

**MINUTES APPROVED AS CORRECTED**

I. Monday, January 3, 2011 Work Meeting of the Governing Body of the Borough of Lincoln Park, the Deputy Clerk called the Work Meeting to order and announced the meeting was duly advertised in accordance with the Open Public Meetings Act. The Deputy 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.

**II. ROLL CALL**

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

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

ABSENT FROM ADMINISTRATION: Ed Buzak, Borough Attorney, Tiena Cofoni, Borough Attorney.

**III. COUNCIL AGENDA:****1. TBSA APPOINTMENT/RE-APPOINTMENT – RAYMOND KERWIN:**

On February 1, 2011, Councilman Kerwin's TBSA appointment will expire. He has expressed a desire to be re-appointed.

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

**2. OFFICE OF EMERGENCY MANAGEMENT RESIGNATIONS:**

Council President Pepe asked the Mayor if all of the vacancies have been filled. The Mayor stated he will be replacing Mrs. Harrigan as OEM Director and Chris Cusik has replaced Mrs. Smith as Shelter Director and there are other Deputy Directors to fill Paul Gresko's position. There will be no disruption in response and the roster should be in place by the beginning of February.

**IV. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:**

1. Councilman Cardillo had nothing to report.
2. Councilman Gemian had nothing to report.
3. Councilman Kerwin had one (1) item:
  1. Will be attending the First Aid Squad's dinner dance this Saturday night.
4. Councilman Petracca had nothing to report.
5. Councilwoman Thompson had one (1) item:
  1. Spotted the First Aid Squad's vehicle in New York City. They had responded to a call out for additional aid, due to the 1,400 calls that have not been responded to.
6. Councilman Wild had nothing to report.

7. Council President Pepe had two (2) items:

1. Two Ordinances have been added to tonight's agenda. The first Ordinance is 1-11 Amending Chapter 17 and we will introduce tonight. The second Ordinance 2-11 Amending and Supplementing Chapter 159 Residential Property Maintenance, will only be for discussion, therefore, allowing Council ample opportunity to review.

2. Discussed outsourcing the Beavertown Journal for printing and distribution at no cost to the Borough. The Clerk's office will continue to maintain control of the content that goes into the Publication. There will be 11 issues per year. Council will be emailed a sample and further discussion will be at the next meeting.

**V. MAYOR'S AGENDA:**

**1. TBSA EXPANSION:**

Memorandum from Borough engineer as to Boroughs options in TBSA proposed expansion.

Key question for Borough is capacity for future and level of adequacy

Paul Darmofalski addressed all of the expansion/upgrade issues.

A letter will be sent from Administration to the TBSA.

**2. FILM PERMIT FEE PROPOSAL:**

Follow up to council conversation in October to address inadequacies to assist residents found in 11-7 Film permit fees.

Administration wishes to change the daily filming fee in Part three of the Filming Ordinance; change the fee for a resident from \$500 to a fee of \$25.00. A resident will still pay for the \$75.00 initial Filming Fee and a daily fee of \$25.00. This does not take into account a Motion Picture or HBO.

Wording in the Ordinance will also be reviewed: definition of a Major Motion Picture.

Council in agreement residents on private property or school projects should be charged a lower fee.

**3. DEVELOPERS AGREEMENT WALGREENS:**

Representative from Walgreens Katie Karkus answered questions from the Council.

Council concurred and a Resolution will be on tonight's agenda.

**4. ITEMS FOR AUCTION:**

New volleyball system has been purchased by Recreation approval sought to auction off old system via BidNet.

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

**5. TAX SETTLEMENT KAY ELEMETRICS:**

Block 4 Lot 6.5 result of tax appeal.

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

**6. ESCROW RELEASE DRUG FAIR – ESCROW 1672:**

Block 22 Lot 304

Council concurs and a Resolution will be placed on the Regular Agenda

**7. ESCROW RELEASE #2163:**

Block 150 Lot 15

Council concurs and a Resolution will be placed on the Regular Agenda

**8. ESCROW RELEASE YOUNG NAILS #2162:**

Block 35.1 Lot 115.1

200 Main St

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

**9. TAX APPEAL ADJUSTMENT:**

Block 71 Lot 25.5 – 2010 - \$1,369.71 - Adjust off 4<sup>th</sup> 2010

Block 137 Lot 1 – 2010 - \$388.32 - Refund 4<sup>th</sup>

Council concurs and a Resolution will be placed on the regular agenda.

**10. VETERANS TAX REFUND:**

136.2/8.23 C8023 Jonathan Donker

Council concurs and a Resolution will be placed on the regular agenda.

