

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 April 19, 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 (**arrived at 7:40**)
Ann Thompson
James A. Wild

ABSENT FROM ADMINISTRATION: Sean Canning, Borough Administrator

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

III. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval March 15, 2010

Kerwin: So MOVED

Long: SECOND

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

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

No: None

Absent: Petracca

Abstain: Thompson

The Minutes of March 15, 2010 were Approved.

Pepe: Minutes for Approval, April 5, 2010.

Thompson: So MOVED

Long: SECOND

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

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

No: None

Absent: Petracca

Abstain: None

The Minutes of April 5, 2010 were Approved.

IV. ORDINANCES:

FOR INTRODUCTION:

Pepe: For Introduction 5-10 Adopt Chapter 164, Private Storm Drain Inlet Retrofitting.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE TO ADOPT CHAPTER 164, PRIVATE STORM DRAIN INLET RETROFITTING, OF THE CODE OF THE BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS, STATE OF NEW JERSEY

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

Pepe: May I have a MOTION?

Kerwin: So MOVED

Thompson: SECOND

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE TO ADOPT CHAPTER 164, PRIVATE STORM DRAIN INLET RETROFITTING, OF THE CODE OF THE BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS, STATE OF NEW JERSEY

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 May, 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

Thompson: SECOND

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Next Ordinance is 6-10 Adopt Chapter 165, Refuse Containers and Dumpsters.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE TO ADOPT CHAPTER 165, REFUSE CONTAINERS AND DUMPSTERS,
OF THE CODE OF THE BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS, STATE
OF NEW JERSEY**

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

Wild: So MOVED

Kerwin: SECOND

Pepe: Any Questions or comments? Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE TO ADOPT CHAPTER 165, REFUSE CONTAINERS AND DUMPSTERS,
OF THE CODE OF THE BOROUGH OF LINCOLN PARK, COUNTY OF MORRIS, STATE
OF NEW JERSEY**

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 May, 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.**

Wild: So MOVED

Kerwin: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 7-10 Amend Chapter 30, Personnel

The Clerk Read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE AMENDING CHAPTER 30, PERSONNEL, OF THE ORDINANCES OF
THE BOROUGH OF LINCOLN PARK**

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

Thompson: So MOVED

Long: SECOND

Pepe: Any Questions or comments? Please call the Roll.

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

No: None

Absent: Petracca

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 CHAPTER 30, PERSONNEL, 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 May, 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.

Thompson: So MOVED

Long: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: 8-10 Adopt Employee Handbook Dated March 25, 2010.

The Clerk Read the Following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE ADOPTING THE BOROUGH OF LINCOLN PARK EMPLOYEE HANDBOOK DATED MARCH 25, 2010

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

Kerwin: So MOVED

Gemian: SECOND

Pepe: Any Questions or comments? Please call the Roll.

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

No: None

Absent: Petracca

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 ADOPTING THE BOROUGH OF LINCOLN PARK EMPLOYEE HANDBOOK DATED MARCH 25, 2010

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 May, 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

Gemian: SECOND

Pepe: Any Questions or comments? Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 9 – 10 Amend PBA Contract

The Clerk Read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

ORDINANCE AUTHORIZING SPECIFIC AMENDMENTS TO THE CONTRACT BETWEEN THE BOROUGH OF LINCOLN PARK AND THE POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 192, FOR CALENDAR YEARS JANUARY 1, 2008 THROUGH DECEMBER 31, 2012

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

Kerwin: So MOVED

Long: SECOND

Pepe: Any Questions or comments? Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Please read it again.

The Clerk Read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

ORDINANCE AUTHORIZING SPECIFIC AMENDMENTS TO THE CONTRACT BETWEEN THE BOROUGH OF LINCOLN PARK AND THE POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 192, FOR CALENDAR YEARS JANUARY 1, 2008 THROUGH DECEMBER 31, 2012

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 May, 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

Long: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 10-10 Amend U.S.W.C. #74 Contract.

