

I. Monday, April 5, 2010 Work Meeting of the Governing Body of the Borough of Lincoln Park, the Clerk called the Work Meeting to order and announced the meeting was duly advertised in accordance with the Open Public Meetings Act. The Clerk also advised those present where the exits to the room were and to turn off all Cell Phones and Beepers. All stood for the Pledge of Allegiance. The meeting came to order immediately following the Organization Meeting.

**II. ROLL CALL**

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

ABSENT: NONE

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

ABSENT FROM ADMINISTRATION: CFO Kerry Geisler and Attorney Tiena Cofoni

**III. COUNCIL AGENDA:**

1. **PROPOSED ORDINANCE – PRIVATE STORM DRAIN INLET RETROFITTING:**

The purpose of this Ordinance is to Adopt Chapter 164, Private Storm Drain Inlet Retrofitting in accordance with the amendments to the Tier A Municipal Stormwater General Permit and to be consistent with the Model Ordinance provided by DEP.

In addition this is to regulate the retrofitting of existing storm drain inlets and to prevent the discharge of solids and floatables, so as to protect the public health, safety and welfare.

Council was provided with a copy of the proposed Ordinance for their review.

Council Concurred and an Ordinance will be placed on the Regular Agenda for Introduction.

2. **PROPOSED ORDINANCE – REFUSE CONTAINERS & DUMPSTERS:**

The purpose of this Ordinance is to Adopt Chapter 165, Refuse Containers and Dumpsters in accordance with the amendments to the Tier A Municipal Stormwater General Permit and to be consistent with the Model Ordinance provided by DEP.

In addition this is to require dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times to prevent discharge of liquids, semi-liquids or solids from the refuse containers and dumpsters.

Council was provided with a copy of the proposed Ordinance for their review.

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

3. **TIME OF DECISION RULE:**

As per our Attorney: "This legislation would eliminate the ability of a municipality to react when a site specific application illustrates flaws in the underlying Zoning Ordinances. Since zoning is typically done on a "Macro" basis, the nuances and peculiarities of a property are not always apparent. Only when a detailed application comes before the Board are those flaws revealed. This bill will preclude a municipality from correcting any such inadvertent error or flaw."

The Borough Attorney requested that the Governing Body take immediate action to dissuade our legislators from supporting Bill A-437.

Council received a copy of the Bill in question for review.

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

4. **REQUEST TO WAIVE RETURNED CHECK FEES:**

The Borough Clerk received an e-mail request from a woman who apparently bounced two (2) checks here while paying her taxes. She would like the Borough to waive the two (2) payment of \$25.00 each.

Her e-mail explanation was given to Council for their consideration.

Council has denied her request for a waiver of the fees, the Clerk will advise her of their decision.

5. **SETTLEMENT AGREEMENT – SELECTIVE INSURANCE:**

This was with respect to the Settlement between the Insurance Company and the Borough for the money that former CFO Dennis Gerber took.

The Borough Attorney has prepared the appropriate Resolution for consideration of the Council.

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

6. **EMPLOYEE HANDBOOK:**

Employee Handbook Committee Chair, Councilman Petracca advised Council of the Committee's recommendations for the employees.

Council concurred and an Ordinance Adopting the new Employee Handbook will be placed on the Regular Agenda for Introduction at the Regular Meeting.

7. **2010 EMPLOYEE COMPENSATION ORDINANCE:**

The 2010 Compensation Ordinance for some of the Administrative staff was discussed and Council concurred with the copies of the proposed Ordinance they received prior to the meeting.

The proposed Ordinance will be placed on the Regular Agenda for Introduction.

**THE FOLLOWING ITEM(S) WAS ADDED BY THE COUNCIL PRESIDENT:**

8. **COUNCIL REPRESENTATIVE TO THE JIF:**

Council President Pepe advised Council that Councilman Petracca now has a conflict with his new partner and his role as Council Liaison to the JIF, therefore a new Council member must be named, after a few minutes of minor discussion, Council President Pepe asked Councilwoman Long if she would be interested, she replied she would.

A Resolution naming Councilwoman Long as Councilman Petracca's replacement will be placed on the Regular Agenda.

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

1. Councilman Gemian had nothing to report.
2. Councilman Kerwin had nothing to report.

3. Councilwoman Long had one (1) item:
  1. Reported that she went to the MC Municipal Summit and advised that the County was working on having more shared services & COAH
4. Councilman Petracca had nothing to report.
5. Councilwoman Thompson had nothing to report.
6. Councilman Wild had two (2) items:
  1. It was reported during the OEM meeting that two (2) propellers were lost from the boats and they need to be purchased immediately.
  2. Can the residents co-mingle everything at the yard?

Administration's answer was yes.
7. Council President Pepe had one (1) item:
  1. Wanted to thank Council for their help during the flooding and that the churches are willing to help. The Pequannock Rotary helped 1 or 2 families here in town.

**V. MAYOR'S AGENDA:**

**1. PRESENTATION BY BOARD OF EDUCATION:**

Mr. James Grube made a school budget presentation to the Mayor and Council.

Those present were: James Grube, Superintendent; Nancy Rajoppi, School Business Administrator; and several Board Members.

**2. ROTARY PRESENTATION:**

The Pequannock Rotary was at the meeting presenting the Police Department with a check to purchase a Deliberator.

Acting Chief Andrascik, Lt. Sundberg and Ptl. Wenzel were present to accept the check.

**3. FORECLOSURES ON CERTAIN PARCELS:**

Council was advised that there are two parcels of land owing the Borough substantial sums in tax arrears. It would be in the Borough's best interest to foreclose upon these properties.

Administration advised that the E-JIF already checked the properties for any potential environmental problems as part of their due diligence and found them free of contamination.

