

**BOROUGH OF MAYWOOD  
WORK SESSION  
September 8, 2020  
7:30pm**

Borough Clerk Dispoto called the Electronic Work Session to order at 7:31 p.m.

**SALUTE TO THE FLAG & MOMENT OF SILENCE**

**STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT**

Whereas on January 3, 2020, adequate notice of this meeting pursuant to the Open Public Meetings Act had been furnished by inclusion thereof in the Annual Schedule of Meetings for 2020 which had been posted on the bulletin board at Borough Hall, filed with the Borough Clerk, published in the Our Town, Herald News, and The Record newspapers and distributed to all persons, if any, requesting copies of same pursuant to said Act." And whereas on September 3, 2020, adequate notice of this meeting being conducted via the "Zoom" online meeting platform in lieu of its in-person Council Meeting which was previously advertised in the Council Conference Room in Borough Hall was posted in Borough Hall, filed with the Borough Clerk, as well forwarded to The Record & Herald News for publication as well as posted on the Borough website and distributed to all persons, if any, requesting copies of same pursuant to the Open Public Meetings Act.

This meeting is being recorded by both audio and video and may be rebroadcasted.

**ROLL CALL**

**Members of the Governing Body present:** Councilmembers DeMuro, Flynn, Herrick, Roer, Ullman and Bennin. Mayor Bolan was absent. Also present were Borough Attorney Brian E. Eyerman, Borough Administrator Donna Puglisi and Borough Clerk Barbara Dispoto.

Council President addressed the absence of the Mayor and that she will be running the work session.

**1 - Discussion of Right-of-way and Sidewalks with Frank Covelli - Borough Risk Manager -**  
Administrator Puglisi stated that with the recent storms many questions arose as to the responsibility of the trees and or damage that may have been caused by a tree in the right-of-way. Mr. Covelli discussed Title 59 which has certain immunities to municipalities. Mr. Covelli stated that if a tree that is located in the greenbelt has fallen what the responsibility of the municipality is regarding the removal. The responsibility of the homeowner in the event of personal damage is to file a claim with the homeowners insurance of that resident. Then it would be the decision of the homeowner's insurance company as to whether they will pursue a claim with the Borough. Discussion ensued as to the 10 foot easement stated in the Shade Tree Commission by-laws. Mr. Covelli discussed putting aside funding to fix sidewalks such as setting up a sidewalk repair budget line item. Doing such could strengthen the immunities under Title 59 for the Borough. Administrator Puglisi stated that herself and the Superintendent of DPW will be requesting quotes for the replacement cost of a sidewalk slab to use in the decision of how much per year can be spent on the repair of sidewalks due to damage from trees located in the greenbelt. Discussion of the trees being laid out in the GIS system.

**2 - ENGINEER REPORT**

**a. Monthly Report - September 2020**

**1. MAYWOOD AVENUE STREETScape - PHASE II (NJDOT MUNICIPAL AID GRANT)**

At this time, we issued an NJDOT Final Inspection Letter on March 03, 2020 but have not received a response due to the current COVID-19 pandemic. Once the NJDOT has completed their final inspection and issue a review letter, our office would proceed with the municipal and NJDOT closeout packages.

**2. YEAR 2019 ROADWAY IMPROVEMENTS PROGRAM**

The Borough proceeded with a Year 2019 Roadway Improvement Program which included the following roadways:

1. Park Avenue (from Elm Street to City of Hackensack Border)
2. Romaine Avenue (from Golf Avenue to terminus)
3. Edgewood Place (from South Elm Street to Golf Avenue)
4. Spring Valley Road (from Spring Valley Avenue to Borough of Paramus Border)

5. Spring Valley Avenue – One Lane (from Spring Valley Road to Lincoln Avenue plus 100 feet)

As requested by the Governing Body, we are securing a change order budget for additional roadway paving on Hartwich Street from Golf Avenue to the roadway's terminus at the School. The contractor will remove the existing stairs from the Borough's sidewalk leading into the School property. The School has stated and will be responsible to extend the School property fencing. As directed by the Borough, we have authorized the contractor to proceed with these improvements and anticipate this occurring shortly.