The Clerk Read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled;

ORDINANCE AUTHORIZING SPECIFIC AMENDMENTS TO THE CONTRACT BETWEEN THE BOROUGH OF LINCOLN PARK AND THE UNITED SERVICE WORKERS UNION LOCAL 74 FOR CALENDAR YEARS JANUARY 1, 2007 THROUGH DECEMBER 31, 2011

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

Kerwin: So MOVED

Long: SECOND

Pepe: Any questions or comments? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

The Clerk Read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled;

ORDINANCE AUTHORIZING SPECIFIC AMENDMENTS TO THE CONTRACT BETWEEN THE BOROUGH OF LINCOLN PARK AND THE UNITED SERVICE WORKERS UNION LOCAL 74 FOR CALENDAR YEARS JANUARY 1, 2007 THROUGH DECEMBER 31, 2011

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 May, 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

Long: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 11-10 Exceed Cap

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

BOROUGH OF LINCOLN PARK ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)

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

Kerwin: So MOVED

Wild: SECOND

Pepe: Any questions or comments? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Read it again.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

BOROUGH OF LINCOLN PARK ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)

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 May, 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: Gemian, Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 12-10 2010 Compensation Ordinance

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE PROVIDING COMPENSATION FOR CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF LINCOLN PARK

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

Kerwin: So MOVED

Wild: SECOND

Pepe: Any questions or comments?

Thompson: I have a comment on the Ordinance. As I stated at a prior meeting I intend to give back 10% of my stipend in solidarity with the Unions. By voting for this Ordinance it restricts me, I won't be able to do that. So I am not going to vote for the Ordinance but I am going to still return the 10% in a personal check to the Borough.

Pepe: Thank you Councilwoman. Are there any other comments? Please call the Roll.

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

No: Thompson

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Read it again:

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE PROVIDING COMPENSATION FOR CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF LINCOLN PARK

be passed on First Reading:

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 May, 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: Gemian, Kerwin, Long, Petracca, Wild and Pepe.

No: Thompson

Absent: None

Abstain: None

The Resolution was Adopted.

ORDINANCES FOR ADOPTION:

Pepe: Ordinance for Adoption 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 Read by Title on Second Reading and a hearing held thereon.

Petracca:: So MOVED

Kerwin: SECOND

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Kerwin: MOTION TO OPEN THE PUBLIC HEARING.

Petracca: SECOND

Council President Pepe asked for a Voice Vote. The PUBLIC HEARING WAS OPENED.

Pepe: Anyone wishing to step forward and address this Ordinance for Adoption 4 – 10. Please come forward at this time.

Thompson: MOTION TO CLOSE THE PUBLIC HEARING.

Kerwin: SECOND

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

Pepe: 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 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, Thompson, Wild and Pepe.

No: None

Absent: None

Abstain: None

The Ordinance was Adopted.

V. RESOLUTIONS:

CONSENT AGENDA.

Pepe: Consent Agenda Resolutions R10-92 through R10-100 and R10 -109. WE have added 109 which is a closed session for Contract Negotiations.

Thompson: So MOVED

Long: Second

RESOLUTION R10-92

WHEREAS, the Borough of Lincoln Park (hereinafter referred to as the "Employer") by resolution previously adopted a Deferred Compensation Plan (hereinafter referred to as the "Plan") for the purpose of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and

WHEREAS, the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, and the Worker, Retiree and Employer Recovery Act of 2008 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued there under affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations");

WHEREAS, the Employer desires its Plan to conform with the changes in the Code and Treasury regulations brought about by the Acts and Regulations;

WHEREAS, the Employer desires to adopt a restated Plan that conforms with the changes in the Code and Treasury regulations resulting from the Acts and Regulations;

WHEREAS, such revised Plan shall supersede the previously adopted Plan;

NOW, THEREFORE BE IT RESOLVED that the Employer hereby adopts a revised Plan 76-PD-Lincoln-120709.

BE IT FURTHER RESOLVED that The Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, has agreed to continue to be the provider of the Deferred Compensation Program for employees and elected officials; and

BE IT FURTHER RESOLVED that the Lincoln National Life Insurance Company and Lincoln Financial Group it's agent, will continue to provide, for the benefit of the participants the Multi-Fund Variable Annuity contract; and

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln National Life Insurance Company and Lincoln Financial Group, it's agent, in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7.

