

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 May 17, 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.

Clerk: Please stand for the Pledge of Allegiance.

Pepe: Good Evening. We have a couple of changes for the Agenda. I am going to go through real quick, first of all ..

Clerk: Roll Call?

Pepe: Yes, go Ahead

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, Borough Administrator Sean Canning, CFO/Treasurer, Kerry Geisler, and Tiena Cofoni, Borough Attorney.

ABSENT FROM ADMINISTRATION: Edward Buzak, Borough Attorney.

Pepe: First of all I'd like to welcome the members of Troop #76 they are here tonight to observe the workings of the Governing Body and I think to earn another badge. We are pleased to have you here tonight.

We are going to move the Public Hearing on the 2010 Municipal Budget up to the first item on the Agenda. We have Mr. Paul Cuva from Ferraioli, Wielkotz, Certullo and Cuva with us tonight. Before we start on that I want to bring the Council's attention to the Consent Agenda.

Resolution R10-120 support of preserving dedicated Library funding for Municipal Public Libraries; that is coming off the consent agenda and moved to the Regular Agenda for discussion. This will be the first item on the Regular Agenda followed by R10-121. Also on the Regular Agenda please remove Resolution R10-111A Amending R10-111 Appraiser Name Change, that's coming off for tonight and we are adding the ROID Grant which is going to be Resolution R10-127. I will explain the ROID Grant when we get there on the agenda.

So with no further changes to the Agenda, Mr. Cuva, would you come forward please and start with the presentation, and then we will open it up for the Public Comment.

Cuva: We have had the Introduction of the Budget, so tonight we are going to have the Public Hearing on it for Adoption. The Budget that we present before you this evening is within the expenditure appropriation cap and within the tax levy cap, promulgated by the State of New Jersey. Also it represents a tax point increase of 3.5 tax points or a dollar increase of \$129.00, to the average tax home assessed at \$364,000.00.

I don't know if there are any questions on the Budget but I guess at this time we can open it up to the Public.

III. PUBLIC HEARING 2010 MUNICIPAL BUDGET

Pepe: MOTION to go to PUBLIC.

Kerwin: So MOVED

Thompson: 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. Barbara Hertz, 77 Orchard Drive.

Kerwin: MOTION TO CLOSE THE PUBLIC PORTION

Long: SECOND

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

Pepe: Thank you Mr. Cuva

IV. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval April 19, 2010.

Kerwin: So MOVED

Gemian: SECOND

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

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

No: None

Absent: Thompson

Abstain: Petracca

The Minutes of April 19, 2010 were Approved.

Pepe: Minutes for Approval May 3, 2010.

Kerwin: So MOVED

Petracca: 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 May 3, 2010 were Approved.

V. ORDINANCES FOR INTRODUCTION:

Pepe: Ordinance for Introduction, Ordinance 13-10 Amending Chapter 3, Administration of Government, Section 3-4 Conferences.

The Clerk Read the Following Resolution:

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK, CHAPTER 3, ADMINISTRATION OF GOVERNMENT, ARTICLE II, SECTION 3-4 CONFERENCES

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

Kerwin: So MOVED

Wild: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolution was Adopted.

Pepe: Are there any questions or comments on the Ordinance? Please read it again.

The Clerk Read the Following Resolution:

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK, CHAPTER 3, ADMINISTRATION OF GOVERNMENT, ARTICLE II, SECTION 3-4 CONFERENCES

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 21st day of June, 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 advertised 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 ADOPTION:

Pepe: For Adoption 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 read by Title on Second Reading and a Hearing Held Thereon.

Kerwin: So MOVED

Wild: 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.

Long: SECOND

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

Clerk: Addressing the Council any person desiring to address the Council shall first seek recognition by the Presiding Officer. Upon recognition by the Chair the person shall give his name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he shall limit his statement to five minutes.

Statements shall be addressed to the Council as a body and not any member thereof. A Councilman shall not direct any question to a speaker addressing the Council except through the Presiding Officer.

