

May 2, 2011 – Work Meeting

- I. Monday, May 2, 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, Kerwin, Petracca, Thompson, Wild and Pepe.

ABSENT: Councilman Gemian

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

ABSENT FROM ADMINISTRATION: Mayor Runfeldt, Edward Buzak and Tiena Cofoni, Borough Attornies.

- III. **COUNCIL AGENDA:**

1. **REQUEST FOR FIREWORKS DISPLAY – LP CARE CENTER:**

As in the past the Lincoln Park Care Center was requesting permission to hold a Fireworks display on July 4<sup>th</sup>, 2011 with a rain date of July 9<sup>th</sup>.

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

2. **REQUEST USE OF MUNICIPAL COMPLEX – LINCOLN PARK DAY ASSOCIATION:**

Once again, the Lincoln Park Day Association was requesting permission to use the Municipal Complex for Lincoln Park Day this year to be held on September 24<sup>th</sup> (there is also a rain date).

As also in the past Council usually waives the fee for the license to hold the street fair, the license cost is \$100.00.

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

3. **REQUEST FOR REFUND - GARDEN PLOT FEES:**

A resident was requesting a refund of his garden plot fees do to the fact that the location flooded twice already this year.

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

4. **FLOOD DAMAGE PREVENTION RESOLUTION:**

This was presented by Council President Pepe Council conducted a brief discussion. Council was given copies of a proposed Resolution for their consideration.

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

- V. **MISCELANEOUS/COUNCIL COMMITTEE REPORTS:**

1. Councilman Cardillo had one (1) item:

1. The Grounds around the municipal complex look great.

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2. Councilman Kerwin had nothing to report.
3. Councilman Petracca had nothing to report.
4. Councilwoman Thompson had one (1) item:
  1. God Bless America
5. Councilman Wild had nothing to report.
6. Council President Pepe had three (3) items:
  1. There's a flood meeting tomorrow 5/3/11 at 6:30 pm in Council Chambers
  2. School Budget passed, Carol Nielsen and Denise McCarthy won.
  3. Closed Session fill credits as a commodity.

VI. **MAYOR'S AGENDA:**

1. **FEMA SRL GRANT:**

FEMA approached Borough on short notice. They advised that there are available monies for properties recognized as Severe Repetitive Losses (SRL). The due date was April 21, 2011.

The application was successfully completed and submitted. Council was provided with copies of a memo with details.

2. **FIELD LIGHTING AND FENCING UPDATES:**

As per the Borough Field Phase I and Phase II projects Administration presented to Council an update as to completion.

Phase II of the fencing project arrived and completed approximately \$19,000.00 under estimated costs. Phase I of the project due to weather this past winter incurred a cost overrun of approximately \$15,000.00 from the prior change order.

Borough Engineer Paul Darmofalski provided an update for Council. Both projects are complete, field lighting to sustain a tweaking of light fixtures to fix dark spots.

Administration asked for Change Order #2 in the amount of \$15,000.00 to complete the lighting project.

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

3. **GARBAGE TRUCK BID RESOLUTION:**

Administration was seeking Authorization to seek bids for a used garbage truck, in accordance with 2011 budget and not to exceed \$85,000.00.

Council was provided with copies of 1<sup>st</sup> quarter recycling report 2011.

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

4. **JARDINE WATER TANK ISSUES:**

The DPW Superintendent and Borough Engineer briefed the Governing Body on status of Jardine Lane water tank.

The tank is in need of repair. Administration is taking a complete look at our system in place and the options to effectively repair or replace with a suitable option.

There will be more information at the next meeting.

5. **MORRIS COUNTY OPEN SPACE GRANTS:**

Administration advised Council that a new round of funding is approaching, wanted to canvass the council for any new ideas of open space opportunities.

Please forward any suggestions to the Administrator.

6. **MEL DEDUCTIBLE POLICY:**

This was to merely brief the Governing Body on the importance of tort claim avoidance.

The current MEL policy is a deductible in litigation cases of \$20,000.00 per occurrence and a 20% co pay of litigation costs up to \$250,000.000 .

All costs are within the 2% levy cap for budgeting purposes. Severe litigation cases may arise from EPL (employment practice liability) claims or USC 1983 violations (civil rights violations).

The Borough believes we are taking proactive steps and have been for sometime in regard to effective personnel policy and police accreditation.

This is a reminder that all department heads and departments should remain vigilant in workplace practices.

7. **MUNICIPAL ALLIANCE GRANT FUNDING:**

Administration explained that we will have to do a Chapter 159 for \$11,064.00 for municipal alliance programs.

Funding in past has supported seniors prescription programs and awareness as well as youth DARE programs among others.