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to execute an Administrative Services Agreement with the Lincoln National Life Insurance Company and Lincoln Financial Group, its agent, (12-SA-Lincoln-072595) and such other agreements as are necessary to implement the Deferred Compensation Program. It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and

BE IT FURTHER RESOLVED that the Finance Director or Business Administrator is authorized to serve as the "Administrator" of the plan, represent the **Employer**, and execute individual deferred compensation agreements with each said employee; and

BE IT FURTHER RESOLVED by the Employer that the Clerk forward a certified true copy of this resolution to the Finance Director or Business Administrator; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

Executed this 19th day of April 2010, by: _____
the _____

[title of person(s) authorized]

the _____

[title of person(s) authorized]

* * *

RESOLUTION R10-93

WHEREAS, at the Municipal Tax Sale held July 22, 2009, a lien was sold on block 136.2, lot 9.19 C9019, also known as 199 Robertson Way in Lincoln Park, for 2008 tax; and

WHEREAS, this lien, known as Tax Sale Certificate #09-00021, was sold to Royal Tax Lien Service, LLC at a \$9,000.00 premium; and

WHEREAS, the mortgage company (Home Loan Services) for the owner, Mark Hyjek, has effected redemption of certificate #09-00021, in the amount of \$12,975.76.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$12,975.76 for the redemption of Tax Sale Certificate #09-00021 and \$9,000.00 premium payable to Royal Tax Lien Service, LLC, at 179 Washington Lane, Jenkintown, PA 19046

* * *

RESOLUTION R10-94

AUTHORIZING IN REM FORECLOSURE OF THE TAX SALE CERTIFICATES SHOWN ON THE ATTACHED TAX FORECLOSURE LIST (BLOCK 35, LOT 31 AND BLOCK 53, LOT 1)

WHEREAS, the Borough of Lincoln Park ("Borough") holds the tax sale certificates as shown on the attached tax foreclosure list; and

WHEREAS, the Borough desires to institute an in rem foreclosure proceeding to foreclose on the tax sale certificates;

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 Tax Sale Certificates as shown on the attached foreclosure list now held by the Borough of Lincoln Park be foreclosed by the summary proceedings IN REM, and as described by New Jersey Statutes N.J.S.A. 54:5-104.29 to N.J.S.A. 54:5-104.71, as amended, and pursuant to the Rules of Civil Practice of the Superior Court of New Jersey.
2. The appropriate elected and appointed officials and employees of the Borough of Lincoln Park are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

* * *

RESOLUTION R10-95

WHEREAS, the Borough of Lincoln Park ("Borough"), with the assistance of Forensic Auditors, Sobel & Co, LLC, investigated misappropriation, fraud, waste and/or abuse relative to the expenditure of Borough funds by Dennis Gerber, former Borough Chief Financial Officer; and

WHEREAS, the investigation confirmed that \$21,166.00 of Borough funds were misappropriated by Mr. Gerber during his employment as Chief Financial Officer; and

WHEREAS, the Borough incurred a total loss of \$67,004.46, including \$21,166.00 in misappropriated funds, \$6,083.75 in Borough Attorney fees related to this matter and \$39,754.71 in Forensic Auditor fees; and

WHEREAS, the Borough filed a claim seeking reimbursement of the total loss incurred with Selective Insurance Company of America ("Selective"), the surety that issued a bond in connection with Mr. Gerber's employment as the Borough Chief Financial Officer; and

WHEREAS, The Borough has previously received a check from Selective in the amount of \$20,450.23 (\$21,166.00 misappropriated funds less \$715.77 representing 2 1/4 days pay for 2008 vacation time owed to Mr. Gerber) representing settlement of a portion of the claim; and

WHEREAS, by letter dated September 30, 2009, Selective requested additional documentation relating to the Borough's claim seeking reimbursement of the Forensic Auditor's fees in the amount of \$39,754.71, which remains pending; and

WHEREAS, on November 10, 2009 additional documentation was provided to Selective as requested; and

WHEREAS, The Borough is in receipt of a check from Selective in the amount of \$8,000.00 representing settlement of the Forensic Auditor's fees incurred by the Borough; and

WHEREAS, Selective requires that prior to the Borough Attorney releasing the check to the Borough, the Borough must execute a Settlement Agreement, Release and Assignment of

Claim, which assigns to Selective and its successors and assigns, all rights, title and interests associated with the \$8,000 claim against Selective and the Employee; and

WHEREAS, the Borough desires to authorize the execution and submission of the Settlement Agreement, Release and Assignment of Claim to Selective which represents full satisfaction of Selective's obligations under the Bond;

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 general terms and conditions of the Settlement Agreement, Release and Assignment of Claim, by and between the Borough of Lincoln Park and Selective Insurance Company of America in connection with Forensic Auditor's fees incurred by the Borough regarding the misappropriation of Borough funds by Dennis Gerber, Bond Number B184703 and Claim Number 20743787, are hereby approved.