Pepe: Anyone wishing to speak on Ordinance 5-10 and Ordinance 5-10 only please come forward at this time.

1. Barbara Hertz, 77 Orchard Drive.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: SECOND

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

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

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

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

Kerwin: So MOVED

Petracca: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Ordinance was Adopted.

Pepe: For Adoption, Ordinance 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 read by Title on Second Reading and a Hearing Held Thereon.

Kerwin: SO MOVED

Wild: 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.

Gemian: SECOND

Pepe: Anyone wishing to speak on Ordinance 6-10 and Ordinance 6-10 only please come forward at this time.

1. Barbara Hertz, 77 Orchard Drive.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: 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 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 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.

Pepe: For Adoption 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 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.

Pepe: Anyone wishing to speak on Ordinance 7-10 and Ordinance 7-10 only please come forward at this time.

1. Barbara Hertz, 77 Orchard Drive.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Petracca: 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 CHAPTER 30, PERSONNEL, 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

Petracca: 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.

Pepe: For Adoption 8-10 Employee Handbook.

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 Read by Title on Second Reading and a Hearing Held Thereon.

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.

Kerwin: MOTION TO GO TO PUBLIC.

Long: SECOND

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

Pepe: Anyone wishing to speak on Ordinance 8-10 and Ordinance 8-10 only please come forward at this time.

2. Barbara Hertz, 77 Orchard Drive.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

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

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

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.

Pepe: Ordinance for Adoption 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 POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL
192, FOR CALENDAR YEARS JANUARY 1, 2008 THROUGH DECEMBER 21, 2012**

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.

Long: SECOND

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

Pepe: Anyone wishing to speak on Ordinance 9-10 and 9-10 only may do so now.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: 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:

ORDINANCE AUTHORIZING SPECIFIC AMENDMENTS TO THE CONTRACT BETWEEN THE BOROUGH OF LINCOLN PARK AND POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 192, FOR CALENDAR YEARS JANUARY 1, 2008 THROUGH DECEMBER 21, 2012,

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

Kerwin: So MOVED

Petracca: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Thompson

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 10-10 for Adoption Amend USWU #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 read by Title on Second Reading and a Hearing Held Thereon.

Kerwin: So Moved

Gemian: 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

Long: SECOND

Council President Pepe asked for a VOICE VOTE. THE PUBLIC HEARING WAS OPENED.

Pepe: Anyone wishing to speak on Ordinance 10-10 and 10-10 only please come forward.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: SECOND

Council President Pepe asked for a VOICE VOTE. THE PUBLIC HEARING WAS CLOSED.

Pepe: Ordinance 11-10 for Adoption; Exceed the 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 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

Long: SECOND

Council President Pepe asked for a VOICE VOTE. THE PUBLIC HEARING WAS OPENED.

Pepe: Anyone wishing to speak on Ordinance 10-11 and 10-11 only please come forward.

1. Barbara Hertz, 77 Orchard Drive

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Petracca: 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:

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)

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

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.

Pepe: For Adoption 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 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 Ordinance was Adopted.

Kerwin: MOTION TO GO TO PUBLIC

Long: SECOND

Council President Pepe asked for a VOICE VOTE. THE PUBLIC HEARING WAS OPENED.

Pepe: Anyone wishing to speak on Ordinance 12-1- and 12-10 only please come forward.

1. Barbara Hertz, 77 Orchard Drive

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING

Long: 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 PROVIDING COMPENSATION FOR CERTAIN OFFICERS AND EMPLOYEES 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

Petracca: 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.

VI. RESOLUTIONS:

Pepe: Resolutions 10-113 Adoption of 2010 Budget

Gemian: So MOVED

Long: SECOND

RESOLUTION R10-113

**ADOPTION OF MUNICIPAL BUDGET
SPREAD BETWEEN THESE PAGES**

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: Resolutions R10-114 through R10-119.

