

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 March 21, 2011. The Deputy Clerk Called the Meeting to Order at 7:30 PM and made the Statement of Compliance with the Open Public Meetings Act. The Deputy 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 Deputy Clerk called the Roll showing the following:

II. ROLL CALL

PRESENT: Council Members: Robert Cardillo
Gary Gemian
Raymond T. Kerwin
Louis J. Pepe
Matthew Petracca
Ann Thompson
James A. Wild

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 February 22, 2011

Kerwin: So MOVED

Wild: SECOND

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 Minutes of February 22, 2011 were Approved.

Pepe: Minutes for Approval February 7, 2011.

Kerwin: So MOVED

Wild: SECOND

Pepe: Any questions, comments or corrections?

Thompson: There is a spelling error on page 2.

Pepe: The Motion is as corrected:

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

The Minutes of March 7, 2011 were Approved.

IV. ORDINANCES FOR INTRODUCTION:

Pepe: Ordinances for Introduction 4-11 to Amend Chapter 11 Fees.

The 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 Introduced and read by title on First Reading by the Clerk.

Kerwin: So MOVED

Wild: SECOND

Pepe: Are there any questions or comments? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Buzak: Council President Pepe this was Introduced with the revised sheet that was on the dais.

Pepe: That is correct. Please read it by Title again.

The 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 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 18th day of April 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.

Kerwin: So MOVED

Wild: SECOND

Pepe: Are there any questions or comments? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

March 21, 2011

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

The Deputy 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 Introduced and Read by Title on First Reading by the Clerk.

Kerwin: So MOVED

Thompson: SECOND

Kerry Geisler clarified and discussed this Ordinance.

Pepe: Are there any questions or comments? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

The Deputy 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 First Reading; and

BE IT FURTHER RESOLVED that said Ordinance be considered for Final Passage at the meeting of the Goerning Body of the Borough of Lincoln Park on the 18th day of April, 2011 at approximately 7:30 PM in the Municipal Building at which time and place all persons interested shall be given an opportunity of 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

Gemian: SECOND

Pepe: Are there any questions or comments? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

March 21, 2011

ORDINANCES FOR ADOPTION:

Pepe: Ordinances for Adoption. 3-11 Executing of Contract- Crossing Guards

The Deputy Clerk read the following Resolution:

BE IT RESOLVED, that an Ordinance entitled:

**ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE
BOROUGH OF LINCOLN PARK AND LOCAL 74 UNITED SERVICE WORKERS UNION
(LINCOLN PARK CROSSING GUARDS), FOR THE TERM OF JANUARY 1, 2011
THROUGH DECEMBER 31, 2013**

be read by title on Second Reading and Hearing Held Thereon.

Kerwin: So MOVED

Wild: SECOND

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Kerwin: MOTION TO GO TO PUBLIC

Petracca: SECOND

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

Thompson: MOTION TO CLOSE THE PUBLIC HEARING.

Kerwin: SECOND

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

Pepe: Read it again.

BE IT RESOLVED, that an Ordinance entitled:

**ORDINANCE AUTHORIZING EXECUTION OF AN AGREEMENT BETWEEN THE
BOROUGH OF LINCOLN PARK AND LOCAL 74 UNITED SERVICE WORKERS UNION
(LINCOLN PARK CROSSING GUARDS), FOR THE TERM OF JANUARY 1, 2011
THROUGH DECEMBER 31, 2013**

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

Kerwin: So MOVED

Petracca: SECOND

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Ordinance was Adopted.

