

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 August 16, 2010. The Clerk Called the Meeting to Order at 7:30 PM and made the Statement of Compliance with the Open Public Meetings Act. The Clerk advised those present where the exits to the room were and to turn off all cell phones and beepers. After the Pledge of Allegiance the Clerk called the Roll showing the following:

II. ROLL CALL

PRESENT: Council Members: Gary Gemian
Raymond T. Kerwin
Janet P. Long
Ann Thompson
James A. Wild
Louis J. Pepe

ABSENT: Council Member Matthew Petracca

Also PRESENT, CFO/Treasurer, Kerry Geisler, and Tiena Cofoni, Borough Attorney.

ABSENT FROM ADMINISTRATION: Mayor David A. Runfeldt, Borough Administrator Sean Canning, and Attorney Edward Buzak.

III. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval July 19, 2010.

Kerwin: So MOVED

Wild: SECOND

Pepe: Any questions, comments or corrections? Council Woman Long had one correction.

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

No: None

Absent: Petracca

Abstain: Thompson

The Minutes of July 19, 2010 were Approved as Corrected.

Pepe: Minutes for Approval August 2, 2010.

Thompson: So MOVED

Long: SECOND

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

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

No: None

Absent: Petracca

Abstain: None

The Minutes of August 2, 2010 were Approved.

Kerwin: Minutes for Approval August 3, 2010.

Long: So MOVED

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

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

No: None

Absent: Petracca

Abstain: None

The Minutes of August 3, 2010 were Approved.

IV. ORDINANCES FOR INTRODUCTION:

Pepe: Ordinances for Introduction; 18-10 Amend Chapter 3

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 3-6 AGENDA CONFERENCES; SECTION 3-14 ORDER OF BUSINESS AND SECTION 3-20 SALARIES AND COMPENSATION

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

Kerwin: So MOVED

Thompson: SECOND

Pepe: Any discussion? If not, please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Please read it again.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE AMENDING THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK CHAPTER 3, ADMINISTRATION OF GOVERNMENT, ARTICLE II, SECTION 3-6 AGENDA CONFERENCES; SECTION 3-14 ORDER OF BUSINESS AND SECTION 3-20 SALARIES AND COMPENSATION

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 20th day of September, 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 authorize and directed to advertise said Ordinance with a Notice of Introduction thereof in the Daily Record according to law.

Kerwin: So MOVED

Long: SECOND

Pepe: Please call the Roll

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

ORDINANCES FOR ADOPTION:

Pepe: Ordinances for Adoption 16-10 Amend Chapter 11, Fees.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, FEES OF THE
ORDINANCES OF THE BOROUGH OF LINCOLN PARK**

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

Kerwin: So MOVED

Wild: SECOND

Pepe: Any Discussion? Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

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, Lincoln Park, NJ

Thompson: MOTION TO CLOSE THE PUBLIC HEARING

Wild: 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 AND SUPPLEMENTING CHAPTER 11, FEES 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.

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

No: None

Absent: Petracca

Abstain: None

The Ordinance was Adopted.

V. RESOLUTIONS:

CONSENT AGENDA:

Pepe: Consent Agenda R10-197 through R10-216

RESOLUTION R10-197

WHEREAS, land use is an essential component of overall sustainability for a municipality; and

WHEREAS, poor land-use decisions can lead to and increase societal ills such as decreased mobility, high housing costs, increased greenhouse gas emissions, loss of open space and the degradation of natural resources; and

WHEREAS, well planned land use can create transportation choices, provide for a range of housing options, create walk able communities, preserve open space, provide for adequate recreation, and allow for the continued protection and use of vital natural resources; and

WHEREAS, given New Jersey’s strong tradition of home rule and local authority over planning and zoning, achieving a statewide sustainable land use pattern will require municipalities to take the lead;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Lincoln Park, resolve to take the following steps with regard to our municipal land-use decisions with the intent of making the Borough of Lincoln Park a truly sustainable community. It is our intent to include these principles in the next Master Plan Revision and re-examination report and to update our land-use zoning, natural resource protection, and other Ordinances accordingly;

Regional Cooperation – We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking, biking, transit and automobiles through, when planning transportation projects and reviewing development applications. We will re-evaluate our parking with the goal of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Transportation Choices – We pledge to create transportation choices with a Complete Streets approach by considering all modes of transportation, including walking,

biking, transit and automobiles through, when planning transportation projects and reviewing development applications. We will re-evaluate our parking with the intension of limiting the amount of required parking spaces, promoting shared parking and other innovative parking alternatives, and encouraging structured parking alternatives where appropriate.

Natural Resource Protection – We pledge to take action to protect the natural resources of the State for environmental, recreational and agricultural value, avoiding or mitigating negative impacts to these resources. Further, we pledge to complete a Natural Resources Inventory when feasible to identify and assess the extent of our natural resources and to link natural resources and open space planning.

Mix of Land Use – we pledge to use our zoning power to consider for a mix of residential, retail, commercial, recreational and other land use types in areas that make the most sense of our municipality and the region, particularly in downtown and town center areas.