2. The Borough hereby authorizes and approves any non-substantive modifications to the Settlement Agreement, Release and Assignment of Claim as may be recommended and approved by the Business Administrator and the Borough Attorney prior to execution.

3. The Mayor and Borough Clerk are hereby authorized and directed to execute said Settlement Agreement, Release and Assignment of Claim and said officers together with all other appropriate officers, employees, consultants and professionals of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this resolution.

4. This Resolution shall take effect immediately.

* * *

RESOLUTION R10-96

WHEREAS, there were negotiations between FRA Lincoln Park LLC and the Borough of Lincoln Park before trial and a settlement has been proposed and is being 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 are 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:

<u>Block/Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Effect</u>
22/339.2	2008	\$4,989.60	Refund

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$4,989.60 to Davenport & Spiotti with a mailing address of 219 Changebridge Road, Montville, NJ 07045

* * *

RESOLUTION R10-97

**RESOLUTION OPPOSING LEGISLATION AMENDING
THE TIME OF DECISION RULE**

WHEREAS, S-82 and A-437 are intended to modify the “time of decision rule,” which currently allows municipalities to change the zoning regulations during the pendency of an application for development; and

WHEREAS, the bills would deem as complete the Ordinances in effect at the time of an application and shall govern the review of that application, and any decision made following upon that review; and

WHEREAS, “the time of decision rule” is judicially recognized principal that decisions are to be made on the basis of laws, Ordinances and Regulations in effect at the time the decision is rendered not upon application; and

WHEREAS, court have applied the “time of decision rule” to correct errors in Zoning Ordinances, thus giving local legislators the opportunity to correct legislative policy that had been found to be imperfectly expressed; and

WHEREAS, the “time of decision rule” has permitted a municipality to give additional legislative consideration to serious substantial land use planning concerns that, for whatever reason, had not been previously addressed in the Ordinance; and

WHEREAS, application and zoning changes require public discussion and hearings, and S-82/A-437 would permit developers to “beat the clock” by filing applications and freezing the ability of local officials to act;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, in the County of Morris, in the State of New Jersey hereby urges our State Legislators to Oppose A-4 and S-82, and any legislation which would eliminate the “time of decision rule” at the local level;

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to our State Senator and Assemblymen representatives, the New Jersey State League of Municipalities and the Office of the Governor.

* * *

RESOLUTION R10-98

BE IT RESOLVED that the **LINCOLN PARK EMS** be permitted to place advertising banners over **MAIN STREET** near **BEAVER BROOK ROAD** and over **COMLY ROAD** near **PLEASANT AVENUE**, provided that the location of these two banners meets with the approval of the Morris County Board of Chosen Freeholders, the Lincoln Park Acting Police Chief and the appropriate utility authority.

* * *

RESOLUTION R10-99

WHEREAS, D.A. (TONY) VERRONE d/b/a/TONY V's SHOE REPAIR, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with site plan exemption #SPE09-8 for premises located at 194 Main Street, Block35.1 Lot 115.7; and

WHEREAS, D.A. (TONY) VERRONE d/b/a/TONY V's SHOE REPAIR 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 #2105 and may be refunded to **D.A. (TONY) VERRONE d/b/a/TONY V's SHOE REPAIR**; 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 **D.A. (TONY) VERRONE d/b/a/TONY V's SHOE REPAIR**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2105 in connection with site plan exemption #SPE09-8 for premises located at 194 Main Street, 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 R10-100

WHEREAS, GEORGE NAHASS, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with a grading permit #G08-2 for premises located at 5 Buckingham Road, block 3 Lot 212; and

WHEREAS, GEORGE NAHASS 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 #2029 and may be refunded to **GEORGE NAHASS**; 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 **GEORGE NAHASS**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2029 in connection with a grading permit #G08-2 for premises located at 5 Buckingham 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.