Kerwin: So MOVED

Wild: SECOND

* * *

RESOLUTION R10-114

WHEREAS, there were negotiations between Phoenix Realty Partners 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, these tax court judgments are on file in the Office of the Tax Assessor and the Tax Collector and are subject to annual audit; and

WHEREAS, these properties have 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>
3/45	2008	\$22,735.94	Refund
3/45	2009	\$26,275.20	Refund
3/48	2008	\$11,392.92	Refund
3/48	2009	\$15,096.00	Refund

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$75,500.06 to Phoenix Realty Partners and/or The Irwin Law Firm, P.A. at 80 Main Street, Suite 410, West Orange, NJ 07052.

* * *

RESOLUTION R10-115

WHEREAS, the local Municipal Budget for the fiscal year 2010 will be Adopted on May 17, 2010 and;

WHEREAS, a copy of the Adopted Budget will be forwarded to the Morris County Board of Taxation for the final certification of the 2010 tax rate, and tax bills cannot be distributed to its

residents until said certification is received, and;

WHEREAS, in order to meet statutory obligations to the County, School District along with sustaining Municipal operations, the Chief Financial Officer in consultation with the Tax Collector have computed an estimated tax levy in accordance to N.J.S.A. 54:4-66.3 and have both signed a certification attesting to the calculation;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Lincoln Park is hereby authorized to prepare and issue estimated tax bills for the third installment of the 2010 taxes;

BE IT FURTHER RESOLVED, that the Lincoln Park Tax Collector is hereby authorized to prepare and issue estimated tax bills for the third installment of 2010 based upon an annualized levy analysis totaling \$33,840,578.70. The Tax Collector shall proceed and take such actions as are permitted and required by P.L. 1994, c.72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).

BE IT FURTHER RESOLVED, that in accordance with the law, third quarter installment of the 2010 taxes shall not be subject to interest until the later of either August 10, 2010 or twenty-five calendar days after the date estimated bills were mailed. Contained on the estimated bill shall specify the date on which interest may begin to accrue.

**PERMISSIVE ESTIMATED TAX LEVY RANGE
RANGE 5% LOWER TO 5% HIGHER THAN PREVIOUS YEAR'S LEVY**

2009 TOTAL TAX LEVY	\$32,229,122.57
95% LEVY	\$30,617,666.44
105% LEVY	\$33,840,578.70
2009 TAX RATE	\$2.04
95%	\$1.94
105%	\$2.14

**PERMISSIVE ESTIMATED TAX LEVY RANGE
RANGE 5% LOWER TO 5% HIGHER THAN PREVIOUS YEAR'S LEVY**

2009 TOTAL TAX LEVY	\$32,229,122.57
95% LEVY	\$30,617,666.44
105% LEVY	\$33,840,578.70
2009 TAX RATE	\$2.04
95% RATE	\$1.94
105% RATE	\$2.14

Certified calculation prepared by:

Kerry L. Geisler, CFO

Kristen Runfeldt, Tax Collector

* * *

RESOLUTION R10-116

WHEREAS, there were negotiations between Paul Hajjar 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:

May 17, 2010

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<u>Block/Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Effect</u>
2.1/5.2	2009	\$581.40	Refund

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$581.40 to Davenport & Spiotti with a mailing address of 219 Changebridge Road, Montville, NJ 07045.

* * *

RESOLUTION R10-117

WHEREAS, REBECCA THOMAS had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with site plan exemption #10-02 work for premises located at 59 Beaverbrook Road, Suite 302C, Block 996, Lot 34; and

WHEREAS, REBECCA THOMAS 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 #2134 and may be refunded to **REBECCA THOMAS**; 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 **REBECCA THOMAS**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account # 2134 in connection with site plan exemption #10-02 for premises located at 59 Beaverbrook Rd., Suite 302C, 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 R10-118

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the appointment of **EILEEN BUNDZ** as **PARKS AND RECREATION ADVISORY BOARD MEMBER** for the unexpired term of **RANDY MOORE**, said term expiring December 31, 2010, is hereby confirmed.