Housing Options – we pledge, through the use of our zoning and revenue generating powers, to consider a diverse mix of housing types and locations, including single – and multi-family, for-sale and rental options, to meet the needs of all people at a range of income levels.

Green Design – we pledge to incorporate the principles of green design and renewable energy generation into municipal buildings to the extent feasible and when updating our site plan and subdivision requirements for residential and commercial buildings.

Municipal Facilities Siting – we pledge, to the extent feasible, to take into consideration factors such as walk ability, bike ability, greater access to public transit, proximity to other land-use types, and open space when locating new or relocated municipal facilities.

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RESOLUTION R10-198

**ESTABLISHING A GREEN TEAM
ADVISORY COMMITTEE**

WHEREAS, the Governing Body of the Borough of Lincoln Park strives to save tax dollars, assure clean air and water, improve working and living environments to build a community that is sustainable economically, environmentally and socially; a community which would thrive well into the new century; and

WHEREAS, the Governing Body of the Borough of Lincoln Park wishes to build a model of government which benefits our residents now and far into the future with green community initiatives which are easy to replicate and affordable to implement; and

WHEREAS, in an attempt to focus attention on “Green” issues, the Governing Body wishes to establish a Green Team Advisory Committee (GTA); and

WHEREAS, the Governing Body of the Borough of Lincoln Park wants to begin the process of focusing on “Green” issues by starting with audits of municipality facilities and operations first; and

WHEREAS, solar power, changes to fleet purchasing and maintenance, water quality improvements, and operational changes will all be considered as the Borough’s move to do their share to lessen the environmental impact of its operations;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that we do hereby establish a Green Team Advisory Committee consisting of three members who shall be residents or employees of the Borough of Lincoln Park, appointed annually but whose initial term of appointment shall be through December 31, 2010;

BE IT FURTHER RESOLVED, by the Governing Body of the Borough of Lincoln Park that the Mission, Goals and Objectives for the GTA through December 31, 2010 are established as follows:

Mission:

The Borough of Lincoln Park’s Green Team Advisory Committee will advise the Governing Body on ways to improve municipal operations with “Green” initiatives which are economically and environmentally sound through research and evaluation.

Goals:

Submit a report and recommendations to the Borough Council by October 1, 2010 to include:

- 1. An audit of municipal facilities
- 2. An evaluation of municipal fleet vehicles
- 3. A report of suggested best practices for “greener” municipal operations

Objectives:

- 1. Collaborate with Borough employees, service providers and other governmental agencies to share resource information and ideas consistent with the Mission of the GTA.
- 2. Encourage participation of all employees to solicit ideas on green initiatives.
- 3. Research and analyze green initiatives which make practical environmental and financial sense.
- 4. Develop strategies for sustainable green initiatives in municipal operations.

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Lincoln Park that the following persons are hereby appointed to the GTA for the remainder of 2010:

Amy Seise
Michael Portas
Heather Hrycyshyn

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RESOLUTION R10-199

WHEREAS, notice to bidders for **ROADSIDE MOWER** was advertised according to the Local Public Contracts Law, in the Daily Record; and

WHEREAS, the Business Administrator received competitive bids for the **ROADSIDE MOWER** on July 7, 2010; and

WHEREAS, the lowest responsible bidder for the **ROADSIDE MOWER** was **POWER PLACE, INC., 319 RT. 46, ROCKAWAY, NEW JERSEY 07866** in the amount of \$45,750.00; and

WHEREAS, three (3) competitive bid(s) were received by the Administrator who deemed the responsible low bid competitively acceptable;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the lowest responsible bid for the **ROADSIDE MOWER** submitted by **POWER PLACE, INC., 319 RT. 46, ROCKAWAY, NEW JERSEY 07866** in the amount of \$45,750.00 be accepted;

BE IT FURTHER RESOLVED, that the Borough Attorney be authorized to prepare a contract for the **ROADSIDE MOWER** and the Mayor and Borough Clerk be authorized to execute said contract.

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RESOLUTION R10-200

WHEREAS, the Morris County Municipal Clerks represent the interests of the residents and officials in the County of Morris; and

WHEREAS, the Morris County Municipal Clerks have identified compliance with the Open Public Records Act, N.J.S.A. 47:A-1 et seq. ("OPRA") as a problem for municipalities as a result of loss efficiency and out-of-pocket costs to municipalities; and

WHEREAS, the Morris County Clerks recognizes the importance and virtue of access to public records for all citizens as an important issue because it encourages open government and increases confidence in the operation of government; and

WHEREAS, the Morris County Clerks have become increasingly aware of the cost of complying with OPRA and of individuals and attorneys who are using OPRA for their personal financial gain; and

WHEREAS, Municipal Officials and Municipal Clerks believe that the Open Public Records Act needs to be reformed to create standardization in providing records to the public and to prevent individuals and attorneys from profiting from the provisions of OPRA where they have no legitimate interest in the records they are requesting; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the Governor and State Legislature are urged to review the provisions of OPRA and consult with the Municipal Clerks to reform OPRA to include:

