

**DUE TO A MAILFUNCTION IN THE RECORDING SYSTEM, THESE MINUTES WERE
TAKEN FROM THE NOTES OF THE MUNICIPAL CLERK**

I. Monday, December 6, 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: Gemian, Kerwin, Petracca, Thompson, Wild and Pepe.

ABSENT FROM COUNCIL: Councilwoman Long

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

ABSENT FROM ADMINISTRATION: Tiena Cofoni

III. COUNCIL AGENDA:

NONE

IV. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

1. Councilman Gemian had nothing to report.
2. Councilman Kerwin had two (2) items:
 1. Resident complaint about 2 pieces of cement by Hose Co. 2 are they going to be removed.
 2. During the Fire Dept. Drill residents on Steele Ave can't park vehicles
3. Councilman Petracca had nothing to report.
4. Councilwoman Thompson had one (1) item:
 1. Went to Tree Lighting, was very beautiful.
5. Councilman Wild had two (2) items:
 1. Also received complaints from residents about parking on Steele Ave. during baseball season, it should be changed to no parking on right side.
 2. Is Administration looking into what TBSA wants to do about their proposed expansion
6. Council President Pepe had one (1) item:
 1. He is extremely pleased with the progress made by the Mayor, Council and Administrator over the past year. Tonight's Agenda is

reflective of that progress given the following items:

a. Ordinance requesting a change in the current 2 for 1 fill requirements to bring it in line with current NJ DEP “Zero” net fill. This will enhance future development opportunities to attract and keep ratables.

b. Renewal of a shared service agreement for nursing services at 2% yielding and additional savings of \$8-10 K for next year.

c. Realizing the need for a Stacking Ordinance this is critical to health and safety and proper distribution and collection of tax revenue.

V. MAYOR’S AGENDA:

1. COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION TO APPLY:

THIS ITEM WAS PULLED FROM THE AGENDA

2. ORDINANCE CHANGE 2 FOR 1 FILL REQUIREMENTS:

Administration explained that Lincoln Park is the only municipality within the state requiring this and is more excessive than the state regulations.

Copies of correspondence from the Borough Engineer was provided to Council recommending changing the Ordinance.

The Clerk advised Council that this Ordinance and the other one on the Agenda will not be Introduced until January’s Regular Meeting. In a discussion with the Department of Community Affairs, the Clerk was advised that Ordinances should not be Introduced in one year and Adopted in another year.

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

3. MORRISTOWN SHARED SERVICES NURSING AGREEMENT:

Renewal for 2011 of shared services agreement for Morristown Nursing through the Health Department.

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

4. INCREASE IN MUA TIPPING FEES PER TON:

Administration reported that the increase is reflective of approximately 4% in MUA tipping fees for 2011. Price per ton has increased.

Administration is even more confident that their efforts continue to save the Borough finances in the realm of tipping fees.

No action to be taken by Council.

5. **EECBG:**

Administration is seeking a Resolution from Council to seek EECBG prior to year end. Council was provided with copies of estimates displaying cost of improvements and replacement for energy efficiency at the DPW, PAL and Library.

The total cost of replacement is approximately \$119,000.00 the cost to the Borough would be approximately \$27,000.00.

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

6. **STACKING ORDINANCE:**

The Borough's Zoning Officer has informed Administration of the need for legislative tools and relief to combat instances where there were multiple renters in the same structure.

Council was provided with copies of a similar Ordinance placed into effect in Rockaway Township, Administration asked the Buzak Law Group to draft an appropriate Ordinance for Lincoln Park.

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

7. **EQUIPMENT FOR AUCTION:**

Old water van and Tailgate of pick-up truck will be auctioned.

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

8. **REFUND OF RENTAL INSPECTION FEE:**

The CFO prepared a Resolution for consideration by Council refunding a duplicate refund fee to a Birch Street residence.

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

9. **TAX SALE REDEMPTION:**

Block 4 Lot 10.8 C008B, 2009 Water/Sewer lien, Tax Sale Certificate #10-00004, US Bank Cust for Pro Capital I, LLC, \$200 premium and \$716.04 to be paid.

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

10. **TAX OVERPAYMENT REFUNDS:**

Block 23, Lot 8 – Mokos - \$1740.73; Block 46.8 Lot 54 – Niler - \$1676.95; Block 9, Lot 25.1, Estate of Doris Andrascik - \$189.39.

