

“On January 5, 2016, adequate notice of this meeting pursuant to the Open Public Meetings Act has been furnished by inclusion thereof in the Annual Schedule of Meetings for 2016, which has been posted on the bulletin board at Borough Hall, filed with the Borough Clerk, faxed to the Our Town, The Record, and The Community News newspapers and distributed to all persons, if any, requesting copies of same pursuant to said Act.”

In case of an emergency or fire alarm you must evacuate the building by using any of the exit doors in the room. They are immediately to my right and the double doors at the rear of the room. Occupants must exit the building by using the staircase and not the elevator.

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

Mayor Febre spoke regarding the passing of Nancy Reagan and Maywood resident Pat Andrews and asked everyone to keep them in their thoughts and prayers.

SALUTE TO THE FLAG

ROLL CALL

Members of the Governing Body present: Mayor Febre, Council members Padovano, Gervino, DeHeer, Messar, Morrone, and Lindenau. Also present were Borough Attorney Ronald A. Dario, Borough Administrator Roberta Stern and Borough Clerk Jean M. Pelligra.

Gregory Polyniak of Neglia Engineering was present to give the monthly report.

1. 2009 NJDEP ECONOMIC RECOVERY PROGRAM

Scope: This project consists of improvements to the Lincoln / Mendez Intersection Drainage and the cleaning, televising, and lining of the Westerly Brook (see revised scope below).

Status: This project was awarded to Montana Construction in the amount of \$602,201.72 which was NJDEP - approved. In mid-April 2012, our office submitted a project revision plan package to the NJDEP that was approved in July 2012. This project was closed out by the Borough in March 2013.

The Spring Valley Avenue Pump Station project required two separate legal tasks to be performed prior to project bidding. The first, the interlocal sanitary connection agreement was addressed by legal counsel for both the Borough of Maywood and Paramus. The second was the easement purchases from the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property.

The Borough of Maywood executed the said Interlocal Agreement at the July 22, 2014 Mayor and Council Meeting. Thereafter, the Borough pursued the easement purchases for the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property.

A meeting occurred on Friday, January 09, 2014 at the site with the property owners and Borough Attorney's office to review the easements. The Maywood office building property was prepared to execute the agreement. At that time, the Hanjin property owner did not agree to execute the agreement due to the condition of Paramus / Maywood watercourse along the coincident municipal boundaries.

As requested by the Borough, Neglia Engineering Associates contacted the Paramus Borough Engineer on March 12, 2015 to discuss a joint service to remove debris (not silt and sediment). To expedite the process, the Borough of Maywood DPW removed debris without the aid of the Borough of Paramus as of June 24, 2015 to permit the Borough Attorney to negotiate and finalize an agreement with the Hanjin property owner which was completed late 2015.

Neglia Engineering Associates completed the NJDEP TWA Permit package for the project in mid-December 2015. We supplied the NJDEP TWA Permit package to the Borough for signature and preparation of an endorsing resolution in late December 2015. Both were supplied to our office shortly thereafter.

In early January 2016, Neglia Engineering Associates submitted the NJDEP TWA Permit package to the Borough of Paramus for its review and signature. We received the Paramus endorsing resolution and signed NJDEP TWA Permit in early February 2016. Thereafter on February 10, 2016, Neglia

Engineering Associates submitted on NJDEP TWA Permit package for endorsement by the Bergen County Utilities Authority.

After the receipt of the BCUA-signed permit package, the NJDEP TWA Permit package will be submitted to the NJDEP for final review. The review timeframe for this package is one hundred and twenty days. Subsequent to the anticipated acquisition of this said permit, the project would be publically bid.

2. **PSE&G IMPROVEMENTS (CENTRAL AVENUE)**

Scope: PSE&G will be constructing utility improvements within Central Avenue from the coincident municipal boundaries with the Borough of Rochelle Park and City of Hackensack.

Status: On April 02, 2014, Neglia Engineering Associates attended a meeting with Ms. Roberta Stern, Bergen County, AECOM (PSE&G's Engineer), Kemsco, Inc. (Project Contractor), and PSE&G on Central Avenue to review the utility improvement project. An overall project review letter was prepared and submitted to the Borough, PSE&G and its consultants on April 25, 2014.