1. There should be no potential for Records Custodians to be personally responsible for fines. The public entity would be responsible for any violations.
2. A standardized statewide rate schedule for the most common requests to create uniformity from one municipality to the next.
3. The removal of references to the actual costs of certain records as the calculations can be different and the calculations completely discount the time spent by the Municipal Clerk.
4. Clear authorization to allow the Clerks to bill for time spent organizing data, researching documents, or translating documents to a different medium. An example is scanning documents to provide electronically.
5. The creation of a standard legitimate interests to be applied to requests, such as, for example, tax payer or residency in the municipality or for the press. This would also include a mechanism to regulate commercial entities using OPRA requests to create mailing lists for advertising.
6. The municipality should be entitled to receive a seven (7) day extension for any large or complicated requests. Currently, the requestor must agree. This particularly affects small municipalities with a small or part only time staff.
7. All requested records should be required to be picked-up within a week so that the Clerk does not have to keep them indefinitely.
8. Directions to the Government Records Council or Office of Administrative Law as to when attorney's fees should be awarded to requestors under OPRA to limit the award of Attorney's fees to situations where there was a willful violation of OPRA that resulted in the requestor failing to receive a legitimately requested document.
9. Regulations should be created to prevent a requestor from repeatedly using OPRA to request the same documents as the purpose in these multiple requests is to harass municipal officials.
10. Documents which are already available to the public on a municipalities' website should be excluded from OPRA.

11. The Government Record Council should have mandatory mediation for all complaints. Currently, mediation takes place only where both parties agree.

BE IT FURTHER RESOLVED that Certified copies of this Resolution shall be provided to the Governor of the State if New Jersey, the New Jersey State Legislature, Senate President and Speaker of the Assembly, the New Jersey Department of Community Affairs, Senator Joe Pennacchio, Assemblyman Alex DeCroce, Assemblyman Jay Webber, New Jersey League of Municipalities, Morris County League of Municipalities, Morris County Board of Chosen Freeholders, all Morris County Municipalities.

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RESOLUTION R10-201

WHEREAS, a Petition of Appeals were heard at the Morris County Board of Taxation;

WHEREAS, the attached list are properties who have had successful judgments;

WHEREAS, these Morris County Board of Taxation 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 the appropriate change indicated on the attached list;

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:

Block/Lot	Address	Amount	Result
2.1/9	10 Eugene Circle	\$974.00	Adj 4th 2010
2.1/15	3 Fidelian Way	\$1,097.07	Adj 4th 2010
2.2/8	17 Eugene Circle	\$1,215.91	Adj 4th 2010
3/3.4	34 Square Place	\$2,474.25	Adj 4th 2010
3/9.6	1 Sherbrooke Drive	\$2,315.10	Adj 4th 2010
3/9.8	5 Sherbrooke Drive	\$4,375.56	Adj 4th 2010
3/9.25	21 Sherbrooke Drive	\$1,574.52	Adj 4th 2010
3/9.27	17 Sherbrooke Drive	\$4,855.14	Adj 4th 2010
3/309	141 Main Street	\$432.89	Adj 4th 2010
4.4/44	5 Dari Court	\$787.26	Adj 4th 2010
4.8/15	3 Rose Street	\$407.42	Adj 4th 2010
4.10/7	13 Washington Avenue	\$36.07	Adj 4th 2010
5.5/40	136 Comly Road	\$3,255.15	Adj 4th 2010
5.5/41	146 Comly Road	\$333.15	Adj 4th 2010
7/28.5	10 Tulane Place	\$814.85	Adj 4th 2010
7.3/33	75 Comly Road	\$551.72	Adj 4th 2010
7.4/1.26	3 Verkade Lane	\$1,067.37	Adj 4th 2010
9/23.11	180 Ryerson Road	\$1,167.10	Adj 4th 2010
9/253	48 Park Avenue	\$1,421.74	Adj 4th 2010
11/1.1	209 Ryerson Road	\$1,103.44	Adj 4th 2010
14/2	18 Pequannock Avenue	\$420.16	Adj 4th 2010
33/17	16 Longview Avenue	\$948.53	Adj 4th 2010
34/60	67 Main Street	\$216.44	Adj 4th 2010
35/84	27 Grandview Avenue	\$887.00	Adj 4th 2010
35/130.7	8 Rosenbrook Drive	\$1,411.13	Adj 4th 2010
45/15	54 Morris Avenue	\$999.46	Adj 4th 2010
46.4/69.8	342 Pine Brook Road	\$859.41	Adj 4th 2010
46.4/263.2	218 Pine Brook Road	\$1,305.03	Adj 4th 2010
46.7/97	97 Stonyridge Drive	\$309.81	Adj 4th 2010
46.7/122	122 Stonyridge Drive	\$390.45	Adj 4th 2010
46.8/61	111 Harvest Lane	\$526.26	Adj 4th 2010
46.8/76	54 Homestead Lane	\$532.62	Adj 4th 2010
46.8/79	51 Homestead Lane	\$532.62	Adj 4th 2010
50/39	42 Hunter Road	\$502.91	Adj 4th 2010
58/1	28 Lisa Rd	\$224.93	Adj 4th 2010
58/3	555 Ryerson Road	\$1,228.64	Adj 4th 2010
58/7.1	535 Ryerson Road	\$269.49	Adj 4th 2010

