

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 July 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: Raymond T. Kerwin
Janet P. Long
Louis J. Pepe
James A. Wild

ABSENT: Gary Gemian
Matthew Petracca
Ann Thompson

Also PRESENT were Mayor David A. Runfeldt, Borough Administrator Sean Canning, Edward Buzak, and Borough Attorney

ABSENT FROM ADMINISTRATION: CFO/Treasurer, Kerry Geisler and Tiena Cofoni, Borough Attorney.

III. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval June 21, 2010.

Kerwin: So MOVED

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

Yes: Council Members: Kerwin, Long, and Wild

No: None

Absent: Gemian, and Petracca

Abstain: Pepe

The Minutes of June 21, 2010 were Approved.

Pepe: Minutes for Approval July 6, 2010.

Kerwin: So MOVED as CORRECTED.

Long: SECOND

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

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Minutes of July 6, 2010 were Approved.

IV. PUBLIC HEARING: MC OPEN SPACE TRUST FUND GRANT – COMLY ROAD

Kerwin: MOTION TO GO TO PUBLIC.

Long: SECOND

The Council President 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 - did not address this issue

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: SECOND

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

Pepe: Moving on to the Emergency Management Mitigation Plan.

V. EMERGENCY MANAGEMENT MITIGATION PLAN.

Mrs. Ellen Harrigan, Emergency Management Coordinator and Mr. Tom Piorkowski, Deputy Emergency Management Coordinator spoke on this topic. FEMA will not fund any programs without a Mitigation Plan.

PUBLIC HEARING:

Wild: MOTION TO GO TO PUBLIC

LONG: SECOND

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

1. Barbara Hertz, 77 Orchard Drive – spoke

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

VI. ORDINANCES FOR INTRODUCTION:

Pepe: Ordinance for Introduction 16-10 Amend Chapter 11, Fees.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, FEES OF THE
ORDINANCES 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? Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

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 AND SUPPLEMENTING CHAPTER 11, FEES 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 3rd day of August, 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: Any questions or comments? Please call the Roll.

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

No: None

Absent: Gemian, Petracca and Thompson.

Abstain: None

The Resolution was Adopted.

ORDINANCES FOR ADOPTION:

Pepe: Ordinances for Adoption 14-10 Cancels balances of certain Bond Ordinances.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

ORDINANCE TO CANCEL THE BALANCES OF CERTAIN BOND ORDINANCES AND AUTHORIZING THE TRANSFER OF THE BALANCES OF SUCH ORDINANCES TO CAPITAL SURPLUS

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

Kerwin: So MOVED

Long: SECOND

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

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

Kerwin: MOTION TO GO TO PUBLIC

Wild: SECOND

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

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Long: SECOND

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

Pepe: Please read it again.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**ORDINANCE TO CANCEL THE BALANCES OF CERTAIN BOND ORDINANCES AND
AUTHORIZING THE TRANSFER OF THE BALANCES OF SUCH ORDINANCES TO
CAPITAL SURPLUS**

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: Kerwin, Long, Wild and Pepe.

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Ordinance was Adopted.

Pepe: 15-10 2010 Capital Bond Ordinance.

ADOPTION TABLED UNTIL 8/2/10

PUBLIC HEARING:

BE IT RESOLVED, that an Ordinance entitled:

BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITION IN AND FOR THE BOROUGH OF LINCOLN PARK, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, APPROPRIATING \$532,400.00 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$452,540.00 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF,

be read by Title on Second Reading and a Hearing Held Thereon.

Pepe: Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

Kerwin: MOTION to go to PUBLIC HEARING.

Long: SECOND

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

1. Barbara Hertz, 77 Orchard Drive.

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

Kerwin: MOTION TO TABLE 15-10 UNTIL AUGUST 2, 2010.

Long: SECOND

Pepe: Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

Pepe: 17-10 Amend 2010 Compensation Ordinances.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE TO AMEND ORDINANCE NUMBER 1,446, 2010 EMPLOYEE
COMPENSATION OF THE BOROUGH OF LINCOLN PARK,**

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: Kerwin, Long, Wild and Pepe.

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

Kerwin: MOTION TO GO TO PUBLIC HEARING.