Public notices were to be distributed by PSE&G to residents on May 28, 2014. Construction activities halted on Central Avenue in late 2014. Construction proceeded in March 2015.

On August 26, 2015, a project status meeting was held at Borough Hall with PSE&G, their contractor, their consultants, Neglia Engineering Associates, and the Borough present. At the meeting the following was stated by PSE&G:

1. The Borough DPW shall spray paint any areas of PSE&G trench settlement. PSE&G stated that it is responsible for the trench and will address these painted locations.
2. The Esplanade / Central Avenue project was to proceed on September 14, 2015. The project construction outside of paving was to be completed in late 2015
3. The construction activities were to leave westbound traffic on Central Avenue unimpeded. There was to be an eastbound detour which will utilize Maywood Avenue and Passaic Street.
4. The roadway paving is anticipated to occur during mid-2016.

As of March 03, 2016, PSE&G has halted construction activities associated within the project. We understand that construction is to proceed within the next few weeks.

3. **MAYWOOD AVENUE STREETScape (NJDOT FUNDED)**

Scope: Per a correspondence produced by the Governor's Office on May 06, 2014, Neglia Engineering Associates understands that the Borough is to receive an NJDOT Municipal Aid Grant in the amount of \$149,000 for the Maywood Avenue Streetscape.

Status: Per the request of the Borough, Neglia Engineering Associates issued a proposal, dated May 14, 2014 for surveying, engineering, and construction management services for this project for review and consideration by the Governing Body. The proposal was approved at the November 25, 2014 Mayor and Council meeting.

During the week of December 02, 2014, Neglia Engineering Associates performed and completed field surveying services from East Hunter Avenue to Central Avenue. The completed survey was forwarded to the Borough on December 18, 2014.

Per the survey, the Maywood Avenue buildings between East Hunter Avenue and the railroad tracks are setback from the right-of-way leaving substantial hardscape to the business' building walls. There is limited right-of-way width from the curb to the right-of-way / boundary line. On April 20, 2015, Neglia Engineering Associates forwarded engineer's estimates for off-site work that is anticipated to occur on the individual commercial lots. The estimate included improvements such as decorative sidewalk and streetscape amenities. Meetings were held with the business owners at this location. On approximately July 15, 2015, the Borough found that the businesses did not wish to participate in the project.

Therefore, the project scope is from Central Avenue to the railroad crossing. Improvements will include curbing, sidewalk, and other amenities. Our office supplied the Borough with preliminary construction documents on August 25, 2015 for review and comment prior to bid. We incorporated the Borough's comments at that time and submitted an NJDOT review and Railroad review package to each on August 31, 2015.

Neglia Engineering Associates forwarded the Resolution to Advertise and Bid Notice to the Borough for review and action which occurred in September 2015. The bid notice listed the document availability date and bid opening as October 02, 2015 and October 29, 2015, respectively. The project

specifications listed the construction start date as Monday, April 04, 2016 pending prevailing weather conditions.

The bid opening occurred on Thursday, October 29, 2015. The lowest bid of the nine submitted was from Bello Grande Contracting, 354 State Street, #7, Hackensack, New Jersey 07601 in the amount of One Hundred Thirty-Three Thousand Four Hundred Ninety-Five Dollars and Forty Cents (\$133,495.40). On January 19, 2016, the project pre-construction meeting occurred at Borough Hall. Per the project specifications, construction is to proceed on April 04, 2016 pending prevailing weather conditions.

4. **JERSEY AVENUE AND PARKWAY (NJDOT MUNICIPAL AID GRANT) & YEAR 2015 ROADWAY IMPROVEMENT PROGRAM**

On May 22, 2015, the Borough of Maywood was provided a letter from the NJDOT stating that it is to receive an NJDOT Municipal Aid Grant in the amount of \$149,000.00 for Parkway and Jersey Avenue.

