

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 September 20, 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
Louis J. Pepe
Matthew Petracca
Ann Thompson
James A. Wild

Also PRESENT were Mayor David A. Runfeldt, Borough Administrator Sean Canning, CFO/Treasurer, Kerry Geisler, and Edward Buzak, Borough Attorney

ABSENT FROM ADMINISTRATION: Tiena Cofoni, Borough Attorney.

Pepe: Welcome everyone to tonight’s meeting. The first item we have is a Presentation. Council President Pepe presented Sean Canning with a Plaque commemorating his dedicated service to the Borough of Lincoln Park as Chief of Police from 1985 through 2010.

Mr. Canning thanked the Mayor and Council for all their support through the years.

III. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval August 16, 2010

Thompson: So MOVED

Kerwin: SECOND

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

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

The Minutes of August 15, 2010 were Approved.

Pepe: Minutes for Approval September 7, 2010.

Kerwin: So MOVED

Thompson: SECOND

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

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

The Minutes of September 7, 2010 were Approved.

IV. ORDINANCES FOR INTRODUCTION:

Pepe: Ordinance for Introduction, 19-10 Amend Ordinance #1,442 Employee Handbook.

The Clerk read the following Resolution.

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE TO AMEND ORDINANCE NUMBER 1,442 ADOPTION OF EMPLOYEE HANDBOOK DATED MARCH 25, 2010

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: Gemian, Kerwin, Long, Petracca, Thompson, Wild and Pepe.

No: None

Absent: None

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 TO AMEND ORDINANCE NUMBER 1,442 ADOPTION OF EMPLOYEE HANDBOOK DATED MARCH 25, 2010

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 18th day of October, 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

Gemian: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

ORDINANCES FOR ADOPTION:

Pepe: Ordinance for Adoption, 18-10 Amend Chapter 3 Administration of Government.

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 23, ADMINISTRATION OF GOVERNMENT, ARTICLE II, SECTION 3-6 AGENDA CONFERENCES; SECTION 3-14 ORDER OF BUSINESS AND SECTION 3-20 SALARIES AND COMPENSATION

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

Kerwin: SO MOVED

Gemian: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: None

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.

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.

Thompson: MOTION TO CLOSE THE PUBLIC HEARING.

Kerwin: 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 THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK CHAPTER 23, 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 Final Reading and a Notice of Final Passage of said Ordinance be published according to law.

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

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

No: None

Absent: None

Abstain: None

The Ordinance was Adopted.

V RESOLUTIONS:

CONSENT AGENDA:

Pepe; Consent Agenda Resolutions R10-224 through R10-239, with the Amendment on R10-238. (changing the wording to read "not before September 27th")

Gemian: So MOVED

Kerwin: SECOND

RESOLUTION R10-224

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Administration is hereby authorized to seek bids for removal/purchase of the following obsolete equipment:

SEE ATTACHED LIST

* * *

RESOLUTION R10-225

**BOROUGH OF LINCOLN PARK
COUNTY OF MORRIS**

WHEREAS, the Payroll Account has old outstanding checks in the amount of \$1,147.69; and

WHEREAS, there is a need to void such old outstanding checks;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the various checks totaling \$1,147.69 be cancelled.

APPENDIX A

PAYROLL ACCOUNT

<u>Check #</u>	<u>Amount</u>	<u>Check Date</u>
35695	\$ 44.07	1/23/2009
36477	92.88	6/26/2009
36587	183.86	7/10/2009
37160	298.55	10/16/2009
37300	149.72	11/13/2009
37387	149.72	11/25/2009
37447	149.72	12/11/2009
37504	<u>79.17</u>	12/11/2009
TOTAL	\$1,147.69	

* * *

RESOLUTION R10-226

**BOROUGH OF LINCOLN PARK
ANTI IDLING PLEDGE**

WHEREAS, the Governing Body of the Borough of Lincoln Park recognizes that idling for only 10 seconds uses more gas than it takes to restart a car and contrary to popular belief, turning a car on and off will not harm the engine; and