V. RESOLUTIONS; CONSENT AGENDA:

Pepe: Consent Agenda Resolutions R11-95 through R11-112

Petracca: So MOVED

Thompson: SECOND

RESOLUTION R11-95

WHEREAS, at the Municipal Tax Sale held October 13, 2010, a lien was sold on block 19, lot 49, also known as 140 De Hart Street in Lincoln Park, for 2009 water; and

WHEREAS, this lien, known as Tax Sale Certificate #10-00005, was sold to Isaac Moradi for 1%; and

WHEREAS, Everhome, mortgage company for owner Jagub & Semije Fazliu, owner, has effected redemption of certificate #10-00005, in the amount of \$2,075.16.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$2,075.16, for the redemption of Tax Sale Certificate #10-00005, payable to Isaac Moradi located at 520 Elm Street, Kearny, NJ 07032

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RESOLUTION R11-96

WHEREAS, at the Municipal Tax Sale held October 13, 2010, a lien was sold on block 60, lot 9, also known as 575 Ryerson Road in Lincoln Park, for 2009 water and sewer; and

WHEREAS, this lien, known as Tax Sale Certificate #10-00010, was sold to US Bank Cust for Pro Capital I for \$100.00 premium; and

WHEREAS, Lereta Corp, mortgage company for owner Joseph & Tina Bawiec, owner, has effected redemption of certificate #10-00010, in the amount of \$732.81.

NOW, THEREFORE, BE IT RESOLVED, that the Treasurer be authorized to issue a check in the amount of \$732.81 and \$100.00 premium, for the redemption of Tax Sale Certificate #10-00010, payable to US Bank Cust for Pro Capital I located at 50 S. 16th Street, Suite 1950, Philadelphia, PA 19102

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RESOLUTION R11-97

WHEREAS, it has been determined by the Tax Collector that the taxpayers indicated below are entitled to a tax overpayment refund, and;

WHEREAS, these over payments should be returned to the respective taxpayers;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Tax Collector is hereby authorized to make overpayment refunds in the amount shown below to the taxpayers:

<u>Block/Lot</u>	<u>Name</u>	<u>Amount</u>	<u>Reason</u>
25/2	Corelogic	\$2,264.18	Mort co & Title pd
143/39	Corelogic	\$2,117.76	Mort co & Title pd
35/130.10	Corelogic	\$3,366.03	Mort co & Lawyer
36/36.2	Goodman, Steven	\$1,790.44	Mort co & Title pd

* * *

RESOLUTION R11-98

WHEREAS, there were negotiations between Kay Elmetrics Corp and the Borough of Lincoln Park before trial and a settlement has been proposed and is being recommended by the Borough Attorney and the Borough Tax Assessor

WHEREAS, these tax court judgments are on file in the Office of the Tax Assessor and the Tax Collector and are subject to annual audit; and

WHEREAS, these properties have been adjusted to reflect this adjustment;

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 necessary adjustments to the financial records of the Borough of Lincoln Park:

<u>Block/Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Effect</u>
4/6.5	2009	\$3,335.40	Refund
	2010	\$8,774.47	Refund

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$12,109.87 to Michael A. Vespasiano, Attorney Trust Account (attorney for Kay Elmetrics), at 331 Main Street, Chatham, NJ 07928.

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RESOLUTION R11-99

WHEREAS, there were negotiations between Bank of America and the Borough of Lincoln Park before trial and a settlement has been proposed and is being recommended by the Borough Attorney and the Borough Tax Assessor

WHEREAS, these tax court judgments are on file in the Office of the Tax Assessor and the Tax Collector and are subject to annual audit; and

WHEREAS, these properties have been adjusted to reflect this adjustment;

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 necessary adjustments to the financial records of the Borough of Lincoln Park:

<u>Block/Lot</u>	<u>Year</u>	<u>Amount</u>	<u>Effect</u>
39/3	2010	\$3,161.78	Refund

BE IT FURTHER RESOLVED that the Tax Collector is authorized to refund the amount of \$3,161.78 to Bruce J. Stavitsky, Esq for benefit of Bank of America, at 341 Broad Street, Clifton, NJ 07013.

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RESOLUTION R11-100

WHEREAS, F. P. Duffy, Inc. ("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 5, Lot 3 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 \$3,171,500 by \$251,500 to \$2,920,000 for Tax Year 2009 is hereby authorized and approved.
2. The settlement of the tax appeal reducing the assessment of \$3,171,500 by \$381,500 to \$2,790,000 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.

