

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 April 18, 2011. 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: Robert Cardillo
Gary Gemian
Raymond T. Kerwin
Louis J. Pepe
Ann Thompson
James A. Wild

ABSENT: Matthew Petracca

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

III. MINUTES FOR APPROVAL:

Pepe: Minutes for Approval March 21, 2011.

Kerwin: So MOVED

Wild: SECOND

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

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

No: None

Absent: Petracca

Abstain: None

The Minutes of March 21, 2011 were Approved.

Pepe: Minutes for Approval April 4, 2011.

Kerwin: So MOVED

Gemian: SECOND

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

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

No: None

Absent: Petracca

Abstain: Thompson

The Minutes of April 4, 2011 were Approved.

IV. PUBLIC HEARING 2011 MUNICIPAL BUDGET:

Kerwin: MOTION TO GO TO PUBLIC.

Gemian: 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.

Thompson: MOTION TO CLOSE THE PUBLIC HEARING

Gemian: SECOND

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

V. SWEARING IN OF POLICE CHIEF.

Runfeldt: Council President I would like to recommend the appointment of Eric Sundberg to Police Chief of the Borough of Lincoln Park.

Thompson: Motion to appoint Warren Eric Sundberg as Chief of the Lincoln Park Police Department.

Pepe: SECOND

RESOLUTION R11-132

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the appointment of ***WARREN ERIC SUNDBERG to POLICE CHIEF*** effective, April 18, 2011, is hereby approved.

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Warren Eric Sundberg was sworn in as Chief of the Lincoln Park Police Department

(Short break to celebrate Chief Sundberg's promotion)

Pepe: Before we go to Ordinances for Introduction we have one Resolution that I would like to move up now. Resolution R11-137 Adoption of the 2011 Amended Municipal Budget. We have Mr. Jim Cerullo and David Bottges from our Auditing Firm with us this evening.

Pepe: As a result of last years state aid reductions equaling \$235, 696.00 the Council has worked closely with the Mayor and Administration over the past year to seek concessions and further reductions from Departments in an effort to bridge the gap and return a budget which is affordable, and within expenditures necessary to maintain quality services and operations for the Borough.

This year's budget marks the third year in a row that continued commitment has reduced expenditures by \$105,473.00 this year or \$423,615 since 2009 culminating in a property tax decrease of \$2.04 on the average assessed home of approx. \$362,000.

The combined efforts of the Mayor, Administration and Council have lead to a budget that preserves the quality services provided to our residents in a cost effective manner governed by fiscal constraint and trend analysis considering long term implications on future budgets. I again applaud the efforts of Mayor Runfeldt, Borough Administrator Sean Canning and CFO Kerry Geisler for their hard work, determination and dedication in addressing concerns of Council and the residents of Lincoln Park. Likewise, I'd like to thank all the department heads for their time, consideration and dedication in providing budgetary oversight projections and analysis of various aspects of the total budget. It is truly appreciated and recognized.

Finally, I commend the members of the Council for their unwavering commitment to remain fiscally responsible and finalizing a budget that maintains a focus on tax levy stability, increased shared services and sustainability through cost containment. To finalize a budget that produces property tax relief in the face of a 2% cap is not only commendable but reflective of the work, leadership, and direction that Council continues to move.

Kerwin: Thanked the Administration for their hard work, because this was not an easy budget to do and other members of the council also that came up with a budget that actually decreases taxes is very admirable. Thank You.

Thompson: Thank you to everybody who worked on the budget.

Wild: The Administration did a great job.

Pepe: Mr. Mayor before I ask for mover and second any comments?

Runfeldt: Yes I would like to, number one, let everybody know that there were quite a few people that went into formatting this budget. Obviously Kerry and Sean being the two chief people, and all the department heads, all of the personal in town need to be acknowledged because for three years in a row now they have been a big part of this solution. For example the PBA this year worked very closely with us finding a way that they were able to save the Police Department some money which enabled us to provide the budget that we are giving to the residents of Lincoln Park I just want to say thank you to everybody there.