WHEREAS idling also has negative health impacts such as exacerbating asthma when someone turns the key on idling, we lower dangerous health risks and help improve air quality; and

WHEREAS, on average, a car emits one pound of C)2 from driving 1 mile, over the course of a year, the average driver emits nearly 12,100 pounds or 6 tons of emission into the atmosphere and nearly 95% of auto emissions are from carbon dioxide (CO2); and

WHEREAS, CO2 emissions are not yet regulated by Federal or State Government, but increased atmospheric levels of CO2 are known to be a main contributor to global climate change; and

WHEREAS, idling can lead to the following negative impacts: Environmental Damage; Health Damage; Allergies and Asthma; Heart Disease and Heart Attacks and Cancer; and

WHEREAS, the Lincoln Park Police Department has identified as overnight idling locations quasi public shopping centers as well as industrial zones as areas that see extended idling by larger trucks;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park pledges to support the Anti Idling campaign as part of Sustainable Jersey Initiative.

* * *

RESOLUTION R10-227

WHEREAS, the Governing Body of the Borough of Lincoln Park, County of Morris, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Governing Body of the Borough of Lincoln Park further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuse in our community; and

WHEREAS, the Governing Body of the Borough of Lincoln Park has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Morris;

NOW, THEREFORE, BE IT RESOLVED, by the Governing body of the Borough of Lincoln Park, County of Morris, State of New Jersey hereby recognizes the following:

1. The Governing Body of the Borough of Lincoln Park does hereby authorize submission of an application for the Borough of Lincoln Park Municipal Alliance grant for calendar year 2011 in the amount of \$11,064.00
2. The Governing Body of the Borough of Lincoln Park acknowledges the terms and conditions for administering Municipal Alliance grant, including the administrative compliance and audit requirements.

* * *

RESOLUTION R10-228

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Administration is hereby authorized to seek bids for Landscaping Services for the year 2011.

* * *

RESOLUTION R10-229

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that approval is hereby given for **PHASE II RESTORATION OF BOROUGH FIELD** (i.e. backstops, fencing and possible goal posts and bleachers) as per the Administrator's report dated August 27, 2010 at a cost not to exceed \$93,500.00;

BE IT FURTHER RESOLVED, that funds for the **PHASE II RESTORATION OF BOROUGH FIELD** be taken from Capital Bond Ordinances #1266, 1311, 1245, 1327 and 1374.

* * *

RESOLUTION R10-230

WHEREAS, AMERICAN LEGION, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with a Minor Site Plan Application #320 for premises located at 133 Main St., Block 3 Lot 285.04; and

WHEREAS, the **AMERICAN LEGION** 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 #2011 and may be refunded to the **AMERICAN LEGION**; 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 the **AMERICAN LEGION**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2011 in connection with a Minor Site Plan Application #320 for premises located at 133 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, and Borough Engineer have been properly and fully satisfied.

* * *

RESOLUTION R10-231

WHEREAS, YONG EN LI - SUSHI HOUSE, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with sidewalk work which was never done for premises located at 200 Main St., Block 35.1 Lot 115.1; and

WHEREAS, SUSHI HOUSE 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 #2100 and may be refunded to **YONG EN LI - SUSHI HOUSE**; 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 **YONG EN LI - SUSHI HOUSE**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2100 in connection with sidewalk work which was never done for premises located at 200 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, and Borough Engineer have been properly and fully satisfied.

RESOLUTION R10-232

WHEREAS, VANCO EFTIMOSKI AND DENNIS DOMERSTAD, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Variance Application #2005-12 and Flood Plain Encroachment FPE06-10 premises located at 551 Ryerson Rd., Block 58 Lot 4; and

WHEREAS, VANCO EFTIMOSKI AND DENNIS DOMERSTAD 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 #1886 and may be refunded to **VANCO EFTIMOSKI AND DENNIS DOMERSTAD**; 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 **VANCO EFTIMOSKI AND DENNIS DOMERSTAD**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1886 in connection with Variance Application #2005-12 and Flood Plain Encroachment #FPE06-10 for premises located at 551 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 R10-233