3. **GOLF AVENUE FROM ROMAINE AVENUE TO EAST PASSAIC STREET (YEAR 2019 NJDOT MUNICIPAL AID GRANT FUNDED)**

Minor punch list items such as final greenbelt restoration were inspected in late May 2020 and appeared to be acceptable. Therefore on May 22, 2020, our office issued an NJDOT construction inspection letter. After the final inspection letter is received from the NJDOT, our office would proceed with municipal and NJDOT closeout. This would permit the Borough to receive the remainder of its outstanding NJDOT Municipal Aid Grant funds. It should be noted that NJDOT Final Inspections have been delayed due to the current COVID pandemic.

4. **NJDOT MUNICIPAL AID GRANT (PALMER AVENUE AND PALMER AVENUE BUS STOP SIGNAGE)**

The project was awarded at the July 28, 2020 Mayor and Council meeting. The project preconstruction meeting occurred on August 19, 2020. Construction activities which included concrete improvements proceeded on August 24, 2020 and are ongoing. We anticipate that construction activities will be completed in Fall 2020.

5. **YEAR 2020 SPRING ROADWAY IMPROVEMENTS PROGRAM**

We understand that the Borough wishes to proceed with the Year 2020 Spring Roadway Improvement Program which is to include the following roadways:

1. Palmer Avenue (from West Passaic Street to West Pleasant Avenue)
2. Palmer Avenue (from Prospect Avenue to Stone Street)
3. Palmer Avenue (from Stone Street to West Passaic Street)
4. Poplar Avenue (from West Passaic Street to Lenox Avenue)
5. Oak Avenue (from West Passaic Street to West Pleasant Avenue)

The Borough awarded the project at the June 23, 2020 Mayor and Council Meeting. The project preconstruction meeting occurred on July 22, 2020. Construction activities which included concrete improvements proceeded on August 17, 2020. We anticipate that construction activities will be completed in Fall 2020. It shall be noted Alternate Bid A was a quantity bid. As directed by the Borough, Wilhelm Street (milling and paving) and Thoma Avenue (sidewalk improvements) will be addressed with this quantity bid.

6. **NJDEP MUNICIPAL STORMWATER MANAGEMENT PROJECT – NEW STORMWATER CONTROL ORDINANCE & PRIVATE STORM DRAIN RETROFITTING ORDINANCE**

On March 02, 2020, the NJDEP adopted amendment to their Stormwater Management Rules (N.J.A.C. 7:8). Revisions to the rules include the following requirements:

1. Addressing groundwater recharge standards with the use of green infrastructure
2. Addressing stormwater quantity standards with the use of green infrastructure
3. Addressing stormwater quality standards with the use of green infrastructure
4. Re-defining Major Development
5. Addressing Total Suspended Solids Removal from automotive vehicle travel areas
6. Addressing Minor Revisions to NJDEP Freshwater Wetlands Act
7. Addressing Minor Revisions to NJDEP Flood Hazard Control Act

As part of this process, the Borough will be required to adopt a new Stormwater Control Ordinance to implement these changes. The ordinance needs to be adopted and effective by March 03, 2021. On March 09, 2020, our office forwarded a model Stormwater Control Ordinance in both PDF and WORD for review and use by the Borough. There are sections in parentheses that would need to be completed by the Borough and its Attorney (i.e. Ordinance Number, Borough of Maywood, etc.).

7. **NJDEP MUNICIPAL STORMWATER MANAGEMENT PROJECT – MUNICIPAL STORMWATER MANAGEMENT PLAN (MSMP) & STORMWATER POLLUTION PREVENTION PLAN (SPPP)**

Neglia Engineering Associates understands that the Borough has proceeded and has / will adopt a Master Plan Re-Examination Report and / or a new Master Plan Housing Element to address the State's Affordable Housing Requirements. The NJDEP Municipal Stormwater Management Program

requires that each municipality's Municipal Stormwater Management Plan and Stormwater Pollution Prevention Plan be reviewed and updated when these Master Plan-related documents are revised by a municipality.

On May 26, 2020, our office was authorized by the Borough to prepare these said documents. We prepared and issued a draft SPPP to the Borough on July 13, 2020. The final SPPP was provided to the Borough on August 17, 2020 with hard copies provided to both the Borough Clerk and DPW Superintendent for their files and use. The Borough also uploaded the Plan to its website.

