

**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 March 15, 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: Gary Gemian  
Raymond T. Kerwin  
Janet P. Long  
Louis J. Pepe  
Matthew Petracca  
James A. Wild

ABSENT: Ann Thompson

Also PRESENT were Mayor David A. Runfeldt (arrived at 7:32 PM), Borough Administrator Sean Canning, CFO/Treasurer, Kerry Geisler, Edward Buzak, Borough Attorney and Tiena Cofoni, Borough Attorney.

**REPORT OF OFFICE OF EMERGENCY MANAGEMENT: In attendance: Ellen Harrigan, OEM Coordinator, Sal Marino, Fire Chief, Tom Andrascik, Acting Chief of Police, Kevin McNeil, First Aid Chief, and Dan Petrow, CERT President.**

Pepe: Before we start with the Agenda tonight, I know a number of people have been out all day including all of the members from our Emergency Response Team they are here with us tonight. I asked Mrs. Harrigan if she would come up and give us a quick overview report. Before you start on that let me just thank you for all of your service as well as members of the Fire, Police, the EMS, and the CERT Team.

I think this clearly demonstrates once again how Lincoln Park is not only prepared but professionally prepared with highly trained professionals in the area of Emergency Response Team.

I don't think there was a single aspect of the operation that any of us viewed, and a lot of the Council Members as well, were there for different briefings in different areas that we could assist the Administration, the Borough Clerk, I think this is just very indicative of the way this town operates. Our Mayor is running a little late today, I think he has been out for about 36 or more hours as well doubling as a Fireman.

With that said please begin Mrs. Harrigan:

Harrigan: Thank you very much and thank you for your kind words. I have always said that the Lincoln Park Emergency Management is the best and the County believes it and the State agrees with us because we are a team and because we have worked well together for a number of years and we continue to.

First of all I will tell you that this event has come in as the 2<sup>nd</sup> historic Flood on the Rivers that are fed that are along Lincoln Park. The Pompton River, our high was 22.78 with the flood stage at 16. This was only topped by 1984. The Passaic is scheduled to come in tomorrow evening and that is only topped by 1903 which was a huge huge flood, which wasn't as damaging because there weren't as many people here. It will come in second or third; we're not sure whether this is going to be a tenth of a foot above or below the 1984 level.

Our Preparations began Thursday and Friday. Our Operations began Saturday morning, with the Fire Department taking out their first evacuees at daylight on Sunday Morning, excuse me. They worked through the night last night because of other issues and Sal will expand.

The First Aid was constantly there, not only there for the calls but they also provided their regular teams to respond to emergencies through out the community, where flooding was not an issue.

The CERT team was stellar as always, good team, good workers. They manned the Hot Line, shelter, and a lot of transportation for evacuations, and transportation for food.

We had the hot line, the shelter, and everything up and running within an hour or so of the first evacuation and it still continues. The hot line still continues and I will be speaking with Chief Andrascik after the meeting to see when they want us to switch that back.

The shelter will continue. Penny and I will be discussing the needs, if they have long term needs we will be working with the Red Cross to do some type of assistance for them.

The EOC will remain open until those two are resolved and we are back on the way to recovery.

The other one thing that I want to mention is that we have started the recovery phase. Today Shop Rite dropped off a trailer with bleach and water. Tom Piorkowski also has the lime ordered, which is something that is needed for areas that were totally inundated with the water. The Red Cross-is suppose to deliver 250 cleaning kits.

Pepe: Does any member of the Council have any questions? Or comments?

Gemian: I would just like to say having observed all the work and effort, thank you and that was extraordinary. I was proud to be a Lincoln Park Resident, just being a part of observing all of the effort by everyone involved and it was just a remarkable job.

Kerwin: Anybody have any idea where we stand financially on this? What it's cost us so far?

Harrigan: We are working on that. We are keeping constant records. Kerry, I know got some receipts today from us. We have a couple more going in, the forms are going to start tomorrow so Kerry will have to input hours, costs, loss of material and everything.

Kerwin: Okay

Runfeldt: Councilman Kerwin we do anticipate it not being nearly as much as it was in '07.

Kerwin: Thank You.

