

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 October 18, 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

ABSENT: None

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.

III. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval September 20, 2010.

Kerwin: So MOVED

Petracca: SECOND

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

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

No: None

Absent: None

Abstain: None

The Minutes of September 20, 2010 were Approved.

Pepe: Minutes for Approval October 4, 2010.

Kerwin: So MOVED

Long: SECOND

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

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

No: None

Absent: None

Abstain: None

The Minutes of October 4, 2010 were Approved.

IV. ORDINANCES FOR ADOPTION:

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

Kerwin: So MOVED

Thompson: SECOND

Pepe: Any discussion? 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?

Petracca: SECOND

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

Thompson: MOTION TO GO 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 TO AMEND ORDINANCE NUMBER 1, 442 ADOPTION OF EMPLOYEE HANDBOOK DATED MARCH 25, 2010

be passed on Final Reading and a Notice of Final Passage of said Ordinance be published according to law.

Pepe: Any discussion? 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:

Pepe: Resolutions, Consent Agenda R10-248 through R10-258.

Thompson: So MOVED

Petracca: SECOND

RESOLUTION R10-248

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the contract for an **ADMINISTRATIVE AGENT** required under COAH's Regulations shall be awarded to **PIAZZA ASSOCIATES, INC., 216 ROCKINGHAM ROW, PRINCETON, NEW JERSEY 08540** at a cost not to exceed \$400.00 per month, to be taken from 2010 Administrative Agent Services for Affordable Housing for the balance of 2010.

* * *

RESOLUTION R10-249

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that a refund in the amount of \$20.00 be paid to **MR. & MRS. TIMOTHY NORRIS, 409 TIMOTHY TERRACE, SEWELL, NEW JERSEY 08080**, for a Road Opening Permit Fee not required by the Borough but rather required by the County of Morris.

* * *

RESOLUTION R10-250

WHEREAS, the following Current Fund budget appropriation balance remains unexpended:

Capital Improvement Fund	\$500,000.00
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WHEREAS, it is necessary to formally cancel said balance so that the unexpended balance may be credited to Surplus;

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the Borough of Lincoln Park that the above listed unexpended balance of the Current Fund budget be canceled.

* * *

RESOLUTION R10-251

WHEREAS, the Borough of Lincoln Park ("Borough") sought bids for An Emergency Medical Vehicle; and

WHEREAS two sealed bids were received and opened by the Borough on August 25, 2010; and

WHEREAS *The Ambulance Network, Inc.* representing Medtec ambulances submitted a bid of \$149,275.00; and

WHEREAS Bay Head Investments for VCI Emergency Medical Vehicles submitted a bid of \$174,638.18; and

WHEREAS The Ambulance Network submitted a bid containing exceptions to the technical specifications contained within Bid packet 2010-03; and

WHEREAS The Ambulance Network submitted with the bid a bid bond and consent of surety deemed to be unresponsive; and

WHEREAS under the auspices of the New Jersey Local Public Contracting law standards the Ambulance Networks bid was deemed to be unresponsive; and

WHEREAS Bay Head Investments, Inc. d/b/a VCI submitted a bid on August 25, 2010 in the amount o \$174,638.18; and

WHEREAS Bay Head Investments bid was deemed to be responsive and responsible under the New Jersey Local Public Contracts law; and

WHEREAS, the Governing Body of the Borough of Lincoln Park hereby rejects the bid submitted by **THE AMBULANCE NETWORK, INC.**, representing **MEDTEC AMBULANCES** for an **AMBULANCE** be rejected due to the fact that the bid was not responsive to the bid specifications and contained incurable material defects;

WHEREAS, the next responsible and responsive bidder for the **AMBULANCE** was **BAY HEAD INVESTMENTS** for **VCI EMERGENCY MEDICAL VEHICLES** in the amount of \$174,638.18; and

WHEREAS, the Administrator deemed the high bid competitively acceptable, responsive and responsible;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the bid for the **AMBULANCE** submitted by **BAY HEAD INVESTMENTS for VCI EMERGENCY MEDICAL VEHICLES** in the amount of \$174,638.18 be accepted.

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RESOLUTION R10-252

WHEREAS, there were negotiations between Lincoln Park Plaza Associates 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.