59/7	27 Lisa Rd	\$763.92	Adj 4th 2010
73/9	41 Pocahontas Path	\$424.40	Adj 4th 2010
75/1	101 Seminole Avenue	\$1,056.76	Adj 4th 2010
87/14	402 Boonton Tpke.	\$636.60	Adj 4th 2010
114/4.1	3 Alder Street	\$1,118.29	Adj 4th 2010
120/30	49 Oak Street	\$1,198.93	Adj 4th 2010
120/39	196 Riveredge Road	\$649.33	Adj 4th 2010
120/43.2	10 Aspen Lane	\$723.60	Adj 4th 2010
120.4/20	21 Sycamore Avenue	\$693.89	Adj 4th 2010
123/10	11 Poplar Street	\$1,173.47	Adj 4th 2010
124/17	11 Riveredge Road	\$766.04	Adj 4th 2010
136.1/4.5 C4005	14 Gettysburg Way	\$840.31	Adj 4th 2010
136.1/7.1 C7001	42 Toms Point Lane	\$405.30	Adj 4th 2010
136.1/9.2 C9002	42 Gettysburg Way	\$564.45	Adj 4th 2010
136.1/11.1 C1101	68 Gettysburg Way	\$946.41	Adj 4th 2010
136.1/13.2 C1302	82 Gettysburg Way	\$604.77	Adj 4th 2010
136.1/15.3 C1503	106 Gettysburg Way	\$1,022.80	Adj 4th 2010
136.1/15.5 C1505	104 Gettysburg Way	\$857.29	Adj 4th 2010
136.1/16.7 C1607	131 Gettysburg Way	\$403.18	Adj 4th 2010
136.1/20.3 C2003	176 Gettysburg Way	\$1,016.44	Adj 4th 2010
136.1/29.4 C2904	254 Gettysburg Way	\$496.55	Adj 4th 2010
136.1/35.5 C3505	334 Gettysburg Way	\$659.94	Adj 4th 2010
136.1/36.7 C3607	341 Gettysburg Way	\$405.30	Adj 4th 2010
136.1/37.7 C3707	318 Gettysburg Way	\$405.30	Adj 4th 2010
136.1/39.7 C3907	357 Gettysburg Way	\$536.87	Adj 4th 2010
136.2/5.16 C5016	112 Robertson Way	\$364.98	Adj 4th 2010
136.2/6.4 C6004	124 Robertson Way	\$364.98	Adj 4th 2010
136.2/6.5 C6005	125 Robertson Way	\$424.40	Adj 4th 2010
140/4	14 Ryerson Road	\$927.31	Adj 4th 2010
143/26	13 Arthur Road	\$190.98	Adj 4th 2010
144/14	19 Stephen Avenue	\$207.96	Adj 4th 2010
148/8	31 Anthony Blvd	\$212.20	Adj 4th 2010
150/5	7 Lee Court	\$664.19	Adj 4th 2010

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RESOLUTION R10-202

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the recommendation of Administration that **CHANGE ORDER NUMBER 1** in connection with **PAVING OF PINEBROOK ROAD/CHAPEL HILL ROAD** in the sum of **\$9,000.00** Dollars to **TILCON CONSTRUCTION, INC.**, be in the same is hereby approved;

BE IT FURTHER RESOLVED that funds are available for this **CHANGE ORDER NUMBER 1** by appropriation from General Capital fund Ordinance #1266 (C-04-55907-201) from the accounts known as Ordinance #1266 Streets and Sidewalks as it appears from the Certification of the Chief Financial Officer on file in the Office of the Borough Clerk.

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RESOLUTION R10-203

WHEREAS, DAVID BAKER, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with a Grading Permit Application #G98-2 for premises located at 94 Minnehaha Path, Block 84 Lot 19; and

WHEREAS, DAVID BAKER 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 #1434 and may be refunded to **DAVID BAKER**;

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 **DAVID BAKER**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1434 in connection with Grading Permit Application #G98-2 for premises located at 94 Minnehaha Path, 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, and Borough Engineer have been properly and fully satisfied.

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RESOLUTION R10-204

WHEREAS, JOHN M. ROSELLI, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Zoning Permit #2009-52Z-Shed for premises located at 7 McKinley St., Block 35 Lot 111; and

WHEREAS, JOHN M. ROSELLI 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 #2118 and may be refunded to **JOHN M. ROSELLI**; 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 **JOHN M. ROSELLI**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2118 in connection with Zoning Permit #2009-52Z-Shed for premises located at 7 McKinley 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, and Borough Engineer have been properly and fully satisfied.

