

I. Monday, August 2, 2010 Work Meeting of the Governing Body of the Borough of Lincoln Park, the Clerk called the Work Meeting to order and announced the meeting was duly advertised in accordance with the Open Public Meetings Act. The Clerk also advised those present where the exits to the room were and to turn off all Cell Phones and Beepers. All stood for the Pledge of Allegiance. The meeting came to order immediately following the Organization Meeting.

II. ROLL CALL

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

NOTE: Councilwoman Long arrived at 7:32 pm and was marked present

ABSENT: Councilman Gemian

Present from Administration: Borough Administrator Sean Canning, CFO Kerry Geisler and Borough Attorney Edward Buzak

NOTE: Mayor Runfeldt arrived at 7:32 pm and was marked present.

ABSENT FROM ADMINISTRATION: Borough Attorney Tiena Cofoni

III. PUBLIC HEARING ON ENDORSEMENT OF STATE AND FEDERAL EMERGENCY MANAGEMENT AGENCY HAZARD MITIGATION PLAN

Emergency Management Coordinator Ellen Harrigan was present to answer any questions the public may have.

Councilman Kerwin MOVED to OPEN the PUBLIC HEARING

There being no one wishing to speak, Councilwoman Thompson MOVED to CLOSE the PUBLIC HEARING.

IV. COUNCIL AGENDA:

1. TBSA PRESENTATION -

Mr. Bob Bongivanni, Executive Director of Two Bridges Sewer Authority and Mr. Robert Rectanus, P.E. Civil Engineer from Black & Veatch were both present and give a presentation on the proposed work to be done at the plant.

2. AMEND CHAPTER 3, ADMINISTRATION OF GOVERNMENT, SECTION 3-6 AGENDA CONFERENCE, SECTION 3-14 ORDER OF BUSINESS AND SECTION 3-20 SALARIES AND COMPENSATION:

The Clerk advised that these changes were to merely clean-up the language in the Code book to accurately reflect the procedures taken.

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

IV. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

1. Councilman Kerwin had nothing to report
2. Councilwoman Long had nothing to report
3. Councilman Petracca had nothing to report
4. Councilwoman Thompson had nothing to report
5. Councilman Wild had nothing to report

6. Council President Pepe had nothing to report

V. MAYOR'S AGENDA:

1. **SUSTAINABLE JERSEY INITIATIVES – SUSTAINABLE LAND USE PLEDGE:**

This has been submitted to the Planning Board for review and comment, the response was with one minor change and received overall support. Council was provided with a copy of the memo from the Planning Board.

This Resolution is part of the Sustainable Jersey initiative which Lincoln Park has embarked upon.

Council was provided with copies of the proposed Resolution.

Council concurred for both Resolutions to be placed on the Regular Agenda.

2. **GREEN TEAM RESOLUTION FORMALLY APPOINTING MEMBERS:**

Sustainable Jersey initiative to assist with the sustainable concepts and improve the quality of life within the Borough.

Administration is seeking a Resolution to authorize the Mayor to appoint a three (3) person committee to assist proactive sustainable advice such as the community garden and other initiatives.

Council was provided with copies of the proposed Resolution from Bernards Township.

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

3. **LIFE SAVING RECOGNITION BOROUGH LAKE EMPLOYEES:**

Council received copies of an e-mail from the Recreation Director outlining a save at the Borough Lake this summer from two of our lifeguards.

4. **EMPLOYEE BENEFITS PROVIDERS:**

Two vendors for life/late life health care insurance as well as deferred compensation provider have approached the Borough requesting to be approved to provide services to the Borough employee workforce.

Axa Equitable and New York Life would request approval to offer services to our employees. This would be in addition to our current providers such as Aetna, Lincoln Financial and others.

There is no cost to the borough all costs are borne by the employees should they choose to designate any portions of their checks to these purposes.

Council was provided with copies of the proposed Resolution.

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

5. **CURB CUT OUT AND SIDEWALK BID AWARDS:**

Bids were received on July 28, 2010. Bids reviewed by Attorneys, it is recommended based upon the bids that contractor be awarded the bid for the contract.

As part of the bid process the Borough must post a \$30,000.00 performance bond to be returned after work is completed on the County portion of roadway along Main St.

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

6. **ROADSIDE MOWER BID AWARD:**

After review of bids and vendors the following bidder is recommended to be awarded the Roadside Mower bid:

Council was provided with copies of the proposed Resolution.