* * *

RESOLUTION R10-109

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:

CONTRACT NEGOTIATIONS

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 19TH day of April, 2010, that an Executive Session, closed to the public, shall be on the 19th day of April, 2010, at approximately 7:30 pm in the Borough of Lincoln Park, Municipal Building, 34 Chapel Hill Road, Lincoln Park, New Jersey 07035 for the discussion of matters relating to the specific items designated above.

Pepe: Please call the Roll.

Yes: Council Members: Gemian, Kerwin, Long, Petracca, Wild and Pepe.
No: None
Absent: Thompson
Abstain: None

The Resolutions were Adopted.

REGULAR AGENDA:

Pepe: Regular Agenda R10-101 Introduction of Municipal Budget.

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R10-101

INTRODUCTION OF 2010 MUNICIPAL BUDGET

SPREAD BETWEEN THE PAGES OF THESE MINUTES

Pepe: Please call the Roll.

Yes: Council Members: Gemian, Kerwin, Long, Petracca, Thompson, Wild and Pepe.
No: None
Absent: None
Abstain: None

The Resolution was Adopted.

Pepe: R10-102 Pay Bills

Thompson: So MOVED

Kerwin: SECOND

* * *

RESOLUTION R10-102

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>
Confirmed Checks 31121, 30567-68 & 31908-32774 831 thru 837 1254 thru 1256	Current Accutrack Dog License	1,044,217.40 38,033.85 6,287.66

1976 & 2492	Fed/State Grant	37.22
2628 & 3026-3027	General Capital	26,792.56
2185 & 2285-2294	General Trust	18,517.14
22877	Net Payroll	5,115.98
1689 & 1836-1840	Recycling	7,797.35
2302	Water Capital	2.83
6021, 6600-6621	Water Utility	117,001.89

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: R10-103 Confirm Bills:

Thompson: So MOVED

Gemian: SECOND

RESOLUTION R10-103

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>PAID TO</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
CURRENT ACCOUNT			
31121 (Cap. 1)	Current Fund	Cancel old outstanding checks	\$18,082.51
30567 (Cap. 1)	Water Utility	Transfer per auditor	\$92.00
30568 (Cap. 1)	Accutrack	Transfer per auditor	\$157,948.50
31908	Sarah Gresko	Flood supplies	\$321.78
31909	Ellen Ross	Flood supplies	\$44.91
31910	Mun. Clerks Assoc.	Spring Conf	\$295.00
31911	Mun. Clerks Assoc.	Annual Dues	\$175.00
31912	Taj Mahal	Deputy's Conference	\$240.00
31913	Taj Mahal	NJRPA Conference	\$300.00
31914	Void for payroll	3/19 payroll	\$137,826.90
31915	Void for payroll	3/19 payroll	\$95,684.20
31916	Mun. Clerks Assoc.	Bal. Due conf.	\$50.00
31917	BOLP Petty Cash - DPW	reimburse petty cash	\$196.88
31918	Treasurer, State of NJ	Aquatic Pesticide Permit	\$75.00
31919	Wintergarden	Tickets Mamma Mia	\$345.00
31920	Beth Tasco	March Cleaning	\$240.00
31921	Void for payroll	4/2 payroll	\$145,292.65
31922	Void for payroll	4/2 payroll	\$100,773.29
31923	BOLP Petty Cash - Finance	reimburse petty cash	\$162.35
31924	BOLP Petty Cash - DPW	reimburse petty cash	\$195.93
31925	North Jersey Mun. Emp. Benefits Fund	April Benefits	\$151,305.00
	Regular Meeting Checks	# 32655 - 32774	\$234,570.50

RECYCLING

1689 (Cap. 1)	Recycling Trust	Transfer to Valley National	\$6.83
1836(conf)	Voided for Payroll	3/18 payroll	\$1,889.04
1837(conf)	Voided for Payroll	3/18 payroll	\$1,436.49
1838(conf)	Net Payroll	4/2 payroll	\$2,425.45
1839(conf)	Payroll Escrow	4/2 payroll	\$1,845.93
1840	Modern Equipment	parts # 160	\$193.61

WATER UTILITY

6021 (Cap. 1)	Water Utility	Cancel old outstanding checks	\$783.50
6600	Voided for payroll	3/19 payroll	\$11,020.09
6601	Voided for payroll	3/19 payroll	\$6,013.14
6602	Voided for payroll	4/2 payroll	\$10,145.23
6603	Voided for payroll	4/2 payroll	\$5,524.91
6604	USPS	postage	\$3,000.00
	Regular Meeting Checks	Check # 6605 - 6621	<u>\$80,525.02</u>

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: Petracca

The Resolution was Adopted.