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RESOLUTION R11-101

Borough of Lincoln Park
County of Morris
State of New Jersey

Emergency Temporary Appropriation

WHEREAS, an emergent condition has arisen with respect to inadequate funds being provided for in the temporary budget and no adequate provision has been made in the 2011 Temporary Appropriations for the aforesaid purpose, and N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriations for the purpose above mentioned; and;

WHEREAS, the total emergency temporary resolutions adopted in the year 2011 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$5,522,809.00 for the General Fund and total \$615,000.00 for the Water Utility Fund excluding appropriations made for debt service and capital improvement fund; and;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that in accordance with the provisions of N.J.S.A. 40A:4-20, the following is hereby resolved and instructs the Director of Finance to provide for in said departmental appropriations in the 2011 Temporary Budget;

1. An emergency temporary appropriation be and the same is hereby made for the following items in the various noted amounts
2. That said emergency temporary appropriations have been provided for in the 2011 Municipal Budget under the various noted titles.
3. That one certified copy of this resolution be filed with the Director of the Division of Local Government Services.

General Fund:

Salary and Wages for the Department of:

Administration	\$ 17,000.00
Finance	\$ 7,625.00
Tax Collecting	\$ 5,000.00
Tax Assessment	\$ 4,000.00
Borough Clerk's	\$ 10,000.00

Planning Department	\$ 6,300.00
Planning Board	\$ 400.00
Board of Adjustment	\$ 525.00
Police	\$225,000.00
Building Inspection	\$ 7,000.00
Fair Housing	\$ 200.00
Streets and Roads	\$ 62,000.00
Recycling	\$ 10,000.00
Board of Health	\$ 18,000.00
Sewer System	\$ 13,000.00
Parks and Recreation	\$ 10,000.00
Municipal Court	\$ 7,000.00
Public Defender	\$ 300.00
Bureau of Fire	\$ 1,000.00

Other Expenses for the Department of:

Administration	\$ 19,000.00
Tax Collection	\$ 1,000.00
Engineering	\$ 4,000.00
Legal Services	\$ 10,000.00
Buildings and Grounds	\$ 30,000.00
Communications	\$ 2,000.00
Fire Department	\$ 10,000.00
Streets and Roads	\$ 40,000.00
Street Lighting	\$ 10,000.00
Statutory Expenditures	\$601,490.00
Maintenance of Library	\$ 40,000.00
Group Insurance	\$200,000.00
Tax Assessment	\$ 15,000.00
Other Insurance	\$ 25,000.00
Police	\$ 10,000.00
Emergency Management	\$ 2,000.00
Recycling	\$ 75,000.00
Condominium Reimbursement	\$ 29,600.00
Senior Citizen Transportation	\$ 7,000.00
Parks and Recreation	\$ 17,000.00
Motor Fuel	\$ 10,000.00
Board of Health	\$ 4,000.00

Water Utility Fund:

Operating Expenditures	\$100,000.00
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RESOLUTION R11-102

WHEREAS, the Governing Body of the Borough of Lincoln Park and the Morris County Office of Health Management have entered into an Agreement; and

WHEREAS, pursuant to New Jersey Administrative Code (N.J.A.C. 8:51, Subsection 3-5), Local Boards of Health Management are required to conduct environment testing, intervention, and abatement, if required, when a child is found to have elevated blood lead level as specified in the legislation; and

WHEREAS, when the blood test of a child (or adult) indicates high levels of lead, the medical laboratory doing the test is required to notify the State Department of Health which in turn contacts the appropriate local Board of Health and its local Health Officer to alert him/her to the possible health risk; and

WHEREAS, there is an on-going need to respond to these situations proactively due to the potentially serious health issues involved; and

WHEREAS, because this happens infrequently, local Health Officers and appropriate designees often find it difficult to keep their training in testing for lead hazards current; and

WHEREAS, MCOHM maintains a trained lead hazard inspector(s) and a functioning x-ray fluorescence (XRF) instrument in conformance with the requirements of N.J.A.C. 7:28 and N.J.A.C. 8:62; and

WHEREAS, the parties desire to enter into an Agreement for the provision of a lead hazard assessments for cases of elevated blood test; and