The budget process which a couple years ago wouldn't start until November, we have now accelerated and we will be rolling into next years budge in a month or two. Usually by June we begin the process. A lot of difficult decisions need to be made in the formulating of this budget and I just want the Council to know that I appreciate knowing where you are in your commitment to the cost savings and being financially and fiscally responsible. That you have demonstrated to the residents of Lincoln Park that makes our formulating the budget a little bit easier. So I want to thank you all very much for your dedication, your commitment, and your unwavering commitment to getting this done. So thank you very much.

Pepe: Thank you very much. At this time I would like a mover and a second.

Thompson: So MOVED

Gemian: SECOND

Resolution R11-137 is spread for the record

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Thank you very much.

VI. ORDINANCES FOR INTRODUCTION:

Pepe: Ordinances for Introduction 6-11 2011 Salary Compensation.

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE PROVIDING COMPENSATION FOR CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF LINCOLN PARK

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

Kerwin: So MOVED

Cardillo: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

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 PROVIDING COMPENSATION FOR CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF LINCOLN PARK

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 16th day of May, 2011 at approximately 7:30 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

Thompson: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 7-11 Amend Chapter 17, Planning, Sec. 17 – 82.1

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE AMENDING SECTION 17-82.1-d, DEVELOPMENT REGULATIONS, OF THE CODE OF THE BOROUGH OF LINCOLN PARK TO REQUIRE THE SUBMISSION OF THE APPLICANT’S EXPERT REPORT SUPPORTING A “d” VARIANCE APPLICATION AS AN (N.J.S.A. 40:55d-70D(1)-(6) AS AN ELEMENT OF COMPLETENESS

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

Gemian: So MOVED

Kerwin: SECOND

Pepe: Please call the Roll.

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

No: None

Absent: Petracca

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 AMENDING SECTION 17-82.1-d, DEVELOPMENT REGULATIONS, OF THE CODE OF THE BOROUGH OF LINCOLN PARK TO REQUIRE THE SUBMISSION OF THE APPLICANT’S EXPERT REPORT SUPPORTING A “d” VARIANCE APPLICATION AS AN (N.J.S.A. 40:55d-70D(1)-(6) AS AN ELEMENT OF COMPLETENESS

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 16th day of May, 2011 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.

Thompson: So MOVED

Kerwin: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Ordinance 8-11 Grant Fiber Technologies Networks LLC Right-of-Way- 10 years

The Clerk Read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE GRANTING NON-EXCLUSIVE PERMISSION AND CONSENT TO FIBER TECHNOLOGIES NETWORKS, L.L.C., IT'S SUCCESSORS AND ASSIGNS, TO USE ALL OF THE VARIOUS PUBLIC RIGHTS-OF-WAY AND PARTS THEREOF IN THE BOROUGH OF LINCOLN PARK, MORRIS COUNTY, NEW JERSEY, BOTH ABOVE AND BELOW THE SURFACE THEREOF, FOR THE CONSTRUCTION, INSTALLATION, OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF IT'S TELECOMMUNICATIONS SYSTEM

be Introduced and read by Title on First Reading by the Clerk.

Thompson: So MOVED

Cardillo: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Read it again please.

The Clerk Read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

AN ORDINANCE GRANTING NON-EXCLUSIVE PERMISSION AND CONSENT TO FIBER TECHNOLOGIES NETWORKS, L.L.C., IT'S SUCCESSORS AND ASSIGNS, TO USE ALL OF THE VARIOUS PUBLIC RIGHTS-OF-WAY AND PARTS THEREOF IN THE BOROUGH OF LINCOLN PARK, MORRIS COUNTY, NEW JERSEY, BOTH ABOVE AND BELOW THE SURFACE THEREOF, FOR THE CONSTRUCTION, INSTALLATION, OPERATION, REPAIR, MAINTENANCE AND REPLACEMENT OF IT'S TELECOMMUNICATIONS SYSTEM

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 16th day of May, 2011 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.

Thompson: So MOVED

Cardillo: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

ORDINANCES FOR ADOPTION:

Pepe: Ordinances for Adoption. 4-11 Amend Chapter 11, fees

The Clerk read the following Resolution.

Deputy Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, FEES OF THE
ORDINANCES OT THE BOROUGH OF LINCOLN PARK**

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

Kerwin: So MOVED

Wild: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

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.

Pepe: Anyone wishing to speak on 4-11 and 4-11 only may do so now.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING

Wild: SECOND

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

The Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 11, FEES OF THE
ORDINANCES OT THE BOROUGH OF LINCOLN PARK**

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

Wild: So MOVED

Thompson: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Ordinance was Adopted.