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RESOLUTION R10-205

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF DIAMOND & MAC CONTRACTORS, INC., had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE08-11 for premises located at 3-C Borinski Rd., Block 22 Lot 339.2; and

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF DIAMOND & MAC CONTRACTORS, INC. 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 #2042 and may be refunded to **FRA LINCOLN PARK, LLC ON BEHALF OF DIAMOND & MAC CONTRACTORS, INC.**; 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 **FRA LINCOLN PARK, LLC ON BEHALF OF DIAMOND & MAC CONTRACTORS, INC.**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2042 in connection with Site Plan Exemption #SPE08-11 for premises located at 3-C Borinski Rd., 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, and Borough Engineer have been properly and fully satisfied.

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RESOLUTION R10-206

WHEREAS, LINCOLN PARK PROPERTIES, LLC, ON BEHALF OF ACCUTRACT USA, INC. had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE05-14 for premises located at 6E Frassetto Way, block 22 Lot 339.9; and

WHEREAS, LINCOLN PARK PROPERTIES, LLC ON BEHALF OF ACCUTRACT USA, INC. 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 #1900 and may be refunded to **LINCOLN PARK PROPERTIES, LLC ON BEHALF OF ACCUTRACT USA, INC.**; 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 **LINCOLN PARK PROPERTIES, LLC, ON BEHALF OF ACCUTRACT USA, INC.** in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1900 in connection with Site Plan Exemption #SPE05-14 for premises located at 6 E Frassetto Way, 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, and Borough Engineer have been properly and fully satisfied.

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RESOLUTION R10-207

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF SMARTPARTS PRODUCTS, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE08-17 for premises located at 3-E Borinski Rd., Block 22 Lot 339.2; and

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF SMARTPARTS PRODUCTS, 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 #2057 and may be refunded to **FRA LINCOLN PARK, LLC ON BEHALF OF SMARTPARTS PRODUCTS;** 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 **FRA LINCOLN PARK, LLC ON BEHALF OF SMARTPARTS PRODUCTS**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2057 in connection with Site Plan Exemption #SPE08-17 for premises located at 3-E Borinski Rd., 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, and Borough Engineer have been properly and fully satisfied.

* * *

RESOLUTION R10-208

WHEREAS, GIOVANI MIGLIACCIO, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Board of Adjustment Variance #2006-8 for premises located at 438 Ryerson Rd., Block 22 Lot 223; and

WHEREAS, GIOVANI MIGLIACCIO 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 #1929 and may be refunded to **GIOVANI MIGLIACCIO**; 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 **GIOVANI MIGLIACCIO**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1929 in connection with Board of Adjustment Variance #2006-8 for premises located at 438 Ryerson Rd., 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, and Borough Engineer have been properly and fully satisfied.

* * *

RESOLUTION R10-209

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF PEAK SHEET METAL, LLC, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE10-06 for premises located at 3-F Borinski Rd., Block 22 Lot 339.2; and

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF PEAK SHEET METAL, 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 #2143 and may be refunded to **FRA LINCOLN PARK, LLC ON BEHALF OF PEAK SHEET METAL, 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 **FRA LINCOLN PARK, LLC ON BEHALF OF PEAK SHEET METAL, LLC**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2143 in connection with Site Plan Exemption #SPE10-06 for

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premises located at 3-F Borinski Rd., 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, and Borough Engineer have been properly and fully satisfied.

* * *

RESOLUTION R10-210

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF STEPHEN GOULD CORPORATION, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE10-04 for premises located at 2 Frassetto Way, Block 22 Lot 339.6; and

WHEREAS, FRA LINCOLN PARK, LLC ON BEHALF OF STEPHEN GOULD CORPORATION 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 #2137 and may be refunded to **FRA LINCOLN PARK, LLC ON BEHALF OF STEPHEN GOULD CORPORATION**; 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 **FRA LINCOLN PARK, LLC ON BEHALF OF STEPHEN GOULD CORPORATION**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2137 in connection with Site Plan Exemption #SPE10-04 for premises located at 2 Frassetto Way, 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, and Borough Engineer have been properly and fully satisfied.

* * *

RESOLUTION R10-211

WHEREAS, there were negotiations between 510 Ryerson Rd., Inc. 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; and

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 that the Tax Collector is authorized to refund the amount of \$13,225.32 for 2009 to Philip D. Neuer, P.C. c/o 510 Ryerson Rd., 1875 McCarter Highway, Newark, New Jersey, 07104.

* * *

RESOLUTION R10-212

WHEREAS, there were negotiations between Robert Casale and the Borough of Lincoln Park before trial and settlement has been proposed and is being recommended by the Borough Attorney and Borough Tax Assessor; and

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>BI/Lt</u>	<u>Year</u>	<u>Amount</u>	<u>Effect</u>
3/9.14	2009	\$1,224.00	Refund
3/9.14	2010	\$1,273.20	Adj. 4 th 2010 (Freeze Act)

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$1,224.00 for 2009 to Davenport & Spiotti at 219 Changebridge Road, Montville, New Jersey 07045.