WHEREAS, this Agreement is established in accordance with the Uniform Shared Services and Consolidation Act, P.L.2007, c.63 (C.40A:65-1, et seq.);

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park and in consideration of the terms and conditions hereinafter set forth, the parties agree as follows:

1. The local Health Officers' role and responsibility in the communities they serve includes (a) responding to cases of elevated blood lead; (b) conducting an environmental intervention, (c) undertaking enforcement action as needed; (d) monitoring abatement activities; and (e) managing the lead hazard case to conclusion. The local Health Officer will have and will retain responsibility for the Borough Health, which shall serve as the primary agency in response.
2. Morris County's Office of Health Management as the supporting agency has a trained lead hazard assessment person on staff, as well as a functioning x-ray fluorescence (XRF) instrument that operates in conformance with the requirements of N.J.A.C. 7:28 and N.J.A.C. 8:62. both of these resources will be made available to municipalities participating in this shared service that is designed to optimize our ability to respond to potential and identified lead hazards.
3. Nothing in this Agreement shall be construed to provide MCOHM with any authority or supervision over the internal administration and operation of the Borough's Board of Health activities except for the provision of the specific services which are the subject of this Agreement.
4. There will be no incremental cost to the Municipality served by the Borough's Health for the use of MCOHM's lead hazard assessment resources and equipment.
5. The provisions of the Agreement shall become effective upon passage of any authorizing Resolution by the Borough of Lincoln Park and a Resolution by the County as required by with the Uniform Shared Services and Consolidation Act, P.L.2007, c.63 (C.40A:65-1 et seq.)
6. The provisions of this Agreement shall commence upon the formal approval of the Agreement and shall remain in effect for a period of five (5) years from the date of approval.
7. This Agreement shall be considered in place for the entire period of the Agreement, unless the MCOHM or the Borough of Lincoln Park Health notifies the other, by certified mail, of its intentions to withdraw ninety (90) days prior to the annual anniversary date.

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RESOLUTION R11-103

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the recommendation of Administration that **CHANGE ORDER NUMBER 1** in connection with **BOROUGH FIELD LIGHTING RENOVATIONS** in the sum of **\$10,000.00** Dollars be in the same is hereby approved;

BE IT FURTHER RESOLVED that funds are available for this **CHANGE ORDER NUMBER 1** by appropriation from the 2011 Open Space Trust Fund as appears from the Certification of the Chief Financial Officer on file in the Office of the Borough Clerk.

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RESOLUTION R11-104

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Administration is hereby authorized to seek bids for removal/purchase of the following obsolete equipment:

SEE ATTACHED LIST

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RESOLUTION R11-105

WHEREAS, JOYCE LEVINE d/b/a AXIS DRIVING SCHOOL, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE10-12 and Zoning Permit #2010-58Z for premises located at 59 Beaverbrook Rd., Block 3 Lot 284.1; and

WHEREAS, JOYCE LEVINE d/b/a AXIS DRIVING SCHOOL 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 #2178 and may be refunded to **JOYCE LEVINE d/b/a AXIS DRIVING SCHOOL**; 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 **JOYCE LEVINE d/b/a AXIS DRIVING SCHOOL**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2178 in connection with Site Plan Exemption #SPE10-12 and Zoning Permit #2010-58Z for premises located at 59 Beaverbrook 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.

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RESOLUTION R11-106

WHEREAS, SKENDER SULEJMANI, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Variance #2008-4 and Flood Plain Encroachment #FPE08-3 for premises located at 69 Park Ave., Block 22 Lot 36; and

WHEREAS, SKENDER SULEJMANI 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 #2021 and may be refunded to **SKENDER SULEJMANI**; 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 **SKENDER SULEJMANI**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account # _____ in connection with Variance #2008-4 and Flood Plain Encroachment #FPE08-3 for premises located at 69 Park Ave., 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.

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RESOLUTION R11-107

WHEREAS, JOY DEVITO, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Sewer Hook-Up with MUA and Street Opening Bond for premises located at 26 Eugene Circle, Block 2.1 Lot 1; and

WHEREAS, JOY DEVITO 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's #2154 and #2172 and may be refunded to **JOY DEVITO**; 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 **JOY DEVITO**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account's #2154 and #2172 in connection with Sewer Hook-Up with MUA and Street Opening Bond for premises located at 26 Eugene Circle, 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.

