

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 Tuesday, February 16, 2010. The Clerk Called the Meeting to Order at 7:30 PM and made the Statement of Compliance with the Open Public Meetings Act. The 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 Clerk called the Roll showing the following:

II. ROLL CALL

PRESENT: Council Members: Raymond T. Kerwin
Janet P. Long
Matthew Petracca
Ann Thompson
James A. Wild
Louis J. Pepe

ABSENT: None

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

III. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval January 19, 2010.

Kerwin: So MOVED

Thompson: SECOND

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

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Minutes of January 19, 2010 were Approved.

Pepe: Minutes for Approval February 1, 2010.

Thompson: So MOVED

Long: SECOND

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

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Minutes of February 1, 2010 were Approved.

IV. ORDINANCES FOR INTRODUCTION:

Pepe: Ordinances for Introduction 3-10 Amend Chapter 3, Administration of Government.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, OF THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK

be Introduced and Read by Title on First Reading by the Clerk.

Kerwin: So MOVED

Wild: SECOND

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Please read it again.

The Clerk read the following Resolution:

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, 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 15th day of March 2010 at approximately 7:30 PM in the Municipal Building at which time and place all persons interested shall be given an opportunity to be heard concerning said Ordinance; and

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

Kerwin: So MOVED

Wild: SECOND

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Resolution was adopted.

ORDINANCES FOR ADOPTION:

Pepe: Ordinances for Adoption 1-10 to Amend Chapter 11, Fees

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, FEES, OF THE
ORDINANCES OF THE BOROUGH OF LINCOLN PARK**

Be read by Title on Second Reading and A Hearing Held Thereon.

Kerwin: So MOVED

Long: SECOND

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Thompson: MOTION TO GO TO PUBLIC

Petracca: SECOND

Council President Pepe asked for a Voice Vote. The Public Hearing was OPENED.

Pepe: Anyone wishing to speak on this Ordinance please come forward.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: SECOND

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Public Hearing was CLOSED.

The Clerk read the following Resolution:

BE IT RESOLVED that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, FEES, OF THE
ORDINANCES OF THE BOROUGH OF LINCOLN PARK**

be passed on Final Reading and a Notice of Final Passage of said Ordinance be published according to law.

Kerwin: So MOVED

Long: SECOND

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Ordinance was Adopted.

Pepe: For Adoption 2-10 Amend Chapter 206, Vehicles and Traffic, Parking

The Clerk read the following Resolution:

BE IT RESOLVED that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE ORDINANCES OF THE
BOROUGH OF LINCOLN PARK, CHAPTER 206, VEHICLES AND TRAFFIC,
SECTION 206-15, PARKING TIME LIMITED ON CERTAIN STREETS**

be read by Title on Second Reading and a Hearing Held Thereon.

Kerwin: So MOVED

Long: SECOND

Pepe: Do we have any discussion from the Council on this Ordinance? Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Kerwin: MOTION TO GO TO PUBLIC.

Petracca: SECOND

Council President Pepe asked for a Voice Vote. THE Public Hearing was OPENED.

Pepe: Anyone wishing to address the Council on this Ordinance 2-10 to Amend Chapter 206 Vehicles and Traffic, Parking?

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Petracca: SECOND

Council President Pepe asked for a Voice Vote. THE Public Hearing was CLOSED

The Clerk read the following Resolution:

BE IT RESOLVED that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE ORDINANCES OF THE
BOROUGH OF LINCOLN PARK, CHAPTER 206, VEHICLES AND TRAFFIC,
SECTION 206-15, PARKING TIME LIMITED ON CERTAIN STREETS**

be passed on Final Reading and a Notice of Final Passage of said Ordinance be published according to law.

Kerwin: SO MOVED

Petracca: SECOND

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Ordinance was Adopted.

V. REPLACEMENT FOR WARD 1 COUNCIL:

Pepe: Replacement for Ward 1 Council. Before we go through this I just wanted to give you a little bit of background into the process. Councilman Petracca is actually the Chair of the County Committee for Republicans. I am going to give you an opportunity to talk a little bit about the process and how we got to where we are.