WHEREAS, PATRICIA SINGH, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Street Opening Permit for premises located at 182 Boonton Tpk., Block 48 Lot 9; and

WHEREAS, PATRICIA SINGH 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 #2161 and may be refunded to **PATRICIA SINGH**; 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 **PATRICIA SINGH**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2161 in connection with Street Opening Permit for premises located at 182 Boonton Tpk., 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 R10-234

WHEREAS, SCOTT ROMERO d/b/a SHAOLIN STUDIOS, LLC, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption SPE#10-3 work for premises located at 234 Main St., Block 22.01 Lot 292; and

WHEREAS, SCOTT ROMERO d/b/a SHAOLIN STUDIOS, 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 #2135 and may be refunded to **SCOTT ROMERO d/b/a SHAOLIN STUDIOS, 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 **SCOTT ROMERO d/b/a SHAOLIN STUDIOS, LLC**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2135 in connection with Site Plan Exemption #SPE10-3 for premises located at 234 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, and Borough Engineer have been properly and fully satisfied.

* * *

RESOLUTION R10-235

WHEREAS, RICHARD AND MARY ELLEN BEHNKE, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Zoning Permit #2010-22Z for premises located at 48 William St., Block 9 Lot 23.1; and

WHEREAS, RICHARD AND MARY ELLEN BEHNKE 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 #2147 and may be refunded to **RICHARD AND MARY ELLEN BEHNKE**; 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 **RICHARD AND MARY ELLEN BEHNKE**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2147 in connection with Zoning Permit #201-22Z for premises located at 48 William 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.

* * *

RESOLUTION R10-236

WHEREAS, RICHARD EDMOND, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with site work #G05-1 for premises located at 48 Voorhis Rd., Block 1.1 Lot 3.2; and

WHEREAS, RICHARD EDMOND 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 #1856D and may be refunded to **RICHARD EDMOND**; 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 **RICHARD EDMOND**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1856D in connection with site work G05-1 for premises located at 48 Voorhis 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 R10-237

WHEREAS, the D&D Builders, Inc. (hereinafter “Developer”) has received Major Subdivision approval, for property of the Developer, located in the R-15 zone, having frontage on West Drive, and designated on the Tax Assessment Map of the Borough of Lincoln Park as Block 3, Lots 55.2 and 56.11 in order to divide the subject property into a total of four (4) lots, two (2) single-family residential use, and two (2) for two-family residential use, and to dedicated to the Borough of Lincoln Park a) a 17,386 square foot portion of Lot 55.2, to be added to adjoining property owned by the Borough of Lincoln Park and designated as Block 3, Lot 53 on the Tax map; and b) a 3,660 square foot portion of Lot 56.11 to be added to adjoining Borough property designated as Block 3, Lot 56.14 on the Tax Map, an de minimis exception approval from the New Jersey Residential Site Improvement Standards (RSIS) to permit a cartway width for a portion of the proposed extension of West Drive to be 24 feet, where the minimum of 28 feet is required, as shown on Preliminary Major Subdivision application #603; and

WHEREAS, the applications for Major Subdivision and de minimis except on approval were granted subject to certain conditions set forth in the Resolution, entitled: “Resolution of the Lincoln Park Planning Board, Re: D&D Builders, Inc., Preliminary Major Subdivision Application #603, Block 3, Lots 55.2 and 56.11, West Drive, Lincoln Park, New Jersey”, dated February 21, 2002, (hereinafter “Resolution”); and

WHEREAS pursuant to such Planning Board approval, the Developer had posted with the Borough of Lincoln Park a Site Improvement Performance Bond bearing identification number 13379 and dated May 28, 2004 issued by The Service Insurance Company, Inc. in the total amount of \$230,054.00; 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 of the Planning Board approval, and has submitted a report, report on file in the Office of the Borough Clerk, recommending release of the remaining Site Improvement Performance Bond #13379, dated May 28, 2004;