The next Ordinance for Adoption is 5-11 Exceeding the Municipal Budget Appropriations limit and to establish a Cap Bank.

The Clerk read the following Resolution.

BE IT RESOLVED, that an Ordinance entitled:

CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK NJSA 40A:4-45.14

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

Thompson: So MOVED

Kerwin: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Kerwin: MOTION TO GO TO PUBLIC

Wild: SECOND

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

Pepe: Anyone wishing to speak on Ordinance 5-11 and 5-11 only may do so now.

- 1, Malcolm Chamalian – 28 Maturan Ave
- 2. Barbara Hertz – 77 Orchard Drive.

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING

Wild: SECOND

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

Pepe: Please read it again.

The Clerk read the following Resolution.

BE IT RESOLVED, that an Ordinance entitled:

CALENDAR YEAR 2011 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK NJSA 40A:4-45.14

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

Kerwin: So MOVED

Wild: SECOND

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Ordinance was Adopted.

VII. DISCUSSION:

Interlocal Health Services Contract = 15 month Contract

VIII. RESOLUTIONS
CONSENT AGENDA:

Pepe: R11-121 through R11-131

Kerwin: So MOVED

Gemian: SECOND

RESOLUTION R11-121

WHEREAS, the Administrator of the Borough of Lincoln Park solicited for bids for Cleaning Services, the purpose of this work will be to perform cleaning services for the Borough of Lincoln Park; and

WHEREAS, on March 15, 2011 five (5) bids were received as follows:

<u>Borough of Lincoln Park</u> <u>Cleaning Services Bid</u> <u>March 15, 2011, 10:00 am</u>				
BIDDER	ALT. 1	ALT. 2	ALT. 3	ALT. 4
Ocean Cleaning	\$22,560.00	<u>\$45,120.00</u>	\$22,560.00	\$45,120.00
Maverick Building	\$24,000.00	\$48,000.00	\$20,000.00	\$40,000.00
Chucks Professional Cleaning	\$30,000.00	\$60,000.00	\$35,000.00	\$70,000.00
Urocorp	\$32,400.00	\$60,000.00	\$26,400.00	\$48,960.00
Oriental Pacific	\$31,200.00	\$62,400.00	\$30,000.00	\$60,000.00

WHEREAS, the lowest responsible bid of \$45,120.00 per year for a two (2) year period, for Alternate #2 only for Cleaning Services for the Municipal building and the PAL/Community Center for a period of May 1, 2011 through April 30, 2013 shall be awarded to **OCEAN CLEAN, LLC** as per the recommendation of Administration; and

WHEREAS, the Borough of Lincoln Park's Chief Financial Officer has certified the funds in her Certification of Funds hereto annexed;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, in the County of Morris, and State of New Jersey, that **OCEAN CLEAN, LLC** shall be awarded the Contract for Cleaning Services for the Municipal Building and PAL/Community Center for a contract price of \$42,120.00 per year for a period of two (2) years.

* * *

RESOLUTION R11-122

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the Mayor's appointment of Kerry L. Geisler as Deputy Tax Search Officer for the Borough of Lincoln Park is hereby confirmed;

BE IT FURTHER RESOLVED, that this appointment is made at no additional compensation.

* * *

RESOLUTION R11-123

WHEREAS, the Township of Montville “Provider” and the Borough of Lincoln Park “Recipient” have entered into an Interlocal Services Contract to provide the services of a properly licensed Health Officer to aid in carrying out, within the territorial jurisdiction of the Recipient, public health activities, including, but not limited to environmental health, health education, and administrative and supervisory activities as required by the Local Health Services Act, P.L. 329, 1975 for a term of September 1, 2011 through December 31, 2011 (hereinafter “contract”); and

WHEREAS the Recipient agrees to pay the Provider the sum of \$5,000.00 per month, payable at the beginning of each quarter, for the period from September 1, 2011 through December 31, 2011, which shall be the period of this contract, provided, however, services rendered for a portion of a month provided shall be pro rata;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the Mayor and Borough Clerk are hereby authorized and directed to enter into an Interlocal Services Contract with the township of Montville, in the form on file in the Office of the Borough Clerk (copy on file).

