

I. CALL TO ORDER/PLEDGE OF ALLEGIANCE:

A Regular Meeting of the Governing Body of the Borough of Lincoln Park was held in the Council Chambers of the Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey on September 19, 2011. The Deputy Clerk Called the Meeting to Order at 7:30 PM and made the Statement of Compliance with the Open Public Meetings Act. The Deputy Clerk advised those present where the exits to the room were and to turn off all cell phones and beepers. After the Pledge of Allegiance the Deputy Clerk called the Roll showing the following:

II. ROLL CALL

PRESENT: Council Members: Robert Cardillo
Gary Gemian
Raymond T. Kerwin
Ann Thompson
James A. Wild

ABSENT: Louis J. Pepe and Matthew Petracca

Councilman Gemian arrived at 7:32 and was marked PRESENT.

Also PRESENT were Mayor David A. Runfeldt, Borough Administrator Sean Canning, CFO/Treasurer, Kerry Geisler, Edward Buzak, Borough Attorney and John Miller, Borough Attorney.

III. ACTING COUNCIL PRESIDENT

Deputy Clerk: In the absence of Council President Pepe I will take nominations for Acting Council President.

Thompson: I nominate Ray Kerwin

Wild: SECOND

Yes: Council Members: Cardillo, Kerwin, Thompson, and Wild

No: None

Absent: Pepe, Petracca and Gemian

Abstain: None

Deputy Clerk: Acting Council President Kerwin please take your seat.

IV. MINUTES FOR APPROVAL:

Kerwin: Minutes for Approval August 15, 2011.

Thompson: So MOVED

Cardillo: SECOND

Kerwin: Any questions, comments or corrections? Call the Roll.

Yes: Council Members: Cardillo, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, Petracca and Gemian

Abstain: None

The Minutes of August 15, 2011 were Approved.

V. ORDINANCES FOR INTRODUCTION:

Kerwin: 11-11 Dog Park Ordinance

The Deputy Clerk read the following Resolution.

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE SUPPLEMENTING CHAPTER 106, DOGS AND OTHER ANIMALS, OF THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK WITH THE ADDITION OF ARTICLE V, DOG PARK RULES

Be read by Title on First Reading by the Clerk.

Thompson: So MOVED

Wild: SECOND

Kerwin: Please call the Roll.

Yes: Council Members: Cardillo, Gemian, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, and Petracca

Abstain: None

The Resolution was Adopted.

Kerwin: Read it again.

The Deputy Clerk read the following Resolution.

BE IT FURTHER RESOLVED, that an Ordinance entitled:

AN ORDINANCE SUPPLEMENTING CHAPTER 106, DOGS AND OTHER ANIMALS, OF THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK WITH THE ADDITION OF ARTICLE V, DOG PARK RULES

Be passed on First Reading; and

BE IT FURTHER RESOLVED, that said Ordinance be considered for Final Passage at the meeting of the Governing Body of the Borough of Lincoln Park on the 17th day of October, 2011 at approximately 7:30 PM in the Municipal Building at which time and place all persons interested shall be given an opportunity too be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED, that the Deputy Clerk be authorized and directed to advertise said Ordinance with a Notice of Introduction thereof in the Daily Record according to law.

Thompson: So MOVED

Wild: SECOND

Kerwin: Please call the Roll.

Yes: Council Members: Cardillo, Gemian, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, and Petracca

Abstain: None

The Resolution was Adopted.

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Kerwin: For anybody in the public who is following along on the agenda the next Ordinance is actually 13-11 not 12-12. Fire Department Ordinance. Please read it.

The Deputy Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled;

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, FIRE DEPARTMENT OF THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK,

Be Introduced and read by Title on First Reading by the Clerk.

Wild: So MOVED

Thompson: SECOND

Kerwin: Please call the Roll.

Yes: Council Members: Cardillo, Gemian, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, and Petracca

Abstain: None

The Resolution was Adopted.

Kerwin: Any comments or questions? Please read it again.

