of assets to bring the budget back into compliance.

Council concurred.

3. **TORT CLAIM ALLEGATION OF WINTER PLOW CLEAN-UP:**

The Administrator advised Council that he spoke with the resident prior to insurance underwriter speaking to.

Caller alleged failure of DPW to push back snow to curb caused damage to her car at Washington and Pleasant Ave after snow started to melt and left "islands"

The Administrator advised the resident to submit her claim to the underwriter.

The Borough's underwriter stated that the insurance will not cover.

Administrations advice is that the Borough is not culpable for snow infringing on roadways after inclement weather. Roads were cleared to passable and safe standard.

Council concurred.

4. **CLEANING BID TAB SHEET:**

Recommendation is to award to Ocean Clean LLC for a period of two years. Cost to the Borough is \$22,560.00 per year for two years. Better price than anticipated and lower than 2010.

Council concurred and a Resolution will be placed on the Regular Agenda.

5. **DEPUTY TAX SEARCH OFFICER:**

In order to ensure continued service to the citizens in the absences of Tax Collector Kristen Runfeldt it is necessary to provide for a Deputy Tax Search Officer.

CFO Kerry Geisler is the recommendation to fulfill such requirement without anticipation of additional compensation.

Historically the CFO has held this role as part of the general duties of the position.

Council concurred and a Resolution will be placed on the Regular Agenda.

6. **ORDINANCE AMENDING ZONING BOARD APPLICATIONS:**

April 4, 2011 – Work Meeting

As discussed at March's Regular Meeting Council received copies of the proposed Ordinance allowing for request by Zoning Board of Adjustments request for Ordinance change.

Council concurred and an Ordinance for Introduction will be placed on the Regular Agenda.

7. **EECBG GRANT AWARD:**

Administration explained that the Borough has received Energy Efficiency Block Grants, as per the grant submittals of December, 2010 additional grants awarded are as follows:

1. \$7146.31 for DPW
2. \$25,719.46 for DPW
3. \$7,696.09 for Library
4. \$4,053.53 for PAL
5. \$17,504.93 for PAL

8. **HEALTH OFFICER AGREEMENT:**

Council was provided with copies of the proposed Health Officer agreement with Montville Twp for health services, this is scheduled to start upon Mr. Pignatelli's departure in September 1, 2011.

Council concurred and a Resolution will be placed on the Regular Agenda.

9. **ESCROW RELEASE – AERO SAFETY TRAINING:**

Requested Escrow Release for Block 3 Lot 7, Escrow Account #2070.

Council concurred and a Resolution will be placed on the Regular Agenda.

10. **ESCROW RELEASE – POINTS AND MERIDIAN HEALING CENTER:**

Requested Escrow Release for block 87 Lot 1.1, Escrow Account #2187.

Council concurred and a Resolution will be placed on the Regular Agenda.

11. **ESCROW RELEASE – DOBBS:**

Requested Escrow Release for Block 3 Lot 305.1, Escrow Account #2170.

Council concurred and a Resolution will be placed on the Regular Agenda.

12. **ESCROW RELEASE – KISHKO:**

Requested Escrow Release for Block 140 Lot 1, Escrow Account #2132.

Council concurred and a Resolution will be placed on the Regular Agenda.

13. **ESCROW RELEASE – RIOLA DESIGN:**

April 4, 2011 – Work Meeting
Requested Escrow Release for Block 22.1 Lot 294, Escrow Account #2184.

Council concurred and a Resolution will be placed on the Regular Agenda.

14. **ESCROW RELEASE – PANYCIA:**

Requested Escrow Release Block 3 Lot 55.4, Escrow Account #2068.

Council concurred and a Resolution will be placed on the Regular Agenda.

15. **ESCROW RELEASE – ROCA:**

Requested Escrow Release Block 4 Lots 3 & 5, Escrow Account #2183.

Council concurred and a Resolution will be placed on the Regular Agenda.

16. **ESCROW RELEASE – LP AIRPORT:**

Requested Escrow Release Block 3 Lots 7 & 10, Escrow Account #1925.

Council concurred and a Resolution will be placed on the Regular Agenda.

17. **ESCROW RELEASE – FUTURA FORMS:**

THIS ITEM WAS PUBLLED FROM THE AGENDA, NO FUNDS LEFT TO RELEASE.