* * *

RESOLUTION R11-124

WHEREAS, AERO SAFETY TRAINING, LTD., had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE09-3 and Zoning Permit #2009-12Z for premises located at 425 Beaver Brook Rd., Block 3 Lot 7; and

WHEREAS, AERO SAFETY TRAINING, LTD 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2070 and may be refunded to **AERO SAFETY TRAINING, LTD**; 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 **AERO SAFETY TRAINING, LTD**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2070 in connection with Site Plan Exemption #SPE09-3 and Zoning Permit #2009-12Z for premises located at 425 Beaver Brook 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 R11-125

WHEREAS, CHENYUE SHEN d/b/a POINT AND MERIDIANS HEALING CENTER, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE11-03 and Zoning Permit #2011-6Z for premises located at 466 Boonton Turnpike., Block 87 Lot 1.1; and

WHEREAS, CHENYUE SHEN d/b/a POINT AND MERIDIANS HEALING CENTER has submitted a written request, on file in the Office of the Chief Financial Officer, that unused escrow funds be returned; and

April 18, 2011

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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2187 and may be refunded to **CHENYUE SHEN d/b/a POINT AND MERIDIANS HEALING CENTER**; 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 **CHENYUE SHEN d/b/a POINT AND MERIDIANS HEALING CENTER**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2187 in connection with Site Plan Exemption #SPE11-03 and Zoning Permit #2011-6Z for premises located at 466 Boonton Turnpike, 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 R11-126

WHEREAS, JOHN F. DOBBS, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Zoning Permit #2010-50Z and Variance Application #2010-8 for premises located at 95 Main St., Block 3 Lot 305.1; and

WHEREAS, JOHN F. DOBBS 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2170 and may be refunded to **JOHN F. DOBBS**; 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 **JOHN F. DOBBS**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2170 in connection with Zoning Permit #2010-50Z and Variance Application #2010-8 for premises located at 95 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 R11-127

WHEREAS, LISA C. KISHKO, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Zoning Permit #2010-8Z for premises located at 6 Ryerson Rd., Block 140 Lot 1; and

WHEREAS, LISA C. KISHKO 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2132 and may be refunded to **LISA C. KISHKO**; 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 **LISA C. KISHKO**, in the 2011 General Trust Escrow Account –

April 18, 2011

Bank Account #041-41378-4, Escrow Account #2132 in connection with Zoning Permit #2010-8Z for premises located at 6 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 R11-128

WHEREAS, KENNETH RIOLA d/b/a RIOLA DESIGN, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE11-01 and Zoning Permit #2011-8Z for premises located at 246 Main St., Block 22.1 Lot 294; and

WHEREAS, KENNETH RIOLA d/b/a RIOLA DESIGN 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2184 and may be refunded to KENNETH RIOLA d/b/a RIOLA DESIGN; 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 **KENNETH RIOLA d/b/a RIOLA DESIGN**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2184 in connection with Site Plan Exemption #SPE11-01 and Zoning Permit #2011-8Z for premises located at 246 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 R11-129

WHEREAS, WILLIAM PANYCIA, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Variance Application #2009-4 for premises located at 15 West Dr., block 3 Lot 55.4; and

WHEREAS, WILLIAM PANYCIA 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2068 and may be refunded to WILLIAM PANYCIA; 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 **WILLIAM PANYCIA**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2068 in connection with Variance Application #2009-4 for premises located at 15 West Dr., 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 R11-130

WHEREAS, ARLENE DEN HOLLANDER AND ANGEL ROCA, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Zoning Permit #2011-2Z for premises located at 230/246 Beaver Brook Rd., Block 4 Lots 3 & 5; and

WHEREAS, ARLENE DEN HOLLANDER AND ANGEL ROCA 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2183 and may be refunded to **ARLENE DEN HOLLANDER AND ANGEL ROCA**; 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 **ARLENE DEN HOLLANDER AND ANGEL ROCA**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2183 in connection with site work for premises located at 230/246 Beaver Brook 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 R11-131

WHEREAS, LINCOLN PARK AIRPORT, INC., had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Preliminary and Final Major Site Plan #310 and Flood Plain Encroachment Variance #FPE06-6 for premises located at 425 Beaver Brook Rd., Block 3 Lots 7 & 10; and

WHEREAS, LINCOLN PARK AIRPORT, INC., 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1925 and may be refunded to **LINCOLN PARK AIRPORT, INC.** ; 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 **LINCOLN PARK AIRPORT, INC.**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #1925 in connection with Preliminary and Final Major Site Plan #310 and Flood Plain Encroachment and Variance #FPE06-6 for premises located at 425 Beaver Brook 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.