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

1. The Site Improvement Performance Bond #13379 in the amount of Two Hundred Thirty Thousand, Fifty-Four Dollars (\$230,054.00) posted by D&D Builders, Inc. in connection with the Planning Board approval Application #603 for development known as West Park Subdivision #603, Block 3 Lots 55.2 and 56.11 be hereby authorized for release, subject to the Developer first posting a Maintenance Guarantee, in a form as approved by the Borough and in the amount of \$34,508.00;
2. The duration of the posted Maintenance Bond shall be for two-years, from the date of such posting of the approved Guarantee;
3. The appropriate elected and appointed officials and employees of the Borough of Lincoln Park are hereby authorized and directed to take any and all steps necessary to effectuate the purpose of this Resolution.

* * *

RESOLUTION R10-238

BE IT RESOLVED that permission is hereby granted to **WORLD TREE EVENTS/NEW JERSEY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS** and the **NEW JERSEY STATE POLICE MOTORCYCLE CLUB “THE BLUE KNIGHTS”** to place one (1) advertising banner over Main

Street (County Road) near Beaver Brook Road provided the location for this banner meets with the approval of the Morris County Board of Chosen Freeholders, Lincoln park Police and the appropriate Utility Authority;

BE IT FURTHER RESOLVED, that said banner be hung by the **WORLD TREE EVENTS/NEW JERSEY SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS** and the **NEW JERSEY STATE POLICE MOTORCYCLE CLUB "THE BLUE KNIGHTS"** not before September 27, 2010 and removed no later than October 4, 2010.

* * *

RESOLUTION R10-239

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Agreement for Services provided by **INTERACTIVE PROCUEMENT TECHNOLOGIES (IPT) BY BIDNET** through the Morris County Purchasing Department at no cost to the Borough of Lincoln Park is hereby approved;

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorize to execute said agreement.

* * *

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

The Resolutions were Adopted.

Pepe: Resolution R10-240 Pay Bills

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R10-240

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>
31989 through 31998 & 33343 through 33476	Current	856,364.91
882 through 892	Accutrack	8,979.71
	Admin/Resale	200.00
1261	Dog License	18.60
2522 through 2524	Fed/State Grant	1,008.89
3062 through 3068	General Capital	133,757.87
2314 through 2316	General Trust	774.54
3447	Payroll Agency	1,284.96
1859 through 1873	Recycling	17,041.37
1105	Stormwater Mgt.	1,239.22
2810	Water Capital	34,176.00
6706 & 6730 through 6748	Water utility	111,153.57

* * *

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

The Resolution was Adopted.

Pepe: Resolution R10-241 Confirm Bills.

Thompson: So MOVED

Wild: Second

RESOLUTION R10-241

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 CHK NO.</u>	<u>PAID TO</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
CURRENT			
31989	Pequannock, LP& Fairfield Sewerage Author	TBSA 3rd qtr	\$470,087.00
31990	North Jersey Municipal Emp. Benefits Fund	September Benefits	\$149,859.00
31991	GroRite	wreaths	\$128.00
31992	Treasurer, State of NJ	recert Penny Smith	\$50.00
31993	Void for payroll	Void for payroll	\$0.00
31994	Void for payroll	Void for payroll	\$0.00
31995	BOLP Petty Cash DPW	petty cash rein.	\$198.38
31996	LP Library	September	\$43,760.55
31997	USPS Reserve	postage	\$100.00
31998	BOLP Petty Cash Finance	petty cash rein.	\$168.68
	Regular Meeting Checks	# 33343 - 33476	\$192,013.30
GENERAL CAPITAL			
3062 (conf)	BOLP Current Fund	Ord # 1266	\$2,200.24
WATER UTILITY			
6706	USPS Reserve Acct	postage	\$3,000.00
6730	USPS Reserve Acct	postage	\$2,000.00
	Regular Meeting Checks	Check # 6731 - 6748	<u>\$106,153.57</u>

* * *

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

No: None

Absent: None

Abstain: Petracca

The Resolution was Adopted.