The Deputy Clerk read the following Resolution:

BE IT FURTHER RESOLVED, that an Ordinance entitled;

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 13, FIRE DEPARTMENT OF THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK,

Be passed on First Reading; and

BE IT FURTHER RESOLVED, that said Ordinance be considered for Final Passage at the meeting of the Governing Body of the Borough of Lincoln Park on the 17th day of October, 2011 at approximately 7:30 PM in the Municipal Building at which time and place all persons interested shall be given an opportunity too be heard concerning said Ordinance; and

BE IT FURTHER RESOLVED, that the Deputy Clerk be authorized and directed to advertise said Ordinance with a Notice of Introduction thereof in the Daily Record according to law.

Wild So MOVED

Thompson: SECOND

Kerwin: Please call the Roll.

Yes: Council Members: Cardillo, Gemian, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, and Petracca

Abstain: None

The Resolution was Adopted.

VI. CONSENT AGENDA:

Kerwin: Consent Agenda R11-235 through R11-254 and R11-261 and R11-262

Thompson: SO MOVED

Gemian: SECOND

RESOLUTION R11-235

Resolution in Support of Senate Bill No. 2976 Amending the Open Public Records Act (OPRA) Law

WHEREAS, the Open Public Records Act (N.J.S.A. 47:1A-1 et seq.) was adopted to assure the public's access to sufficient information to enable it to understand and evaluate the actions of public bodies by making accessible for inspection or copying of government records; and

WHEREAS, since the adoption of OPRA, there has been an escalating series of requests from all over the nation for voluminous public records, already freely accessible to the general public through government websites; and

WHEREAS, providing information to requestors which is already freely available to the public on government websites constitutes an unnecessary additional expense to the tax payers; and

WHEREAS, in the new renaissance of fiscal responsibility, unnecessary expenses by government should strictly be curtailed; and

WHEREAS, Senate Bill No. 2976 Turner, would address this issue by relieving the taxpayers of the Borough of Lincoln Park this additional unnecessary expense by allowing government agencies to refer OPRA requestors to their websites should the information desired be already there;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Lincoln Park, County of Morris and State of New Jersey as follows:

1. That this Council supports the aforesaid legislation and requests that the current Open Public Records Law be amended as specified under Senate Bill No. 2976 Turner.
2. That a copy be sent to the President of the New Jersey State Senate and the Speaker of the new Jersey State Assembly, and all our local representatives, urging adoption of this legislation and to the Honorable Governor of the State of New Jersey Chris Christie, urging him to sign and execute the same upon its adoption.
3. That Certified copies of the Resolution shall be provided to Senator Joseph Pennacchio, Assemblyman Alex DeCroce, Assemblyman Jay Webber, New Jersey League of Municipalities, Morris County Board of Chosen Freeholders, and all Morris County Municipalities.

RESOLUTION R11-236

WHEREAS, Lincoln Park Code provides that it is unlawful to park or occupy a trailer in the Borough of Lincoln Park; and

WHEREAS, Richard W. Siedel, 268 Ryerson Ave, Block 9 Lot 294 and his family suffered extensive damage to their home due to Hurricane Irene, thus necessitating their obtaining other premises in which to live until their home is again habitable; and

WHEREAS, the Governing Body deems that this is a case in which it can exercise its discretion to grant relief.

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NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that permission is hereby granted to Richard W. Siedel and his family to occupy a mobile home type trailer on their property known as 268 Ryerson Road for a period not exceeding six (6) months from the date of September 19, 2011 is hereby confirmed, provided the sanitary facilities at all times meet with the approval of the Department of Health.

RESOLUTION R11-237

WHEREAS, Lincoln Park Code provides that it is unlawful to park or occupy a trailer in the Borough of Lincoln Park; and

WHEREAS, Donna Hill, 16 Grove Street, Block 33, Lot 11 and her family suffered extensive damage to their home due to Hurricane Irene, thus necessitating their obtaining other premises in which to live until their home is again habitable; and

WHEREAS, the Governing Body deems that this is a case in which it can exercise its discretion to grant relief.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that permission is hereby granted to Donna Hill and her family to occupy a mobile home type trailer on their property known as 16 Grove Street for a period not exceeding six (6) months from the date of September 19, 2011 is hereby confirmed, provided the sanitary facilities at all times meet with the approval of the Department of Health.