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

MAYOR RUNFELDT LEFT THE MEETING AT 8:32 PM

7. **FRIVOLOUS OPRA REQUESTS:**

The Clerks office has been inundated with frivolous requests under the OPRA laws.

This is a subject which must be addressed at the State level to provide some relief for local municipalities who must abide by the state law yet not have all of their time dedicated to fishing expedition requests.

Council was provided with copies of a sample Resolution.

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

8. **RESOLUTIONS FOR TAX SETTLEMENTS/APPEALS:**

Block 3, Lot 9.14, 2009 \$1,224.00 Refund; 2010 \$1,273.20 Adjust 4th 2010 (Freeze Act)

Block 22.5 Lot 5, 2009 \$1,460.64 Refund; 2010 \$1,519.35 Adjust 4th 2010 (Freeze Act)

Block 22 Lot 338, 2009 \$13,225.32 to Dr. Philip D. Neuer, P.C. c/o 510 Ryerson Rd., 1875 McCarter Highway, Newark, NJ 07104.

Council concurred and Resolutions will be placed on the Regular Agenda.

9. **CHANGE ORDER PINEBROOK RD/CHAPEL HILL RD. PAVING PROJECT**

During the paving estimate by contractor was 5% short. Authorization was made on scene made by DPW to complete change. Administration is now requesting a Change Order to fund the balance of approximately \$9,000.00.

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

10. **ESCROW RELEASE – BAKER:**

Block 84 Lot 19, Grading Permit, 94 Minnehaha Path.

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

11. **ESCROW RELEASE – ROSELLI:**

Block 35, Lot 111, 7 McKinley St., Zoning Permit.

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

12. **ESCROW RELEASE – DIAMOND & MAR CONTRACTORS:**

Block 22 Lot 339.2, 3-C Borinksi Way, Escrow #2042.

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

13. **ESCROW RELEASE – ACCUTRACK USA:**

Block 22, Lot 339.3, Escrow number 1900.

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

14. **ESCROW RELEASE – SMARTPART PRODUCTS:**

Block 22 Lot 339.2, 3-E Borinski Road.

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

15. **ESCROW RELEASE – MIGLIACCIO:**

Block 22, Lot 223, 438 Ryerson Rd., Board of Adjustment Variance #2006-8.

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

16. **ESCROW RELEASE PEAK SHEET METAL:**

Block 22, Lot 339.2, 3F Borinski Way.

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

17. **ESCROW RELEASE – GOULD CORP.:**

Block 22, Lot 339.6, 2 Frassetto Way, SPE#10-04.

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

18. **SUCCESSFUL TAX APPEALS:**

Council was provided with copies of the successful tax appeals from the Morris County Board of Taxation.

Council was provided with copies of the proposed Resolutions.

Council concurred and Resolutions will be placed on the Regular Agenda.

VI. **ORDINANCES (IF ANY):**

Council President Pepe: Ordinance for Adoption 15-10 2010 Capital Bond

The Clerk read the following Resolution:

BOND ORDINANCE AUTHORIZING VARIOUS
CAPITAL IMPROVEMENTS AND ACQUISITIONS 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.

Councilman Kerwin: So MOVED.

Councilwoman: SECOND.

Council President Pepe: Please call the Roll.

YES: Council Members: Kerwin, Long, Petracca,
Thompson, Wild and Pepe.

NO: NONE

ABSENT: Councilman Gemian

ABSTAIN: NONE

The Resolution was Adopted.

PUBLIC HEARING ON THIS ORDINANCE WAS HELD ON JULY 19, 2010.

The Clerk read the following Resolution:

BOND ORDINANCE AUTHORIZING VARIOUS CAPITAL IMPROVEMENTS AND ACQUISITIONS 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 passed on Final Reading and a Notice of Finale Passage of said Ordinance be published according to law.

Councilman Kerwin: So MOVED.

Councilwoman Thompson: SECOND.

Council President Pepe: Call the Roll

YES: Council Members: Kerwin, Long, Petracca, Thompson, Wild and Pepe.

NO: NONE

ABSENT: Councilman Gemian

ABSTAIN: NONE

The Resolution was Adopted.

VII. **RESOLUTIONS (IF ANY):**

Council President Pepe: Resolution R10-176AT.