Petracca: Sure. As the Council President mentioned I am the Chair of the Republican County Committee in Lincoln Park, as well. We received notice that there was a vacancy on the Council and the County Committee immediately got together. Since the Borough is (indiscernible) the Republican County Committee was to choose three names within 15 days to be submitted to the Council. The County Committee met twice, reviewed resumes and interest from certain Republican Residents of town and supplied three names to the Borough.

The three names were Paul Canfora, Gary Gemian and Craig Kozan.

Pepe: Okay and as a result the Council received letters of intent and interest as well as resumes from these three individuals and Council Members went through each of them. I polled the Council to look at getting a consensus and the Council has come to a consensus on Mr. Gary Gemian.

I will give you a little bit of background on Gary Gemian. Gary I have actually known for probably about 11 years now, it seems. Gary has been a resident since 1979. His wife Vivian and his three daughters, Kristen, Kaitlyn and Kara have all been very active in our community and Gary has also served in the capacity of volunteer PAL Coach from 1999 to 2001, and also he was one of the School Board members, served a term from 1994 to 1997. I think I picked up where you left off in 97 on the School Board.

We would like to welcome his service to the Borough and at this point I am going to ask for the nomination to make it official.

Thompson: So MOVED

Long: SECOND

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Vote was Unanimous.

Mr. Gemian was sworn in as Council Representative Ward 1 and took his place on the Council.

Pepe: Welcome aboard Gary.

Gemian: Thank you.

VI. PLAQUE PRESENTATION FOR HERMAN “HY” NADEL.

Tonight we have a special recognition regarding the service to the Borough and the community of Councilman Hy Nadel. As you are aware Councilman Nadel has tendered his resignation due to personal health reasons.

Although we look forward to working with Councilman Gemian, we will surely miss Hy's friendly and caring demeanor and years of knowledge and experience that he brought to the Council.

Hy has served the residents of Ward 1 as their Councilman for over 15 years, spanning three decades of service. Councilman from 1987 – 1990, 1993 to 1996, and 2001 to 2010. During this time, he has served as Council President, in 1988 and 2007, when the new Municipal Buildings were opened.

Additionally he has served as Chairman of the Open Space Committee, from 2003 – 2005 and he also served as Council liaison for Recreation in 1990, Local Assistance Board from 1987 – 1990 and 1994 – 1996, Fire Department from 2001 – 2010, TBSA representative from 2006 up until present and the MUA from November of 1992 to 2010 where he served as chair from 1995 – 1997 and 2005 – 2007.

On behalf of the Council, Mayor, Administration and the Community in which you have served, I would like to express our gratitude for your dedication, caring and commitment to the Borough of Lincoln Park and wish you well in all future endeavors.

If you could please come forward to be recognized.

Council president Pepe presented a plaque to Hy Nadel for his years of service to the Borough.

(The Council took a refreshment break at 7:49 PM and the meeting Resumed at 8:02)

Pepe: I am calling our meeting back to order and before we get on with our business we have a young man that would like to read Grandpa's statement. Robby, Hy Nadel's grandson read the following Statement:

Hello everyone, I am Hy Nadel's grandson. On his behalf I would like to read what he had written down. Due to current health illnesses he can't read as well as he used to but he definitely puts his thoughts down just as well:

Before I begin my remarks I must tell you that my first idea was to ask Penny Maida to move the regular meeting to 9 PM and give me time for a nice long speech. As one that has the guts to ask for such a change in rules, Penny will never agree to break the rules, not even for such a long time friend, even one who helped hire her and never asked for any special favors.

As the saying goes, you win some and you lose some, I lost this one. As has been my view over more than 20 years as a member of the Council I try to approach every situation with an open mind.

My family has been involved in trying to make Lincoln Park a better place to live and grow up in. We moved here from Brooklyn, NY many years ago when my children were very young. My daughter Rosalind at age 4 had her first boyfriend, David. That young man is a bit older now and is Lincoln Park's Mayor David Runfeldt.

In past years my late wife, Lynne, was an active member in the Lincoln Park Junior Women's Club. That group of young women ran mainly local programs to make our town a better place to live and raise our children. They also spent time helping area women in need for assistance.

Keeping with family views my son Mac picked up the mantra and was elected to the Board of Education. Mac became the youngest member ever elected to serve in that position.