* * *

Pepe: R10-104 Authorize Release of Letter Of Credit – Jacksonville Chapel

Thompson: So MOVED

Kerwin: SECOND

RESOLUTION R10-104

WHEREAS, the Jacksonville Chapel (“Developer”) had heretofore received Preliminary & Final Major Site Plan and Conditional Use approval from the Lincoln Park Planning Board for application No. 288, for premises located at 265 Jacksonville Road Block 3, Lot(s) 5 & 5.01; and

WHEREAS, pursuant to such Planning Board approval, the Developer had deposited with the Borough of Lincoln Park a Irrevocable Standby Letter of Credit (LOC) bearing identification number 195 and dated September 5, 2006 as issued by Atlantic Stewardship Bank in the total amount of \$599,950.80 and the Cash Portion of the Bond in Escrow Account #1737-A in the amount of \$66,661.20; and

WHEREAS, Joseph Golden, of Golden & Moran Engineer (as Paul Darmofalski the Borough Engineer, of Darmofalski Engineering Assoc., Inc. had a conflict of interest) has inspected the premises in his report dated December 31, 2009, that the Developer has complied with/satisfied all of the required conditions of the Planning Board approval recommending release of all such posted Performance Guarantees (LOC);

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 Performance Guarantee (LOC), in the amount of Five Hundred Ninety-Nine Thousand, Nine Hundred Fifty Dollars and Eighty Cents (\$599,950.80) posted by Jacksonville Chapel in connection with the Planning Board approval Application #288 for development of premises located at 265 Jacksonville Road, Block 3 Lot(s) 5 and 5.01 and Cash Portion of Bond Posted in the

amount of Sixty-Six Thousand Six Hundred Sixty-One Dollars and Twenty Cents (\$66,661.20) also posted by Jacksonville Chapel be hereby authorized for release, subject to the Developer first posting a Maintenance Guarantee, in a form as approved by the Borough and in the amount of \$99,991.80;

2. The duration of the posted Maintenance Bond shall be for two-years, from the date of such posting of the approved Guarantee;
3. The appropriate elected and appointed officials and employees of the Borough of Lincoln Park are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this Resolution.
4. This Resolution shall take effect immediately.

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: R10-105 Authorize Release of Public Road Cleaning Bond – Jacksonville Chapel Escrow #1737-B.

Kerwin: So MOVED

Petracca: SECOND

RESOLUTION R10-105

WHEREAS, JACKSONVILLE CHAPEL, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Public Road Cleaning Bond located at 265 Jacksonville Road, Block 3 Lots 5 & 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-B and may be refunded to **JACKSONVILLE CHAPEL**; and

WHEREAS, Joseph Golden, of Golden & Moran Engineer, substitute Borough Engineer as Paul Darmofalski of Darmofalski Engineering Assoc. Inc., had a conflict of interest, 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-B in connection with a Public Road Cleaning Bond for premises located at 265 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: 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: R10-106 Authorize Temporary Budget

Thompson: So MOVED

Kerwin: SECOND

* * *

RESOLUTION R10-106

**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 \$6,887,426.00 for the General Fund and total \$730,000.00 for the Water Utility Fund excluding appropriations made for debt service and capital improvement fund; and;

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:

Administration	\$ 10,500.00
Finance	\$ 8,400.00
Tax Collecting	\$ 4,800.00
Tax Assessment	\$ 4,000.00
Borough Clerk's	\$ 9,400.00
Fair Housing	\$ 700.00
Planning Department	\$ 5,000.00
Planning Board	\$ 380.00
Board of Adjustment	\$ 1,000.00
Police	\$450,000.00
Building Inspection	\$ 5,000.00
Streets and Roads	\$ 80,000.00
Sewer System	\$ 30,000.00