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

Recycling: A portion of Route 1 was not picked up today and will be collected tomorrow.

**VI. RESOLUTIONS :**

Council President Pepe asked for a MOTION and a SECOND on R10-299A.

Councilwoman Thompson MOVED the Adoption of R10-299A

Councilman Petracca SECOND the MOTION.

The following Resolution was spread for the record:

**RESOLUTION R10-299A**

**WHEREAS**, Kay Elemetrics Corp. ("Taxpayer") filed a tax appeal against the Borough of Lincoln Park (hereinafter "Borough") to the Tax Court of New Jersey for the Tax Years 2009 and 2010 challenging the assessment of real property known as Block 4, Lot 6.5 as is shown on the Official Tax Map of the Borough of Lincoln Park; and

**WHEREAS**, there were negotiations between the parties before trial and a settlement has been proposed and is being recommended by the Borough Attorney and the Borough Tax Assessor; and

**WHEREAS**, the Governing Body desires to approve the same.

**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 settlement of the tax appeal reducing the assessment of \$5,663,500 by \$163,500 to \$5,500,000 for Tax Year 2009 is hereby authorized and approved.
2. The settlement of the tax appeal reducing the assessment of \$5,663,500 by \$413,500 to \$5,250,000 for Tax Year 2010 is hereby authorized and approved.
3. The Borough Attorney is hereby authorized to sign a Stipulation of Settlement reducing the assessment as provided above.
4. The Borough Tax Assessor, Borough Attorney, Borough Tax Collector, employees, agents or representatives of the Borough are hereby authorized to do whatever is necessary to effectuate the purpose of this Resolution.
5. This Resolution shall take effect immediately.

\* \* \*

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

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

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Council President Pepe asked for a MOTION and a SECOND on R11-62. ( Discussed as R10-300, R11-62 is the correct sequence)

Councilwoman Thompson MOVED the Adoption of R11-62

Councilman Petracca SECOND the MOTION.

The following Resolution was spread for the record:

**RESOLUTION R11-62**

**BE IT RESOLVED**, by the Governing Body of the Borough of Lincoln Park, that the Mayor and Borough Clerk are hereby authorized to enter into a certain Developers Agreement with **LINCOLN PARK RETAIL DEVELOPMENT, LLC**, having a place of business located at **153 MAIN STREET, LINCOLN PARK, NEW JERSEY, 07035** in the form on file in the Office of the Borough Clerk.

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

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

**VII. ORDINANCES FOR INTRODUCTION:**

Pepe: Ordinance 1-11 Amend Chapter 17, Planning, Article XA, Stormwater

The Deputy Clerk read the following Resolution:

**BE IT RESOLVED**, that an Ordinance entitled:

**AN ORDINANCE AMENDING CHAPTER 17, PLANNING, ARTICLE XA, STORMWATER MANAGEMENT, SECTION 13, SPECIFIC FLOOD PLAIN REQUIREMENTS, SUBSECTION C, FILL REQUIREMENTS OF THE ORDINANCES OF THE BOROUGH OF LINCOLN PARK,**

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

Pepe: Before we have discussion may I have a Motion.

Petracca: So MOVED

Kerwin: SECOND

Mayor Runfeldt and Paul Darmofalski spoke on this Ordinance; due to some of the wording needing change, this Ordinance will be **TABLED** until the January 18<sup>th</sup> meeting.

Pepe: Ordinance 2-11 To Amend and Supplement Chapter 159 Residential Property Maintenance Article IV, Space and occupancy Requirements.

Discussion only **TABLED** until the January 18<sup>th</sup> Meeting.

**VIII. PUBLIC HEARING:**

Councilman Kerwin MOVED to OPEN the PUBLIC HEARING.

Councilman Gemian SECOND the MOTION.

1. Doug Bell, 15 Comly Road spoke on both Ordinances.
2. Sid Johnson, 509 Main Street, Butler spoke on Residential Property Ordinance

Councilwoman Thompson MOVED that the Public Hearing be CLOSED.

Councilman Kerwin SECOND the MOTION. Council President Pepe asked for a Voice Vote. The Public Hearing was CLOSED.

Council President Pepe listed the dates for the Budget Hearings.

**XI. ADJOURNMENT:**

Councilwoman Thompson MOVED the Work Meeting be ADJOURNED.

Councilman Kerwin SECOND the MOTION.

The Work Meeting of Monday, ~~December 6, 2010~~ **January 3, 2011** was ADJOURNED at approximately 8:26 pm.

ATTEST:

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Cynthia L. Sloane, RMC  
Deputy Borough Clerk

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Louis J. Pepe, Council President