Runfeldt: I am assuming that's what you were looking at, quite a bit less loss of damage to equipment at this stage of the game then we had in '07 and we are already taking steps to minimize it. A big part of the cost was also the removal of debris and we are taking some pro-active steps to insure that the cost of clean up isn't as much as it was in 2007.

Kerwin: Okay. Thank you.

Runfeldt: We are trying to avoid having a large dump pile at Aqueduct Park; a lot of it will depend on what things look like after the water goes down, before we can make a final determination. That's our intent right now is to avoid that scenario.

Long: I would also like to say that in one of the worst weather times and it's amazing how much the residents have just.....I spent more time then I thought I would spend with the CERT team down at the PAL Building. People just float in and did the strangest things to make everybody comfortable. Clothes, the balloon man it was just amazing and kind of lets you forget that what you have is not such a big problem, and there are other people with worse. People just come in with food and baked goods and lots of stuff. The one thing I would like to say what you did forget and only because it does involve me is the strange foster parenting we had to do for the animals in town.

Harrigan: As they were evacuated by the fire department I was going to let him explain.

Petracca: I just also wanted to thank you and all of our responders in Town and especially commend you Mrs. Harrigan. I know that you have over the course of years been planning for a possible flood in the future and it came and you were prepared and I see Dan, the President of the CERT team in the audience here. You got everybody together and you had a plan and put it in place. Thank you for your time and service.

Harrigan: Thank you very much.

Wild: I would just like to thank everybody that was involved and believe me there were hundreds of people that were involved.

Pepe: One of the other things too is all of the mutual aid that we received from other municipalities and Boroughs. The Organization and feeding everybody and you did a very good job at that; I know I was at every meal.

Marino: Would you like to hear the numbers of evacuations?

Pepe: Sure

Marino: Our operation started Sunday morning at approximately 7:15 am. Up until this time, and this is not a final number but, we had a total of 120 calls. We evacuated 256 residents, 53 were kids and 203 were adults. I believe we took out 31 animals. That ranged from dogs, cats, birds, snake and we did have a pig.

We were also involved with a house fire that was on the Wayne side of the river last night. Wayne could not get to that fire because of their location and the water; we were able to get four boats in the water. We fought that fire for quite some time and we had some troubles with the boat but we managed to get that fire knocked down. It took about an hour or so, but the house, obviously was destroyed. There were two residents that lived next door to the house that was on fire and they were rescued and taken from that house to a safer location. The Chief from Wayne was very much appreciative of what we did for them.

Pepe: As an observer and working with the CERT team, like many of the Council, it gave us an opportunity to see first hand some of the work that you guys do. And again, all I can say is how impressed we all were with the level of professionalism in the spirit of cooperation from everybody on your team. From the oldest, most experienced to the young kids that you have working with you. Everybody was eager to do what they could do, and that went all the way late into the night. I stopped by the Fire House and again, spirits were still high and everybody wanted to do what they can, and again, it's just indicative of our community.

So we all thank you.

Marino: Thank You. The entire Fire Department worked very well together and they range in all different ages but everyone did a great job. I am proud of the work they did, and they put them selves on the line for many occasions during this time. They all did a great job.

Gemian: I think it's also important to recognize the families that you have. I visited the Fire Houses and noticed the family members of the Fire Fighters were there. Please extend to them our appreciation and thanks for the support you guys get from your own families and support teams. I think that's important.

Runfeldt: I would also like to mention that, not just with the Fire Department, but CERT Team, OEM, First Aid Squad, and Police I am sure, significant number of the volunteer members also live in areas that were affected by flooding, and they left their homes behind on many occasions to come here to help other people. I just thought that everybody should be aware of that as well.

Pepe: Thank you Mr. Mayor. Anything else from the Council or any questions? You guys want to go get some rest? Chief Andrascik do you have any thing to add tonight for a report.

Andrascik: We have nothing more than what everyone else here has said. Everything is going very well so far. It's been a strange few days though for the Police Department. I have been here for a long time and I'm not sure if Sean might even remember but I think this is the first time we've ever had a flood that right there in the middle of it we also had a childbirth call. So now we're on the phone dealing with power problems, flooding, and somebody delivering a baby at the same time. They couldn't get to the hospital quite that quick. So as

well as my officers doing an outstanding job, I also have to commend my dispatchers, for actually walking her through that.