Long: SECOND

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

1. Barbara Hertz, 77 Orchard Drive.

The Council President 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 AMEND ORDINANCE NUMBER 1,446, 2010 EMPLOYEE
COMPENSATION 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.

Pepe: Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Ordinance was Adopted.

VII. RESOLUTIONS: CONSENT AGENDA:

Pepe: Resolutions, consent agenda R10-175 through R10-193. We are pulling R10-190, also pulling R10-194.

Kerwin: So MOVED

Long: SECOND

Buzak: Before you call the roll on that I believe Resolution R10-192 is tied to the Ordinance that we just adopted, and I would suggest since the Ordinance does not take effect for 20 - days that we Modify the consent. To read that R10-192 is effective when 17-10 is effective.

Pepe: We are pulling R10-176 as well as 190 and 194. And we are going to amend Resolution R 10-192 with an effective date to coincide with the Ordinance 17-10.

RESOLUTION R10-175

WHEREAS, the Hose Company Number 1 of the Borough of Lincoln Park's Fire Department has requested permission to host a Parade on Saturday, July 16, 2011 to celebrate their 80th Anniversary in conjunction with the North Jersey Volunteer Fireman's Association and the Annual EMS Carnival; and

WHEREAS, Hose Company Number 1 is also requesting that certain streets be closed from 1:00 pm until 5:00 pm on July 16, 2011; and

WHEREAS, the parade will begin at 1:00 pm and end at 4:00 pm and commence on the following route: Parade route will be **Arthur Road**, left onto **Anthony Blvd.**, right onto **Parsons Road**, right onto **Comly Road**, right onto **Main Street** and left onto **Route 202 (Boonton Turnpike)** to the entrance for the **Borough Field** where it will end;

WHEREAS, Hose Company number 1 must obtain permission to close **Comly Road**, **Main Street** and a portion of **Boonton Turnpike** by the board of Chosen Freeholders since these are County Roads, not municipal roads;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey, that the request of Hose Company Number 1 to host a Parade on Saturday, July 16, 2011, as described herein is hereby approved, subject to approval of the Freeholders for the closure of the above mentioned streets, roads, turnpike and subject to the safety requirements set forth by the Police Chief of the Lincoln Park Police Department.

* * *

RESOLUTION R10-176

PULLED

RESOLUTION R10-177

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that Louis Izenberg be appointed to provide the **APPRAISAL SERVICES** on **Block 9 Lot 24.01, Comly Road** in accordance with the written quote received by the Borough's Administrator dated June 23, 2010;

BE IT FURTHER RESOLVED that the cost of the **APPRAISAL** of Block 9 Lot 24.01 will not exceed **TWO THOUSAND FIVE HUNDRED (\$2,500.00) 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.172 (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.

* * *

RESOLUTION R10-178

WHEREAS, the Borough of Lincoln Park ("Borough") desires to acquire property that extends from Comly road to the westerly limits of the Lanes field Park property, which is known as Block 9 Lot 24.01 on the Official Tax Map of the Borough of Lincoln Park ("Property"); and

WHEREAS, the acquisition includes a total of 4.94 acres for use to access recreational fields and passive recreation paths; and

WHEREAS, the property is currently owned by **JOSEPH MASELLI** and the estimated total cost of the land is \$350,000.00 pending appraisal; and

WHEREAS, the Borough desires to apply for a Morris County Open Space Trust Fund Grant to supplement the funding of the acquisition of the Property with this application; and

WHEREAS, the Borough desires to authorize the execution and submission of an application for a Morris County Open Space Trust Fund Grant and the acceptance of said funds in the event the Borough is awarded the Grant;

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 Borough of Lincoln Park hereby authorizes and endorses an application for a Morris County Open Space Trust Fund Grant for the acquisition of property known as Block 9 Lot 24.01 on the Official Tax Map of the Borough of Lincoln Park;
2. The Mayor and Borough Clerk are hereby authorized and directed to execute said application 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;
3. The Borough of Lincoln Park hereby authorizes the acceptance of said Grant funds in the event the same is awarded to the Borough.
4. This Resolution shall take effect immediately.

* * *

RESOLUTION R10-179

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Administrator is hereby authorized to seek bids for **EMERGENCY MEDICAL VEHICLE** for the Borough.