* * *

RESOLUTION R10-119

WHEREAS, JERSEY MULCH PRODUCTS, LLC, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Board of Adjustment Application #2009-9 and Site Plan #332 for premises located at 48 Old Jacksonville Road; and

WHEREAS, JERSEY MULCH PRODUCTS, LLC 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 #2112 and may be refunded to **JERSEY MULCH PRODUCTS, LLC**; 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 **JERSEY MULCH PRODUCTS, LLC**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2112 in connection with Board of Adjustment Application #2009-9 and Site Plan #332 for premises located at 48 Old 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: Gemian, Kerwin, Long, Petracca, Wild and Pepe.

No: None

Absent: Thompson

Abstain: None

The Resolutions were Adopted.

REGULAR AGENDA:

Pepe: Resolution R10-120 Support of Preserving Dedicated Library Funding for Municipal Public Libraries.

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R10-120

**RESOLUTION IN SUPPORT OF PRESERVING
DEDICATED LIBRARY FUNDING FOR
MUNICIPAL PUBLIC LIBRARIES**

WHEREAS, Assembly Bill A-2555 has been Introduced by Assemblyman John DiMaio to eliminate the minimum local funding requirement for municipal public libraries; and

WHEREAS, municipal public libraries have been established at the direction of its citizens through a binding referendum which specified the minimum funding level at 1/3 of a mil; and

WHEREAS, public libraries are vital community centers providing essential services to the residents of their municipalities even more so during these difficult economic times; and

WHEREAS, the current funding formula for municipal libraries has endured for over 100 years providing a stable source of tax support for municipal library services; and

WHEREAS, A-2555 would critically weaken the foundation of library services in New Jersey by drastically reducing the minimum funding level which would directly impact library services; and

WHEREAS, the fiscal hardships facing many residents and businesses require access to key information resources available in New Jersey’s free public libraries, such as access to computers for educational or business needs, or to find jobs and other opportunities; and increases the use of the other services of the public library, such as borrowing books and other media or attending programs for children and the entire family; and

WHEREAS, Governor Christie’s budget as Introduced for Fiscal Year 2011 would slash funding for statewide library programs by 100%; and funding for these programs has been flat for most of the past twenty years; and

WHEREAS, Per Capita State Aid that is spent by public libraries on books and other materials for residents will be cut by 50%; and

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WHEREAS, nearly 170,000 people visit New Jersey public libraries on any given day; and 48,000,000 visits were made to libraries in 2009 demonstrating that libraries are supported and valued by the residents of New Jersey; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, opposes A-2555 these devastating cuts and forwards this Resolution to Assemblyman John DiMaio, State Senator Pennacchio, Assemblymen Alex DeCroce, and Jay Webber and to Governor Chris Christie.

Pepe: Please call the Roll.

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

No: Petracca

Absent: Thompson

Abstain: None

The Ordinance was Adopted.

Pepe: Resolution R10-121 Payment of Bills

Wild: So MOVED

Long: SECOND

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RESOLUTION R10-121

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>
31927 thru 31938 & 32810 thru 32923	Current	1,143,432.66
838 thru 843	Accutrack	74,610.51
1257	Dog License	28.80
2494	Fed/State Grant	448.25
3028 thru 3031	General Capital	4,609.01
2295 thru 2298	General Trust	9,891.90
1843	Recycling	4,780.80
1078	SUI	4,531.26
2305 thru 2306	Water Capital	70,404.80
6622 thru 6643 & 6626 thru 6643	Water Utility	19,212.61

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 Adopted.