In addition, Neglia Engineering Associates understands that the Borough adopted a bond ordinance which includes improvements related to a Year 2015 Roadway Improvement Program. The Year 2015 Roadway Improvement Program is in the amount of \$713,000 with \$149,000 of the amount from the said NJDOT Municipal Aid Grant. The Program includes the following roadways pending funding availability:

- a. Spring Valley Road from Coolidge Avenue to Spring Valley Avenue
- b. Grove Avenue and Elm Street Intersection
- c. Lincoln Avenue from West Passaic Street to West Pleasant Avenue
- d. Spencer Joseph Way
- e. Sections of Parkway and Jersey Avenue as selected by the Borough per a May 19, 2015 inspection meeting with the Borough Administrator in the following order of improvement unless informed otherwise:
 1. Parkway from Maywood Avenue to Palmer Avenue
 2. Parkway from Spring Valley Road to Lincoln Avenue
 3. Parkway from Maywood Avenue to Jersey Avenue
 4. Parkway from Palmer Avenue to Edel Avenue
 5. Jersey Avenue in the vicinity of 680 Jersey Avenue to in the vicinity of 709 Jersey Avenue
 6. Jersey Avenue in the vicinity of 737 Jersey Avenue to Washington Avenue

Our office forwarded the Resolution to Advertise to the Borough on June 25, 2015. We also forwarded the Bid Notice. The construction document availability date was July 24, 2015.

The bid opening for the project occurred on August 19, 2015. The lowest of four bids submitted was from 4 Clean Up Inc., P.O. Box 5098, North Bergen, New Jersey 07047 for the Base Bid and Alternate Bid A through G. The bid was in the amount of Five Hundred Forty-One Thousand One Hundred Sixty Dollars and Eighty Cents (\$541,160.80). The Borough awarded the project to 4 Clean Up, Inc. on Monday, August 24, 2015 for the Base Bid and all Alternate Bids.

A pre-construction meeting for the project was held on September 10, 2015 at Borough Hall. Construction began on September 25, 2015. The project was substantially completed in early November 2015. There are numerous open punch list items which include concrete curb and sidewalk improvements. These improvements will be constructed during Spring 2016 to limit any potential salt damage during the winter months.

5. **YEAR 2015 NJDEP ANNUAL STORMWATER REPORT**

The NJDEP Municipal Stormwater Management Program mandates that each municipality in the State submits a Year 2015 Annual Report and a Supplemental Questionnaire. Neglia Engineering Associates has been authorized by the Borough to prepare the report and questionnaire. Both will be submitted by the May 02, 2016 deadline.

6. **YEAR 2015 AND YEAR 2016 ROADWAY IMPROVEMENT PROJECTS – LETTER RESPONSE TO PSE&G**

Neglia Engineering Associates received an annual request from PSE&G as it relates to previously constructed Year 2015 and potential future Year 2016 roadway improvement projects in the Borough. The request is made to coordinate future gas and electric infrastructure projects. To prepare this letter, we would respectfully request that the Borough inform of any potential roadways that would be considered in a Year 2016 Road Improvement Program. It shall be noted that inclusion or exclusion from this list does not mean that the Borough would / would not be required to include in any program.

7. **YEAR 2016 – BOROUGH OF MAYWOOD AND LODI SEWER BILLS**

Per the request of the Borough, Neglia Engineering Associates prepared and issued the Year 2016 – Borough of Maywood and Lodi Sewer Bill letters and lists for large commercial and industrial users on February 17, 2016. The bill lists were prepared utilizing water usage tables prepared and provided by the Borough of Maywood.

8. **VARIOUS ADA RAMP IMPROVEMENTS (BERGEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT)**

Neglia Engineering Associates understands that the Borough has received a Bergen County Community Development Block Grant in the amount of \$60,873.00 to address these ramp locations. The Various Handicapped Accessible Curb Ramps are to consider and potentially include the following intersection locations:

1. Elm Street and Woodland Avenue
2. Garden Street and Woodland Avenue
3. Jersey Avenue and Woodland Avenue
4. Washington Avenue and Jersey Avenue
5. East Fairmount Avenue and Jersey Avenue
6. East Fairmount Avenue and Collingwood Avenue
7. Howcroft Road and Demarest Place

Our office has been authorized by the Borough to proceed with this project. As of March 03, 2016, Neglia Engineering Associates was proceeding with the field surveying services associated with the individual ramp locations.

Mayor Febre asked when the borough could consider submitting a grant application for Phase II of the Maywood Avenue Streetscapes project; adding we would like to look into furthering the project.

Mr. Polyniak responded we could submit a grant package to the DOT this summer; adding requests for second phases of projects are always looked upon more favorably.

Council member Messar questioned the jail cell inspection.

Mr. Polyniak stated his office responded to the Police Chief and Administrator and addressed the concerns of the Department of Justice.