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolutions were Adopted.

REGULAR AGENDA:

Pepe: Regular Agenda R11-133 Authorize Escrow Release

Thompson: So MOVED

Wild: SECOND

RESOLUTION R11-133

WHEREAS, SKYLINE VILLAGE, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with sidewalk replacement work for premises located throughout the complex; and

WHEREAS, SKYLINE VILLAGE 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 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2165 and may be refunded to **SKYLINE VILLAGE**; 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 **SKYLINE VILLAGE**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2165 in connection with side walk replacement work for premises located at throughout the complex, 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.

* * *

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Resolution R11-134 Pay Bills and 135 Confirm Bills

Kerwin: So MOVED

Wild: SECOND

RESOLUTION R11-134

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>
34309 through 34315		
34318 through 34443	Current	529,945.37
944 through 958	Accutrack	14,262.66
1151	Administrative Resale	400.00
1271	Dog License	72.60

3113 through 3118	General Capital	92,676.78
2348 through 2352	General Trust	4,856.59
1917 through 1923	Recycling	3,791.44
2822 & 2823	Water Capital	46,180.54
6901 through 6920	Water Utility Operating	72,556.53

* * *

RESOLUTION R11-135

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>PAID TO</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
CURRENT			
34309	LaQuinta Inns	flood volunteers	\$308.00
34310	Daily Record	ads	\$40.04
34311	LaQuinta Inns	flood volunteers	\$150.00
34312	NJ Div. of Pensions	2010 employer contribution	\$840.03
34313	North Jersey Municipal Emp. Benefits Fund	April benefits	\$166,751.00
34314	Treasurer, State of NJ	elevator inspection fee	\$504.00
34315	Treasurer, State of NJ	2011 NJPDES permit	\$600.00
	Regular Meeting Checks	#34318 - 34443	\$360,752.30
ACCUTRACK			
944(conf)	Gen. Capital Account	interfund	\$3,740.00
WATER UTILITY OPERATING			
6901	NJ -PWT	water tax	\$566.85
6902	Void for payroll		\$0.00
6903	Void for payroll		\$0.00
	Regular Meeting Checks	#6904 - 6920	<u>\$71,989.68</u>

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

Pepe: Resolution R11-136 Authorize 2011 Salaries

Kerwin: So MOVED

Gemian: SECOND

* * *

RESOLUTION R11-136

WHEREAS, the Borough of Lincoln Park (“Borough”) Adopted Ordinance 1,463 (6-11) on May 18, 2011 providing the compensation ranges for certain Borough Officials and employees; and

WHEREAS, Ordinance No. 1,463 (6-11) provided that the exact compensation for those Officials and employees would be set by the Borough via Resolution;

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 2011 annual compensation for the following Department Heads within the Borough of Lincoln Park shall be as follows:

<u>Position Title</u>	<u>Base Salary</u>	+	<u>Longevity</u>	=	<u>Total</u>
Borough Administrator Dept. of Administration	\$ 92,000		\$ 0.00		\$ 92,000
Director/Chief Dept. of Police	\$154,000		\$		\$154,000
Director of Finance/CFO Dept. of Finance	\$ 68,624		\$ 0.00		\$ 68,624
Director Dept. of Health	\$113,381		\$ 1,500.00		\$114,881
Director/Superintendent Dept. of Public Works	\$ 95,711		\$ 1,500.00		\$ 97,211
Director of Recreation Dept. of Parks & Rec.	\$ 59,985		\$ 0.00		\$ 59,985

2. The 2011 annual compensation for the following Council Employees within the Borough of Lincoln Park shall be as follows:

<u>Position Title</u>	<u>Base Salary</u>	+	<u>Longevity</u>	=	<u>Total</u>
Borough Clerk	\$84,010		\$1,500.00		\$85,510
Deputy Borough Clerk	\$54,438		\$ 0.00		\$54,438