* * *

RESOLUTION R10-213

WHEREAS, there were negotiations between William Heydorn and the Borough of Lincoln Park before trial and settlement has been proposed and is being recommended by the Borough Attorney and Borough Tax Assessor; and

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>BI/Lt</u>	<u>Year</u>	<u>Amount</u>	<u>Effect</u>
2.2/5	2009	\$1,460.64	Refund
2.2/5	2010	\$1,519.35	Adj. 4 th 2010 (Freeze Act)

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$1,460.64 for 2009 to Davenport & Spiotti at 219 Changebridge Road, Montville, New Jersey 07045.

* * *

RESOLUTION R10-214

WHEREAS, at the Municipal Tax Sale held July 22, 2009, a lien was sold on block 7, Lot 1.3 also known as 29 Patania court in Lincoln Park, for 2008 water/sewer; and

WHEREAS, this lien known as Tax Sale Certificate #09-00003, was sold to Clemente Enterprises, LLC at \$1,100.00 premium; and

WHEREAS, Columbia Bank, mortgage company for owner Thomas & Marie Forbes, has effected redemption of certificate #09-00003, in the amount of \$3,848.89;

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$3,848.89 for the redemption of Tax Sale Certificate #09-00003 and \$1,100.00 premium payable to Clemente Enterprises, LLC at P.O. Box 514, Lincoln Park, New Jersey 07035.

* * *

RESOLUTION R10-215

**RESOLUTION ADOPTING AND IMPLEMENTING
A DEFERRED COMPENSATION PLAN**

WHEREAS, in order to attract and retain qualified employees there exists a need to Adopt and implement a **DEFERRED COMPENSATION PLAN** for the employees of the Borough of Lincoln Park (hereinafter referred to as "Employer"), which will provide employees the opportunity to enhance their financial security at retirement through savings of compensation on a deferred basis as provided by Section 457 of the Internal Revenue Code of 1986, as amended ("Code"); and

WHEREAS, in 2010 the Employer Adopted a **DEFERRED COMPENSATION PLAN** provided by AXA-Equitable and assigned the plan identifier (66-SA-Equitable-053107) Borough of Lincoln Park by the Division of Local Government Services; and

WHEREAS, the offering of additional investments from another contractor will provide additional retirement investment options to participating employees; and

WHEREAS, there is no direct financial cost to the employer to Adopt and implement an additional employee deferred compensation plan; and

WHEREAS, the Employer solicited written proposals from two or more contractors for a Deferred Compensation Plan that meet the requirements of the Municipal, County and Authority Deferred Compensation Programs Rule N.J.A.C. 5:37; including AXA Equitable and AIG Valic; and

WHEREAS, the following contractors submitted written proposals: AXA Equitable Life Insurance Company (hereinafter referred to as "AXA Equitable") and AIG Valic; and

WHEREAS, the Borough of Lincoln Park reviewed the proposals and met with representatives of the responding contractors of deferred compensation services; and

WHEREAS, it was deemed that AXA Equitable has the ability to: 1) maintain complete records of accounts; 2) manage accounts with absolute fidelity; 3) provide advice concerning various categories of investments; and 4) provide continuing consultation to participants;

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Lincoln Park that the Mayor and Borough Clerk are hereby authorized to execute the Service Agreement (bearing the identifier: 66-SA-Equitable-053107 assigned by the New Jersey Division of Local Government) with AXA Equitable for the provision of administrative and investment services;

BE IT FURTHER RESOLVED that the **ELLEN ROSS, CONFIDENTIAL SECRETARY** is hereby designated as the Local Plan Administrator for the administration of the **DEFERRED COMPENSATION PLAN**;

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of AXA Equitable in the selection of AXA Equitable as contractor for the Administration of the Service Agreement pursuant to N.J.A.C. Section 5:37-5.7;

BE IT FURTHER RESOLVED that the Borough of Lincoln Park is Adopting a Deferred compensation plan substantially similar to one on which a favorable Private Letter Ruling has been previously obtained from the Federal Internal Revenue Service except for provision added by reason of The Small Business Job Protection Act 1996 (United States public law no. 105-34) and the Economic Growth and Tax Relief Reconciliation Act 2001 (United States Public Law no. 107-16), and all such provisions are stated in the plan in terms substantially similar to the text of those provisions in the Internal Revenue Code Section 457. The use of the Ruling is for guidance only and acknowledges that for Internal Revenue Service, purposes, the Ruling of another employer is not to be considered precedent;

BE IT FURTHER RESOLVED that a Certified Copy of this Resolution and all necessary required documents be submitted to the Director of the Division of Local Government Services within the State Department of Community Affairs for approval.