There being no further comments or questions for the Borough Engineer, Mayor Febre closed this portion of the meeting.

PROCLAMATIONS, PRESENTATIONS, ETC.

NONE

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

Mayor Febre opened the meeting to the public for any comments on or off the agenda.

There being no comments from the public, Mayor Febre closed this portion of the meeting.

PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES

Borough Clerk Pelligra explained the Mayor and Council received correspondence from the Planning Board attorney stating the Planning Board concurred to adopt Ordinance Nos. 3, 4, 6, 7, and 10 without comment and regarding Ordinance No. 5, it is just replacement language clarifying the words “one foot six inches” so it is understood; therefore it was not of a substance value.

ORDINANCE # 1-16

“AN ORDINANCE TO ESTABLISH, RATIFY AND CONFIRM CERTAIN OFFICES AND POSITIONS OF EMPLOYMENT IN THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, NEW JERSEY, AND TO PROVIDE FOR AND DETERMINE THE MAXIMUM RATE AND METHOD OF COMPENSATION TO SUCH OFFICERS AND EMPLOYEES (FOR CURRENT EMPLOYEES AS OF EFFECTIVE DATE OF THIS ORDINANCE)”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Borough of Maywood Code Chapter 83 entitled “SALARIES AND COMPENSATION” provides that the salaries and compensation of all officers and employees of the Borough of Maywood are set forth from time to time by ordinance of the Mayor and Council; and

WHEREAS, the Mayor and Council of the Borough of Maywood are desirith to revise and update the salaries and compensation of all officers and employees of the Borough of Maywood;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

Section 1. The following offices and positions of employment of the Borough of Maywood are hereby established, ratified and confirmed and the minimum and maximum annual salary and hourly rates of compensation for such offices or positions of employment are hereby fixed and determined as follows, for current employees as of the effective date of this ordinance:

POSITION	SALARY	
	<i>Minimum</i>	<i>Maximum</i>
ADMINISTRATIVE		
Borough Administrator	\$80,000.00	\$95,000.00
Borough Clerk/Official Title Search Officer/ Election Official	\$65,000.00	\$95,000.00
Deputy Borough Clerk	\$25,500.00	\$57,000.00
Administrative Assistant	\$25,500.00	\$55,500.00
 EMT/Maintenance	 \$25,500.00	 \$43,000.00
FINANCE		
Chief Financial Officer	\$22,500.00	\$35,000.00
Tax Collector/Official Tax Search Officer	\$ 3,000.00	\$25,000.00
Treasurer	\$ 3,000.00	\$ 6,000.00
Asst Finance Administrator	\$37,000.00	\$58,000.00
Assessor	\$11,000.00	\$20,000.00
MUNICIPAL COURT		
Certified Municipal Court Administrator	\$44,000.00	\$62,000.00
Judge	\$17,500.00	\$22,000.00
Prosecutor	\$10,000.00	\$12,000.00
Deputy Court Administrator	\$24,000.00	\$37,500.00
DEPARTMENT OF PUBLIC WORKS		
Superintendent of Public Works	\$58,000.00	\$95,000.00
Supervisor	\$45,000.00	\$85,000.00
Recycling Coordinator	\$ 1,000.00	\$ 5,500.00
DEPARTMENT OF COMMUNITY AFFAIRS		
Construction Code Official (part-time)	\$3,000.00	\$11,500.00
Building Sub-Code Official (part-time)	\$4,000.00	\$11,500.00
Building Inspector (part-time)	\$1,000.00	\$11,500.00
Housing Inspector (part-time)	\$ 1,000.00	\$ 6,000.00
Plumbing Subcode Official (part-time)	\$ 4,000.00	\$11,500.00
Plumbing Inspector (part-time)	\$ 4,000.00	\$11,500.00
Electrical Subcode Official (part-time)	\$ 4,000.00	\$11,500.00
Electrical Inspector (part-time)	\$ 4,000.00	\$11,500.00