RESOLUTION R11-238

WHEREAS, Lincoln Park Code provides that it is unlawful to park or occupy a trailer in the Borough of Lincoln Park; and

WHEREAS, Maria Louzan, 32 W. William Street Block 5.4 Lot 3, and her family suffered extensive damage to their home due to Hurricane Irene, thus necessitating their obtaining other premises in which to live until their home is again habitable; and

WHEREAS, the Governing Body deems that this is a case in which it can exercise its discretion to grant relief.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that permission is hereby granted to Maria Louzan and her family to occupy a mobile home type trailer on their property known as 32 West William Street for a period not exceeding six (6) months from the date of September 19, 2011 is hereby confirmed, provided the sanitary facilities at all times meet with the approval of the Department of Health.

RESOLUTION R11-239

WHEREAS, Lincoln Park Code provides that it is unlawful to park or occupy a trailer in the Borough of Lincoln Park; and

WHEREAS, Richard Diese, 21 Spruce Street, Block 116 Lot 7 and his family suffered extensive damage to their home due to Hurricane Irene, thus necessitating their obtaining other premises in which to live until their home is again habitable; and

WHEREAS, the Governing Body deems that this is a case in which it can exercise its discretion to grant relief.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that permission is hereby granted to Richard Diese and his family to occupy a mobile home type trailer on their property known as 21 Spruce Street for a period not exceeding six (6) months from the date of September 19, 2011 is hereby confirmed, provided the sanitary facilities at all times meet with the approval of the Department of Health.

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RESOLUTION R11-240

WHEREAS, Lincoln Park Code provides that it is unlawful to park or occupy a trailer in the Borough of Lincoln Park; and

WHEREAS, Joseph and Donna Fricker, 29 West William Street Block 5.5, Lot 14 and their family suffered extensive damage to their home due to Hurricane Irene, thus necessitating their obtaining other premises in which to live until their home is again habitable; and

WHEREAS, the Governing Body deems that this is a case in which it can exercise its discretion to grant relief.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that permission is hereby granted to Donna Hill and her family to occupy a mobile home type trailer on their property known as 29 West William Street for a period not exceeding six (6) months from the date of September 19, 2011 is hereby confirmed, provided the sanitary facilities at all times meet with the approval of the Department of Health.

RESOLUTION R 11-241

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Administrator is hereby authorized to seek bids for **LANDSCAPING SERVICES FOR THE MUNICIPAL COMPLEX** for the Borough.

RESOLUTION R11-242

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Administrator is hereby authorized to seek bids for **INFORMATION TECHNOLOGY (IT)** for the Borough.

RESOLUTION R11-243

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Administrator is hereby authorized to seek **PROPOSALS AND RATES FOR 2012 BOND COUNSEL** for the Borough.

RESOLUTION R11-244

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Administrator is hereby authorized to seek **PROPOSALS AND RATES FOR 2012 MUNICIPAL ATTORNEY** for the Borough.

RESOLUTION R11-245

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Administrator is hereby authorized to seek **PROPOSALS AND RATES FOR 2012 LABOR ATTORNEY** for the Borough.

RESOLUTION R11-246

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Administrator is hereby authorized to seek **PROPOSALS AND RATES FOR 2012 MUNICIPAL AUDITOR** for the Borough.

RESOLUTION R11-247

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that a refund in the amount of \$560.00 be paid to Kathleen Hoernlein, the payment was submitted and accepted, in error, for her son's summer camp, as Mr. Hoernlein is a volunteer for the Lincoln park Fire Dept. and fees should have been waived as per Ordinance 1,461.