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;

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>
22/304	2009	\$21,675.00	Refund
22/304	2010	\$29,705.88	Reduce 4 th 2010

* * *

RESOLUTION R10-253

WHEREAS, there were negotiations between Shiwen Sun 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 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>
35/90.24	2009	\$ 989.40	Refund

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35/90.24 2010 \$1,029.17 Adjust 4th 2010 qrt.

RESOLUTION R10-254

WHEREAS, there were negotiations between Walter Moeller 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 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>
22/305.1	2010	\$1,591.50	Reduce 4 th 2010

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RESOLUTION R10-255

WHEREAS, a tax overpayment should be disposed of only upon authorization granted by a detailed Resolution Adopted by the Governing Body; and

WHEREAS, it should be only in the province of the Governing Body to authorize a Tax Collector to dispose of an overpayment by applying it to the payment of an unpaid tax of another year;

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 following tax adjustment:

<u>BI/Lt</u>	<u>Name</u>	<u>Amount</u>	<u>Send to 2011</u>
126/13	Buonpane, Sharyn	\$3.38	Transfer to 2011

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RESOLUTION R10-256

WHEREAS, it has been determined by the Tax Collector that the taxpayers indicated below are entitled to a tax overpayment refund; and

WHEREAS, these overpayments should be returned to the respective taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Tax Collector is hereby authorized to make overpayment refunds in the amount shown below to the taxpayers:

<u>BI/Lt</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
7.4/16.1	Corelogic	\$1,930.32	Pd by Title Co. & Mtg. Co.
35/130.3	Corelogic	\$2,633.12	Pd by Title Co. & Mtg. Co.
46.7/66	Corelogic	\$1,694.56	Pd by Title Co. & Mtg. Co.

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RESOLUTION R10-257

WHEREAS, VANCO AND SVETLANA EFTIMOSKI , had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Flood Plain Encroachment and Variance Application #FPE3-03 for premises located at 535 Ryerson Rd., Block 58 Lot 7.01; and

WHEREAS, VANCO AND SVETLANA EFTIMOSKI 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 #1650 and may be refunded to **VANCO AND SVETLANA EFTIMOSKI**; 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 AND SVETLANA EFTIMOSKI** , in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1650 in connection with Flood Plain Encroachment and Variance Application #FPE3-03 for premises located at 535 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.

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RESOLUTION R10-258

WHEREAS, MICHAEL STONE , had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Zoning Permit #2010-202 for premises located at 61 Anthony Blvd., Block 151 Lot 19; and

WHEREAS, MICHAEL STONE 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 #2145 and may be refunded to **MICHAEL STONE**; 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 **MICHAEL STONE**, in the 2010 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2145 in connection with Zoning Permit #2010-202 for premises located at 61 Anthony Blvd., 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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Pepe: Please call the Roll

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

No: None

Absent: None

Abstain: None

The Resolutions were Adopted.

REGULAR AGENDA:

Pepe: Resolution R10-59 Pay Bills.

Thompson: So MOVED

Long: SECOND

RESOLUTION R10-259

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>
32003 through 32014 & 33477 through 33591	Current	486,138.48
894 through 899	Accutrack	7,089.50
1262	Dog License	19.20
2525 through 2530	Fed/State Grant	9,895.35
3070 through 3079	General Capital	196,771.91
2317 – 2318	General Trust	1,827.53
22878	Net Payroll	1,127.58
1875 through 1883	Recycling	1,831.01
2811 through 2813	Water Capital	4,331.42
6751 through 6773	Water Utility	109,743.41

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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.

Pepe: Resolution R10-260 Confirm Bills

Thompson: So MOVED

Long: SECOND

RESOLUTION R10-260

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				
	32003	Ford Motor Credit Corp	police vehicles	\$18,917.18
		North Jersey Municipal Emp. Benefits		
	32004	Fund	October benefits	\$150,741.00
	32005	BOLP Petty Cash DPW	Petty cash rein.	\$196.14