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

**4. CHAPTER 30 AMENDING PERSONNEL ORDINANCE**

Administration explained to Council that this was part of the finalization of Ordinance amendments allowing personnel policies to be enacted without having to reconstruct the handbook every time there is a need to change.

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

**5. MANDATORY CHANGES DEFERRED COMPENSATION PLAN:**

Administration advised that this would be affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the “Acts and Regulations”).

At the advise of the plan advisory the Lincoln financial Group these changes to plan have been proposed and are in the plan (Council was provided with copies of the plan as proposed).

Administration also advised that these changes are to comply with such changes and that there is no cost to the Borough, Administration advised that a Resolution was needed.

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

**6. MUNICIPAL HOUSING LIAISON ORDINANCE:**

This was a requirement of COAH.

The Borough Attorney advised that there needed to be some changes to the Ordinance.

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

**7. FLOOD LOSS CHECK FROM JIF:**

Administration advised that the Borough just received a check from the JIF for the losses incurred by the 2007 Flood.

**8. UPDATE ON HERTZ LITIGATION:**

This was for advise only and no action was required.

**9. MORRIS COUNTY MOSQUITO COMMISSION:**

This was for information purposes only on how they treat and the chemicals they use. The Borough’s Health Department has been provided with a copy as well in the event the residents have any questions.

**10. COURT OFFICE PROPOSAL:**

Council received copies of the memo from the Court Administrator advising of the elimination of hiring a part time Deputy Court Administrator.

The present Court Administrator will be expanding her duties, limiting of assistants hours, part of the savings realized to Court Administrator’s salary and a majority taken in savings.

**11. TEMPORARY BUDGET ADOPTION:**

The Temporary Budget will be available at the Regular Meeting.

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

12. **EMS BANNER REQUEST:**

EMS has requested to hang a banner across Main and Comly Road, John St. and Comly Rd., and Beaverbrook Rd.

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

13. **REDEMPTION OF MUNICIPAL TAX LIEN:**

Tax Sale held July 22, 2009 a lien was sold on Block 136.2, Lot 9.19 C9019 also known as 199 Robertson Way for 2008 taxes.

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

With a redemption of Certificate #09-00021 in the amount of \$12,975.76.

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

14. **ESCROW RELEASE:**

This was for Tony V's Shoe repair, Block 35.1 Lot 115.7, 194 Main St., Escrow #2105.

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

15. **ESCROW RELEASE:**

This was for 5 Buckingham Dr., Grading Permit #08-2, Block 3 Lot 212.

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

16. **RETURN OF LETTER OF CREDIT:**

Jacksonville Chapel Block 3, Lots 5 and 5.01, Letter of Credit #195, Cash Portion of bond escrow account #1737-A, Cash portion of Public Road Cleaning Bond escrow #1737-B, Jacksonville Chapel is also asking for a waiver of the Maintenance Bond as called for in the developer's agreement.

Council did not agree to waive the Maintenance Bond, but did concur with the release.

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

17. **SETTLEMENT AGREEMENT TAX APPEAL:**

Block 22 Lot 339.2, 2008 taxes in the amount of a \$4,989.60 refund, Davenport & Spiotti, 219 Changebridge Road in Montville.

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

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

18. **DECLARATION OF DISASTER:**

Mayor Runfeldt advised that the President has declared Morris County a Disaster Area and will be eligible for assistance.

**VI. RESOLUTIONS:**

Council President Pepe asked for a MOTION and a SECOND on R10-91.

Councilman Thompson MOVED the Adoption of R10-91

Councilwoman Long SECOND the Motion.

The following Resolution was spread for the record:

RESOLUTION R10-91

**WHEREAS**, on March 14, 2010 and March 15, 2010 a Nor'easter devastated many residents and businessmen in the Borough of Lincoln Park by flooding many homes and businesses; and

**WHEREAS**, residents and businesses now in the recovery stages, find themselves with the costly task of replacing damaged furnaces, hot water heaters, appliances, etc.; and

**WHEREAS**, many residents and businesses were not covered by flood or homeowners insurance for this catastrophe;

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park that all fees for building permits, as well as local administrative fees for the flood victims are hereby waived effective March 17, 2010.

The Clerk called the ROLL showing the following:

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

The Resolution was Adopted.

**VII. ORDINANCES:**

NONE

**VIII. PUBLIC HEARING:**

Councilman Kerwin MOVED to OPEN the PUBLIC HEARING.

Councilwoman Long SECOND the MOTION.

The Clerk read the following Statement:

ANY PERSON DESIRING TO ADDRESS THE COUNCIL SHALL FIRST SEEK RECOGNITION BY THE PRESIDING OFFICER. UPON RECOGNITION BY THE CHAIR, THE PERSON SHALL GIVE HIS NAME AND ADDRESS IN AN AUDIBLE TONE OF VOICE FOR THE RECORDS. UNLESS THE COUNCIL GRANTS FURTHER TIME, HE SHALL LIMIT HIS STATEMENT TO FIVE (5) MINUTES.

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

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

The following people spoke:

1. Barbara Hertz – 77 Orchard Drive. – Various Items
2. Rob Payne – 43 Linden Ave. – Flooding
3. Mr. Fagardo – 47 Linden Ave. – Flooding
4. R. Raymond – 33 Willow Ave. - Flooding

**IX. CLOSED SESSION:**

NONE

X. **ADJOURNMENT:**

Councilwoman Thompson MOVED the Work Meeting be ADJOURNED.

Councilwoman Long SECOND the MOTION.

The Work Meeting of Monday, April 5, 2010 was ADJOURNED at approximately 8:39 pm.

ATTEST:

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Annette Maida-Smith, RMC  
Borough Clerk

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Louis J. Pepe, Council President