

June 13, 2011 – Work Meeting

- I. Monday, June 13, 2011 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.

- II. **ROLL CALL:**

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

ABSENT: None

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

ABSENT FROM ADMINISTRATION: Tiena Cofoni Borough Attorney.

MAYOR RUNFELDT REQUESTED THAT THE PRESENTATION FROM HIS AGENDA BE MOVED TO THE FOREFRONT OF THE MEETING.

- III. **PRESENTATIONS:**

Mayor Runfeldt presented the Boy Scouts, Cub Scouts and Girl Scouts with checks amounting to a little more than \$4,100.00. They received these donations as part of the Mayors Wellness campaign from last year.

Mayor Runfeldt also recognized Sara Stammer who was one of the 15 finalists in the New Jersey League of Municipalities Essay contest, she was presented with a recognition letter from the League.

**COUNCIL AGENDA:**

1. **REQUEST FOR WATER/SEWER BILL ADJUSTMENT DUE TO FLOODING:**

The resident at Block 115 Lot 7 is requesting an adjustment of her quarterly water/sewer bill due to the fact that a pipe broke during the flood in March.

Copies of her written request were provided to Council.

Council rejected the request.

2. **REQUEST FOR ZONE MODIFICATION – EVANGELICAL MISSION AND SEMINARY INTERNATIONAL:**

This written request to meet with the Council was through the Attorney, Stephen Schepis, for the Evangelical Mission.

Mr. Schepis had submitted a written request to Amend Ordinance 4-09 (1,429) to eliminate the age-restrictions for occupants of the units and decrease or eliminate the low to moderate income housing obligation contained in the Ordinance.

A copy of the written request to meet with Council and a copy of the subject Ordinance was provided to the Council for consideration.

Mr. Schepis was in attendance at the meeting along with his client.

After much discussion, Mr. Schepis was advised to bring the issue back to the Planning Board.

3. **LIQUOR LICENSE RENEWALS:**

This was the yearly renewal of the towns Liquor licenses (consumption, distribution and club), reports have been obtained from the Fire Department, Health Department and Police Department which are attached for your review.

Council was advised that only the Scottish Rite was not renewing their Club Liquor License.

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

4. **2010 MUNICIPAL AUDIT:**

This was for Council review.

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

5. **REQUEST USE OF MUNICIPAL COMPLEX – EMS CARNIVAL:**

EMS Services are requesting use of the Municipal Complex for their Carnival the week of July 12<sup>th</sup> through and including July 16<sup>th</sup>.

At this time the Clerk advised Council that the Carnival people have not submitted their Certificate of Insurance nor have they completed the Hold Harmless which is required by the Borough.

The Clerk also advised Council that the Fire Department has not taken out the raffle permit for the games and wheels.

The Clerks Office is trying to obtain the correct information.

Council concurred and if the proper paperwork is completed and approved there will be a Resolution placed on the Regular Agenda.

6. **REQUEST WAIVING OF LICENSE FEES – EMS CARNIVAL:**

This was the normal request from organizations to waive the \$100.00 license fee to hold the carnival.

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

7. **REQUEST PERMISSION TO PLACE SIGNS – MORRIS COUNTY 4-H FAIR 2011:**

Once Again the Morris County 4-H Club is requesting permission to place six (6) signs advertizing their upcoming 4-H Fair.

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. Advised Council that he walked the Steinhouser Property about a month ago.

2. Councilman Gemian had one (1) item:

1. Requested that Administration get in touch with the County to see when they were going to re-pave.

3. Councilman Kerwin had one (1) item:
  1. New ambulance should be here next week for everyone to see.
4. Councilman Petracca had nothing to report.
5. Councilwoman Thompson had nothing to report.
6. Councilman Wild had nothing to report.
7. Council President Pepe had one (1) item:
  1. The negotiation committee met prior to tonight's meeting, drafted some proposals for Administration.

I. **MAYOR'S AGENDA:**

2. **HEALTH OFFICERS GRANT:**

The Borough was awarded a \$25,000 grant to provide for emergency notification for health emergencies.

The grant will take the form of a digital sign to be placed on the property of the municipal grounds in accord with prior plans.

The Borough will be capable of providing instant timely messages for health emergencies as well as other municipal information to the motoring and general public.

Council congratulated the Borough's Health Officer Pat Pignatelli.

2. **ROID GRANT (RECREATIONAL OPPORTUNITIES FOR INDIVIDUALS WITH DISABILITIES):**

Recreation received funding for \$6,500.00 for the 2011 budget year, Council was presented with a Chapter 159 Resolution for the acceptance of the grant.