Fire Subcode Official (part-time)	\$ 4,000.00	\$11,500.00
Fire Inspector (part-time)	\$ 2,000.00	\$ 7,500.00
Fire Inspector (part-time)	\$ 15.00/hr.	\$ 30.00/hr
Zoning Officer	\$ 2,000.00	\$ 7,500.00
Property Maintenance Officer	\$ 2,000.00	\$ 7,500.00
Elevator Inspector (1)	\$ 3,500.00	\$ 5,500.00
Swim Pool Manager (June 15-Sept. 15)	\$11,000.00	\$18,500.00
Swim Pool Assistant Manager (June 15-Sept.15)	\$ 7,000.00	\$12,000.00
Swim Team Coach (per season)	\$ 1,400.00	\$ 2,000.00
Fire Prevention Official	\$ 3,900.00	\$ 6,200.00
Fire Prevention Inspectors (per inspection as determined by Borough Administrator)	\$ 15.00/hr	\$ 50.00/hr
DEPARTMENT OF PUBLIC SAFETY		
Chief of Police	\$121,000.00	\$185,000.00
Secretary to Chief of Police/Supervisor of Records Bureau	\$ 35,000.00	\$ 47,500.00
Secretary, Board of Fire Officers	\$ 1,400.00	\$ 2,000.00
Police Dispatcher (full-time 37-1/2 hrs.)	\$ 33,000.00	\$ 55,000.00
OEM Director (part-time)	\$ 1,100.00	\$ 1,500.00

Section 2. Employees assigned to attend meetings of various boards and agencies and/or prepare agendas, minutes and correspondence therefor shall be paid for any hours outside of normal business hours at the hourly rates established for such employees.

Section 3. Except as otherwise noted, annual salaries are based upon a work week of 35 hours. With respect to any employee for which an hourly rate is shown, the employee shall be compensated for any additional hours worked beyond the regular work week at their hourly rate of pay and at time and one-half for any hours worked in excess of 40 hours per week.

Section 4. School Crossing Guards

- (A) School Crossing Guards shall be paid on an hourly basis as follows:
School Crossing Guards \$12.00-20.00 per hour
- (B) In addition to the compensation set forth above, School Crossing Guards shall be entitled to the following —fringe benefits:
 1. A maximum of five (5) paid sick days per year, accumulative to ten (10) to be paid to one-half (½) of their unused sick time at the end of the school year;
 2. A maximum of three (3) paid bereavement days per year for the death of an immediate family member. For the purposes of this section, immediate family is defined as a spouse, child, mother, father, brother, sister, mother-in-law, father-in-law or grandparent;
 3. \$150 uniform allowance.
 4. Two (2) personal days providing post is covered by a duly appointed Crossing Guard.

Section 5. Recreation Program - Employees participating in the various recreation programs shall be paid as follows:

POSITION	SALARY	
	<i>Minimum</i>	<i>Maximum</i>
Program Directors	\$20.00	\$65.00 per session
Hourly Program Senior Instructors	\$10.00	\$25.00 per hour
Hourly Program Junior Instructors	\$ 8.38	\$17.50 per hour

Section 6. Part-Time Employees - Whenever it shall be necessary as deemed by the Borough Administrator to hire employees on an hourly basis, the hourly rate shall be fixed in one the following ways:

- A. By action of the Borough Administrator
- B. By Resolution or appointment of the Mayor and Council;

- C. The hourly rate shall be paid at the State and Federal minimum hourly wage to a maximum of \$40.00 per hour to be determined by the Borough Administrator.

Section 7. Unless as otherwise provided by ordinance or resolution, each Borough Officer or employee shall be paid at the rate of 1/ 26 of his annual salary every two weeks.

Section 8. The Borough Auditor, Borough Engineer, Attorney for the Planning Board and the Borough Public Defender shall be paid for services rendered upon submission and approval by the Mayor and Council verified vouchers in accordance with their respective retainer agreements.

Section 9. At least once in every month, the Borough Clerk shall present to the Mayor and Council warrants drawn to the order of the Borough of Maywood Trust Agency for account for its approval as follows:

- A. For all employees whose salaries are on an annual basis where such salaries are due and payable;
- B. For all employees whose compensation is on an hourly basis when the compensation has been approved by some responsible designated official and the chairman of the appropriate committee and the Mayor and Council, and has been certified by the Treasurer;

Section 10. The above salaries and compensation rates shall be effective as of January 1, 2016.

Section 11. All ordinances or parts thereof inconsistent herewith are repealed to the extent of such inconsistency.