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RESOLUTION R11-108

WHEREAS, FREDERICK M. ROSSI d/b/a MR. PC, L.L.C, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Site Plan Exemption #SPE11-02 and Zoning Permit #2011-4Z for premises located at 246 Main St., Block 22.1 Lot 294; and

WHEREAS, FREDERICK M. ROSSI d/b/a MR. PC, L.L.C 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 #2185 and may be refunded to **FREDERICK M. ROSSI d/b/a MR. PC, L.L.C**; 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 **FREDERICK M. ROSSI d/b/a MR. PC, L.L.C**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account #2185 in connection with Site Plan Exemption #SPE11-02 and Zoning Permit #2011-4Z 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.

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RESOLUTION R11-109

WHEREAS, ROBERT D'ADDARIO, had heretofore deposited with the Borough of Lincoln Park, an escrow in connection with Sewer Hook-Up with MUA and Road Opening Permit for premises located at 18 Fidelian Way, Block 2 Lot 2.6; and

WHEREAS, ROBERT D'ADDARIO 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 Accounts #'s 2153 and 2171 and may be refunded to **ROBERT D'ADDARIO**; 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 **ROBERT D'ADDARIO**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Accounts #'s 2153 and 2171 in connection with Sewer Hook-Up with MUA and Street Opening Permit for premises located at 18 Fidelian Way, 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 R11-110

WHEREAS, LINCOLN PARK AIRPORT – T HANGER PROJECT, 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 and Variance #FPE06-6 for premises located at 425 Beaverbrook Rd., Block 3 Lot 7 & 10; and

WHEREAS, LINCOLN PARK AIRPORT – T HANGER PROJECT 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's #'s 1925A and 1925B and may be refunded to **LINCOLN PARK AIRPORT – T HANGER PROJECT**; 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 – T HANGER PROJECT**, in the 2011 General Trust Escrow Account – Bank Account #041-41378-4, Escrow Account's #'s 1925A and 1925B in connection with Preliminary and Final Major Site Plan #310 and Flood Plain Encroachment and Variance #FPE06-6 for premises located at 425 Beaverbrook 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.

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RESOLUTION R11-111

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park, that the Municipal Raffle Fee for the American Legion Post 279 **INSTANT RAFFLE GAME (tickets)** in the amount of \$750.00 is hereby waived.

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RESOLUTION R11-112

BE IT RESOLVED by the Governing Body of the Borough of Lincoln Park that they hereby authorize submission of **THE HAZARD MITIGATION GRANT PROGRAM – LETTER OF INTENT to SFC ROVERT LITTLE, NJ STATE HAZARD MITIGATION OFFICER, MITIGATION UNIT, NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT**, located at **PO BOX 7068 RIVER ROAD, WEST TRENTON, NEW JERSEY 08628** for participation in the 404 Hazard Mitigation Grant program which is available subsequent to the Federal disaster Declaration FEMA #1954-DR-NJ.

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Resolution R11-113 Authorize Retirement Agreement – Ellen Ross

Thompson: So MOVED

Kerwin: Second

* * *

RESOLUTION R11-113

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park, that the Mayor and Borough Clerk are hereby authorized and directed, on behalf of the Borough of Lincoln Park, to execute a retirement contract with **ELLEN ROSS**, a copy of which is on file in the Office of the Borough Clerk.

Pepe: Any discussion? Please call the Roll.

Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Resolution R11-114 Authorize Retirement Agreement – Warren Eric Sundberg

Buzak: Mr. Council President, I receive earlier today, a letter from Mr. Dixon who is representing Mr. Sundberg who has some comments on the Retirement Agreement. I did not have a chance to look at them today. So rather that act tonight I would ask that we carry it to the Work Session. By then I will have looked at it and see if there are any problems and report to you and we can adopt at the work session if you'd like.

Pepe: I have no problem with that. Is that okay with the Mover and Seconded?