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32006	Deer Run	3rd qtr reim.	\$1,034.38
32007	Pine Brook Village	3rd qtr reim.	\$603.39
32008	Woodland Hills	3rd qtr reim.	\$837.36
32009	Hunting Meadows	3rd qtr reim.	\$1,169.38
32010	Hilltop	3rd qtr reim.	\$578.76
32011	BOLP Petty Cash Finance	Petty cash rein.	\$155.28
32012	Void for payroll	Void for payroll	\$0.00
32013	Void for payroll	Void for payroll	\$0.00
32014	LP Public Library	October	\$43,760.66
	Regular Meeting Checks	# 33477 - 33591	\$268,144.95

GENERAL CAPITAL

3070(conf)	Net Payroll	payroll	\$2,303.30
3071(conf)	Hunter Roberts Construction	Ord # 1405	\$81,000.00
3072(conf)	Net Payroll	payroll	\$2,956.53

WATER UTILITY

6751	BOLP Petty Cash - finance	reimburse petty cash	\$15.00
6752	USPS Reserve Acct	postage	\$2,000.00
6753	Net Payroll	voided for payroll	\$0.00
6754	Payroll Escrow	voided for payroll	\$0.00
6755	BOLP Water Capital	charge off bank errors	\$29.70
	Regular Meeting Checks	Check # 6756 - 6773	<u>\$107,698.71</u>

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Pepe: Please call the Roll

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

No: None

Absent: None

Abstain: Petracca

The Resolution was Adopted.

Pepe: Resolution R10-261 Award Contract – Ryerson Road Project

Gemian: So MOVED

Wild: SECOND

RESOLUTION R10-261

AUTHORIZING THE PURCHASE OF VARIOUS GOODS AND SERVICES FROM VARIOUS MORRIS COUNTY COOPERATIVE PRICING COUNCIL VENDORS FOR THE RYERSON ROAD IMPROVEMENTS PROJECT FOR A TOTAL COST OF \$233,231.94.

WHEREAS, the Borough of Lincoln Park ("Borough") desires to complete an improvements project for Ryerson Road (the "Project"); and

WHEREAS, the Borough desires to use the Morris County Cooperative Pricing Council ("MCCPC") in order to award contracts to vendors to complete the Project; and

WHEREAS, MCCPC has awarded contracts to various vendors concerning the Project as follows: 1) MCCPC Contract #6 to Tilcon New York, Inc., located at 625 Mt. Hope Road, Wharton, New Jersey 07885; 2) MCCPC Contract #14 to Campbell Foundry Company, located at 800 Bergen Street, Harrison, New Jersey 07029; 3) MCCPC Contract #26 to J. Fletcher Creamer & Son, located at 101 East Broadway, Hackensack, New Jersey 07601; 4) MCCPC Contract #36 to Denville Line Painting, Inc., located at 2 Green Pond Road, Rockaway, New Jersey 07866; 5) a portion of MCCPC Contract #42 to Andy Matt, Inc.,

located at 19 Scrub Oaks Road, Mine Hill, New Jersey 07803; and, 6) a portion of MCCPC Contract #42 to John Deere Landscapes, located at 1385 East 9th Street, Cleveland, Ohio 44114.

WHEREAS, the Borough of Lincoln Park desires to purchase the following: 1) road resurfacing and manhole resetting services from Tilcon New York, Inc., pursuant to MCCPC Contract #6; 2) the purchase of catch basin risers, frames, grates and curb piece retrofit covers from Campbell Foundry Company, pursuant to MCCPC Contract #14; 3) services for the installation of beam guide rails and safety ends from J. Fletcher Creamer & Son, pursuant to MCCPC Contract #26; 4) traffic striping and markings from Denville Line Painting, Inc., pursuant to MCCPC Contract #36; 5) the purchase of landscaping materials and supplies from Andy Matt, Inc., pursuant to MCCPC Contract #42; and 6) the purchase of landscaping materials and supplies from John Deere Landscapes, pursuant to MCCPC Contract #42.