Section 12. With respect to any compensation of managerial, executive or confidential employees, as defined under the New Jersey Employer-Employee Relations Act (N.J.S.A. 34:13A-3), this ordinance shall become operative twenty (20) days after final passage and publication, except as otherwise provided under N.J.S.A. 40A:9-165. With respect to the compensation of any other employee, this ordinance shall take effect upon final passage and publication as required by law.

ORDINANCE # 2-16

“AN ORDINANCE AMENDING THE BOROUGH OF MAYWOOD MUNICIPAL CODE SO AS TO REVISE CODE SECTION 312-13”

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Borough of Maywood Code Section 312-13 “STOP INTERSECTIONS”, provides and enumerates intersections that are controlled by a “stop sign” traffic control device.

WHEREAS, subsection “B” of Borough of Maywood Code Section 312-13 provides and enumerates intersections that are controlled by and designated as four-way stop intersections.

WHEREAS, the Mayor and Council of the Borough of Maywood, upon recommendation of the Borough Engineer and review of the Chief of the Maywood Police Department, is desirith to amend code # 312-13 (B) to add three (3) additional intersections to be controlled by and designated as a four-way stop intersection.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey, as follows:

Section 1: Borough of Maywood Code Section 312-13 is amended to add three (3) additional four-way stop intersections and be subject to enforcement pursuant to local and state traffic law; and

Section 2: The schedule of roadways included and contained in Code Section 312-13 (B) shall be amended by adding the following intersections to the schedule:

Intersection

1. East Magnolia Avenue and Concord Drive
2. Elm Street and Grove Avenue
3. Palmer Avenue and Coolidge Avenue

Section 3: Signage

All municipal signs shall be added/augmented to reflect these changes.

Section 4: Effective Date

- a. This Ordinance shall take effect upon passage and publication according to law.

ORDINANCE # 3-16

AN ORDINANCE AMENDING CHAPTER 209, SECTION 12 OF THE LAND USE CODE OF THE BOROUGH OF MAYWOOD TO CORRECT A SCRIVENER'S ERROR

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the "Borough") previously created a planning board pursuant to N.J.S.A. 40:55D-1, et seq., as set forth in Chapter 209, Section 7 of the Land Use Code of the Borough of Maywood (the "Code"), the membership of which is appointed and consists of the individuals set forth in N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1 (the "Board"); and

WHEREAS, pursuant to the provisions of the Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq. (the "MLUL"), specifically N.J.S.A. 40:55D-25, the Board was created and empowered to exercise, to the same extent, all the powers of a board of adjustment, subject to the same restrictions; and

WHEREAS, Chapter 209, Section 12.C of the Code was adopted in order to memorialize the jurisdiction granted to the Board pursuant to N.J.S.A. 40:55D-25 to exercise the powers of a board of adjustment; and

WHEREAS, Chapter 209, Section 12.C of the Code improperly states that the "...Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers and duties of a Planning Board listed and enumerated in the Municipal Land Use Law..."; and

WHEREAS, Chapter 209, Section 12.C of the Code should state that the "...Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers and duties of a Board of Adjustment listed and enumerated in the Municipal Land Use Law..."; and

WHEREAS, the Mayor and Council of the Borough is desirous of implementing this amendment in order to correct this scrivener's error and correctly reference a board of adjustment as opposed to a planning board.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY AS FOLLOWS:

1. Chapter 209, Section 12.C of the Code is hereby amended to delete the language
"...Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers and duties of a Planning Board listed and enumerated in the Municipal Land Use Law..." and replace it with "...Planning Board shall exercise, to the same extent and subject to the same restrictions, all the powers and duties of a Board of Adjustment listed and enumerated in the Municipal Land Use Law..."
2. The aforementioned amendments are hereby found to be substantially consistent with the land use plan element and the housing plan element of the Borough master plan and/or designed to effectuate such plan elements, as required by N.J.S.A. 40:55D-62(a).
3. Upon adoption of this Ordinance after introduction by the Mayor and Council, referral to the Board, review by and recommendation of the Board and second reading by the Mayor

and Council, a copy of this Ordinance shall be filed with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16.

4. This Ordinance shall not take effect until completion of the filing required by N.J.S.A. 40:55D-16 and expiration of any and all statutory appeal periods.

This Ordinance was introduced by the Mayor and Council at its public hearing of February 23, 2016 and referred to the Planning Board.