The other thing that I do want to note is that I think Lincoln Park is such an impressive Town that when it comes to something like this we are actually getting calls from people from Wayne asking for help, rather than them calling Wayne, which kind of says something about Lincoln Park. I am not saying it says anything negative about the other town, but they see us out there and I think that makes a difference.

Pepe: Even the officers that were down by Wolfson's. You would be amazed at some of the stories we heard with people stopping and the questions and the places they thought they needed to get to, but yet the officers were always professional looking to help in providing the assistance that they needed. So again, it reflects on all of you in the Department, you did a nice job.

Andrascik: Thank you and that's all I have.

Pepe: Council does anybody have any questions or comments.

Kerwin: Well done.

Long: Thank you

Pepe: I believe we have Kevin McNeal with us from the First Aid Squad. Kevin do you want to give us report from the First Aid Squad.

Kevin We started Sunday morning when the Fire Department started. I haven't had a chance to total it all up, the amount of calls we had but Sal had that. We had a couple of medical calls in the middle of that. Total we had two people go to the hospital with hypothermia. Other than that everybody worked well together, and we had a lot of people show up at the building, stay at the building and we will continue until we can stand down. As of right now we have had two crews running simultaneously. And we will continue on.

Runfeldt: For the benefit of the Council, who may not know this, the First Aid Squad runs with every fire call in Town so they were on top of the medical calls, and they were present at every evacuation as well.

Pepe: And again I think that goes to the concerted effort, because as the Mayor said if you were down for any of those issues you could see. It was a very synchronized operation.

Marino: Yes, everyone worked well together.

Pepe: Any other questions or comments from the Council? Thank you for your Service. Dan Petro, President of the CERT did you want to come forward.

Petro: I don't have numbers at this point in time, cause we have been in and out. I just want to express my appreciation personally for the efforts the CERT team members have provided and all their volunteer work. They spent midnight shifts, and it's hard obviously on everybody, but some of them have their own problems yet, they are here helping their fellow neighbors.

Pepe: That's part of our whole community and everybody seems to know everybody in this community and that's not in every community like that. So again we really appreciate your time. I hope your daughter got her power back on?

Petro: Nope

Pepe: Still out.

Petro: Spending the night at my place again.

Pepe: Our house is still okay. I bought Danny's house 16 years ago or 15 years ago and it's good to go.

Petro: And we are still talking.

Pepe: Yes!

**III. MINUTES FOR APPROVAL:**

Pepe: Minutes for Approval February 16, 2010

Kerwin: So MOVED

Long: SECOND

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

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

No: None

Absent: Thompson

Abstain: None

The Minutes of February 16, 2010 were approved.

Pepe: Minutes for Approval March 1, 2010.

Petracca: So MOVED

Gemian: SECOND

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

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

No: None

Absent: Thompson

Abstain: None

The Minutes of March 1, 2010 were Approved.

**IV. ORDINANCES FOR INTRODUCTION:**

Pepe: Ordinance for Introduction 4-10 Amend Chapter 17, Article xx, Affordable Housing Development Review Fees.

The Clerk read the following Resolution:

**BE IT RESOLVED, that an Ordinance entitled:**

**AN ORDINANCE AMENDING ARTICLE XX, AFFORDABLE HOUSING DEVELOPMENT FEES, OF CHAPTER 17, DEVELOPMENT REGULATIONS OF THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK**

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

Kerwin: So MOVED

Long: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolution was Adopted.

Pepe: Any comments or questions on the Ordinance?

Please read it again.

The Clerk read the following Resolution:

**BE IT RESOLVED, that an Ordinance entitled:**

**AN ORDINANCE AMENDING ARTICLE XX, AFFORDABLE HOUSING DEVELOPMENT FEES, OF CHAPTER 17, DEVELOPMENT REGULATIONS 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 19<sup>th</sup> Day of April, 2020 at approximately 7:30 PM in the Municipal building at which time and place all personas 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

Long: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolution was Adopted.

**ORDINANCES FOR INTRODUCTION:**

Pepe: Ordinance for Adoption 3-10 Amend Chapter 3, Administration of Government.