Pepe: Resolution R10-242 and R10-243 Authorize Sewer Connection – Fidelian Way

Kerwin: SO MOVED

Petracca: SECOND

RESOLUTION R10-242

**RESOLUTION AUTHORIZING THE EXECUTION OF
AN AGREEMENT BY AND BETWEEN THE
BOROUGH OF LINCOLN PARK AND
ROBERT D'ADDARIO AND STACY D'ADDARIO
REGARDING THE CONNECTION OF BLOCK 2, LOT 2.6
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, on July 19, 2010 the Borough of Lincoln Park adopted Resolution 10-187 consenting to the connection of Block 2, Lot 2.6 on the Official Tax Map of the Borough of Lincoln Park to the sanitary sewer system of the Township of Montville; and

WHEREAS, said Resolution requires the execution of an Agreement conforming to the terms and conditions of said Resolution; and

WHEREAS, there has been prepared a certain Agreement by and between the Borough of Lincoln Park and Robert D'Addario and Stacy D'Addario, owners of Block 2, Lot 2.6 on the Official Tax Map of the Borough of Lincoln Park; and

WHEREAS, the Borough of Lincoln Park desires to approve the terms and conditions thereof and authorize its execution.

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. All the terms and conditions of a certain Agreement by and between the Borough of Lincoln Park and Robert D'Addario and Stacy D'Addario, husband and wife ("Owners"), regarding the connection of Block 2, Lot 2.6 on the Official Tax Map of the Borough of Lincoln Park to the sanitary sewer system of the Township of Montville, be and the same are hereby approved, ratified and confirmed.
2. The Mayor and Borough Clerk are hereby authorized to execute said Agreement after the execution thereof by the Owners, and said officers, together with all other officers, employees and independent contractors of the Borough are authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

* * *

RESOLUTION R10-243

**RESOLUTION AUTHORIZING THE EXECUTION OF
AN AGREEMENT BY AND BETWEEN THE
BOROUGH OF LINCOLN PARK AND
JOY DeVITO REGARDING THE CONNECTION
OF BLOCK 2.1, LOT 1
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, on July 19, 2010 the Borough of Lincoln Park adopted Resolution 10-187 consenting to the connection of Block 2.1, Lot 1 on the Official Tax Map of the Borough of Lincoln Park to the sanitary sewer system of the Township of Montville; and

WHEREAS, said Resolution requires the execution of an Agreement conforming to the terms and conditions of said Resolution; and

WHEREAS, there has been prepared a certain Agreement by and between the Borough of Lincoln Park and Joy DeVito, owner of Block 2.1, Lot 1 on the Official Tax Map of the Borough of Lincoln Park; and

WHEREAS, the Borough of Lincoln Park desires to approve the terms and conditions thereof and authorize its execution.

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. All the terms and conditions of a certain Agreement by and between the Borough of Lincoln Park and Joy DeVito, Unmarried ("Owner"), regarding the connection of Block 2.1, Lot 1 on the Official Tax Map of the Borough of Lincoln Park to the sanitary sewer system of the Township of Montville, be and the same are hereby approved, ratified and confirmed.
2. The Mayor and Borough Clerk are hereby authorized to execute said Agreement after the execution thereof by the Owner, and said officers, together with all other officers, employees and independent contractors of the Borough are authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

* * *

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

The Resolutions were Adopted.

Pepe: R10-224 Authorize Closed Session.

Petracca: SO MOVED

Kerwin: SECOND

RESOLUTION R10-244

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:

Litigation - Foreclosure

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 20th day of September, 2010, that an Executive Session, closed to the public, shall be on the 20th day of September, 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.