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

4. **SEWER FEASIBILITY STUDY - HARTLEY ESTATES:**

Councilman Gemian stepped down during this discussion. His discussion was as a member of the public.

The Borough's Engineer Paul Darmofalski sent a feasibility study proposal to Council for their review for the possibility of Sewers in Hartley Estates.

After much discussion, it was decided that Administration would send out letters to see who in fact would want these sewers if assessed for them by the municipality.

5. **WATER SYSTEM ANALYSIS:**

This was an update with regard to Jacksonville Road water issues from the Borough's Engineer Paul Darmofalski for the Council to review.

Mr. Darmofalski outlined a few scenario's concerning the deterioration of the Water Tank.

More information will be forthcoming from the Engineer.

6. **RESOLUTION FOR HEALTH BENEFITED FUND REPRESENTATIVES:**

With the retirement of Ellen Ross, Sean Canning will become the Primary Representative to the North Jersey Municipal Employee Benefits Fund and Ellen Ross's replacement, Geraldine Valente will be the Alternate Representative to the Fund.

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

7. **PROPERTY MAINTENANCE CONCERNS:**

As part of the Mayors and Administrations efforts to be proactive in Property Maintenance they are attempting to stay on top of such issues.

Several properties are being problematic to their neighborhoods, Administrations recommended approach is to address and bill as a lien on property in accord with Borough Code.

Two (2) identified concerns are property maintenance issues in regard to foreclosure as well as public health nuisances in regard to abandoned properties.

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

8. **MORRIS COUNTY OPEN SPACE:**

Guidance was sought from the Council for any application for Morris County Open Space applications/ New Jersey Green Acres applications

Two candidate properties are:

- a. Steinhauser tract (details attached)
- b. Meadows Golf Course (details attached)

Hank Finelli 11 Alpine Dr., the owner of Meadows Golf Course was present and spoke briefly about his property.

The Borough was approached the Land Conservancy of New Jersey offering assistance in preparation of or updating an open space plan for the Borough of Lincoln Park, Council was provided copies of the information provided to Administration.

After some discussion and a poll of both properties it was decided not to move forward with the Open Space application and the Public Hearing scheduled for the June 20, 2011 Regular Meeting.

9. **ESTIMATED TAX BILL RESOLUTION:**

The Borough's CFO, Kerry Geisler explained the necessity for this Resolution.

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

10. **POLICE PROMOTIONS RESOLUTION:**

Resolution for the promotion of Ptl Anthony Simone to the rank of Sergeant and a Resolution for the promotion of Sgt. Michael Runfeldt to the rank of Lieutenant will be on the Agenda tonight for approval, they will be sworn in at the July 5<sup>th</sup> Work meeting.

Council concurred.

11. **RESOLUTION TO SELL PROPERTY:**

Administration is seeking a Resolution to sell the following obsolete equipment within the Borough:

Resolution sought to sell following property:

Swimming lane lines from borough lake (obsolete)

One (1) Compaq laptop model 12x1300 serial number 1v09fp4bn62p (obsolete)

One (1) Compaq laptop prosignia 165 6400/14/10/d/m/2 us (obsolete)

HP Laserjet Model P2015DN Serial CNBJP56475 (obsolete)

Computer monitor Flex Scan S1701 serial 25861076(broken)

7 cold water suits (small leaks)

Epson Printer Model LQ1070 (obsolete)

Eleven (11) HP 99 Ink jet cartridges

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

12. **ONLINE PAYMENT SOFTWARE:**

Kerry Geisler, the Borough's CFO was able to acquire the software needed allowing citizens to pay bills online and check accounts.

13. **RESOLUTION SUPPORTING LITTLE FALLS:**

The Township of Little Falls is seeking support for the changes at Beatties Dam, they provided Council with copies of a letter explaining their request.

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

14. **ESCROW RELEASE - #2078:**

Joseph and Carol Royce, Block 7.04 Lot 1.19, Zoning Permit 2009-202

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

15. **ESCROW RELEASE - #1931:**

Joseph and Carol Royce, Block 7.04 Lot 1.19, Variance application 2006-10.

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

16. **ESCROW RELEASE - #1703:**

J&S Enterprises, LLC, Block 3 Lot 29.3, Major Site Plan #284.

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

17. **ESCROW RELEASE – #2046A:**

A. Ciampa Brothers LLC and Jolly dough Inc., Cash Portion of bond, Major Site Plan and Variance #323, 188 Main St., Block 35.01 Lot 115.13.