Pepe: Resolution R10-122 Confirm Bills

Kerwin: So MOVED

Wild: Second

RESOLUTION R10-122

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the action of the Mayor and Treasurer in issuing the following checks be and is hereby confirmed:

<u>ACCOUNT</u> <u>CHK NO.</u>	<u>PAID TO</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
CURRENT			
31927	BOLP Petty Cash - DPW	reimburse petty cash	\$199.63
31928	LP Public Library	April Payment	\$43,760.73
31929	North Jersey Mun. Emp. Benefits Fund	March Benefits - Balance Due	\$572.00
31930	Police & Firemen's Retirement System	Bal. Due Oct., Nov.	\$131.01
31931	Void for payroll	Void	\$0.00
31932	Void for payroll	Void	\$0.00
31933	Prudential Retirement	April 2010 Contrib. DCRP	\$187.50
31934	Treasurer, State of NJ	Bal. Due 1sr qtr marriage license	\$33.00
31935	North Jersey Mun. Emp. Benefits Fund	May 2010 Benefits	\$151,305.00
31936	BOLP Petty Cash - DPW	reimburse petty cash	\$200.00
31937	Pequannock, LP & Fairfield Sewerage Author	2nd qtr TBSA	\$470,086.00
31938	LP Public Library	May Payment	\$43,760.66
	Regular Meeting Checks	# 32810 - 32923	\$433,197.13

GENERAL TRUST

2295(conf)	Ellen Ross	Reimbursement seniors luncheon	\$116.62
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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 Adopted.

Pepe: Resolution R10-123 Authorize 2010 Employee Compensations

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R10 - 123

WHEREAS, the Borough of Lincoln Park ("Borough") Adopted Ordinance 1,446 (12-10) on May 17, 2010 providing the compensation ranges for certain Borough Officials and employees; and

WHEREAS, Ordinance No. 1,446 (12-10) provided that the exact compensation for those Officials and employees would be set by the Borough via Resolution;

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

- The 2010 annual compensation for the following Department Heads within the Borough of Lincoln Park shall be as follows:

Position Title	Base Salary +	Longevity =	Total
Borough Administrator Dept. of Administration	\$70,000.00	\$ 0.00	\$70,000.00
Borough Engineer Dept. of Engineering	\$ 0.00	\$ 0.00	\$ 0.00
Director/Chief Dept. of Police	\$142,957.00	\$ 0.00	\$142,957.00
Director of Finance/CFO Dept. of Finance	\$67,275.00	\$ 0.00	\$67,275.00
Director of Development Dept. of Planning	\$ 0.00	\$ 0.00	\$ 0.00
Director Dept. of Health	\$111,158.00	\$ 1,500.00	\$112,658.00
Director/Superintendent Dept. of Public Works	\$ 93,834.00	\$ 1,500.00	\$95,334.00
Director of Recreation Dept. of Parks & Recreation	\$ 58,809	\$ 0.00	\$58,809.00

- The 2010 annual compensation for the following Council Employees within the Borough of Lincoln Park shall be as follows:

Position Title	Base Salary +	Longevity =	Total
Borough Clerk	\$82,363.00	\$1,500	\$83,863.00
Deputy Borough Clerk	\$53,371.00	\$ 0.00	\$53,371.00

- The 2010 annual compensation for the following Miscellaneous Employees within the Borough of Lincoln Park shall be as follows:

Position Title	Base Salary +	Longevity =	Total
Tax Assessor	\$ 56,435.00	\$ 0.00	\$ 56,435.00
Tax Collector	\$63,881.00	\$ 1,500.00	\$ 65,381.00
Municipal Court Judge	\$29,400.00	\$ 0.00	\$ 29,400.00
Borough Attorney	\$ 0.00	\$ 0.00	\$ 0.00

- The 2010 annual compensation for the following Elected Officials within the Borough of Lincoln Park shall be as follows:

Position Title	Base Salary +	Longevity =	Total
Mayor	\$ 7,000.00	\$ 0.00	\$7,000.00
Council	\$ 5,000.00	\$ 0.00	\$5,000.00

- The salaries provided above shall be effective January 1, 2010.

6. The Mayor, Business Administrator and Borough Clerk, together with all other Officers, professionals and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
7. This Resolution shall take effect immediately.

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 Adopted.

Pepe: Resolution R10-124 Permission Granted for Fireworks/Banner LP Care Center.