My service to Lincoln Park began with my election to the Board of Ed. Later I elected to go for Council and was handily defeated. Not long did I give up and I ran again in a future race for Council, this time I won and the rest is history. I was a member of the Council for more than 20 years and was a Council President during the years.

I was a member of the Two Bridges Sewer Authority, and the Morris County Municipal Utility Authority and many other commissions.

Now it's time for K.I.S.S. = keep it short stupid. I will always treasure my experiences and years helping Lincoln Park be the best place to live. and raise my children. Good Luck to the new Ward 1 Councilman.

Thank you for your attention and listening to my rambling. Councilman Hy Nadel.

Pepe: Thank you Robby, that was very well read and I know Grandpa was happy with that.

VII. RESOLUTIONS:

VII. CONSENT AGENDA:

Pepe: Resolutions Consent Agenda. R10-59 through R10-66.

Thompson: So MOVED

Kerwin: Second

RESOLUTION R10-59

A RESOLUTION TO AFFIRM THE BOROUGH OF LINCOLN PARK'S CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS

WHEREAS, it is the policy of the Governing Body of the Borough of Lincoln Park to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Governing Body of the Borough of Lincoln Park has determined that certain procedures need to be established to accomplish this policy

NOW, THEREFORE BE IT ADOPTED by the Governing Body of the Borough of Lincoln Park that:

Section 1: No official, employee, appointee or volunteer of the Borough of Lincoln Park by whatever title known, or any entity that is in any way a part of the Borough of Lincoln Park shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough of Lincoln Park's business or using the facilities or property of the Borough of Lincoln Park.

Section 2: The prohibitions and requirements of this Resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough of Lincoln Park to provide services that otherwise could be performed by the Borough of Lincoln Park.

Section 3: Discrimination, harassment and civil rights shall be defined for

purposes of this Resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

Section 4: The Mayor shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this Resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

Section 5: No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

Section 6: The Mayor shall establish written procedures that require all Officials, employees, appointees and volunteers of the Borough of Lincoln Park as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this Resolution.

Section 7: The Mayor shall establish a system to monitor compliance and shall report at least annually to the Governing Body the results of the monitoring.

Section 8: At least annually, the Mayor shall cause a summary of this Resolution and the procedures established pursuant to this Resolution to be communicated within the Borough of Lincoln Park. This communication shall include a statement from the Governing Body expressing its unequivocal commitment to enforce this Resolution. This summary shall also be posted on the Borough of Lincoln Park's web site.

Section 9: This Resolution shall take effect immediately.

Section 10: A copy of this Resolution shall be published in the official newspaper of the Borough of Lincoln Park in order for the public to be made aware of this policy and the Borough of Lincoln Park's commitment to the implementation and enforcement of this policy.

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RESOLUTION R10-60

WHEREAS, PROFESSIONAL PERMITS & MUNICIPAL SOLUTIONS, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with signage for premises located at 261 Comly Rd., Block 22 Lot 304; and

WHEREAS, PROFESSIONAL PERMITS & MUNICIPAL SOLUTIONS 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 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2084 and may be refunded to **PROFESSIONAL PERMITS & MUNICIPAL SOLUTIONS**; and

WHEREAS, Sal Marino, Borough Building Inspector, 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 **PROFESSIONAL PERMITS & MUNICIPAL SOLUTIONS**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2084 in connection with signage for premises located at 261 Comly Rd., 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, as well as, reimbursement to the Borough Engineer's salary account have been properly and fully satisfied.

RESOLUTION R10-61

WHEREAS, WEXFORD INN, INC., had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with a Road Opening Permit for sidewalk repair for premises located at 247 Main St., Block 139 Lot 21; and

WHEREAS, WEXFORD INN, INC. 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 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2111 and may be refunded to **WEXFORD INN, INC.**; 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 **WEXFORD INN, INC.**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2111 in connection with a Road Opening Permit for sidewalk repair for premises located at 247 Main St., 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, as well as, reimbursement to the Borough Engineer's salary account have been properly and fully satisfied.