On August 31, 2020, our office forward a draft of the Municipal Stormwater Management Plan for review and consideration by the Borough. Once comments or approval is received from the Borough, our office would issue the final MSMP.

#### **8. YEAR 2020 FALL ROADWAY IMPROVEMENTS PROGRAM**

We understand that the Borough wishes to proceed with the Year 2020 Spring Roadway Improvement Program which is to include the following roadways:

1. Locust Drive from Walnut Road to Upper Cul-de-Sac
2. Locust Drive from Upper Cul-de-Sac toward Rutherford Avenue
3. West Pleasant Avenue, south side from Lincoln Avenue to Spring Valley Road
4. West Pleasant Avenue, north side from Lincoln Avenue to Spring Valley Road
5. Park Avenue from Elm Street to Maywood Avenue

Our office was authorized at the August 25, 2020 Mayor and Council meeting to proceed with the project. Previously, we forwarded the Resolution to Advertise and Bid Notice for consideration by the Governing Body at this same Mayor and Council Meeting. The bid notice listed the document availability and bid opening dates to be September 15, 2020 and October 01, 2020, respectively.

Discussion ensued to how the GIS system is utilized.

#### **3 - CORRESPONDENCE AND REPORT OF BOROUGH CLERK**

Borough Clerk Dispoto stated the County is looking for poll workers for the upcoming election and stated the requirements and the pay associated with being a poll worker. She further discussed how the upcoming election will be proceed and that there is a conference call later in the week with the County and she will report any additional information that comes from that meeting at the next council meeting.

- a. **Correspondence from Ms. Ampssler regarding East Passaic Street bus stops** – Clerk Dispoto discussed the correspondence. After some discussion it was decided that a bus stop review should be completed and compared to the Municipal Code. It was discussed to include the Borough Engineer in the review.
- b. **Email from Mr. Wiseman requesting improvements to Bergen Avenue** – Accepted without discussion.
- c. **Letter from NJDOT stating applications are being accepted for Transportation Alternatives Set-Aside Program** – Accepted without discussion.
- d. **Request for a Social Affairs Permit – Maywood Rotary Club – Fall Festival** – There were no objections and the Borough Clerk will endorse the application with the NJ ABC.
- e. **Letter from Betty Fetzer regarding 9/11 ceremony** – Clerk Dispoto stated the updates to the ceremony as listed in the letter. Administrator Puglisi asked for a straw poll regarding overtime pay to DPW employees to set up for the ceremony.

#### **4 - BOROUGH ADMINISTRATOR REPORT**

Administrator Puglisi discussed the cleaning out of Borough Hall and the Recreation building. She further discussed that herself and Clerk Dispoto will be working on the salary ordinance.

#### **5 - MAYOR'S REPORT**

Council President Bennin stated that a response was received from the County regarding the lowering of the speed limit on Central Avenue.

#### **6 - NEW BUSINESS**

- a. **Resolutions for consideration**
  1. **Proposal for Surveying & GIS Services – Storm Sewer Structure Locations** – Discussion ensued as to whether the funds are available. Administrator Puglisi will reach out to the CFO regarding the availability of funds.

2. **Appointment of Carlos Duran-Santana for the Maywood Fire Police** – Appointment approved to be listed at a future meeting for action by resolution. The resolution will be placed on the September 14, 2020 Special Meeting.
  3. **Bylaws for the Green Team Advisory Committee** – Bylaws to be reviewed by the Green Team Advisory Committee for question or comments. Upon their approval, the bylaws will be listed for adoption.
  4. **Discussion regarding NJ Sustainable Grant** – Discussion ensued as to pursuing grants under Sustainable NJ and the timeline that needs to be met by the passing of the resolution. Discussion also ensued as to the energy audit that is currently being completed. The resolution will be placed on the September 14, 2020 Special Meeting.
- b. **Ordinances for consideration**
1. **Personnel Policies – Sick & Vacation** – Item was pulled to allow additional time to collect more information. Councilwoman Flynn inquired as to what is being proposed. Administrator Puglisi stated possibly making the opportunity for an employee to buy back time at the current rates instead of possibly paying out the time at retirement which would be at a higher rate.
  - c. **Memorial Park Dug Outs** – Administrator Puglisi discussed issues with the dugouts with water retention being one of the issues. She asked the Recreation Director to reach out to the Presidents of the baseball league for their input during the conversation with what to do with the Open Space grant that was received for sunshades. Unfortunately it became apparent that on social media the story circulating was that the dugouts were being removed which was not true. Christopher Tuttle discussed a joint grant agreement with the Borough for the sunshade. Administrator Puglisi inquired about his comment that it was a joint agreement. It was clarified that the different organizations offered letters of recommendation for the grant, but the agreement is a sole agreement between the County and the Borough. The sunshades will be installed over the bleachers on Cleveland Field.
  - d. **Heritage Proclamations** - Council President Bennin discussed commemorating different groups with proclamations or flags. She discussed creating a list for 2021 to follow. Further discussion will be conducted with the work group.