The Clerk read the following Resolution:

**BE IT RESOLVED, that an Ordinance entitled:**

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

be read by Title on Second Reading and a Hearing held thereon.

Kerwin: So MOVED

Petracca: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Thompson

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.

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.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Petracca: SECOND

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

Pepe: Read it Again.

The Clerk read the following Resolution:

**BE IT RESOLVED, that an Ordinance entitled:**

**ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3, ADMINISTRATION OF GOVERNMENT, 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: Gemian, Kerwin, Long, Petracca, Wild and Pepe.

No: None

Absent: Thompson

Abstain: None

The Ordinance was Adopted.

**V. RESOLUTIONS:**

**CONSENT AGENDA:**

Pepe: Consent Agenda R-10-3 through R-10-86.

Kerwin: So MOVED

Wild: SECOND

Pepe: Any questions, comments or corrections?

Mr. Gemian requests to abstain on R10-82 and R10-83.

Pepe: Why don't we vote on those two separately?

Pepe: We will move R10-73 through R10-81 and R10-84 through R10-86. We still have a Mover and Second.



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**RESOLUTION R10-78**

**BOROUGH OF LINCOLN PARK  
COUNTY OF MORRIS**

**WHEREAS**, the Current Account has old outstanding checks in the amount of \$18,082.51 and the Payroll Account has old outstanding checks in the amount of \$5,115.98 and the Recycling Trust Fund has old outstanding checks in the amount of \$28.01 and the Water Utility Account has old outstanding checks in the amount of \$783.50 and the General Capital Account has old outstanding checks in the amount of \$2,474.00; and

**WHEREAS**, there is a need to void such old outstanding checks;

**NOW, THEREFORE BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park that the various checks totaling \$26,484.00 be cancelled.

**APPENDIX A**

**CURRENT ACCOUNT**

<u>CHECK #</u>	<u>AMOUNT</u>	<u>CHECK DATE</u>
24684	212.00	1/9/2007
25449	34.00	5/21/2007
25592	17,776.51	6/18/2007
26572	60.00	12/6/2007
<b>TOTAL</b>	<u>18,082.51</u>	

**PAYROLL ACCOUNT**

<u>CHECK #</u>	<u>AMOUNT</u>	<u>CHECK DATE</u>
31200	329.64	12/29/06
31243	164.86	1/12/2007
31842	154.96	4/20/2007
31913	81.39	5/4/2007
32218	695.97	6/29/2007
32352	595.34	7/13/2007
32843	405.74	9/21/2007
33176	203.21	11/16/2007
33250	173.03	11/30/2007
33331	148.93	12/14/2007
33350	595.34	12/14/2007
33408	130.83	12/28/2007
33990	77.58	4/4/2008
34569	595.69	7/11/2008
34848	167.78	8/22/2008
35328	<u>595.69</u>	11/14/2008
<b>TOTAL</b>	5,115.98	

**RECYCLING TRUST**

<u>CHECK #</u>	<u>AMOUNT</u>	<u>CHECK DATE</u>
1625	6.72	2/19/2008
1638	<u>21.29</u>	3/17/2008
<b>TOTAL</b>	28.01	

**WATER UTILITY**

<u>CHECK #</u>	<u>AMOUNT</u>	<u>CHECK DATE</u>
4980	732.50	5/21/2007
4981	<u>51.00</u>	5/21/2007
TOTAL	783.50	

**GENERAL CAPITAL FUND**

<u>CHECK #</u>	<u>AMOUNT</u>	<u>CHECK DATE</u>
2342	1,075.00	9/17/2007
2395	<u>1,399.00</u>	11/19/2007
TOTAL	2,474.00	

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**RESOLUTION R10-79**

**WHEREAS**, the Administrator of the Borough of Lincoln Park solicited for bids for Cleaning Services, the purpose of this work will be to perform cleaning services for the Borough of Lincoln Park; and

