

I. Monday, March 1, 2010 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. The meeting came to order immediately following the Organization Meeting.

**II. ROLL CALL**

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

ABSENT: NONE

Present from Administration: Mayor Runfeldt, Administrator Sean Canning, CFO Kerry Geisler and Attorney Edward Buzak

ABSENT FROM ADMINISTRATION: Attorney Tiena Cofoni

**III. COUNCIL AGENDA:**

**1. BOARD OF ADJUSTMENT APPOINTMENT:**

With the resignation of Linda Matthews from the Board of Adjustment a replacement needed to be found. Thomas R. Zapf has requested the appointment to the Zoning Board as an Alternate #2 Member.

That being said, the Alternate #1 Member, Patrick Bakelaar, will be moved to the position of Regular Member for Ms. Matthews unexpired term, Mr. Lenoir will be moved from Alternate #2 to Alternate #1 to complete Mr. Bakelaar's term and Mr. Zapf will then take Mr. Lenoir's Term as Alternate #2.

Council Concurred three (3) Resolutions will be placed on the Regular Agenda.

**2. AMERICAN LEGION REQUEST – WAIVE RAFFLE FEES:**

Once again, the American Legion is requesting that the Council waive the \$750.00 raffle application fee for their upcoming Instant Lottery Game. They must pay the same fee (\$750.00) to the State.

This has been done for them for the past few years.

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

**COUNCIL PRESIDENT PEPE ADDED THE FOLLOWING ITEM TO THE AGENDA:**

**3. HERTZ VS. BOROUGH**

It was explained by the Borough Attorney that the final judgment by Judge Bianco has come down and it is clear that the Borough must refund Mrs. Hertz tax money for the year 2008.

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

**IV. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:**

1. Councilman Gemian had nothing to report.
2. Councilman Kerwin had nothing to report.
3. Councilwoman Long had nothing to report.
4. Councilman Petracca had nothing to report.

5. Councilwoman Thompson had nothing to report.
6. Councilman Wild had nothing to report.
7. Council President Pepe had nothing to report.

**V. MAYOR'S AGENDA:**

**1. SOLAR FEASIBILITY STUDY RESULTS:**

Mr. Rubino and Mr. Judson discussed the possible sites for the solar panels: Municipal Complex, PAL Building and the Regets Property.

To utilize the Regetz property, DEP would have to get involved to be able to put panels on the property.

Results in from the DiCara Rubino architects and Metro Energy Solutions in regard to the sites examined as possible sites for solar panels or solar farm.

Council asked that reports be completed to see if we wanted to proceed. Administration was seeking Council's intent on whether to proceed forward or not.

**2. CANCEL CHECKS:**

As per the request of the Borough's CFO she would like permission for Cancellation of old outstanding checks.

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

**3. CLEANING CONTRACT APRIL 1, 2010-MARCH 31, 2011:**

Administration recommended for Ocean Cleaning LLC. Option 1 chosen more times per week at municipal building and PAL then Option 2.

Listing of all bidding companies and prices listed on Agenda. Council received copies of backup.

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

**4. TENNIS COURT PAYMENT:**

Backup provided TO Council for the Racquet Shop's request of additional payment for increase in asphalt prices from August of 2008. Upon further review we are recommending this be approved.

Synopsis

1. It was common historical practice in 2008 and before to have purchase orders drawn up without central administration approval. The purchase order was drawn up under such auspices.

2. Subsequent to that time period, this practice is no longer the case. Since spring of 2009 and before with reforms put in place by CFO and reissuance of purchase order policy by the Mayor and Administrator.

3. All parties have been spoken to and a reissuance again of the policy was conducted on February 18, 2010.

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

5. **UPDATE ON SHARKEY LANDFILL:**

Council received correspondence from the Buzak Law firm. Mr. Buzak explained that municipalities are still waiting to see if they are going to be excluded or included in payment.

6. **DEVELOPMENT FEE ORDINANCE:**

Council received copies of memorandum from Buzak Law Group informing the Borough that according to the recent COAH Resolutions, Lincoln Park must Adopt the amended Development Fee Ordinance and submit within seven (7) days of Adoption to COAH.

Advice from Buzak Law Groups is that the Borough re-Adopt the Development Ordinance Fee so as to not run afoul of COAH regulations.

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

7. **ADMINISTRATIVE APPROVAL MINOR SITE PLAN EXEMPTION:**

Request for the Council to refer to the Planning Board for comment and review of Administrative Approval for minor site plan exemptions.

Speaking with the Borough Engineer there is a need to be more resident and business friendly in persons approaching the boards at times unnecessarily.

Of particular concern is the fact that small businesses are forced to pay higher escrow fees in Lincoln Park then elsewhere for just occupying a business space. The concern is that businesses will not move to Lincoln Park and do business elsewhere.

Council concurred.

8. **TEMPORARY BUDGET RESOLUTION:**

Council was provided with copies of the back-up for this requested temporary budget which will bring the borough into the 2<sup>nd</sup> quarter.

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

9. **CELL TOWER BID AWARD:**

Cell tower bid opened on February 24, 2010 10 am. Backup was provided to Council.