## 7 - OLD BUSINESS

- a. **No cash policy** – Clerk Dispoto reported on the response she received when reaching out to the Bergen County Municipal Clerks as to their payment policies. In the responses received it was even between those who accept cash and those who do not. Councilwoman DeMuro discussed Bill #2785 which states all businesses must accept cash with some exceptions. She stated that municipal is not listed in the exemptions. Council President Bennin asked the Borough Attorney to look into the legality.

## 8 - MONTHLY REPORTS

- a. **Recycling Report – September 2020** – Accepted without discussion.
- b. **Recreation Report – September 2020** – Accepted without discussion.
- c. **Building Department – September 2020** – Accepted without discussion.
- d. **Police Department Report – September 2020** – Accepted without discussion.
- e. **Fire Prevention Report – September 2020** – Accepted without discussion.
- f. **Finance Report – September 2020** – Accepted without discussion.
- g. **Dept. of Public Works Report – September 2020** – Accepted without discussion.

Councilwoman DeMuro discussed the upcoming Movie Night. She also inquired with Councilman Herrick regarding grand opening for new businesses. Council President Bennin discussed in the past, businesses would reach out to the Clerk or Administrator regarding a grand opening.

Councilman Roer discussed the municipalities' ability to apply for funds to help offset shortfalls. He further discussed the upcoming flu clinic, Library Board Meeting and the Maywood Wellness Walk.

Councilwoman Flynn discussed upcoming recycling events and submission of the Tonnage grant application. She further discussed the cost of the leaf bags that are purchased for the residents. She stated that there should be some conversation if there something better to spend the money on for residents other than the leaf bags.

## 9 - MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

Christopher Tuttle, Edel Avenue, thanked the Mayor and Council for their support. He stated he has no desire to lose the dugouts at Memorial Park.

Dave Luongo, Stelling Avenue, concurred with Mr. Tuttle as he too has no desire to lose the dugouts at Memorial Park.

John Brown, Stelling Avenue, addressed the discussion regarding leaf bags. He stated that the Borough went to leaf bags because of the inability to pick up the leaves in a timely manner.

Joan Rivera, Parkway, thanked everyone then inquired about the flag suggestion to acknowledge different groups.

Dennis Ferraioli, Ackerman Street, discussed the removal by the recycling contractor of a leaf blower that was left near the street.

### 10 - CLOSED SESSION

WHEREAS, the Open Public Meetings Act P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

#### Contract Negotiations Personnel

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public;

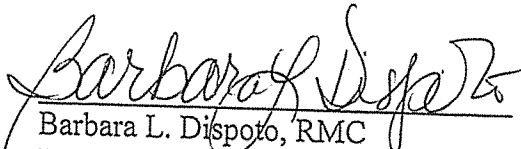
NOW THEREFORE BE IT RESOLVED, that the public be excluded from this meeting; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Maywood do not envision that they will return to open session after the closed session but reserves the right to do so.

A motion was made by Councilwoman Flynn and seconded by Councilman Roer to enter into Closed Session. Motion carried by the members present.

A motion was made by Councilwoman DeMuro and seconded by Councilman Ullman to return to the public portion and adjourn. Motion carried by the members present and meeting was adjourned at 11:26pm.

Respectfully submitted;

  
Barbara L. Disposito, RMC  
Borough Clerk