RESOLUTION 11-248

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount, and

WHEREAS, the Borough of Lincoln Park has received notice of an award of \$4,400.00 from The State of New Jersey and wishes to amend its 2011 Budget to include this amount as a revenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Lincoln Park, in the County of Morris, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$4,400.00 which is now available as a revenue from:

Miscellaneous Revenues:

Special Items of General Revenue Anticipated
with Prior Written Consent of the Director of the
Division of Local Government Services:

Public and Private Revenues Off-set with Appropriation:
Over the Limit Under Arrest

BE IT FURTHER RESOLVED that the like sum of \$4,400.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(a) Operations Excluded from CAPS

Public and Private Programs Off-Set by Revenues:
Over the Limit Under Arrest

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certification of this resolution to the Director of Local Government Services for approval.

RESOLUTION R11-249

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Administration is hereby authorized to seek bids for removal/purchase of the following obsolete equipment: 1998 Ford – Vin – 1FDXE40FXWHA32083

RESOLUTION R11-250

WHEREAS, ANDREW RUSIN, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with grading work for premises located at **18 Sherbrook Drive, Block 3, Lot 9;21**; and

WHEREAS, ANDREW RUSIN has submitted a written request, on file in the Office of the Chief Financial Officer, that unused escrow funds be returned; and

WHEREAS, Kerry Geisler, Chief Financial officer for the Borough, has reported in her Certification of Funds for Release of Escrow Money, that a balance does remain in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1376 and may be refunded to **ANDREW RUSIN**; and

WHEREAS, Paul Darmofalski, Borough Engineer, has inspected the premises, and has reported that the applicants have complied with/satisfied all of the required conditions, and has submitted a report to the Borough Administration, report on file in his office, recommending release of the remaining escrow funds;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that funds on deposit from **ANDREW RUSIN**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1376 in connection with grading work for premises located at **18 Sherbrook Drive**, be and hereby are ordered released/refunded by the Borough subject to the CFO first confirming that all bills (submitted or pending) from the Board Attorney, and Borough Engineer have been properly and fully satisfied.

RESOLUTION R11-251

WHEREAS, DAVID R. TANNER, D.C., had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with a zoning permit for premises located at **254 Comly Road, Block 22.1, Lot 29.6**; and

WHEREAS, DAVID R. TANNER, D.C. has submitted a written request, on file in the Office of the Chief Financial Officer, that unused escrow funds be returned; and

WHEREAS, Kerry Geisler, Chief Financial officer for the Borough, has reported in her Certification of Funds for Release of Escrow Money, that a balance does remain in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2197 and may be refunded to **DAVID R. TANNER, D.C.**; and

WHEREAS, Paul Darmofalski, Borough Engineer, has inspected the premises, and has reported that the applicants have complied with/satisfied all of the required conditions, and has submitted a report to the Borough Administration, report on file in his office, recommending release of the remaining escrow funds;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that funds on deposit from **DAVID R. TANNER, D.C.**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2197 in connection with a zoning permit for premises located at **18 Sherbrook Drive**, be and hereby are ordered released/refunded by the Borough subject to the CFO first confirming that all bills (submitted or pending) from the Board Attorney, and Borough Engineer have been properly and fully satisfied.

RESOLUTION R11-252

WHEREAS, it has been determined by the Tax Collector that the taxpayers indicated below are entitled to a tax overpayment refund, and;

WHEREAS, these over payments should be returned to the respective taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Tax Collector is hereby authorized to make overpayment refunds in the amount shown below to the taxpayers:

Block/Lot	Name	Amount	Reason
46.7/11	Victoria Strina	\$268.67	Homeowner & Mort Co. both paid
136.1/10.5 C1005	Kathleen Calero	\$1,656.36	Homeowner & Mort Co both paid
136.2/10.8 C1008	Kreger, Ruth	\$1,368.67	Homeowner & Mort Co both paid
36/45	Zammit, Joseph & Jennifer	\$1,799.20	Lawyer for Refi & Mort Co both Pd

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35/90.33	Han Ping Hsiao & Chiung Lin	\$3,557.31	Homeowner & Mort co both Pd
8/6.2	Avena, Pietro & Antonia	\$2,743.48	Homeowner & Mort. Co both Pd

RESOLUTION R11-253

WHEREAS, a Petition of Appeals were heard at the Morris County Board of Taxation; and

WHEREAS, the attached list are properties who have had successful judgments; and

WHEREAS, these Morris County Board of Taxation judgments are on file in the Office of the Tax Assessor and the Tax Collector and are subject to annual audit; and

WHEREAS, these properties have been adjusted to reflect the appropriate change indicated below; (attached)

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Tax Collector is hereby authorized to make the necessary adjustments to the financial records of the Borough of Lincoln Park.