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RESOLUTION R10-62

WHEREAS, MICHAEL GREGORY, had heretofore deposited with the Borough of Lincoln Park, a Cash Bond in connection with a Road Opening Permit for Sidewalk repair for premises located at 212 Main St., Block 35.1 Lot 115.9; and

WHEREAS, MICHAEL GREGORY 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 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2102 and may be refunded to **MICHAEL GREGORY**; 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 **MICHAEL GREGORY**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2102 in connection with a Road Opening Permit for side walk repair for premises located at 212 Main St., 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, as well as, reimbursement to the Borough Engineer's salary account have been properly and fully satisfied.

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RESOLUTION R10-63

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that pursuant to **N.J.S.A. 40A:5-17.1** the Tax Collector is forgiven the collection or refund of taxes of any amount of \$5.00 or less for the year 2010.

* * *

RESOLUTION R10-64

WHEREAS, a tax over payment should be disposed of only upon authorization granted by a detailed Resolution Adopted by the Governing Body; and

WHEREAS, a homeowner was successful with a 2009 added assessment appeal, which created a credit on 2009 of \$867.00;

WHEREAS, the homeowner has requested the credit to be applied to 2010;

WHEREAS, it should be only in the province of the Governing Body to authorize a Tax Collector to dispose of an over payment by applying it to the payment of an unpaid tax of another year;

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 following tax adjustment:

| <u>Block/Lot</u> | <u>Name</u> | <u>Amount</u> | <u>Send to 2010</u> |
|------------------|------------------------|---------------|---------------------|
| 35/90.11 | 39 Rosenbrook Ave, LLC | \$867.00 | Transfer to 2010 |

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RESOLUTION R10-65

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:

| <u>Block/Lot</u> | <u>Name</u> | <u>Amount</u> | <u>Reason</u> |
|------------------|-------------|---------------|--|
| 4.4/44 | Lereta, LLC | \$2,297.27 | Title co paid for refinance and Mort co. paid. |

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RESOLUTION R10-66

**Borough of Lincoln Park
Resolution Supporting Participation
In the Sustainable Jersey™ Municipal Certification Program**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Lincoln Park strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, Borough of Lincoln Park hereby acknowledges that the residents of Borough of Lincoln Park desire a stable, sustainable future for themselves and future generations; and

WHEREAS, Borough of Lincoln Park wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path Borough of Lincoln Park is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of Borough of Lincoln Park, we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within Borough of Lincoln Park on matters of sustainability, the governing body of the Borough of Lincoln Park wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Borough council of the Borough of Lincoln Park that we do hereby authorize Mayor David A. Runfeldt to serve as Lincoln Park’s agent for the Sustainable Jersey Municipal Certification process and authorize him to complete the Municipal Registration on behalf the Borough of Lincoln Park.

* * *

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: Gemian

The Resolutions were Adopted.

REGULAR AGENDA:

Pepe: Resolution R10-67 Pay Bills

Kerwin: So MOVED

Thompson: SECOND

RESOLUTION R10-67

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 he hereby is authorized to issue warrants in payment thereof when there are sufficient funds available to meet them:

| <u>CHECK NO.</u> | <u>ACCOUNT</u> | <u>TOTAL</u> |
|--|-----------------------|---------------------|
| 30564 thru 30566 & 31885 thru 31899 & 32435 thru 32555 | Current | 1,721, 429.69 |
| 819 thru 826 | Accutrack | 7,930.50 |
| 1252 | Dog License | 415.20 |
| 1974 & 2482 - 2488 | Fed/State Grant | 3,670.15 |
| 3019 thru 3024 | Gen’l Capital | 12,326.36 |
| 2277 thru 2279 | Gen’l Trust | 1,484.73 |

| | | |
|---|---------------------------------------|--|
| 1820 thru 1831 1077 5777 & 5778 & 6571 thru 6586 | Recycling SUI Water Utility | 10,775.00 3,599.56 59,230.53 |
|---|---------------------------------------|--|

* * *

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None
Absent: None
Abstain: Gemian

The Resolution was Adopted.