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

11. **TAX ADJUSTMENTS:**

Block 131, Lot 6 – Heyrich, \$21.06 transfer to 2011; Block 136.1 Lot 22.4 C2204 – Beades - \$1,200.22 transfer to 2011.

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

12. **TAX APPEAL SETTLEMENT:**

This was for Kay Elemetrics, both the Borough Attorney and the Borough's Tax Assessor recommend the reduction in taxes.

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

13. **TILCON – RYERSON ROAD:**

There is needed a Change Order for Tilcon since the Borough's DPW did not have the proper equipment for some of the inlets that needed to be raised, therefore Tilcon New York had to do the repairs in the amount of \$2,370.00 therefore creating Change Order #1.

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

14. **CLOSED SESSION DISCUSSIONS:**

A. Police Department:

1. Chief Andrascik
2. Future of police department/Lt. Sundberg

B. Health department – Pat Pignatelli

C. Negotiations – shared services – Kinnelon Borough

D. Borough Attorney Proposal – WAS PULLED FROM CLOSED SESSION AND WILL BE DISCUSSED IN OPEN SESSION AFTER THE CLOSED SESSION.

THE FOLLOWING ITEM WAS ADDED TO THE MAYOR'S AGENDA:

15. **MEMBERSHIP IN THE MC JIF:**

Council was briefed on the renewal of the Borough in the Morris County JIF (Joint Health Insurance Fund) for a three (3) year period.

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

16. **PROPOSAL FROM KING & PETRACCA:**

Mayor reported that he received the proposal and would like to have it discussed in Open Session.

Council concurred.

17. **LETTER ON COAH:**

Borough Attorney Edward Buzak wanted to remind everyone about the guidance letter he sent on COAH and his recommendation to sit tight.

Council concurred.

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

NONE

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

Council President Pepe asked for a MOTION and a SECOND on R10-289.

Councilman Kerwin MOVED the Adoption of R10-289

Councilwoman Thompson SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R10-289

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:

Exploration of Shared Services

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 6th day of December, 2010, that an Executive Session, closed to the public, shall be on the 6th day of December, 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.

Council President Pepe asked for a voice vote on Resolution R10-289, all were in favor.

The Resolution was Adopted.

* * *

Council President Pepe asked for a MOTION and a SECOND on R10-290.

Councilwoman Thompson MOVED the Adoption of R10-290

Councilman Kerwin SECOND the MOTION.

The following Resolution was spread for the record:

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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 the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance

or promotion or disciplining of any specific prospective public officer or employee or current public officer or employee or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed as a public meeting:

- a. Police Promotion
- b. Retirement Agreement
- c. Retirement Agreement
- d. Borough Attorney Proposal – **Pulled from the Closed Session**

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 6th day of December, 2010, that an Executive Session, closed to the public, shall be on the 6th day of December, 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.

Council President Pepe asked for a voice vote on Resolution R10-290, all were in favor.

The Resolution was Adopted.

X. CLOSED SESSION:

Councilwoman Thompson MOVED to go into CLOSED SESSION.

Councilman Gemian SECOND the MOTION.

Council went into CLOSED SESSION at approximately 7:56 pm, and returned to OPEN SESSION at approximately 8:24 pm, showing the same people present.

VIII. PUBLIC HEARING:

Councilwoman Thompson MOVED to OPEN the PUBLIC HEARING.

Councilman Wild SECOND the MOTION.

Seeing no one else wishing to speak during the Public Portion of the meeting, Councilwoman Thompson MOVED that the Public Hearing be CLOSED.

Councilman Kerwin SECOND the MOTION.

DISCUSSION – BOROUGH ATTORNEY PROPOSAL:

Council President Pepe advised that Council was going to discuss the proposal from King and Petracca for the position of Borough Attorney.

Councilman Petracca excused himself from this discussion at approximately 8:25 pm and rest of the meeting.

The discussion was that Council had some concerns about ethics and the process for the unsolicited RFP for Borough Attorney.

Council President Pepe asked for comments from the Mayor, the Mayor agreed with the Council.

XI. ADJOURNMENT:

Councilwoman Thompson MOVED the Work Meeting be ADJOURNED.

Councilman Kerwin SECOND the MOTION.

The Work Meeting of Monday, December 6, 2010 was ADJOURNED at approximately 8:31 pm.

ATTEST:

Annette Maida-Smith, RMC
Borough Clerk

Louis J. Pepe, Council President