(THE LIST OF PROPERTIES MAY BE FOUND AT THE END OF THESE MINUTES)

RESOLUTION R11-254

WHEREAS, there were negotiations between AVP Realty Holdings, Inc and the Borough of Lincoln Park before trial and a settlement was proposed and was recommended by the Borough Attorney and the Borough Tax Assessor

WHEREAS, this tax court judgment is on file in the Office of the Tax Assessor and the Tax Collector and is subject to annual audit; and

WHEREAS, this property was entitled to the freeze act for the year 2010 and 2011; and

NOW, THEREFORE, BE IT RESOLVED By the Governing body of the Borough of Lincoln Park that the Tax Collector is hereby authorized to make the necessary adjustments to the financial records of the Borough of Lincoln Park:

Block/Lot	Year	Amount	Effect
22/339.5	2010	\$12,852.96	Refund
	2011	\$12,913.53	Adjust 4 th qtr 2011

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$12,852.96 to Bruce J. Stavitsky, Esq. for the benefit of AVP Realty Holdings, Inc. at Stavitsky & Associates, LLC 341 Broad Street, Clifton, and NJ 07013

RESOLUTION R11-261

WHEREAS, Lincoln Park Code provides that it is unlawful to park or occupy a trailer in the Borough of Lincoln Park; and

WHEREAS, William and Kristin Wood, 68 Bridge Street, Block 24, Lot 6, and their family suffered extensive damage to their home due to Hurricane Irene, thus necessitating their obtaining other premises in which to live until their home is again habitable; and

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WHEREAS, the Governing Body deems that this is a case in which it can exercise its discretion to grant relief.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that permission is hereby granted to William and Kristin Wood and their family to occupy a mobile home type trailer on their property known as 68 Bridge Street for a period not exceeding six (6) months from the date of September 19, 2011 is hereby confirmed, provided the sanitary facilities at all times meet with the approval of the Department of Health.

RESOLUTION R11-262

WHEREAS, Lincoln Park Code provides that it is unlawful to park or occupy a trailer in the Borough of Lincoln Park; and

WHEREAS, Robert Badami, 24 Curtis Drive, Block 5.1, Lot 15 and his family suffered extensive damage to their home due to Hurricane Irene, thus necessitating their obtaining other premises in which to live until their home is again habitable; and

WHEREAS, the Governing Body deems that this is a case in which it can exercise its discretion to grant relief.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that permission is hereby granted to Robert Badami and his family to occupy a mobile home type trailer on their property known as 24 Curtis Drive for a period not exceeding six (6) months from the date of September 19, 2011 is hereby confirmed, provided the sanitary facilities at all times meet with the approval of the Department of Health.

Thompson: So MOVED

Gemian: SECOND

Kerwin: Please call the Roll.

Yes: Council Members: Cardillo, Gemian, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, and Petracca

Abstain: None

The Resolutions were Adopted.

REGULAR AGENDA:

Kerwin: Regular Agenda R11-255 and 256

Thompson: So MOVED

Wild: SECOND

RESOLUTION R11-255

BE IT RESOLVED, by the Governing body of the Borough of Lincoln Park that the bills on a list filed in the Office of the Borough Clerk having been recommended for payment by the Business Administrator, be and are hereby approved for payment.

BE IT FURTHER RESOLVED, that the Treasurer be and is hereby authorized to issue warrants in payment thereof when there are sufficient funds available to meet them.