Pepe: Resolution R10-68 Confirm Bills

Kerwin: So MOVED

Long: SECOND

RESOLUTION R10-68

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

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</u> <u>CHK NO.</u> | <u>PAID TO</u> | <u>PURPOSE</u> | <u>AMOUNT</u> |
|----------------------------------|---|-----------------------------------|---------------|
| CURRENT | | | |
| 30564 | BOLP Affordable Housing | Transfer funds from NJ State wire | \$33,740.00 |
| 30565 | Morris Cty Treasurer | 2009 county tax | \$6,775.57 |
| 30566 | Morris Cty Treasurer | 2009 Open Space Tax | \$1,171.04 |
| 31885 | BOLP Police Petty Cash | Fund 2010 petty cash | \$100.00 |
| 31886 | Net Payroll | January 22 Payroll | \$240,627.32 |
| 31887 | Payroll Escrow | January 22 Payroll | \$142,986.37 |
| 31888 | Township of Montville | 1st half 2010 taxes | \$121.62 |
| 31889 | Wintergarden Theatre | Mamma Mia tickets | \$3,383.00 |
| 31890 | Treasurer, State of NJ | 4th Qt 2009 state training fees | \$1,389.00 |
| 31891 | BOLP Petty Cash - DPW | Reimburse Petty Cash | \$198.36 |
| 31892 | LP Public Library | January 2010 Payment | \$46,891.33 |
| 31893 | Net Payroll | Feb. 5 payroll | \$147,774.45 |
| 31894 | Payroll Escrow | Feb. 5 payroll | \$99,957.14 |
| 31895 | Lincoln Park Public Library | Feb. Payment | \$46,891.33 |
| 31896 | Pequannock, LP & Fairfield Sewerage Auth. | Feb. Payment | \$423,480.00 |
| 31897 | North Jersey Mun. Emp. Benefits Fund | Feb. Payment | \$152,903.00 |
| 31898 | Morris Cty Municipal Joint Ins. Fund | Replace Ck# 31880 | \$150,000.00 |
| | Regular Meeting Checks | # 32435 - 32555 | \$223,040.16 |

FED/STATE GRANT

| | | | |
|------------|----------------------|---------------------------|------------|
| B/T | General Trust - Dare | Transfer of funds to Dare | \$371.72 |
| 1974(conf) | Net Payroll | January 22 Payroll | \$236.04 |
| 2482(conf) | Net Payroll | Feb. 5 Payroll | \$2,020.83 |

GENERAL TRUST

2277(conf) Salvation Army c/o Food Pantry Utility Assistance Program \$333.00

RECYCLING

| | | | |
|------------|----------------------|-------------------------|------------|
| B/T | BOLP Current Account | Reimburse Recycling S/W | \$2,521.73 |
| 1820(conf) | Net Payroll | January 22 Payroll | \$1,496.46 |
| 1821(conf) | Payroll Escrow | January 22 Payroll | \$1,159.88 |
| 1822(conf) | Net Payroll | February 5 payroll | \$1,414.76 |
| 1823(conf) | Payroll Escrow | February 5 payroll | \$1,106.97 |

WATER UTILITY

| | | | |
|------|------------------------|-------------------------------------|--------------------|
| B/T | BOLP Current Account | Balance due December 2009 sewer pmt | \$157.46 |
| 5777 | Net Payroll | January 22 Payroll | \$12,649.55 |
| 5778 | Payroll Agency | January 22 Payroll | \$6,364.30 |
| 6571 | Net Payroll | Feb. 5 Payroll | \$10,650.58 |
| 6572 | Payroll Agency | Feb. 5 Payroll | \$5,909.19 |
| | Regular Meeting Checks | Check # 6573 - 6586 | <u>\$23,499.45</u> |

* * *

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: Gemian, Petracca

The Resolution was Adopted.

Pepe: Resolution R10-69 Authorize TBSA Appointment for Unexpired Term of Herman Hy Nadel.

Thompson: So MOVED

Long: SECOND

RESOLUTION R10-69

WHEREAS, a Ordinance of the Borough of Lincoln Park, in the County of Morris, State of New Jersey, entitled **ORDINANCE CREATING THE PEQUANNOCK, LINCOLN PARK AND FAIRFIELD SEWERAGE AUTHORITY**, Adopted on October 21, 1970, has become and is fully effective and a Certified copy has been filed in the Office of the Secretary of State of New Jersey as in Section 7 of the Municipal Utilities Authority Law of New Jersey provided, and there has been duly created and there is validly existing, a Pequannock, Lincoln Park and Fairfield Sewerage Authority, a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Governing Body of the Borough of Lincoln Park, did previously make an appointment for a term expiring on January 31, 2011 and said term is now **VACANT**;