**WHEREAS**, on February 18, 2010, ten (10) bids were received as follows:

Option 1		Option 2	
Ocean Cleaning LLC	\$23,520.00	Ocean Cleaning LLC	\$19,596.00
Delta Building Services	\$28,740.00	Urucorp Maintenance	\$22,680.00
Maverick Cleaning	\$28,800.00	911 Commercial Cleaning	\$25,899.96
Urucorp Maintenance	\$29,100.00	Maverick Cleaning	\$26,400.00
Chucks cleaning	\$32,000.00	Oriental Pacific	\$30,480.00
911 Commercial Cleaning	\$33,939.00	Blue stripes	\$30,900.00
Blue Stripes	\$35,500.00	Union Building Services	\$31,200.00
Oriental Pacific	37.800.00	Chucks Cleanings	\$35,000.00
Good Morning Care	\$39,000.00	Good Morning Care	\$36,240.00
Union Building Services	\$40,800.00	Delta Building services	N/A

**WHEREAS**, the lowest responsible bid of \$23,520.00 per year for Option 1 only for Cleaning Services for the Municipal Building and the PAL/Community Center for a period of April 1, 2010 through March 31, 2011 shall be awarded to **OCEAN CLEANING, LLC** as per the recommendation of Administration; and

**WHEREAS**, the Borough of Lincoln Park's Chief Financial Officer has certified the funds in her Certification of Borough Funds dated;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, in the County of Morris and State of New Jersey, that **OCEAN CLEANING, LLC** shall be awarded the Contract for Cleaning Services for the Municipal building and PAL/Community Center for a contract price of \$23,500.00 per year.

\* \* \*

**RESOLUTION R10-80**

**BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, that the Municipal Raffle Fee for the American Legion Post 279 **INSTANT RAFFLE GAME** (tickets) in the amount of \$750.00 is hereby waived.

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**RESOLUTION R10-81**

**WHEREAS**, the Borough of Lincoln Park ("Borough") sought bids for a Lease of a Portion of the DPW Site for the construction of a cellular communication tower, installation of antennas and construction of ancillary support equipment and structures on the ground at the existing Borough of Lincoln Park DPW Site, George Cobb Lane; and

**WHEREAS**, two sealed bids were received and opened by the Borough on February 24, 2010; and

**WHEREAS**, New Cingular Wireless PCS, LLC d/b/a AT&T Mobility, LLC ("AT&T"), submitted a base bid in the amount of \$30,000.00 per year and 3 percent of rent to be paid to the Borough from co-locators; and

**WHEREAS**, AT&T submitted with its bid a seven-page list of exceptions to the bid specifications making its bid unresponsive; and

**WHEREAS**, T-Mobile Northeast, LLC ("T-Mobile") submitted a base bid in the amount of \$32,750.00 per year and 30 percent of rent to be paid to the Borough from co-locators; and

**WHEREAS**, T-Mobile submitted with its bid a two-page list of exceptions to the bid specifications making its bid unresponsive; and

**WHEREAS**, the Borough must reject the bids received from AT&T and T-Mobile, as they are unresponsive bids.

**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 bids received from AT&T and T-Mobile on February 24, 2010 for a Lease of a Portion of the DPW Site for the construction of a cellular communication tower, installation of antennas and construction of ancillary support equipment and structures on the ground at the existing Borough of Lincoln Park DPW Site, George Cobb Lane are hereby rejected due to the numerous exceptions to the bid specifications contained in both bids making them unresponsive bids.

2. The contract will not be awarded at this time.

\* \* \*

**RESOLUTION R10-84**

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

136.1/16.3 C1603	First American Real Estate	\$1,837.02	Pd by Title Co & Mort Co.
136.2/10.4 C1004	First American Real Estate	\$1,457.07	Pd by Lawyer & Mort. Co.

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#### RESOLUTION R10-85

**WHEREAS**, at the Municipal Tax Sale held July 22, 2009, a lien was sold on block 46, lot 31.13, also known as 74 Highland Street in Lincoln Park, for 2008 tax; and

**WHEREAS**, this lien, known as Tax Sale Certificate #09-00007, was sold to Havid Development, LLC at a \$9,800.00 premium; and

**WHEREAS**, the mortgage company for the owner, Karin Carlson, has affected redemption of certificate #09-00007, in the amount of \$8,758.32.