<u>CHECK</u>	<u>ACCOUNT</u>	<u>TOTAL</u>
35044-35050		
35051-35217	Current	974,922.94
990-997	Accutrack	15,151.64

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1155	Administrative Resale	800.00
1276	Dog License	13.80
2579-2581	Fed/State Grant	11,021.00
3145	General Capital	2,099.00
2382-2388	General Trust	76,529.30
1952-1959	Recycling	4,145.37
1085	SUI	280.50
28217	Water Capital	28,224.00
7002-7029	Water Utility	158,489.34

RESOLUTION R11-256

WHEREAS, it was necessary to issue certain checks to carry on the order of business of the Borough of Lincoln Park; and

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park that the action of the Mayor and Treasurer in issuing the following checks be and is hereby confirmed:

<u>ACCOUNT CHECK NO.</u>	<u>PAID TO</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
CURRENT			
35044	Net Payroll	Voided for Payroll	\$158,090.98
35045	Payroll Escrow	Voided for Payroll	92,458.02
35046	BOLP Petty Cash DPW	Reimburse Petty Cash	199.66
35047	North jersey Mun. Emp	September benefits	169,907.00
35048	Net Payroll	Voided for Payroll	149,355.13
35049	Payroll Escrow	Voided for Payroll	89,468.56
35050	USPS Reserve	Postage	3,000.00
	Regular Meeting Checks	#35051-35217	\$312,443.59

**WATER UTILITY OPERATING:
CONFIRMED CHECKS:**

7002	Net Payroll	Voided for Payroll	\$11,901.12
7003	Payroll Escrow	Voided for Payroll	6,677.61
7004	Net Payroll	Voided for Payroll	11,970.74
7005	Payroll Escrow	Voided for Payroll	6,769.65
	Regular Meeting Checks	#7006-7029	\$121,170.22

Kerwin: Please call the Roll.

Yes: Council Members: Cardillo, Gemian, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, and Petracca

Abstain: None

The Resolutions were Adopted.

Kerwin: Resolutions R11-257 through R11-259

Thompson: So MOVED

Cardillo: SECOND

RESOLUTION R11-257

WHEREAS, at the Municipal Tax Sale held June 29, 2011, a lien was sold on Block 136.1 Lot 3.10 C3010, also known as 58 Robertson Way in Lincoln Park, for 2010 tax; and

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WHEREAS, this lien, known as Tax Sale Certificate #11-00015, was sold to U.S. Bank Customer for Pro Capital I for 18% interest.

WHEREAS, LPS Property Solutions, Mortgage Company for owner, has effected redemption of certificate #11-00015 in the amount of \$1,841.82;

NOW, THEREFORE, BE IT RESOLVED that the Treasurer be authorized to issue a check in the amount of \$1,841.82 for the redemption of Tax Sale Certificate #11-00015 payable to US Bank Customer for Pro Capital I at 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102.

RESOLUTION R11-258

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;

As authorized by N.J.S.A. 10:4-12b(7), Matters Relating to Litigations, Negotiations and the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiations 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:

TAX APPEAL SETTLEMENT

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 19th day of September, 2011, that an Executive Session, closed to the public, shall be on the 19th day of September, 2011 at approximately 5:00 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.

RESOLUTION R11-259

APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR IMPROVEMENTS TO PINE BROOK ROAD AND TWO BRIDGES ROAD

WHEREAS, the Lincoln Park Mayor and Council desire to construct certain infrastructure improvements to: Pine Brook Road, between Chapel Hill and Two Bridges Roads; and, Two Bridges Road, between Pine Hill Road and the Passaic River (municipal boundary with Fairfield Township) including the resurfacing, guide rail repairs, traffic signs, traffic striping and drainage repairs; and,

WHEREAS, the Lincoln Park Mayor and Council desire to request aid from the State of New Jersey in the amount of \$600,000.00.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of Lincoln Park Borough, formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2012-Lincoln Park Borough-00414 to the New Jersey Department of Transportation on behalf of Lincoln Park Borough.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Lincoln Park Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

VII. COUNCIL COMMITTEE REPORTS:

Cardillo: No report
Gemian: No Report
Thompson: No Report
Wild: No Report
Kerwin: Questioned why new tax bills did not explain charge for the Library.