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

1. The Borough of Lincoln Park hereby authorizes the purchase of the following: 1) road resurfacing and manhole resetting services from Tilcon New York, Inc. in the amount of \$190,800.00, pursuant to MCCPC Contract #6; 2) the purchase of catch basin risers, frames, grates and curb piece retrofit covers from Campbell Foundry Company in the amount of \$8,949.00, pursuant to MCCPC Contract #14; 3) installation of beam guide rails and safety ends from J. Fletcher Creamer & Son in the amount of \$15,915.00, pursuant to MCCPC Contract #26; 4) traffic striping on Ryerson Road from Denville Line Painting, Inc. in the amount of \$11,231.94, pursuant to MCCPC Contract #36; 5) the purchase of landscaping materials and supplies from Andy Matt, Inc. in the amount of \$5,865.00, pursuant to MCCPC Contract #42; and 6) the purchase of landscaping materials and supplies from John Deere landscapes in the amount of \$471.00, pursuant to MCCPC Contract #42.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute MCCPC Contract Nos. 6, 14, 26, 36 and 42, 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. The foregoing awards are subject to the certification of availability of funds by the appropriate officers of the Borough.
4. This Resolution shall take effect as herein provided.

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.

Pepe: Resolution R10-262 Authorize Closed Session

Kerwin: So MOVED

Petracca: SECOND

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RESOLUTION R10-262

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:

Open space - negotiations

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 18th day of October, 2010, that an Executive Session, closed to the public, shall be on the 18th day of October, 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.

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.

Pepe: Resolution R10-263 Authorize Execution of Memorandum of Understanding – NJDEP

Thompson: So MOVED

Gemian: SECOND

* * *

RESOLUTION R10-263

RESOLUTION AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING BETWEEN THE STATE OF NEW JERSEY AND THE BOROUGH OF LINCOLN PARK REGARDING PROPERTY ACQUISITION SUBJECT TO PERIODIC FLOODING

WHEREAS, the Green Acres Program in the State of New Jersey Department of Environmental Protection ("NJDEP") desires to acquire certain properties in the Passaic River Basin for flood control purposes; and

WHEREAS, the acquisition of certain of those properties within the Borough of Lincoln Park ("Borough" or "Lincoln Park") will benefit the Borough and reduce the risk and potential damage that can be caused by flooding within the Borough; and

WHEREAS, there has been presented a certain Memorandum of Understanding ("MOU") to the Borough between the NJDEP and the Borough which sets forth the rights, duties and obligations of the parties; and

WHEREAS, the Borough agrees to assume custodial jurisdiction over the properties, maintain the same and assume additional liability therefore after the property has been acquired and deemed vacant, and upon written notification by the NJDEP; and

WHEREAS, the Borough believes it is in the best interests of the citizens of the Borough to enter into the MOU as proposed by the NJDEP.

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

1. The terms and conditions of a certain Memorandum of Understanding ("MOU") by and between the NJDEP and the Borough concerning the acquisition of certain properties prone to flooding within the Borough and setting forth other obligations and requirements are hereby approved, ratified and confirmed by the Borough.
2. The Mayor and Borough Clerk are hereby authorized and directed to execute said Agreement and said officers, along with all other appropriate officers, employees and professionals of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.
3. This Resolution shall take effect immediately.

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.

Pepe: Resolution R10-237A Authorize Bond Release D & D Builders

Kerwin: So MOVED

Petracca: SECOND

* * *

RESOLUTION R10-237A

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 556.11 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 application 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 completed 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 Bond #13379, dated May 28, 2004;

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

1. The 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.
2. It has been recommended by Paul Darmofalski, Borough Engineer, that a Maintenance Bond not be posted for the West Park Subdivision #603 since the project has been completed over two years ago.
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.

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.

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VI. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

Pepe: R10-264 waive filming fees for music video.

After discussion R10-264 was defeated unanimously.

RESOLUTION R10-264 - DEFEATED

Gemian: No report

Kerwin:

1. Discussion: Letter from the Water Department questioning the date of the letter versus the date received.
2. Discussion: Letter sent to all the local Churches re: Pat Gray resigning as Food Pantry Director

Long:

1. Recreation Department needs Volunteers to Judge the Halloween costumes at the Halloween party.

Petracca: No report

Thompson: No report

Wild: No report

Pepe: No Report

VIII. MAYOR’S AGENDA:

1. Pat Gray will be stepping down as Food Pantry Director and we are reaching out to various Community Organizations for a replacement.
2. Ellen Harrigan will be stepping down as Emergency Management Coordinator.
3. Update on Foreclosure Action – back taxes of \$45,000 were paid.
4. Update on the Dog Park Survey discussed. 45 letters were sent out to the residents closest to the proposed site.