Wild: So MOVED

Gemian: SECOND

RESOLUTION R10-124

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that permission is hereby granted to the **LINCOLN PARK CARE CENTER** to display fireworks on July 4, 2010 (rain date July 5, 2010) pursuant to all applicable Rules and Regulations of any governmental authorities having jurisdiction;

BE IT FURTHER RESOLVED that the **LINCOLN PARK CARE CENTER** be permitted to place one (1) advertising banner over Main Street (County Road) near Beaver Brook Road provided the location for this banner meets with the approval of the Morris County Board of Chosen Freeholders, Lincoln Park Police and appropriate Utility Authority.

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 Adopted.

Pepe: Resolution R10-125 Authorize Promotion of Tom Andrascik to Chief of Police

Wild: So MOVED

Gemian: SECOND

RESOLUTION R10-125

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the appointment of **ACTING CHIEF THOMAS ANDRASICIK** to **POLICE CHIEF** effective, June 1, 2010 is hereby confirmed.

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 Adopted.

Pepe: Resolution R10-126 Authorization Road Paving Project – Chapel Hill Road and Pinebrook Road.

Kerwin: So MOVED

Petracca: SECOND

RESOLUTION R10-126

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the contract for the ***ROAD PAVING PROGRAM (Pinebrook Road from Boonton Turnpike to the Lincoln Park Elementary School {\$58,584.50} and Chapel Hill Road from Pinebrook Road to Boonton Turnpike {\$103,056.70})*** be awarded to ***TILCON***, through the ***MORRIS COUNTY COOPERATIVE PURCHASING AGREEMENT*** at a cost not to exceed \$161,641.20, is hereby approved.

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 Adopted.

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RESOLUTION R10-111A

PULLED FROM THE AGENDA NO ACTION TAKEN

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Pepe: I have added Resolution R10-127 Authorize Roid Grant

Kerwin: So MOVED

Long: SECOND

RESOLUTION R10-127

WHEREAS, the Borough of Lincoln Park, on behalf of the Lincoln Park Parents of Exceptional Children, desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$10,000.00 to carry out a project to provide emotional and networking support for Lincoln Parks' exceptional children. To promote awareness and acceptance of the exceptional children in the Lincoln Park Community as well as a forum so the exceptional children may become fully participating members of the Lincoln Park Community;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, as follows:

1. The Borough of Lincoln Park does hereby authorize the application for such a grant; and
2. Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Lincoln Park and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

David A. Runfeldt, Mayor

Janet Cassidy, Director of Recreation

Annette Maida-Smith, R.M.C.
Borough Clerk

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 Adopted.

VII. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

Pepe: Miscellaneous and Council Committee Reports:

Gemian: No Report

Kerwin:

1. Ambulance Committee working on getting vendors here for quotes.
2. Mr. Kerwin attended Boonton High School's Assembly sponsored by Cablevision.

Long: No Report

Pepe:

1. Spoke to residents about the budget process as a civic responsibility.

Petracca:

1. New Jersey Bar association is offering free legal services for Flood Victims. 888-541-1900.

Thompson:

1. The Science Man Fair at the Library was well attended.

Wild:

1. The TBSA and the PRBRSA is offering Tours of the facilities.

VIII. MAYOR'S REPORT:

1. The Borough received an \$8,000.00 retribution check for Dennis Gerber.
2. Fire Department will be looking at a used ladder truck next month.
3. Consensus obtained for a 15% down payment for Capital Purchases.
4. Lincoln Park lost a leader with the loss of Hy Nadel.

IX. PUBLIC HEARING:

Kerwin: 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. Barbara Hertz, 77 Orchard Drive – Mad Cow Disease.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING

Long: SECOND

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

X ADJOURNMENT:

Long: MOTION to ADJOURN

Gemian: SECOND

There being no further business to come before the Council the meeting of May 17, 2010 was adjourned at 8:32 PM.

Council President Pepe

Annette Maida-Smith, RMC
Borough Clerk

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