VIII. MAYOR'S AGENDA:

1. Hazard Mitigation and long term dredging: FEMA is not supporting the dredging. There will be follow up with our Engineer as to longer term resolutions.
2. FEMA is meeting with the Administrator and the Mayor in regards to funding for acquisitions and also elevations for past grants that we submitted.
3. The Recovery is progressing as per the Memo sent out today. Superintendent Piorkowski is doing a terrific job and we are trying to get the neighborhoods stabilized as soon as possible.

IX. PUBLIC HEARING:

Thompson: MOTION TO GO TO PUBLIC

Gemian: SECOND

Acting Council President Kerwin asked for a Voice Vote. THE PUBLIC HEARING WAS OPENED.

Clerk: Addressing the Council any person desiring to address the Council shall first seek recognition by the Presiding Officer. Upon recognition by the Chair the person shall give his name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he shall limit his statement to five minutes.

Statements shall be addressed to the Council as a body and not any member thereof. A Councilman shall not direct any question to a speaker addressing the Council except through the Presiding Officer.

Thompson: MOTION TO CLOSE THE PUBLIC HEARING

Gemian: SECOND

Acting Council President Kerwin asked for a Voice Vote. THE PUBLIC HEARING WAS CLOSED.

X CLOSED SESSION:

Thompson: MOTION TO GO TO CLOSED SESSION

Gemian: SECOND

Acting Council President Kerwin asked for a Voice Vote. The Meeting was CLOSED at 5:10 PM. Mr. Louis S. Izenberg, Izenberg Appraisal and Mr. Thomas Lenhardt, Tax Assessor for the Borough of Lincoln Park were in attendance for the Closed Session.

Matters Relating to Litigations, negotiations and the Attorney Client Privelege.

Tax Appeal Settlement
Beavco LLC 2008, 2009, 2010 and 2011 Tax Year Appeals

The Meeting was RE-OPENED to the PUBLIC at 5:25pm.

Kerwin: I need a motion and a second on Resolution R11-260.

Thompson: SO MOVED.

Gemian: SECOND

RESOLUTION R11-260

WHEREAS, Beavco, LLC ("Taxpayer") filed a tax appeal against the Borough of Lincoln Park (hereinafter "Borough") to the Tax Court of New Jersey for the Tax Years 2008, 2009, 2010 and 2011 challenging the assessment of real property known as Block 9, Lot 80.1 (209 Comly Road) as is shown on the Official Tax Map of the Borough of Lincoln Park; and

WHEREAS, there were negotiations between the parties before trial and a settlement has been proposed and is being recommended by the Borough Attorney, Borough Tax Assessor, and the Borough's Tax Appeal Expert for the reasons set forth in a August 9, 2011 letter of the Borough Attorney; and

WHEREAS, the Governing Body desires to approve the same.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey as follows:

1. The settlement of the tax appeal maintaining the assessment of \$47,083,800 for Tax Year 2008 is hereby authorized and approved.
2. The settlement of the tax appeal maintaining the assessment of \$47,083,800 for Tax Year 2009 is hereby authorized and approved.
3. The settlement of the tax appeal maintaining the assessment of \$47,083,800 for Tax Year 2010 is hereby authorized and approved.
4. The settlement of the tax appeal reducing the assessment of \$47,083,800 by \$10,000,000 to \$37,083,800 for Tax Year 2011 is hereby authorized and approved.
5. The Borough Attorney is hereby authorized to sign a Stipulation of Settlement reducing the assessment for Tax Year 2011 as provided above.

September 19, 2011

6. The Borough Tax Assessor, Borough Attorney, Borough Tax Collector, employees, agents or representatives of the Borough are hereby authorized to do whatever is necessary to effectuate the purpose of this Resolution.

7. This Resolution shall take effect immediately.

Kerwin: Please call the Roll.

Yes: Council Members: Cardillo, Gemian, Kerwin, Thompson, and Wild.

No: None

Absent: Pepe, and Petracca

Abstain: None

The Resolution was Adopted.

XII ADJOURNMENT:

Thompson: So MOVED

Gemian: SECOND

There being no further business the meeting of September 19, 2011 was adjourned at 5:32pm.

Acting Council President Raymond T. Kerwin

Cynthia L. Sloane, RMC CMR
Deputy Borough Clerk