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RESOLUTION R10-180

WHEREAS, Lincoln Park Plaza Associates ("Taxpayer") filed a tax appeal against the Borough of Lincoln Park (hereinafter "Borough") to the Tax Court of New Jersey for the Tax Years 2009 and 2010 challenging the assessment of real property known as Block 2, Lots 304 and 305.1 as is shown on the Official Tax Map of the Borough of Lincoln Park; and

WHEREAS, there were negotiations between the parties before trial and a settlement has been proposed and is being recommended by the Borough Tax Assessor for the reasons set forth in a June 11, 2010 letter of the Borough Tax Assessor; and

WHEREAS, the Governing Body desires to approve the same.

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 settlement of the tax appeal reducing the aggregate assessment of \$9,474,900 by \$1,062,500 to \$8,412,400 for Tax Year 2009 is hereby authorized and approved.
2. The settlement of the tax appeal reducing the aggregate assessment of \$9,474,900 by \$1,474,900 to \$8,000,000 for Tax Year 2010 is hereby authorized and approved.
3. The Borough Attorney is hereby authorized to sign a Stipulation of Settlement reducing the assessment as provided above.
4. The Borough Tax Assessor, Borough Attorney, Borough Tax Collector, employees, agents or representatives of the Borough are hereby authorized to do whatever is necessary to effectuate the purpose of this Resolution.
5. This Resolution shall take effect immediately.

* * *

RESOLUTION R10-181

WHEREAS, WEXFORD INN, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with installation of parking signs for premises located at 247 Main Street, Block 139 Lot 21; and

WHEREAS, WEXFORD INN 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 #2125 and may be refunded to **WEXFORD INN**; 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 **WEXFORD INN**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2125 in connection with

installation of parking signs for premises located at 247 Main St., 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 R10-182

WHEREAS, it has been determined by the Fire Sub-Code Official that the property owner indicated below is entitled to a refund of the fire sub-code inspection fees; and

WHEREAS, this payment should be returned to the property owner;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the Fire Sub-Code Official is hereby authorized to make refund in the amount shown below to the property owner:

<u>BI/Lt</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
150/2	Kieran Ward	\$50.00	Fire inspection fees collected in error

* * *

RESOLUTION R10-183

WHEREAS, CELEBI OZER, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE09-10 for premises located at 193-A Main Street, Block 138 Lot 11; and

WHEREAS, CELEBI OZER 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 #2117 and may be refunded to **CELEBI OZER**; 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 **CELEBI OZER**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2117, in connection with Site Plan Exemption #SPE09-10 for premises located at 193-A 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 R10-184

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:

Shared Services with Montville Township

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 19th day of July, 2010, that an Executive Session, closed to the public, shall be on the 19th day of July, 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.

* * *

RESOLUTION R10-185

WHEREAS, pursuant to N.J.S.A. 40A:11-3 and Local finance Notice 2010-13, a Governing Body may establish a bid threshold of up to Thirty-Six Thousand Dollars (\$36,000.00) if the Purchasing Agent designated by the municipality is qualified pursuant to N.J.S.A. 40A:11-9 and N.J.A.C. 5:34-5.1; and

WHEREAS, the Borough of Lincoln Park ("Borough") Adopted Resolution R10-42 appointing Frances L. Vanderhoof as the Qualified Purchasing Agent for the Borough and increasing the bid Threshold to Twenty-Nine Thousand Dollars (\$29,000.00); and

WHEREAS, the Borough desires to increase the Borough's bid threshold to Thirty-Six Thousand Dollars (\$36,000.00) given Frances L. Vanderhoof's status as a Qualified Purchasing Agent as permitted by Statute;

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 Borough of Lincoln Park hereby authorizes the increase of the Borough's bid threshold to Thirty-Six Thousand Dollars (\$36,000.00) in accordance with N.J.S.A. 40A:11-3 and Local Finance Notice 2010-13.
2. The Mayor and Borough Clerk, together with all appropriate officers, employees, professionals and staff of the Borough are hereby authorized and directed to take all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

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RESOLUTION R10-186

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that they hereby endorse the "Adopt-A-Park Program" for the Borough of Lincoln Park.