Pepe: I would suggest at this point, since we have had enough information presented and followed up with the survey that we have a Resolution.

Mayor, If the Council wishes we can have the Town Engineer, Zoning official, Recreation and the DPW all involved to make sure all is done to the professional standards that we would require.

Pepe: Resolution tonight to authorize a Dog Park in Lynn Park.

Long: So MOVED

Thompson: SECOND

Pepe: Any discussion.

Petracca: Will there be parameters in the Resolution? The girl scout was discussing that maybe she couldn’t do it unless she had full funding from the Fence Company, and other expenses.

Pepe: I was under the impression that we would authorize the concept of the Dog Park but not to use Borough Funds and have the Borough Engineer have the final approval.

RESOLUTION R10-265

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that they hereby approve the concept of the aforesaid mentioned “**DOG PARK**” at Lynn Park subject to the final approval of the Borough Engineer;

BE IT FURTHER RESOLVED that the Borough of Lincoln Park shall expend no funds for the said “**DOG PARK**”.

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.

Mayor’s Agenda continued

5. Closed Session needed tonight in regards to Open Space Negotiations.
6. Proclamation declaring November Pancreatic Cancer Awareness Month

The Mayor read the following Proclamation:

**Proclamation
November 2010 Pancreatic Cancer Awareness Month**

Borough of Lincoln Park

Declaring the month of November “Pancreatic Cancer Awareness Month” in the Borough of Lincoln Park, New Jersey.

WHEREAS in 2010, an estimated 43,140 people will be diagnosed with pancreatic cancer in the United States and 36,800 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers and is the fourth leading cause of cancer death in the United States;

WHEREAS when symptoms of pancreatic cancer present themselves, it is usually too late for an optimistic prognosis, and 75 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS incidence of pancreatic cancer is approximately 50 percent higher in African Americans than in other ethnic groups;

WHEREAS approximately 1130 deaths will occur in New Jersey;

WHEREAS there is no cure for pancreatic cancer and there have been no significant improvements in survival rates in the last 40 years;

WHEREAS the Federal Government invests significantly less money in pancreatic cancer research than it does in any of the other leading cancer killers; and pancreatic cancer research constitutes only 2 percent of the National Cancer Institute's federal research funding, a figure far too low given the severity of the disease, its mortality rate, and how little is known about how to arrest it; and

WHEREAS the Pancreatic Cancer Action Network is the first and only national patient advocacy organization that serves the pancreatic cancer community in the Borough of Lincoln Park and nationwide by focusing its efforts on public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in New Jersey support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of the Borough of Lincoln Park are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments;

NOW, THEREFORE, BE IT RESOLVED, that I, David A. Runfeldt, Mayor of the Borough of Lincoln Park designate the month of November, 2010 "Pancreatic Cancer Awareness Month" in the Borough of Lincoln Park, New Jersey.

In Witness Whereof, I
Hereunto set my hand
and the seal of the Borough
this 18th day of October, 2010

David A. Runfeldt, Mayor

IX. PUBLIC HEARING

Petracca: MOTION TO GO TO PUBLIC

Kerwin: SECOND

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

Thompson: MOTION TO CLOSE THE PUBLIC HEARING

Long: SECOND

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

X. CLOSED SESSION

Gemian: MOTION TO GO TO CLOSED SESSION

Pepe: SECOND

Council President Pepe asked for A VOICE VOTE. The Meeting was CLOSED at 7:56 PM.

Closed Session Matters Relating to Litigation, Negotiations and the Attorney Client Privilege.

1. Negotiations – Open Space
- 2.

The Meeting was RE-OPENED to the Public at 8:01 PM.

Buzak: We need a Motion to withdraw the application.

Thompson: I MOVE that we withdraw the application to the Morris County Open Space Preservation Trust Fund.

Long: SECOND

Pepe: Any discussion? 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.

XI. ADJOURNMENT

Thompson: MOTION TO ADJOURN

Long: SECOND

There being no further business to come before the Council the Regular Meeting of October 18, 2010 was Adjourned at 8:01 pm.

Louis J. Pepe, Council President

Annette Maida-Smith, RMC
Borough Clerk

October 18, 2010