

I. Monday, May 3, 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, Petracca, Wild and Pepe.

NOTE: Councilwoman Thompson arrived at 7:41 pm and was marked present
Councilwoman Long arrived at 7:46 pm and was marked present

ABSENT: NONE

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

ABSENT FROM ADMINISTRATION: NONE

III. COUNCIL AGENDA:

1. **AMEND CHAPTER 3 – ADMINISTRATION OF GOVERNMENT – SECTION 3-4 CONFERENCES:**

The Clerk advised that she received a phone call from Mr. Dave Nenno of the Division of Local Government Services, questioning Section 3-4 Conferences, of Chapter 3, Administration of Government that was on our web site.

The Section is wrong and must be changed, instead of eliminating the entire Section, she changed the Ordinance to have it read “RESERVED” so in the future it can be used again.

Council was provided with copies of the proposed Ordinance and the a copy of the section in question for Council review.

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

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

2. **PERMISSION FOR FIREWORKS – LINCOLN PARK CARE CENTER:**

The Clerk advised that the Lincoln Park Care Center is requesting permission to hold fireworks on July 4, 2010.

She also advised that if the pyrotechnics insurance and hold harmless were not approved in time for the May 17, 2010 Regular Meeting it will not be on the Agenda for approval until June 21, 2010.

Council concurred.

IV. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

1. Councilman Gemian had nothing to report

2. Councilman Kerwin had one (1) Item:

1. Received 4/22/ 10 letter on TBSA Masterplan, would like to know more about it.

Administration advised that that was one of the topics on their Agenda for discussion this evening.

3. Councilwoman Long had nothing to report.
4. Councilman Petracca had nothing to report.
5. Councilwoman Thompson had nothing to report.
6. Councilman Wild had one (1) item:

1. Letter and Resolution from the Library Board asking for support for minimum contributions, would like to have Council support the minimum funding by passing a Resolution.

Council concurred.

7. Council President Pepe had one (1) Item:

1. Everyone received a letter from the Montville Pet Parents for their Art show to be held May 15th through 16th from 10am to 4pm.

V. MAYOR'S AGENDA:

1. **RESOLUTION AUTHORIZING ESTIMATED TAX BILLS:**

Dependent upon the time frame for final certification of the proposed municipal budget by the Morris County Board of Taxation.

Estimated tax bills may be necessary to send out so Lincoln Park can meet its statutory obligations.

This Resolution would authorize the estimated tax bills to proceed from the finance office.

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

2. **FEMA REIMBURSEMENT APPLICATION:**

The Borough has initiated the necessary steps to ensure we are compensated for the expenditures in resources and personnel for the flooding of March 2010.

3. **TAX APPEAL INFORMATION PURPOSES:**

Tax appeals active as per the assessor filed with the State of New Jersey and Morris County.

4. **DUI MEMORIAL:**

Will be held this year June 6, 2010, at 1pm in front of the Community Meeting Room.

5. **APPOINTMENT OF CHIEF OF POLICE:**

The appointment at the June 14th meeting of Thomas Andrascik 10th Chief of the Lincoln Park Police Department will take place.

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

6. **APPOINTMENT TO RECREATION ADVISORY BOARD:**

Mayor Runfeldt would like to Eileen Bundz from Cardinal Lane Lincoln Park to the Rec. Board for the unexpired term of

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

7. **COUNTY WASTEWATER MANAGEMENT PLAN:**

As mentioned at the Freeholder meeting on the 26th of April, the County engineering has been working on the wastewater management plan per the DEP.

Our Borough Engineer and Administrator met with the County on April 27 there is further analysis that will come forth from the Planning Board on the subject.

This will eventually impact whether DEP will allow build out on certain vacant parcels of land dependent upon the classification of the parcel being in a septic zone or a sewerage zone.

8. **TBSA EXPANSION COMMENT:**

TBSA Has sought comments from member towns as to the possibility of the TBSA seeking an expansion of their plant capacity.

The Engineer is conducting an analysis along with recommendations for the Borough, should have an update by the June meeting.

This will impact future fees and capacity purchase by Borough of Lincoln Park and pose the question for the Borough if we are interested in additional capacity or if our excess currently is sufficient.

9. **ESCROW RELEASE #2134:**

Rebecca Thomas, TM Speech and Language Associates, Permit # 2010-102, Escrow # 2134, site plan exemption 10-02, 59 Beaverbrook Rd suite 302C

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

10. **TAX APPEAL SETTLEMENT BLOCK 2.1 LOT 5.2:**

This was for the 2009 taxes in the amount of \$581.40 requesting a refund be sent to Davenport & Spiotti, 219 Changebridge Road, Montville, NJ 07045.