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

The following person be and the same is hereby appointed as a member of the Pequannock, Lincoln Park and Fairfield Sewerage Authority to serve a for the **UNEXPIRED TERM OF HERMAN "HY" NADEL** term commencing February 1, 2010 and expiring January 31, 2011:

**RAYMOND T. KERWIN
357 GETTYSBURG WAY
LINCOLN PARK, NEW JERSEY 07035**

BE IT FURTHER RESOLVED that a copy of this Resolution duly Certified by the Borough Clerk of the Borough of Lincoln Park, be filed by said Borough Clerk in the Office of the Secretary of State of New Jersey.

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Gemian, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

* * *

Pepe: Resolution R10-70 Liaison for Fire Department

Thompson: So MOVED

Long: SECOND

RESOLUTION R10-70

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that **GARY GEMIAN** be appointed Council Liaison to the **FIRE DEPARTMENT** for the unexpired term of **HERMAN "HY" NADEL** said term expiring 12/31/10.

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Gemian, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

* * *

VIII. MISCELLANEOUS/ COUNCIL COMMITTEE REPORTS:

Kerwin: Nothing

Long: 1. The New Year Dinner was a very nice reception, and I appreciated being invited.

Gemian: Nothing

Petracca: Nothing

Thompson: Nothing

Wild: Nothing

Pepe: 1. Transparency Committee Meeting: Petracca Chair, Wild, Pepe, Penny and Kerry.

2. Discussed forming a Capital Long Debt Committee: Pepe, Chair, Kerwin, Petracca, Canning and Geisler.

Buzak: Mr. President since we are creating a committee and also appointing members I would ask that a vote be taken. The Vote provides that the Committees are established by the Council President with the consent of the Council.

Pepe: Fine. So with that said, is there any discussion? If not please call the Roll.

Clerk: Are we voting on both committees?

Pepe: The first committee was already established.

Clerk: Vote will only be for the Capital Long Debt Committee:

Long: So MOVED

Petracca: SECOND

Yes: Council Members: Kerwin, Long, Gemian, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Committee was Formed.

IX. MAYOR’S AGENDA:

1. The Mayor welcomed Councilman Gemian.
2. Solar Feasibility Study will be discussed further at the March 1st work meeting with a Presentation.
3. Discussed the incident with our Former CFO; through some work from our Administration and our Attorney’s we were able to get the Bonding Company to agree to pay a portion of the Forensic Auditor’s Fee.
4. Discussed Rail Trail – The County and State will be able to help us hook up with Wayne and Pequannock. It will be a long process but we are actively pursuing.
5. Discussed the DOT Grant for Route 202 Sidewalks – Change scope of job for handicapped cut outs.
6. Discussed: Lighting of Borough Field Resolution for lighting of fields not to exceed \$55,000.00

Pepe: Resolution R10-71 - Authorize Lighting of Borough Field Not to exceed \$55,000.00.

Kerwin: So MOVED

Long: SECOND

RESOLUTION R10-71

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that approval is hereby given for the ***REFURBISHMENT OF THE BOROUGH FIELD LIGHTING*** as per the Borough Engineer’s report dated February 11, 2010 at a cost not to exceed \$55,000.00.

Pepe: Please call the Roll.

Yes: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: Gemian

The Resolution was Adopted.

7. Discussion from Mr. Buzak, Appellate Division on Hertz –Dismissal of Claim.

X. PUBLIC HEARING:

Kerwin: So MOVED

Long: SECOND

Council President Pepe 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.

Pepe: Is there anybody wishing to address the Council?

1. Mr. Shaunessy, 11 Kirsten Drive, Freehold, NJ. Discussed: Borough owes him an additional \$2,600.00 for the work he did at the Tennis Courts.

Kerwin: MOTION to CLOSE

Long: SECOND

Council President Pepe asked for a Voice Vote. The Public Hearing was CLOSED.

XI. ADJOURNMENT:

Kerwin: So MOVED

Long: SECOND

There being no further business to come before the Council the Regular Meeting of February 16, 2010 was Adjourned at 8:27 P.M.

Louis J. Pepe, Council President

Annette Maida-Smith, RMC
Borough Clerk