RESOLUTION R10-216

WHEREAS, the Governing Body of the Borough of Lincoln Park have considered and reviewed a voluntary employee life insurance plan from New York Life Insurance Company; and

WHEREAS, interested employees could divert part of their current earnings into a life insurance plan through a payroll deduction;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that it hereby approves the New York Life Insurance Company employee life insurance plan and the voluntary participation of all eligible Borough employees; and

BE IT FURTHER RESOLVED that the Finance Director is hereby designated as the Administrator of the program and is directed to make the necessary payroll deductions for all interested employees.

Pepe: Please call the Roll

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

No: None

Absent: Petracca

Abstain: None

The Resolutions were Adopted.

REGULAR AGENDA:

Pepe: Regular Agenda, in addition to R10-217, 18, and 19, we have 3 Resolutions that are on the dais. R10-220 we are going to have some discussion and a brief presentation from our Tax Assessor Mr. Lenhardt before we vote. We also have R10-221 Non Fair and Open Land Surveyor for the property concerning access to the Lanes Field. R10-222 is for the purchase of Chevy Tahoe SSV. We will move these one at a time for discussion.

* * *

Pepe: R10-217 Payment of Bills

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R10-217

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>
31974 – 31984 & 33186 – 33341	Current	573,227.28
871-881	Accutrack	13,959.53
1260	Dog Licenses	15.60
2512 – 2521	Fed/State Grant	18,484.66
2629 – 2630 & 3052 – 3061	General Capital	456,350.55
2309 – 2313	General Trust	5,629.46
1856 – 1858	Recycling	1,709.00
1079 – 1080	SUI	4,489.36
6701 – 6725	Water Utility	104,068.81

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolutions were Adopted.

Pepe: R10-218 Confirm Bills:

Gemian: So MOVED

Kerwin: So MOVED

* * *

RESOLUTION R10-218

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				
	31974	Tropicana Hotel	Kristen & Kerry Conference	\$261.00
	31975	Void for payroll	Void for payroll	\$0.00
	31976	Void for payroll	Void for payroll	\$0.00
	31977	North Jersey Municipal Emp. Benefits Fund	August Benefits	\$148,413.00
	31978	Prudential	July Cont.	\$187.50
	31979	BOLP Petty Cash DPW	petty cash rein.	\$198.91
	31980	Great Wolf Lodge	trip	\$550.72
	31981	Shred-It	fees	\$158.00
	31982	Great Wolf Lodge	deposit	\$200.00
	31983	Janet Cassidy	reim. For laptop	\$889.97
	31984	LP Library	August	\$43,760.66
		Regular Meeting Checks	# 33186 - 33341	\$378,607.52
FED/STATE GRANT				
	2513(conf)	Great Wolf Lodge	trip	\$1,122.80
GENERAL CAPITAL				
	2629(conf)	General Capital	Close Capital One Acct	\$214,102.80
	2630(conf)	General Capital	Close Capital One Acct	\$29.33
	3052(conf)	Clerk of the Superior Court of NJ	Ord # 1405	\$41,957.92
	3053(conf)	Morris Cty Treasurer	Ord # 1353	\$30,423.73
GENERAL TRUST				
	2309(conf)	Salvation Army c/o Food Pantry	Utility Relief Program	\$2,000.00
WATER UTILITY				
	6701	void for payroll		\$0.00
	6702	void for payroll		\$0.00

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6703	NJ-PWT	NJ water tax	\$108.23
6704	void for payroll		\$0.00
6705	void for payroll		\$0.00
6706	USPS Reserve Acct	postage	\$3,000.00
	Regular Meeting Checks	Check # 6707 - 6725	<u>\$100,960.58</u>

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

No: None

Absent: Petracca

Abstain: None

The Resolutions were Adopted.

Pepe: Resolution R10-219 Authorize Redemption of Tax Sale Certificate

Wild: So MOVED

Kerwin: SECOND

* * *

RESOLUTION R10-219

WHEREAS, at the Municipal Tax Sale held June 25, 2008, a lien was sold on block 110, lot 16, also known as 112 South Valley Road in Lincoln Park, for 2007 water/sewer; and

WHEREAS, this lien, known as Tax Sale Certificate #08-00018, was sold to Dennis Moeller at 0% interest; and

WHEREAS, Chase Home Finance LLC, mortgage company for owner Edward Pojedinec, has effected redemption of certificate #08-00018, in the amount of \$19,891.18.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$19,891.18 for the redemption of Tax Sale Certificate #08-00018, payable to Dennis Moeller at 118 Long Pond Road, Hewitt, NJ 07421

* * *

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

RESOLUTION R10-220

NOT ADOPTED

Pepe: R10-221 Non-Fair and Open Land Surveyor

Kerwin: So MOVED

Long: SECOND

RESOLUTION R10-221

RESOLUTION AUTHORIZING AWARD OF NON-FAIR AND OPEN CONTRACT FOR A SURVEYOR, WITHOUT COMPETITIVE BIDDING, AS A NON-FAIR AND OPEN CONTRACT