Pepe: Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolutions were Adopted.

Pepe: We are now on to the Miscellaneous Council Committee Reports.

Clerk: You have the Regular Agenda.

Pepe: Did I miss something? Oh I am sorry. R10-187 I thought we moved this with the consent.

Clerk: You did all of them?

Pepe: Yes we did. So basically we need to take R10 – 187 one at a time. Let's have a motion for R10-187.

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R10-187

**RESOLUTION CONSENTING TO THE CONNECTION OF
CERTAIN PROPERTIES IN THE BOROUGH OF LINCOLN PARK
TO THE SANITARY SEWER SYSTEM OF THE
TOWNSHIP OF MONTVILLE**

WHEREAS, the Township of Montville ("Montville") owns and operates a sanitary sewerage system for the disposal of sanitary sewage of its residents; and

WHEREAS, the Borough of Lincoln Park ("Lincoln Park" or "Borough") also operates a sanitary sewerage system for the disposal of sanitary sewage of its residents; and

WHEREAS, sanitary sewage service is not provided to all residents of Lincoln Park; and

WHEREAS, in the area of Fidelian Way and Eugene Circle, while Lincoln Park does not have sanitary sewer facilities or service available, Montville does have such service to its residents in proximity to the Lincoln Park residents; and

WHEREAS, two owners of single family residences in Lincoln Park have requested permission to connect their single family dwelling units to the sanitary sewer system of Montville, said properties specifically identified as 26 Eugene Circle (Block 2.1, Lot 1 on the Official Tax Map of the Borough of Lincoln Park) and 18 Fidelian Way (Block 2, Lot 2.6 on the Official Tax Map of the Borough of Lincoln Park); and

WHEREAS, Montville is amenable to allowing such connection under the terms and conditions as set forth by Montville, which includes, among other things, the consent of Lincoln Park for said connection; and

WHEREAS, Lincoln Park is desirous of granting such consent, subject to the terms and conditions set forth in this 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:

1. The Borough of Lincoln Park ("Lincoln Park" or "Borough") hereby consents to the connection of 26 Eugene Circle (Block 2.1, Lot 1 on the Official Tax Map of the Borough of Lincoln Park) and 18 Fidelian Way (Block 2, Lot 2.6 on the Official Tax Map of the Borough of Lincoln Park), both located in Lincoln Park, to the sanitary sewer system of Montville, subject to the following terms that shall be set forth in a written Agreement between the property owners and Lincoln Park, which shall provide as follows:

- (i) The owners ("Owners") of the property in question shall each pay and be responsible for all service and connection fees imposed by Montville;
- (ii) The Owners shall pay and be responsible for all appropriate administrative and maintenance charges imposed by Montville;
- (iii) The Owners shall obtain at their sole cost and expense all required construction permits from Lincoln Park;
- (iv) The Owners shall obtain at their sole cost and expense all approvals, authorizations and permits required to effectuate the connection of the Lincoln Park properties to the Montville sanitary sewer system;
- (v) The Owners shall be subject to all the terms, conditions and requirements of the Ordinances of Montville and the rules and regulations thereof as they relate to sanitary sewage collection and disposal and shall indemnify, defend and hold harmless Lincoln Park in connection with any and all claims that may be brought against Lincoln Park as a result of the Borough's allowing and effectuating the connection of the properties to the sanitary sewerage system of Montville and the subsequent operation thereof;
- (vi) The Owners shall be responsible for legal, engineering and clerical costs incurred by Lincoln Park that is associated with their connection to the Montville sanitary sewer system; and
- (vii) In the event that sanitary sewer service is made available to the Owners in the future by Lincoln Park and/or the Pequannock, Lincoln Park & Fairfield Sewerage Authority (Two Bridges Sewerage Authority) ("TBSA"), the Owners shall disconnect from the sanitary sewer system of Montville and reconnect to the sanitary sewer system of Lincoln Park at the Owner's sole cost and expense, within the time period as provided under the applicable Code and rules and regulations of Lincoln Park and the TBSA, **PROVIDED, HOWEVER**, that such connection to the Lincoln Park sanitary sewer system shall take place not later than six months after the Lincoln Park sanitary sewer system becomes available to said Owners. In addition, the Owners shall pay all the applicable fees and expenses associated with such disconnection and reconnection to Lincoln Park, Montville and any other governmental entities having jurisdiction there over.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute the appropriate Agreement to memorialize the above conditions as prepared by the Borough Attorney and said officers, together with all the elected officials and other officers of the Borough, its employees and independent contractors are hereby authorized to undertake any and all action necessary to effectuate the purposes of this Resolution.