March 21, 2011

Thompson: I just moved there was no second.

Pepe: I have a Motion to TABLE

Petracca: So MOVED

Kerwin: SECOND

RESOLUTION R11-114

TABLED

Pepe: On the Motion to TABLE please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: I would have a MOTION on R11-115 and R11-116 Bills

Gemian: So MOVED

Kerwin: SECOND

RESOLUTION R11-115

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>
32109-32120 & 34175 – 34305	Current	513,810.04
936-943	Accutrack	37,431.87
1150	Administrative Resale	800.00
1270	Dog License	205.80
2562-2563	Fed/State Grant	324.40
3108-3112	General Capital	56,754.70
2343-2347	General Trust	3,700.31
1915-1916	Recycling	885.70
1082	SUI	7,028.80
2821	Water Capital	44,160.00
6878-6896	Water Utility	91,077.64

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RESOLUTION R11-116

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:

ACCOUNT

<u>CHK NO.</u>	<u>PAID TO</u>	<u>PURPOSE</u>	<u>AMOUNT</u>
CURRENT			
<u>Confirmed checks:</u>			
32109	Beth Tasco	DPW cleaning	\$240.00
32110	Viking Termite	service contract	\$79.28
32111	My Shop Angel	bags	\$265.89
32112	BOLP petty cash DPW	reim petty cash	\$199.17
32113	North Jersey Municipal Emp. Benefits Fund	March benefits	\$163,616.00
32114	Net Payroll	void for payroll	\$0.00
32115	Payroll Escrow	void for payroll	\$0.00
32116	LP Public Library	March payment	\$46,891.33
32117	Tom Cottrell	spring plantings	\$2,935.00
32118	BOLP petty cash DPW	reim petty cash	\$199.40
32119	McNeil & Co	fire dept ins.	\$2,669.00
32120	Axle Exchange	driveshaft	\$410.00
	Regular Meeting Checks	34175 - 34305	\$296,304.97

WATER UTILITY

6878	USPS Reserve Acc't	postage	\$3,000.00
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Pepe: Any discussion? Please call the Roll.

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

No: None

Absent: None

Abstain: Petracca

The Resolution was Adopted.

Pepe: Resolution R11-117 Introduction of 2011 Municipal Budget.

Kerwin: So MOVED

Wild: SECOND

Runfeldt: We have a slide presentation of the Budget that may be viewed after the meeting. The presentation will be presented at the Public Hearing next month and will also be available on our Website.

RESOLUTION R11-117

INTRODUCTION OF 2011 MUNICIPAL BUDGET

Pepe: Please call the Roll.

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

March 21, 2011

Pepe: Resolution R11-118 Waive Fees – Flood Victims

Thompson: So MOVED

Wild: SECOND

* * *

RESOLUTION R11-118

BE IT RESOLVED, by the Governing Body of the Borough of Lincoln Park that as a result of the flooding of March 10, 2011 through March 16th, 2011, the building fees for flood victims is hereby waived as per Ordinance 1,458 Adopted on February 22, 2011;

BE IT FURTHER RESOLVED, that this Resolution to waive the building fees is only valid for ninety (90) days from the date of Adoption of this Resolution.

Pepe: Any Questions? Please Call the Roll

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

Pepe: Resolution R11-119 Tax Appeal Settlement – Pechiney

Buzak: Council President Pepe before you Introduce the next Resolution R11-119, we would just ask that there be a modification to it to confirm that the taxpayer has withdrawn their tax appeal from 2007. So the new number 1 will read “the settlement of the tax appeal maintaining the assessment of \$1,001,100.00 for tax year 2007 is hereby authorized and approved.

And then numbers 1 through 5 will be changed to 2 through 6.