Parks and Playgrounds	\$ 10,000.00
Municipal Lake	\$ 5,000.00
Municipal Court	\$ 14,000.00
Public Defender	\$ 500.00

Other Expenses for the Department of:

Administration	\$ 10,000.00
Finance	\$ 1,000.00
Tax Collection	\$ 1,000.00
Engineering	\$ 4,000.00
Legal Services	\$ 10,000.00
Borough Clerk's	\$ 3,000.00
Buildings and Grounds	\$ 40,000.00
Police Department	\$ 10,000.00
Communications	\$ 1,000.00
Emergency Management	\$ 7,500.00
Streets and Roads	\$ 25,000.00
Street Lighting	\$ 7,500.00
Sewer Department	\$ 5,000.00
Board of Health	\$ 3,000.00
Garbage and Trash	\$ 60,000.00
Parks and Playgrounds	\$ 5,000.00
Municipal Lake	\$ 5,000.00
Celebration of Public Events	\$ 5,000.00
Social Security	\$ 68,000.00
Maintenance of Library	\$ 55,000.00
Motor Fuel	\$ 25,000.00
Group Insurance	\$300,000.00
Other Insurance	\$ 50,000.00
Municipal Court	\$ 1,500.00
Planning Board	\$ 1,900.00

Water Utility Fund:

Salary and Wages	\$ 60,000.00
Operating Expenditures	\$100,000.00
Social Security	\$ 5,000.00

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: R10-107 Authorize Self Examination of Budget

Thompson: So MOVED

Kerwin: SECOND

RESOLUTION R10-107

**SELF-EXAMINATION OF BUDGET RESOLUTION
(As required by DCA)**

WHEREAS, N.J.S.A. 40A:4-7b has authorized the Local Finance Board to Adopt Rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5L30-7 was Adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Lincoln Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2010 budget year;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the Governing Body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are responsible, accurate and correctly stated;
 - b. Items of appropriation are properly set forth;
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been Introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this Resolution will be forwarded to the Director of the Division of Local Government Services upon Adoption.

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: R10-108 Authorize Council Representative to Morris County JIF for Unexpired Term of Councilman Petracca

Kerwin: So MOVED

Thompson: SECOND

RESOLUTION R10-108

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that ***COUNCILWOMAN JANET LONG*** be appointed as the Council's Representative for the unexpired term of ***COUNCILMAN MATTHEW PETRACCA*** to the ***MORRIS COUNTY JOINT INSURANCE FUND***.

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

VI. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

Councilman Gemian: Nothing

Councilman Kerwin:

1. First Aid Squad has invited Mr. Kerwin to their convention this Sunday May 1st.

Councilwoman Long: Nothing

Councilman Petracca: Nothing

Councilwoman Thompson:

1. Donna Moeller from the First Aid Squad invited the entire Council to their convention.
2. Discussion: A study was done for Town Center Designation plans that came back wanted us to put in 3 story buildings in the business district. Approach the Zoning Board or Planning Board to allow 3 story buildings. The Mayor discussed there are many items up for discussion on the Master Plan.

Councilman Wild: Nothing

Councilman Pepe: Nothing

VII. MAYOR'S AGENDA:

1. Reminder that the School Board Elections are tomorrow.
2. Bridge repair on Bog and Vly continues.
3. Main Street will be repaved starting on or about April 19.

VIII. PUBLIC HEARING

Thompson: MOTION TO GO TO PUBLIC

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.

1. Coleen Messina – 24 Forrest Ave – Buy Outs

Thompson: MOTION TO CLOSE THE PUBLIC HEARING

Long: SECOND

Council President Pepe asked for a Voice Vote.

The PUBLIC HEARING WAS CLOSED.

X. CLOSED SESSION:

Thompson: MOTION TO GO TO CLOSED.

Long: SECOND

Council President Pepe asked for a Voice Vote. The meeting was CLOSED AT 8:11 PM.

1. Contract Negotiations – Golf Course –

The Meeting was reopened to the Public at 8:43 PM

IX. ADJOURNMENT:

Thompson: MOTION to Adjourn.

Long: SECOND

There being no further business to come before the Council the Regular Meeting of April 19, 2010 was Adjourned at 8:44 PM.

Louis J. Pepe, Council President

Annette Maida-Smith, RMC
Borough Clerk