3. This Resolution shall take effect immediately.

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Pepe: Any discussion? Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

Pepe: Resolution R10-188 Pay Bills

Kerwin: So MOVED

Long: SECOND

RESOLUTION R10-188

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>
31964 through 21971		
33064 through 33181	Current	569,747.63
859 through 870	Accutrack	32,039.78
1259	Dog License	23.40
2507 through 2511	Fed/State Grant	5,076.93
3042 through 3051	General Capital	17,997.82
2304 through 2308	General Trust	20,482.28
1849 through 1851		
798882 through 798885	Recycling	4,204.87
2808	Water Capital	22,008.00
1102 through 1104	Stormwater Management	2,065.38
6680 through 6682		
6651 through 6677	Water Utility	93,359.82

Pepe: Any discussion? Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

Pepe: R10-189 Confirm Bills

Kerwin: So MOVED

Wild: SECOND

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RESOLUTION R10-189

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				
	31964	North Jersey Municipal Emp. Benefits Fund	July Benefits	\$151,305.00
	31965	Postmaster Wayne	annual fee	\$185.00
	31966	American Wear Ind	March	\$786.75
	31967	BOLP Petty Cash DPW	Reim. Petty cash	\$195.96
	31968	Treasurer State of NJ	notary costs	\$125.00
	31969	PJ Signs	signs	\$31.30
	31970	LP Public Library	July	\$43,760.66

31971	USPS Reserve Account	Postage	\$3,000.00
	Regular Meeting Checks	# 33064 - 33181	\$370,357.96

GENERAL TRUST

2304 (conf)	Virgo Management	premium	\$7,873.20
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WATER UTILITY OPERATING

6680	Postmaster Wayne	CCR postage	\$615.77
6681	NJ - PWT	water tax	\$653.46
6682	Treasurer State of NJ	notary training	\$25.00
	Regular Meeting Checks	Check # 6651 - 6677	<u>\$92,065.59</u>

Pepe: Any discussion? Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

RESOLUTION R10-190

PULLED

* * *

Pepe: R10-191 Authorize Submission of NJ DOT Grant Application.

Wild: So MOVED

Long: SECOND

RESOLUTION R10-191

WHEREAS, the Governing Body of the Borough of Lincoln Park recognizes the need for safe roadways for vehicular traffic; and

WHEREAS, the Governing Body of the Borough of Lincoln Park wishes to facilitate the implementation of projects that improve the safety and resurfacing and rehabilitation of said roadways;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as MA-2011-Lincoln Park Borough-00173 of Lincoln Park Borough to the New Jersey Department of Transportation on behalf of the Borough of Lincoln Park;

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Lincoln Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Pepe: Any discussion? Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

* * *

Pepe: Resolution R10-192 Authorization to Amend R10-123 Salary Resolution to coincide with the adoption of Ordinance 17-10.

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R10-192

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

WHEREAS, Ordinance No. 1,456 (12-10) provided that the exact compensation for those Officials and employees would be set by the Borough via Resolution; and

WHEREAS, on May 17, 2010 the Borough Adopted Resolution R10-123 providing for the exact compensation for certain Officials and employees;

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 2010 annual compensation for the following Department Head within the Borough of Lincoln Park is hereby Amended to read as follows:

Position

<u>Title</u>	<u>Base Salary</u>	+	<u>Longevity</u>	=	<u>Total</u>
Director/Chief					
Dept. of Police	\$149,250.00		\$ 0.00		\$149,250.00

2. The salary provided above shall be effective as of June 1, 2010.
3. 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.
4. This Resolution shall take effect immediately

* * *

Pepe: Any discussion? Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

Pepe: Resolution R10-193 Authorize Immediate Passage of the “Toolkit” Reforms and Mandates Relief.