The Resolution was spread for the Record:

RESOLUTION R10-176AT

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Administration is hereby authorized to purchase the following trucks, from the Morris County Cooperative Pricing Council in the sum **not to exceed \$139,106.71:**

- 1. Truck 1 – Ford F350; Item C-15C Item 6; Item C-15 D1 (sand, plow, dump package)

Total	\$48,244.71
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- 2. Trucks 2 and 3 – Ford F350; Item 15C item 6; Item 15 D-1 (plow/dump package)

Total for Trucks 2 and 3

Total	\$37,931.00 (each)
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- 3. Truck 4 – F150; item 15C item 6

Total	<u>\$15,000.00</u>
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Total all Trucks	\$139,106.71
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BE IT FURTHER RESOLVED, that the above referenced purchases cannot be made prior to the effective date of the 2010 Capital Bond Ordinance of August 28, 2010.

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

The Resolution was Adopted.

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Council President Pepe: Resolution R10-196 Award of bid ADA Sidewalks

THE Resolution was spread for the Record:

RESOLUTION R10-196

WHEREAS, the Borough of Lincoln Park ("Borough") sought bids for a Contract for the 2010 A.D.A. Sidewalk Ramp Improvements Project; and

WHEREAS, five sealed bids were received and opened by the Borough on July 28, 2010; and

WHEREAS, Reggio Construction, Inc. submitted a bid in the amount of \$205,230.11, M. Ingannamorte & Son, Inc. submitted a bid in the amount of \$221,635.00, Concrete Construction Corp. submitted a bid in the amount of \$265,076.00, Diamond Construction submitted a bid in the amount of \$269,950.00 and P.A. Contractors, Inc. submitted a bid in the amount of \$315,764.00; and

WHEREAS, by letter dated July 30, 2010, Counsel for the Borough indicated that Reggio's bid documents are in order and therefore the Contract for the 2010 A.D.A. Sidewalk Ramp Improvements Project should be awarded to Reggio Construction, Inc. for the total bid amount of \$205,230.11 as the lowest responsive and responsible bidder; and

WHEREAS, the Borough desires to authorize the award of the Contract to Reggio Construction, Inc. as the lowest responsive and responsible bidder.

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

1. The Contract for the 2010 A.D.A. Sidewalk Ramp Improvements Project, for the total bid amount of Two Hundred Five Thousand Two Hundred Thirty Dollars Eleven Cents (\$205,230.11), is hereby awarded pursuant to the terms and conditions as contained in the Borough bid specifications to Reggio Construction, Inc. located at 1575 West Street, Fort Lee, New Jersey 07024 as the lowest responsive and responsible bidder.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute the contract subsequent to execution by Reggio Construction, Inc., and said officers, 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.

3. This award is subject to the Contractor's compliance with the requirements of P.L. 1975, c.127 (N.J.S.A. 10:5-31 et seq.) and the regulations thereunder regarding affirmative action.

4. The foregoing award is further subject to the certification of availability of funds by the appropriate officers of the Borough.

5. This Resolution shall take effect immediately.

YES: Council Members: Kerwin, Long, Petracca,

Thompson, Wild and Pepe.
NO: NONE
ABSENT: Councilman Gemian
ABSTAIN: NONE

The Resolution was Adopted.

VIII. **PUBLIC HEARING:**

The Clerk read the following statement:

Councilman Petracca MOVED to OPEN the PUBLIC HEARING.

Councilwoman Long SECOND the MOTION.

ANY PERSON DESIRING TO ADDRESS THE COUNCIL SHALL FIRST SEEK RECOGNITION BY THE PRESIDING OFFICER. UPON RECOGNITION BY THE

CHAIR, THE PERSON SHALL GIVE HIS NAME AND ADDRESS IN AN AUDIBLE TONE OF VOICE FOR THE RECORDS. UNLESS THE COUNCIL GRANTS FURTHER TIME, HE SHALL LIMIT HIS STATEMENT TO FIVE (5) MINUTES.

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

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

The following person(s) spoke:

1. Mrs. Barbara Hertz – 77 Orchard Dr.

NJN News

There being no one further to speak during the Public Portion of the meeting, Councilwoman Thompson MOVED that the Public Hearing be CLOSED.

Councilwoman Long SECOND the MOTION.

X. **CLOSED SESSION:**

NONE

XI. **ADJOURNMENT:**

Councilwoman Thompson MOVED the Work Meeting be ADJOURNED.

Councilwoman Long SECOND the MOTION.

The Work Meeting of Monday, August 2, 2010 was ADJOURNED at approximately 8:50 pm.

ATTEST:

Annette Maida-Smith, RMC
Borough Clerk

Louis J. Pepe, Council President