**NOW, THEREFORE, BE IT RESOLVED**, that the Treasurer be authorized to issue a check in the amount of \$8,758.32 for the redemption of Tax Sale Certificate #09-00007 and \$9,800.00 premium payable to Havid Development LLC, at 41 Watchung Plaza, Suite 520, Montclair, NJ 07042

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#### RESOLUTION R10-86

**BE IT RESOLVED**, by the governing Body of the Borough of Lincoln Park, that the Mayor and Borough Clerk are hereby authorized to execute an Interlocal Services Agreement with the County of Morris for Utilization of the County's Mobile Data Terminal System for a period of one (1) year January 1, 2010 through and including December 31, 2010 with either party having the option to terminate, without cause, by either party upon three (3) months written notice to the other party, the County has the right to terminate this agreement upon seven (7) day's notice should the Municipality or any of its employees or agencies fail to comply with the terms of said agreement;

**BE IT FURTHER RESOLVED**, that the sum of the aforementioned contract shall be One (\$1.00) Dollar for the provisions of the aforesaid services;

**BE IT FURTHER RESOLVED** that a copy of the contract hereby authorized shall be filed and open to public inspection in the Office of the Borough Clerk immediately upon the Adoption of this Resolution;

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon Adoption.

\* \* \*

Pepe: Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolutions were Approved.

Pepe: Resolution R10-82 and R10-83

Petracca: So MOVED

Long: SECOND

**RESOLUTION R10-82**

**WHEREAS, JACKSONVILLE CHAPEL**, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Minor Site Plan Application #318 for premises located on Jacksonville Road, Block 3 Lot 5.01 and Block 1, Lot 6.01; and

**WHEREAS, JACKSONVILLE CHAPEL** 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 #2004 and may be refunded to **JACKSONVILLE CHAPEL**; 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 **JACKSONVILLE CHAPEL**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2004 in connection with Minor Site Plan Application #318 for premises located on Jacksonville Road, 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 R10-83**

**WHEREAS, JACKSONVILLE CHAPEL**, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Major Site Plan Application #288 for premises located on Jacksonville Road, Block 3 Lots 5 and 5.01; and

**WHEREAS, JACKSONVILLE CHAPEL** 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 #1737 and may be refunded to **JACKSONVILLE CHAPEL**; 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 **JACKSONVILLE CHAPEL**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1737 in connection with a Major Site Plan Application #288 for premises located on Jacksonville Road, 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.

Pepe: Any discussion?

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

No: None

Absent: Thompson

Abstain: Gemian

The Resolutions were Approved.

**REGULAR AGENDA:**

Pepe: The Regular Agenda. R10-87 Payment of Bills.

Kerwin: So MOVED

Long: SECOND

**RESOLUTION R10-87**

**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>
31899 thru 31907 & 32556 thru 62652	Current	592,470.98
827 thru 830	Accutrack	3,651.00
1253	Dog License	443.53
1975 & 2489 thru 2491	Fed/State Grant	80,733.94
3025	General Capital	30.00
2184 & 2280 thru 2284	General Trust	15,092.42
1688 & 1832 thru 1835	Recycling	80,818.92
Wire to Current & 2803	Water Capital	50,492.16
	Book Transfers	246,284.66

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Thompson

Abstain: Petracca

The Resolution was Approved.

\* \* \*

Pepe: Resolution R10-88 Confirmation of Bills.

Kerwin: So MOVED

Gemian: SECOND

**RESOLUTION R10-88**

**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>
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**CURRENT**

B/T	SUI		Overpayment ADP	\$452.03
31899	BOLP Municipal Court		Balance Account	\$247.43
31900	Net Payroll		Feb. 19 Payroll	\$129,834.82
31901	Payroll Escrow		Feb. 19 Payroll	\$92,562.26
31902	USPS		Postage	\$3,000.00

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31903	North Jersey Mun. Emp. Benefits Fund	March Benefits	\$150,572.00
31904	Void for payroll		\$0.00
31905	Void for payroll		\$0.00
31906	Lincoln Park Public Library	March Payment	\$46,891.33
31907	Network Solutions	Replace Ck# 32511	\$72.00
	Regular Meeting Checks	# 32556 - 62652	\$168,839.11

#### DOG LICENSE

9999(conf)	BOLP Dog Trust	Transfer to Valley National	\$0.73
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#### FED/STATE GRANT

1975(conf)	BOLP Fed. & State Grants	Transfer to Valley National	\$80,128.94
2489(conf)	Voided for book transfer	Net Payroll	\$0.00