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

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

Pulled from Agenda, completed in May, 2011.

19. **TAX OVERPAYMENT ADJUSTMENT:**

Block 119 Lot 11, Howard Smith, amount of \$243.27 to 2010 open Senior Citizen payback.

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

20. **TAX OVERPAYMENT REFUND:**

Block 46.8 Lot 109, Christine Territo, \$1,694.95, Mortgage Company and Title Company both paid, refund goes to owner.

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

21. **TAX SETTLEMENT REFUND:**

FP Duffy, Block 5 Lot 3, Year 2009 refund of \$5,130.60 and 2010 refund of \$8,095.43.

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

MAYOR RUNFELDT ADDED THE FOLLOWING ITEM(S) TO HIS AGENDA:

22. **CLOSED SESSION:**

Litigation, Negotiations and Attorney Client Privilege;

- a. Zimmerman v Borough and Township of Montville

Attorney Edward Buzak spoke on this issue during the Closed Session.

23. **CLOSED SESSION:**

Matters relating to the Employment Relationship;

- a. Rank Structure in Police Department

Mayor Runfeldt Spoke on this issue.

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

Council President Pepe asked for a MOTION and a SECOND on R11-166

Councilman Kerwin MOVED The ADOPTION of R11-166.

Councilwoman SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R11-166

**BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, that the appointment of **SERGEANT RUNFELDT**, to **LIEUTENANT RUNFELDT** effective, July 1, 2011, is hereby approved.

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Council President Pepe asked for a Voice Vote on the Resolution.

All Voted in Favor.

The Resolution was Adopted.

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Council President Pepe asked for a MOTION and a SECOND on R11-167

Councilman Kerwin MOVED The ADOPTION of R11-167.

Councilwoman Thompson SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R11-167

**BE IT RESOLVED** by the Governing Body of the Borough of Lincoln Park, that the appointment of **PATROLMAN SIMONE**, to **SERGEANT SIMONE** effective, July 1, 2011, is hereby approved.

Council President Pepe asked for a Voice Vote on the Resolution.

All Voted in Favor.

The Resolution was Adopted

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Council President Pepe asked for a MOTION and a SECOND on R11-167B

Councilman Kerwin MOVED The ADOPTION of R11-167B.

Councilwoman Thompson SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R11-167B

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:**

- a. Zimmerman v Lincoln Park/Montville

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***NOW, THEREFORE, BE IT RESOLVED*** by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 13<sup>th</sup> day of June, 2011, that an Executive Session, closed to the public, shall be on the 13<sup>th</sup> day of June, 2011, 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 the Resolution.

All Voted in Favor.

The Resolution was Adopted.

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Council President Pepe asked for a MOTION and a SECOND on R11-167C

Councilman Kerwin MOVED The ADOPTION of R11-167C.

Councilwoman Thompson SECOND the MOTION.

The following Resolution was spread for the record:

RESOLUTION R11-167C

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;

**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 at a public meeting:**

**a. Rank Structure in Police Department**

***NOW, THEREFORE, BE IT RESOLVED*** by the Governing Body of the Borough of Lincoln Park, assembled in public session on the 13<sup>th</sup> day of June, 2011, that an Executive Session, closed to the public, shall be on the 13<sup>th</sup> day of June, 2011, 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 the Resolution.

All Voted in favor.

The Resolution was Adopted.

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

NONE

VIII. **PUBLIC HEARING:**

Councilwoman Thompson MOVED to OPEN the PUBLIC HEARING.

Seeing no one further from the Public wishing to speak Councilman Kerwin MOVED to CLOSE the PUBLIC HEARING.

The Public Hearing was CLOSED.

IX. **CLOSED SESSION:**

Councilman Kerwin MOVED to go into CLOSED SESSION

Councilwoman Thompson SECOND the MOTION.

Council went into CLOSED SESSION at approximately 9:14pm.

1. Matters Relating to Litigation, Negotiations and Attorney Client Privilege:

Zimmerman v Borough of Lincoln Park and Montville Twp.

2. Matters Relating to the Employment Relationship:

Rank Structure in Police Department

Council came out of CLOSED SESSION at approximately 9:38pm.

X. **ADJOURNMENT:**

Councilwoman Thompson MOVED the Work Meeting to ADJOURN.

Councilman Gemian SECOND the MOTION.

The Work Meeting of Monday, June 13, 2011 was ADJOURNED at approximately 9:39 pm.

ATTEST:

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Annette Maida-Smith, RMC  
Borough Clerk.

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Louis J. Pepe, Council President