Pepe: I would like to have a MOTION with the AMENDMENT

Gemian: So MOVED

Kerwin: SECOND

* * *

RESOLUTION R11-119

WHEREAS, Pechiney Plastic ("Taxpayer") filed a tax appeal against the Borough of Lincoln Park (hereinafter "Borough") to the Tax Court of New Jersey for the Tax Years 2008, 2009 and 2010 challenging the assessment of real property known as Block 22, Lot 339.6 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 maintaining the assessment of \$1,001,100 for the tax year 2007 is hereby authorized and approved.
2. The settlement of the tax appeal reducing the assessment of \$1,001,100 by \$136,100 to \$865,000 for Tax Year 2008 is hereby authorized and approved.
3. The settlement of the tax appeal reducing the assessment of \$2,370,600 by \$470,600 to \$1,900,000 for Tax Years 2009 and 2010 is hereby authorized and approved.

4. The Borough Attorney is hereby authorized to sign a Stipulation of Settlement reducing the assessment as provided above.

5. 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.

6. This Resolution shall take effect immediately.

Pepe: Any Questions? Please Call the Roll

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

No: None

Absent: None

Abstain: None

The Resolution was Adopted.

VI. MISCELLANEOUS/COUNCIL COMMITTEE REPORTS:

Wild: During the Flood all our volunteers and everybody that worked did a tremendous job. Can't say enough about them. Really well run and handled. We also had a lot of people, Salvation Army and the Red Cross, the Rotary Club and a lot of other organizations donated food to the residents.

Thompson: Nothing

Petracca: Nothing

Kerwin: Concurred with Mr. Wild – Great Job

Gemian: On behalf of the Lincoln Park Fire Department, I thank the Administration and Council for all their due diligence on the Budget.

Cardillo: I would just like to add to Mr. Wilds – I had a couple people say how well organized the response was and to commend the OEM for that.

Pepe: The Mayor did a phenomenal job of re-organizing the community liaisons. The incident command structure was phenomenal. I think we received a lot of accolades from the people that came to observe. We had Freeholders there; we had Congressman Frelinghuysen there who actually toured with us. I did receive a letter from him thanking us for taking time to help him see first hand the horrendous flood damage from the recent storms.

A lot of residents have commented on the fact that they received good valuable information in a timely manner. We had a lot less evacuations and we had a lot less overall time spent managing the crisis, because people were really on top of it.

Mr. Mayor, please pass that on to all the people on Emergency Management, It was a good job all the way around.

Budget Introduction: not only is it compliant but fiscally responsive and let's not lose sight of the timeliness this year. And that's in large part due to the hard work of Administration and Council. It's really appreciative and again you guys did a phenomenal job.

Flood Crisis and Incident Command Structure there was a lot of people to be thanked as we said, but one person that truly stood out in my opinion was with the leadership displayed was Officer Ron Wenzel. Please pass that on to him.

VII. MAYOR'S AGENDA:

1. Flood Report: Jacksonville Chapel, Rotary, Red Cross and Salvation Army have been around town with clean up kits, or food, supplies or getting into people's homes and helping with debris removal. It's been very good to see and very appreciated by the residents. I don't think there has been much of a coordinated effort before. There has always been the offer but nothing was ever put together so I think the response this year with regards to taking advantage of some of the people that wanted help has been tremendous. I thank all of the Organizations involved.
2. Tomorrow we are going to have something interesting in town, Americas First Response Team, from Pennsylvania that has equipment that can pick up debris very quickly and easily. They will be helping to supplement our DPW'S efforts.
3. Power Point Presentation on the Budget will be tonight after the meeting. PDF format will be on the Web this Tuesday.
4. You will be getting a letter from Mr. Buzak's office regarding the Zimmerman litigation – this will be up for discussion at the closed session on April 4, 2011.
5. A concern from a couple of people in regards to the shelter not opening immediately. The Shelter was opened when it was needed.

VIII. PUBLIC HEARING

Thompson: MOTION to go to PUBLIC

Kerwin: SECOND

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

Thompson: MOTION TO CLOSE THE PUBLIC.

Kerwin: SECOND

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

IX. ADJOURNMENT

Thompson: So MOVED

Kerwin: SECOND

There being no further business to come before the Council the Regular Meeting of March 21, 2011 was Adjourned at 8:01 PM.

Louis J. Pepe, Council President

Cynthia L. Sloane, RMC, CMR
Deputy Borough Clerk.

March 21, 2011