WHEREAS, there exists a need for the Professional Services of a **LICENSED LAND SURVEYOR** for the Borough of Lincoln Park, in the County of Morris, State of New Jersey, for the 2010 fiscal year, in accordance with the "Local Fiscal Affairs Law" (N.J.S.A. 40A:5-1 et

seq.) as a Non-Fair and Open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5; and

WHEREAS, Francis Vander Hoof, Purchasing Agent for the Borough of Lincoln Park has determined and Certified in writing that the value of the service will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year; and

WHEREAS, DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405 has completed and submitted a Business Entity Disclosure Certification which Certifies that **DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405** has not made any reportable contributions to a political or candidate committee in the Borough of Lincoln Park in the previous one year (2005 exempt), and that the contract will prohibit **DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405** from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Borough of Lincoln Park has Certified that sufficient funds are available for said purpose in the current budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Lincoln Park authorizes and directs that the Mayor, Borough Administrator, and/or Purchasing Agent enter into a professional services contract with **DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405** as described herein;

BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution;

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Official Newspaper as required by law.

Pepe: Please call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: R10-222 Purchase Chief Vehicle State Contract

Kerwin: So MOVED

Long: SECOND

RESOLUTION R10-222

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that Administration is hereby authorized to purchase **2011 CHEVY TAHOE SSV** for the Lincoln Park Fire Department, Fire Chief from **MALL CHEVROLET, 75 HADDONFIELD ROAD, CHERRY HILL, NJ 08002** State Contract Number NJ A73848 at a cost not to exceed \$28,852.00;

BE IT FURTHER RESOLVED that funds for this purchase are available in the 2010 Capital Bond Ordinance #1,450 which will not be effective until August 28, 2010.

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

The Resolution was Adopted.

VIII. MISCELLANEOUS/COUNCIL COMMITTEE:

Pepe: Council Committee Report.

Gemian:

- 1. Discussion concerning parking issues at Sunset Pub and Grill on Beaverbrook Road.

Kerwin:

- 1. New Ambulance Bid was below budget.
- 2. The Preliminary Budget for TBSA; added \$250,000 surplus; this will bring the increase down to 2%.

Long:

- 1. Residents have expressed the Lake is going very well this year.

Thompson:

- 1. The Lake has done an excellent job serving the public this season.

IX. MAYOR’S AGENDA:

Discussion on Land Surveyor for Ryerson Road.

Pepe: At this time I would like to make a Motion to Move Resolution R10-223 to award surveying work to DMC Associates Inc. Land Surveyor 211 Main Street in Butler NJ in the lump sum fee of \$21,375.00 for the Ryerson Road Survey Work.

Thompson: SECOND

RESOLUTION R10-223

RESOLUTION AUTHORIZING AWARD OF NON-FAIR AND OPEN CONTRACT FOR A SURVEYOR, WITHOUT COMPETITIVE BIDDING, AS A NON-FAIR AND OPEN CONTRACT

WHEREAS, there exists a need for the Professional Services of a **LICENSED LAND SURVEYOR** for the Borough of Lincoln Park, in the County of Morris, State of New Jersey, for the 2010 fiscal year, in accordance with the “Local Fiscal Affairs Law” (N.J.S.A. 40A:5-1 et seq.) as a Non-Fair and Open contract, pursuant to the provisions of N.J.S.A. 19:44A-20.4 and/or N.J.S.A. 19:44-20.5; and

WHEREAS, Francis Vander Hoof, Purchasing Agent for the Borough of Lincoln Park has determined and Certified in writing that the value of the service will exceed \$17,500; and

WHEREAS, the anticipated term of this contract is one (1) year and is for the Ryerson Road re-paving Project; and

WHEREAS, DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405 has completed and submitted a Business Entity Disclosure Certification which Certifies that **DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405** has not made any reportable contributions to a political or candidate committee in the Borough of Lincoln Park in the previous one year (2005 exempt), and that the contract will prohibit **DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405** from making any reportable contributions through the term of the contract; and

WHEREAS, the Chief Financial Officer of the Borough of Lincoln Park has Certified that sufficient funds are available for said purpose in the current budget; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Lincoln Park authorizes and directs that the Mayor, Borough Administrator, and/or Purchasing Agent enter into a professional services contract with **DMC ASSOCIATES, INC., LAND SURVEYORS, 211 MAIN STREET, BUTLER, NEW JERSEY 07405** as described herein;

BE IT FURTHER RESOLVED that this contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1) (a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law;

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution;

BE IT FURTHER RESOLVED that a notice of this action shall be printed once in the Official Newspaper as required by law.

Pepe: Any questions?

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

X. PUBLIC HEARING.

Long: MOTION TO GO TO PUBLIC

Gemian: 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 – Discussed Orchard Drive

Thompson: MOTION TO CLOSE THE PUBLIC

Gemian: SECOND

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

XI. ADJOURNMENT:

There being no further business to come before the Council the Meeting of August 16, 2010 was adjourned at 8:16 PM.

Louis J. Pepe, Council President

Annette Maida-Smith, RMC
Borough Clerk