Bids:

1. T-Mobile \$32,750.00 rent to the Borough with 30% co-locator rent to the Borough
2. At&T \$30,000.00 rent to the Borough with 3% co-locator rent to the Borough

Bids have been rejected by the Borough Attorney for various exceptions to the bid.

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

10. **TRANSFER RESOLUTION:**

Transfer of monies from financial administration to municipal court salary and wages to cover 2009 expenses.

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

11. **ESCROW RELEASE JACKSONVILLE CHAPEL:**

Minor site plan application #318 escrow release, Block 3, Lot 5.01 and Block 1, Lot 6.01, Escrow # 2004

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

12. **ESCROW RELEASE JACKSONVILLE CHAPEL:**

Major site plan #288 (parking lot), Block 3, Lots 5 and 5.01, Escrow #1737

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

13. **TAX SETTLEMENT:**

Wolfson Realty Assoc LLC, block 121, lot 5.1

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

14. **TAX OVERPAYMENT REFUNDS:**

a. Block 37/ Lot 12 Luc Van & Mui Nhi Lay, \$1,800.30 Homeowner & Mort co. paid. Homeowner refund

b. Block 136.1/Lot 16.3 C1603, First American Real Estate \$1,837.02 Pd by Title co & Mort

c. Block 136.2/Lot 10.4 C1004 First American Real Estate, \$1,457.07 Pd by Lawyer & Mort. CO.

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

15. **TAX SALE REDEMPTION:**

A. block 46, lot 31.13, also known as 74 Highland Street

B. 2008 tax Sale Certificate #09-00007

C. Havid Development, LLC at a \$9,800.00 premium

D. redemption in the amount of \$8,758.32.

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

**MAYOR RUNFELDT ADDED THE FOLLOWING ITEM TO HIS AGENDA:**

16. **INTERLOCAL BETWEEN POLICE DEPARTMENT AND COUNTY:**

Acting Chief Andrascik was able to secure an Interlocal Agreement with the County of Morris for the Utilization of the County's Mobile Data Terminal System for a period of one year at a cost of one dollar (\$1.00), therefore saving the Borough approximately \$3,000.00 per year.

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

**VI. RESOLUTIONS:**

Council President Pepe asked for a MOTION and a SECOND on R10-72.

Councilman Kerwin MOVED the Adoption of R10-72 .

Councilwoman Long SECOND the Motion.

The following Resolution was spread for the record:

RESOLUTION R10-72

**WHEREAS**, on July 21, 2008, Resolution R08-176 was Adopted awarding a contract to **THE RACQUET SHOP, INC.**, located at the Courtyard, Route 34, PO Box 117, Colts Neck, NJ 07722 to construct the tennis courts at a cost of \$93,746.00; and

**WHEREAS**, in August of 2008, it was reported to the Borough that The Racquet Shop, Inc. was using Tilcon and forwarded a letter To The Borough of Lincoln Park from Tilcon outlining the increase in energy prices; and

**WHEREAS**, Purchase Order number 08-13561 was generated and forwarded to The Racquet Shop, Inc., which indicated the increase in payment was for an **“INCREASE IN ASPHALT PRICES”**; and

**WHEREAS**, this information has now resulted in Change Order #1 to the original contract price of \$93,746.00 in the amount of \$2,600.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, that Change Order #1 in the amount of \$2,600.00 to **THE RACQUET SHOP, INC.**, be paid in full to satisfy the entire contract for the tennis courts.

The Clerk called the ROLL showing the following:

YES: Council Members: Gemian, Kerwin, Long, Petracca, Thompson, Wild and Pepe  
NO: NONE  
ABSENT: NONE  
ABSTAIN: NONE

The Resolution was Adopted.

**VII. ORDINANCES:**

NONE

**VIII. PUBLIC HEARING:**

Councilwoman Thompson MOVED to OPEN the PUBLIC HEARING.

Councilman Kerwin SECOND the MOTION.

The Clerk read the following Statement:

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 THE COUNCIL GRANTS FURTHER TIME, HE SHALL LIMIT HIS STATEMENT TO FIVE (5) MINUTES.

STATEMENTS SHALL BE ADDRESSED TO THE COUNCIL AS A BODY AND NOT ANY MEMBER THEREOF.

A COUNCILMAN SHALL NOT DIRECT ANY QUESTION TO THE SPEAK ADDRESSING THE COUNCIL, EXCEPT THROUGH THE PRESIDING OFFICER.

- 1. Mr. Peter Avena – 121 Ryerson Rd.

Mr. Avena’s statement is spread for the record between pages 5 and 6 of these minutes.

Mr. Sal Marino, construction Official and Zoning Officer was also present for the discussion about the DeFalco & Bower properties.

IX. **CLOSED SESSION:**

NONE

X. **ADJOURNMENT:**

Councilwoman Thompson MOVED the Work Meeting be ADJOURNED.

Councilman Petracca SECOND the MOTION.

The Work Meeting of Monday, March 1, 2010 was ADJOURNED at approximately 8:42 pm.

ATTEST:

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Annette Maida-Smith, RMC  
Borough Clerk

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Louis J. Pepe, Council President