#### RECYCLING

1688	BOLP Recycling Trust	Transfer to Valley National	\$77,918.93
1832(conf)	Net Payroll	Feb. 19 Payroll	\$1,643.03
1833(conf)	Payroll Escrow	Feb. 19 Payroll	\$1,256.96
1834(conf)	Voided for Payroll	March 5 Payroll	\$0.00
1835(conf)	Voided for Payroll	March 5 Payroll	\$0.00

#### WATER UTILITY

B/T	Wire to Current Account	January Sewer Payment	\$113,130.00
6587	Net Payroll	February 19 Payroll	\$10,419.76
6588	Payroll Agency	February 19 Payroll	\$5,650.74
6589	Voided for payroll	March 5 Payroll	\$0.00
6590	Voided for payroll	March 5 Payroll	\$0.00
	Regular Meeting Checks	Check # 6591 - 6599	<u>\$79,230.48</u>

\* \* \*

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolution was Approved.

Pepe: R10-89 Authorize Temporary Budget

Kerwin: So MOVED

Petracca: SECOND

#### RESOLUTION R10-89

**Borough of Lincoln Park  
County of Morris  
State of New Jersey**

#### Emergency Temporary Appropriation

**WHEREAS**, an emergent condition has arisen with respect to inadequate funds being provided for in the temporary budget and no adequate provision has been made in the 2010 Temporary Appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriations for the purpose above mentioned; and

**WHEREAS**, the total emergency temporary Resolutions Adopted in the year 2010 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this Resolution total \$5,544,346.00 for the General fund and total \$565,000.00 for the Water utility Fund excluding appropriations made for debt service and capital improvement fund;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, that in accordance with the provisions of N.J.S.A. 40A:4-20, the following is hereby resolved and instructs the Director of Finance to provide for in said departmental appropriations in the 2010 Temporary Budget;

1. An emergency temporary appropriation be and the same is hereby made for the following items in the various noted amounts;
2. That said emergency temporary appropriations have been provided for in the 2010 Municipal Budget under the various noted titles;
3. That one Certified Copy of this Resolution be filed with the Director of the Division of Local Government Services.

General Fund:

Salary and Wages for the Department of:

Finance	\$ 8,700.00
Tax Collecting	5,300.00
Tax Assessment	4,515.00
Borough Clerk's	11,000.00
Planning Department	5,800.00
Planning Board	600.00
Board of Adjustment	500.00
Police	250,000.00
Building Inspection	8,400.00
Streets and Roads	62,000.00
Board of Health	18,000.00
Sewer System	11,000.00
Municipal Court	9,000.00
Public Defender	300.00
Bureau of Fire	2,000.00

Other Expenses for the Department of:

Administration	10,500.00
Tax Collection	500.00
Engineering	4,000.00
Legal Services	10,000.00
Borough Clerk's	3,000.00
Buildings and Grounds	39,000.00
Communications	2,000.00
First Aid	2,000.00
Fire Department	10,000.00
Streets and Roads	40,000.00
Street Lighting	10,000.00
Social Security	43,750.00
Maintenance of Library	45,000.00
Group Insurance	500,000.00
Two Bridges Sewer Authority	470,100.00
Planning Board	2,000.00
Building Department	400.00

Water Utility Fund:

Operating Expenditures	\$100,000.00
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Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolution was Approved.

Pepe: R10-90 Authorize Tax Refund.

Kerwin: So MOVED

Long: SECOND

**RESOLUTION R10-90**

**WHEREAS**, a motion was heard before the Honorable Vito L. Bianco, J.T.C and a judgment was entered in said matter on February 9, 2010 regarding block 3, lot 22; and

**WHEREAS**, said judgment reduces the assessment of the subject property from \$392,000.00 to \$11,300.00 for 2008; and

**WHEREAS**, the taxpayer is entitled to a refund of property taxes pursuant to the above referenced judgment dated February 9, 2010, in the amount of \$15,829.50 for the tax year 2008,

**WHEREAS**, per N.J.S.A. 54:3-27.2 in the event that a taxpayer is successful in an appeal from an assessment on real property, the respective taxing district shall refund any excess taxes paid, together with interest thereon from the date of payment at a rate of 5% per annum within 60 days of the date of final judgment. Therefore, the amount of \$1,276.78 will be refunded as well; and