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

11. **TAX APPEAL SETTLEMENTS PHOENIX REALTY PARTNERS:**

\$75,500.06 refund to 80 Main Street, Suite 410, West Orange, NJ 07052
 Block 3/Lot 45 2008 \$22,735.94 Refund
 Block 3/Lot 45 2009 \$26,275.20 Refund
 Block 3/Lot 48 2008 \$11,392.92 Refund
 Block 3/Lot 38 2009 \$15,096.00 Refund

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

12. **CLOSED SESSION:**

Administration advised that they had a Closed Session for tonight to discuss Contract Negotiations.

Council concurred and we will Adopt a Resolution this evening to go into Closed Session.

MAYOR RUNFELDT ADDED THE FOLLOWING ITEM TO HIS AGENDA:

15. **MOSQUITOES:**

The Mayor advised that we do our own spraying for mosquitoes and we must obtain our pesticide licenses from DEP, we've asked DEP to expedite the return of the licenses, but until then the County will be spraying.

Any questions or concerns from the residents, please tell them to call the Health Department.

16. **FIRE TRUCK:**

The Fire Department has found a used Fire Truck for sale for under \$80,000.00 it's location is out of town, the Fire Chief would like permission to go and see the truck.

Permission to look at the truck was granted.

VI. RESOLUTIONS:

Council President Pepe asked for a MOTION and a SECOND on R10-110.

Councilwoman Thompson MOVED the Adoption of R10-110

Councilman Kerwin SECOND the Motion.

The following Resolution was spread for the record:

RESOLUTION R10-110

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 3rd day of May, 2010, that an Executive Session, closed to the public, shall be on the 3rd day of May, 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.

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.

* * *

Council President Pepe asked for a MOTION and a SECOND on R10-112.

Councilwoman Thompson MOVED the Adoption of R10-112

Councilman Kerwin SECOND the Motion.

The following Resolution was spread for the record:

RESOLUTION R10-112

WHEREAS, at the Municipal Tax Sale held July 11, 2007, a lien was sold on block 9, lot 30.1, also known as 31 Ellice Street in Lincoln Park, for 2006 tax and water; and

WHEREAS, this lien, known as Tax Sale Certificate #07-002, was sold to Crusader Lien Services at a \$9,100.00 premium; and

WHEREAS, the mortgage company (Bank of America) for the owner, Howard W & Barbara Buttray, has effected redemption of certificate #07-007, in the amount of \$16,490.52.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$16,490.52 for the redemption of Tax Sale Certificate #07-007 and \$9,100.00 premium payable to Crusader Lien Services, at 179 Washington Lane, Jenkintown, PA 19046

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.

VIII. PUBLIC HEARING:

Councilman Kerwin MOVED to OPEN the PUBLIC HEARING.

Councilman Gemian 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 residents spoke:

1. Mr. T. Warden – 50 Roome St.
2. Mr. & Mrs. Behan – 55 Roome St.
3. Mrs. G. Kruger – 52 Roome St.

All concerning house being built

IX. CLOSED SESSION:

1. Matters Relating to Litigation, Negotiations and Attorney Client Privilege.
 - a. Contract Negotiations - Police Department
 - b. Contract Negotiations – Open Space Purchase Negotiations

The Borough Attorney briefly discussed another pending Litigation matter.

Council went into Closed Session at approximately 8:14 pm and returned to Open Session at approximately 8:40 pm.

At the conclusion of the Closed Session Council voted on Resolution R10-111 authorizing Hire of Appraiser.

Council President Pepe asked for a MOTION and a SECOND on R10-111.

Councilman Gemian MOVED the Adoption of R10-111

Councilwoman Long SECOND the Motion.

The following Resolution was spread for the record:

RESOLUTION R10-111

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that **LOU IZENBERG, APPRAISER**, be appointed to provide the **APPRAISAL SERVICES** on **THE MEADOWS GOLF CLUB, 79 TWO BRIDGES ROAD, BLOCK 104 LOT 1** in accordance with the verbal quote received by the Borough’s Administrator on April 28, 2010;

BE IT FURTHER RESOLVED, that the cost of the **APPRAISAL** will not exceed **SEVEN THOUSAND (\$7,000.00) DOLLARS** and is hereby appropriated from the **OPEN SPACE FUND**;

BE IT FURTHER RESOLVED, that this Professional Services Contract will require contractor compliance with affirmative action provisions of P.L. 1975, c.127 (N.J.A.C. 17:27);

BE IT FURTHER RESOLVED that the Clerk be and is hereby authorized and directed to publish this Resolution not more than ten (10) days following the Adoption hereof, according to law.

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.

X. **ADJOURNMENT:**

Councilwoman Thompson MOVED the Work Meeting be ADJOURNED.

Councilman Kerwin SECOND the MOTION.

The Work Meeting of Monday, May 3, 2010 was ADJOURNED at approximately 8:42 pm.

ATTEST:

Annette Maida-Smith, RMC
Borough Clerk

Louis J. Pepe, Council President