Wild: So MOVED

Long: SECOND

RESOLUTION R10-193

RESOLUTION CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO ENACT PROPERTY TAX REFORM WITH PASSAGE OF THE “MUNICIAPL TOOLKIT” AND MANDATES RELIEF

WHEREAS, difficult times demand difficult choices, and facing an unprecedented revenue gap this year, Governor Christie introduced, and the Legislature passed, a budget

that cut municipal property tax relief funding by about \$450 million, from last year's already reduced totals; and

WHEREAS, realizing that a 20% cut in revenue replacement funding, instead of the statutorily required increase, would present a serious challenge to local budget makers, Governor Christie intended to provide local officials with meaningful tools to limit the, otherwise devastating, impact of the cuts; and

WHEREAS, the Governor's "Tool Kit to Meet Today's Fiscal Challenges" was supposed to accomplish six objectives: collective bargaining reform; pension and benefits reform; civil service reform; management reform; a constitutional cap on increases in spending for direct State government services; and a constitutional cap on property tax increases; and

WHEREAS, Governor Christopher Christie and the State Legislature have agreed on and enacted a 2% statutory cap for annual property tax levy increases; and

WHEREAS, the Governor was correct when he said, 'New caps without the toolkit are unworkable. and

WHEREAS, with the cuts assured in the State's new budget and with bi-partisan agreement reached on new property tax caps, New Jersey Mayors - from municipalities, large and small, and from all around our Garden State – still wait for Trenton policy makers to enact meaningful local government cost containment reforms; now therefore be it

RESOLVED, by the Governing Body of the Borough of Lincoln Park calls for immediate passage of the "Toolkit" reforms and mandates relief, including, but not limited to interest arbitration reform, civil service reforms, public employee pension and benefits,

disciplinary procedures, school and special district elections, reforms to the Fair Housing Act and the Council on Affordable Housing and mandates relief; and

BE IT FURTHER RESOLVED, that statutory arbitration reforms must limit the full economic impact of awards to conform to the 2% cap; and

BE IT FURTHER RESOLVED, that statutory Health benefit reforms must conform future health benefit costs to the 2% cap; and

BE IT FURTHER RESOLVED, that municipal revenues, such as the Energy Tax, which are now collected by, and diverted to, the State, but which are legally intended for municipal property tax relief, must be constitutionally dedicated for their original purpose; or in the alternative, those taxes should be reformed to allow collection directly by municipalities; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance immediate mandates relief initiatives to assist municipalities in managing within the 2% cap; and

BE IT FURTHER RESOLVED, that the Administration and Legislature must advance reforms to the Fair Housing Act and the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED, that a cap exception for the costs associated with tax appeals should be included, and costs mandated by the Administrative Office of the Courts (AOC) should be excepted from the 2% cap or the costs of new AOC mandates should be capped at 2%; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

Pepe: Any discussion? Please call the roll.

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

No: None

Absent: Gemian, Petracca and Thompson

Abstain: None

The Resolution was Adopted.

RESOLUTION R10-194

PULLED

RESOLUTION R10-195

PULLED

VIII. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

Kerwin: 1. Discussed: TBSA will give a presentation on 8/2/10.

Pepe: 1. Thanked the Fire Department and First aid Squad for the Carnival.

Long: No report

Wild: No report

IX. MAYOR'S AGENDA:

1. On behalf of the Fire Department and the Squad Mayor Runfeldt expressed thanks to the Council for all of their help with the Carnival. A reminder that next year will be, in conjunction with the Carnival, the 80th. Anniversary of Hose Company 1.
2. Shared Services with CFO/Montville has been withdrawn due to well founded concerns.
3. Congratulations to Ed Buzak who is a new Grandfather.

X. PUBLIC HEARING:

Kerwin: MOTION TO GO TO PUBLIC

Wild: SECOND

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

Pepe: If anyone from the Public would like to come forward please 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.

XI. ADJOURNMENT

Long: MOTION TO ADJOURN

Wild: SECOND

There being for further business to come before the Council the Regular Meeting of July 19, 2010 was adjourned at 8:13 PM.

Louis J. Pepe, Council President

Annette Maida-Smith, RMC, Borough Clerk