3. The 2011 annual compensation for the following Miscellaneous Employees within the Borough of Lincoln Park shall be as follows:

<u>Position Title</u>	<u>Base Salary</u>	+	<u>Longevity</u>	=	<u>Total</u>
Tax Assessor	\$57,564		\$ 0.00		\$57,564
Tax Collector	\$65,159		\$1,500.00		\$66,659
Municipal Court Judge	\$29,988		\$ 0.00		\$29,988

4. The 2011 annual compensation for the following Elected Officials within the Borough of Lincoln Park shall be as follows:

<u>Position Title</u>	<u>Base Salary</u>	+	<u>Longevity</u>	=	<u>Total</u>
Mayor	\$7,000.00		\$ 0.00		\$7,000.00
Council	\$5,000.00		\$ 0.00		\$5,000.00

5. The salaries provided above shall be effective January 1, 2011
6. The Mayor, Business Administrator and Borough Clerk, 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.
7. This Resolution shall take effect immediately.

Pepe: Call the Roll.

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

The Resolution was Adopted.

Pepe: Resolution R11-138 Authorize Tax Overpayment Transfer to Water/Sewer Bill

Kerwin: So MOVED

Cardillo: SECOND

RESOLUTION R11-138

WHEREAS, a tax over payment should be disposed of only upon authorization granted by a detailed resolution adopted by the Governing Body; and

WHEREAS, the homeowner, Lisa Higgins of 140 Stonyridge Drive, has requested her tax over payment to be applied to her open water and sewer bill;

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>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Send to</u>
46.7/140	Higgins, Lisa	\$50.61	Water/Sewer

Pepe: Call the Roll.

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

The Resolution was Adopted.

Pepe: Resolution R11-139 Authorize Establishment of Open Space Tax Rate.

Kerwin: So MOVED

Thompson: SECOND

RESOLUTION R11-139

WHEREAS, the current economic climate within the State of New Jersey and the Borough of Lincoln Park in particular has placed enormous pressures upon the citizenry of Lincoln Park; and

WHEREAS, the Borough of Lincoln Park has strived to provide to its citizens efficient government within the confines of the tax structure; and

WHEREAS, the open space tax within the Borough of Lincoln Park has historically met its goals and objectives in funding the Open Space Trust Fund; and

WHEREAS, there is a recognized need to provide tax relief to the citizens of Lincoln Park; and

WHEREAS, it is within the purview of the governing body of the Borough of Lincoln Park to provide such tax relief;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that the Open Space Tax rate for the year 2011 is established at \$0.00 per \$100.00 of assessed value.

Pepe: Call the Roll.

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

No: None

Absent: Petracca

Abstain: None

The Resolution was Adopted.

IX. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

Cardillo: None

Gemian:

- 1. Attended the Accreditation meeting on Sunday

Kerwin: None

Petracca: None

Thompson:

- 1. Discussed attending the Fairfield Citizens for Flood Control Reform Meeting.

Wild:

- 1. Discussion: Wayne, Fairfield and Pequannock are trying to get State Money to de-snag the river.

Pepe:

- 1. Negotiations Committee United Service Workers 74: Councilman Cardillo, Councilwoman Thompson and Council President Pepe.
- 2. PBA Negotiations: Councilman Cardillo, Councilman Wild and Council President Pepe
- 3. Property Boundary Committee: Mayor Runfeldt, Councilman Petracca

X. MAYOR'S AGENDA:

1. Discussed National Accreditation for the Police Department
2. Discussed the recent Flood
3. Discussed FEMA
4. Discussed the Budget
5. Article for Journal concerning flood issues that affect all residents.

XI PUBLIC HEARING:

Kerwin: So MOVED

Wild: SECOND

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

1. Malcolm Chamalian 28 Maturan Ave.
2. Barbara Hertz, 77 Orchard Drive

Kerwin: MOTION TO CLOSE THE PUBLIC HEARING.

Wild: SECOND

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

XII: ADJOURNMENT:

Thompson: So MOVED

Gemian: SECOND

There being no further business to discuss the Regular Meeting of April 18, 2011 was adjourned at 8:38 PM.

Louis J. Pepe, Council President

Annette Maida-Smith, RMC
Borough Clerk