* * *

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: R10-245 Authorized Renewal of JIF Membership

Kerwin: So MOVED

Gemian: SECOND

RESOLUTION R10-245

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **NORTH JERSEY MUNICIPAL EMPLOYEE BENEFITS FUND**, hereafter referred to as "**FUND**", as permitted by **N.J.S.A. 11:15-3, 17:1-8.1 and 40A:10-36 et seq.**; and

WHEREAS, the **FUND** was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date; and

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a **FUND**; and

WHEREAS, the Governing Body of the Borough of Lincoln Park, hereinafter referred to as "**LOCAL UNIT**" has determined that membership in the **FUND** is in the best interest of the **LOCAL UNIT**;

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

- ii. Become a member of the **FUND** for the period outlined in the **LOCAL UNIT's** Indemnity and Trust Agreements.
- iii. Will participate in the following type(s) of coverage(s):
 - a) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the **FUND's** Bylaws, and Plan of Risk Management
- iv. Adopts and approves the **FUND's** Bylaws.
- v. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Lincoln Park is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the **FUND** as required by the **FUND's** Bylaws, and to deliver these documents to the **FUND's** Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the Borough of Lincoln Park by the **FUND**.
- ii. Receipt from the Borough of Lincoln Park of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs

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

No: None

Absent: None

Abstain: Petracca

The Resolution was Adopted.

VIII. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

Gemian:

- 1. Discussed parking at Sunset Pub and Grill
- 2. Lincoln Park first Economic Committee Meeting was held this past week.
- 3. Discussed Council's participation in Lincoln Park Day.

Kerwin:

- 1. Discussed the First Aid Squad's Ambulance Bid.
- 2. Discussed if FEMA money is received for the Squad; the money should go to the Squad.

Long: Nothing

Pepe:

- 1. Council Attended League of Municipalities Meeting last week.

Petracca: Nothing

Thompson:

- 1, Discussed visiting the Nursing Home with candidate Robert Cardillo.

Wild:

- 1. Planning Board meeting tomorrow at 8 PM.

2. TBSA presented their budget it up 1.05% for Lincoln Park.

IX MAYOR'S AGENDA:

1. Proclamation: Over the Limit

PROCLAMATION

Over the Limit Under Arrest 2010 Statewide Crackdown

Whereas, impaired drivers on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

Whereas, 31% of motor vehicle fatalities in New Jersey are alcohol-related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gathering which include alcohol; and

Whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the ***Over the Limit Under Arrest 2010 Statewide Crackdown***; and

Whereas, the project will involve increase impaired driving enforcement from August 20th through September 6, 2010; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

Now, Therefore, Be it resolved that I, David A. Runfeldt, Mayor of the Borough of Lincoln Park, and the members of the Lincoln Park Governing Body declare our support for the ***Over the Limit Under Arrest 2010 Statewide Crackdown*** from August 20th through September 6, 2010 and pledges to increase awareness of dangers of drinking and driving.

In Witness Whereof, I

hereunto set my hand
and the seal of the Borough
this 20th day of September, 2010

David A. Runfeldt, Mayor

2. Lincoln Park Day is this Saturday

3. Discussed the Economic Committee.

4. Green Sky will have a 3 ton Community Shredding Truck at Lincoln Park Day at the Recycling center.

X. PUBLIC HEARING

Pepe: Public Hearing.

Thompson: 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. Mr. Paul Scattereggia, 163 Harvest Lane Thanked the Council for the cut out curbs and sidewalks.
2. Residents from Crefeld Court; Carol and Petro Miksa 6 Crefeld Court, Pat Hitchings 12 Crefeld Court, Claudia Dessimgue, 19 Crefeld Court Discussed the need to repair and resurface Crefeld Court.
3. Krista Scimeca – 26 Nakomis Path – Dog Park – Girl Scout Gold Award
4. Barbara Hertz – 77 Orchard Drive – Municipal Drug Alliance

XI. CLOSED SESSION

Thompson: MOTION TO GO TO CLOSED SESSION.

Wild: SECOND

Council President Pepe asked for a Voice Vote. The MEETING WAS CLOSED AT 8:25 PM.

1. Matters Relating to Negotiations, Litigation and Attorney Client Privilege.
 - a. Foreclosure

The meeting was re-opened to the Public at 8:39 PM.

ADJOURNMENT:

There being no further business to come before the Lincoln Park Borough Council, the meeting was Adjourned at 8:39 PM.

Louis J. Pepe, Council President

Annette Maida-Smith, RMC
Borough Clerk

September 20, 2010