18. **ESCROW RELEASE – SKYLINE VILLAGE:**

Requested Escrow Release, Escrow Account #2165

Council concurred and a Resolution will be placed on the Regular Agenda.

19. **CLOSED SESSION – ZIMMERMAN LITIGATION:**

Borough Attorney Edward Buzak briefed Council on the issue.

20. **CLOSED SESSION – A/CHIEF SUNBERG:**

This discussion was about A/Chief Sundberg's Retirement Agreement and the future of the Police Department.

VII. **RESOLUTIONS (IF ANY):**

Resolution R11-114T will be voted on after the Closed Session, therefore, Council President Pepe asked for a MOTION and a SECOND on R11-120

Councilman Gemian MOVED The ADOPTION of R11-120.

Councilman Kerwin SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R11-120

BOROUGH OF LINCOLN PARK

RESOLUTION AUTHORIZING EXECUTIVE SESSION

WHEREAS, the Governing Body of the Borough of Lincoln Park is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq.; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Governing Body of the Borough of Lincoln Park to discuss in a session not open to the public certain matters relating to the item or items as authorized and designated below;

1. **Pending Litigation re: Zimmerman v Borough of Lincoln** as authorized by N.J.S.A. 10:4-12b(7), Matters relating to litigation, negotiations and the Attorney Client Privilege: Any pending or anticipated litigation or contract negotiation in which The public body is, or may become a party. Any matters falling Within the Attorney-client privilege, to the extent that confidentiality is Required in order for the Attorney to exercise his ethical duties as a lawyer.
2. **Employment Relationship re: Promotion to Police Chief – Warren Eric Sundberg** as authorized by N.J.S.A. 10:4-12b(8), Matters Relating to the Employment Relationship: Any matters involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance or promotion or disciplining of any specific prospective public office or employee or current public officer or employee or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters by discussed at a public meeting.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 4th day of April, 2011, that an Executive Session, closed to the public, shall be on the 4th day of April, 2011, at approximately 7:30 pm in the Borough of Lincoln Park, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035 for the discussion of matters relating to the specific items designated above.

Pepe: Any questions, comments or corrections? Council President Pepe asked for a VOICE VOTE, all were in favor.

Absent: Councilwoman Thompson
Abstain: None

The Resolution was Adopted.

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VII. **ORDINANCES (IF ANY):**

NONE

VIII. **PUBLIC HEARING:**

Councilman Kerwin MOVED to OPEN the PUBLIC HEARING

Councilman Wild SECOND the MOTION

Seeing No one from the Public wishing to speak Councilman Kerwin MOVED to CLOSE the PUBLIC HEARING

Councilman Gemian SECOND the MOTION.

The Public Hearing was CLOSED.

IX. **CLOSED SESSION:**

Councilman Wild MOVED to go into CLOSED SESSION

Councilman Kerwin SECOND the MOITON

Council went into Closed SESSION at approximately 8:13 pm

1. Matters Relating to Litigation, Negotiations and Attorney Client Privilege:
 - a. Zimmerman v Borough of Lincoln Park
2. The Employment Relationship:
 - a. Promotion – Warren Eric Sundberg

Councilman Petracca MOVED to come out of CLOSED SESSION.

Councilman Kerwin SECOND the MOTION.

Council returned to OPEN SESSION at approximately 9:09 pm. The meeting resumed.

Council President Pepe asked for a MOTION and a SECOND on R11-114T

Councilman Petracca MOVED The ADOPTION of R11-114T.

Councilman Cardillo SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R11-114T

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Mayor and Borough Clerk are hereby authorized and directed, on behalf of the Borough of Lincoln Park, to execute a retirement contract with ***WARREN ERIC SUNDBERG***, a copy of which is on file in the Office of the Borough Clerk.

Pepe: Any questions, comments or corrections? Call the ROLL.

YES: Council Members: Cardillo, Gemian, Kerwin, Petracca, Wild and Pepe.

NO: None

Absent: Councilwoman Thompson

Abstain: None

The Resolution was Adopted.

X. **ADJOURNMENT:**

Councilman Petracca MOVED the Work Meeting to ADJOURN.

Councilman Kerwin SECOND the MOTION.

The Work Meeting of Monday, April 4, 2011 was ADJOURNED at approximately 9:10 pm.

ATTEST:

Annette Maida-Smith, RMC
Borough Clerk.

Louis J. Pepe, Council President