**WHEREAS**, the owner paid the taxes late and therefore paid interest that will be refunded in the amount of \$194.26;

**WHEREAS**, the 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 has been adjusted to reflect this adjustment;

**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:

<b>Block/Lot</b>	<b>Year</b>	<b>Amount</b>	<b>Effect</b>
3/22	2008	\$15,829.50	Refund
5%		\$ 1,276.78	Refund
Interest paid		<u>\$194.26</u>	Refund
<b>Total</b>		<b>\$17,300.54</b>	

**BE IT FURTHER RESOLVED**, that the Tax Collector is authorized to refund the total amount of \$17,300.54 to Barbara J. Hertz.

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Thompson

Abstain: Petracca

The Resolution was Approved.

Pepe: R10-91 Permission to LP Day for Events and R10-92 Waive License Fee for Lincoln Park Day.

Kerwin: So MOVED

Petracca: Second

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**RESOLUTION R10-91**

**BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, that the **LINCOLN PARK DAY ASSOCIATION** is authorized to use the Municipal Complex on **SEPTEMBER 25, 2010 (rain date SEPTEMBER 26, 2010)** for **LINCOLN PARK DAY**, subject to the following conditions:

1. That adequate police protection is secured and paid for by the **LINCOLN PARK DAY ASSOCIATION**;
2. That the Sanitarian inspects and approves all food facilities;
3. That all damage to Borough facilities must be replaced at the expense of the **LINCOLN PARK DAY ASSOCIATION**;
4. That the grounds are cleaned up after the event by the **LINCOLN PARK DAY ASSOCIATION**.

**BE IT FURTHER RESOLVED**, that the **LINCOLN PARK DAY ASSOCIATION** be permitted to place advertising banners over Main Street near Beaver Brook Road and over Comly Road near Pleasant Avenue, provided the location for these two (2) banners meets with the approval of the Lincoln Park Police and appropriate Utility Authority.

\* \* \*

**RESOLUTION R10-92**

**BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park and pursuant to Chapter 68, Amusements and Devices, Section 68-1, License Required, and Section 68-7, License Fee, of the Code of the Borough of Lincoln Park, that the Governing Body hereby authorizes the issuance of a license by the Borough Clerk, to **LINCOLN PARK DAY ASSOCIATION** for their activities to be held on **SEPTEMBER 25, 2010 (RAIN DATE SEPTEMBER 26, 2010)** and that the license fee therefore in the sum of ONE HUNDRED {\$100.00} DOLLARS is hereby waived.

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolutions were Approved.

**VI. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS.**

**Gemian: Nothing**

**Kerwin: 1. TBSA: Councilman Wild and Kerwin were sworn in last month. This Wednesday's meeting cancelled.**

**Long: 1. Recreation Department news. Easter Bunny Saturday.**

**Petracca: Nothing**

**Wild: Nothing**

Pepe: **1. Long Term debt Committee met report will be out before the next Budget Meeting on the 27<sup>th</sup>.**

**VII. MAYOR'S AGENDA:**

1. DPW – Instrumental during the flooding.
2. Curb Side Brush pick up now through next Friday.
3. Recycling Suspended today and tomorrow.
4. Other groups to be mentioned for their help during the Flooding: County Freeholders, County Administrator and the County Fire Coordinator and the OEM County Coordinator. Also thanked over a dozen Fire Companies from towns in Morris County for their assistance. Also Alex DeCroce and Senator Pennacchio office reached out to us as well as did Congressman Frelinghuysen. The last group I wanted to thank was our Council members. Thank you very much.
5. TBSA – Ward 4 restricted water use for a few days.
6. The Repairs to the lights at Borough Field: The rain has set us back. We may have to rent temporary lights for the next softball/baseball season.

**VIII. PUBLIC HEARING**

Kerwin: MOTION TO GO TO PUBLIC.

Long: SECOND

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

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: SECOND

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

**XI. ADJOURNMENT:**

There being no further business to come before the Council the Regular Meeting of March 15, 2010 was Adjourned at 8:06 PM.

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Louis J. Pepe, Council President

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Annette Maida-Smith, RMC  
Borough Clerk