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

8. **RESOLUTION FOR THE ENGINEER TO BE AUTHORIZED TO REPORT STORM WATER MANAGEMENT:**

Administration reported that NJ DEP requires the Borough Engineer when reporting storm water management reports to be authorized by the Borough.

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

9. **AUTHORIZATION TO SELL BOROUGH PROPERTY:**

Administration reported that the Borough has two (2) 30 yard dumpsters they are older and rusted through. They would like permission to be auctioned off on gov deals.

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

10. **PROMOTIONS WITHIN POLICE DEPARTMENT:**

This item will be further discussed at the June Meeting.

11. **DEDICATION BY RIDER:**

This was for COA funding.

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

12. **DEDICATION BY RIDER:**

This was for Recreation donation fund.

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

13. **ORDINANCE AMENDING CHAPTER 28:**

Administration explained that TBSA is requesting Planning Board considered the matter and will take action.

Council was provided with back-up on the subject. It will be on the June Work Meeting Agenda for further discussion.

14. **CAPITAL BOND ORDINANCE:**

Administration advised that this was for the 2011 capital purchases as per the 2011 budget.

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

15. **CHAPTER 159 – EECBG GRANT:**

This was for 12 Boonton tpk.

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

16. **CHAPTER 159 – EECBG GRANT:**

This was for 10 Boonton Tpk.

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

17. **CHAPTER 159 – EECBG GRANT:**

This was for 370 George Cobb Lane

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

18. **ESCROW RELEASE – #2116 – BLOCK 9 LOT 155:**

Requested Escrow Release, Escrow Account #2116, Forest Harper, 48 Brook St.

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

19. **ESCROW RELEASE - #2165:**

Road Opening Permit, Skyline Village

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

20. **ESCROW RELEASE - #2108 – BLOCK 35 LOT 11.2:**

Karlsson, 34 Northwest St.

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

**ADMINISTRATION ADDED THE FOLLOWING ITEM(S) TO THE AGENDA:**

21. **DEDICATION BY RIDER – SPECIAL POLICE:**

This is another Dedication by Rider for Special Police Duty.

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

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

Council President Pepe asked for a MOTION and a SECOND on R11-140

Councilwoman Thompson MOVED The ADOPTION of R11-140.

Councilman Kerwin SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R11-140

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;

1. ***Matters Relating to Negotiations, Litigation and Attorney Client Privilege*** as authorized by N.J.S.A. 10:4-12b(7), Matters relating to litigation, negotiations and the Attorney Client Privilege: Any pending or anticipated litigation or contract negotiation 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.

***FILL CREDITS***

***NOW, THEREFORE, BE IT RESOLVED*** by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 2<sup>ND</sup> day of May, 2011, that an Executive Session, closed to the public, shall be on the 2<sup>nd</sup> day of May, 2011, at approximately 7:30 pm in the Borough of Lincoln Park, Municipal Building, 34

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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 the Resolution.

The Resolution was Adopted.

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

NONE

VIII. **PUBLIC HEARING:**

Councilwoman Thompson MOVED to OPEN the PUBLIC HEARING

Councilman Kerwin SECOND the MOTION

One resident spoke at the Public Portion of the Meeting.

1. Wayne Arvidson – 193 Comly Rd.

Complained that the DPW trucks were left running, and there is an anti-idling law.

Seeing no one further from the Public wishing to speak Councilwoman Thompson MOVED to CLOSE the PUBLIC HEARING

Councilman Kerwin SECOND the MOTION.

The Public Hearing was CLOSED.

IX. **CLOSED SESSION:**

Councilman Kerwin MOVED to go into CLOSED SESSION

Councilman Wild SECOND the MOTION

Council went into Closed SESSION at approximately 7:58pm

1. Matters Relating to Litigation, Negotiations and Attorney Client Privilege:
  - a. Fill Credits

The Borough Attorney and Borough Engineer will work together to work up an amendment or change to the Borough's Stormwater Management Ordinance and then bring it back to Council for discussion.

Councilman Wild MOVED to come out of CLOSED SESSION.

Councilman Kerwin SECOND the MOTION.

Council returned to OPEN SESSION at approximately 8:08 pm. The meeting resumed.

X. **ADJOURNMENT:**

Councilwoman Thompson MOVED the Work Meeting to ADJOURN.

Councilman Kerwin SECOND the MOTION.

The Work Meeting of Monday, May 2, 2011 was ADJOURNED at approximately 8:09 pm.

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ATTEST:

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Cynthia L. Sloane, RMC  
Deputy Borough Clerk.

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Louis J. Pepe, Council President