This Ordinance was reviewed and considered by the Planning Board at its public hearing of _____, 2016. The Planning Board transmitted a report to the Mayor and Council with regard to the Ordinance on _____, 2016, which date is within the thirty-five (35) day time period required by N.J.S.A. 40:55D-26.

ORDINANCE # 4-16

AN ORDINANCE AMENDING CHAPTER 209, SECTION 6.2 OF THE LAND USE CODE OF THE BOROUGH OF MAYWOOD TO DESIGNATE THE INDIVIDUALS THAT MAY DEEM A DEVELOPMENT APPLICATION COMPLETE PURSUANT TO N.J.S.A. 40:55D-10.3

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the “Borough”) previously created a planning board pursuant to N.J.S.A. 40:55D-1, et seq., as set forth in Chapter 209, Section 7 of the Land Use Code of the Borough of Maywood (the “Code”), the membership of which is appointed and consists of the individuals set forth in N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1 (the “Board”); and

WHEREAS, pursuant to the provisions of the Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq. (the “MLUL”), specifically N.J.S.A. 40:55D-25, the Board was created and empowered to exercise, to the same extent, all the powers of a board of adjustment, subject to the same restrictions; and

WHEREAS, the Board has the jurisdiction to, among other things, preside over and render determinations regarding site plan, subdivision, variance and other development applications in accordance with the provisions of the MLUL and the Code; and

WHEREAS, Chapter 209, Section 6.2 outlines the manner in which a development application is deemed “complete” in order for it to proceed before the Board and for the time period(s) required by the MLUL to commence; and

WHEREAS, pursuant to N.J.S.A. 40:55D-10.3 and Chapter 209, Section 6.2 of the Code, “[N]o application shall be deemed complete unless the Planning Board or its authorized committee or designee has certified that the application has provided all of the information required by the application checklist, set forth in Appendix A of this section.”; and

WHEREAS, the terms “authorized committee or designee” are continually utilized throughout Chapter 209, Section 6.2 of the Code; and

WHEREAS, the terms “authorized committee or designee” are not defined in either the MLUL or the Code; and

WHEREAS, the Board has recommended to the Mayor and Council of the Borough that Chapter 209, Section 6.2 of the Code be amended to replace the terms “authorized committee or designee” with “Borough Zoning Officer, Board Secretary and/or Board Engineer, as appropriate”; and

WHEREAS, the Mayor and Council of the Borough is desirous of implementing this amendment in order to clarify the individuals authorized to deem an application complete, when and as necessary, and to resolve any confusion that may arise in connection therewith.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY AS FOLLOWS:

1. Chapter 209, Section 6.2A of the Code shall be amended to remove all references to “authorized committee or designee” and replace them with “Borough Zoning Officer, Board Secretary and/or Board Engineer, as appropriate”.
2. The aforementioned amendments are hereby found to be substantially consistent with the land use plan element and the housing plan element of the Borough master plan and/or designed to effectuate such plan elements, as required by N.J.S.A. 40:55D-62(a).
3. Upon adoption of this Ordinance after introduction by the Mayor and Council, referral to the Board, review by and recommendation of the Board and second reading by the Mayor and Council, a copy of this Ordinance shall be filed with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16.
4. This Ordinance shall not take effect until completion of the filing required by N.J.S.A. 40:55D-16 and expiration of any and all statutory appeal periods.

This Ordinance was introduced by the Mayor and Council at its public hearing of February 23, 2016 and referred to the Planning Board.

This Ordinance was reviewed and considered by the Planning Board at its public hearing of _____, 2016. The Planning Board transmitted a report to the Mayor and Council with regard to the Ordinance on _____, 2016, which date is within the thirty-five (35) day time period required by N.J.S.A. 40:55D-26.

ORDINANCE # 5-16

AN ORDINANCE AMENDING CERTAIN DEFINITIONS WITHIN CHAPTER 209, SECTION 25B OF THE LAND USE CODE AND OTHER RELATED PROVISIONS OF THE CODE OF THE BOROUGH OF MAYWOOD

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the “Borough”) previously created a planning board pursuant to N.J.S.A. 40:55D-1, et seq., as set forth in Chapter 209, Section 7 of the Land Use Code of the Borough of Maywood (the “Code”), the membership of which is appointed and consists of the individuals set forth in N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1 (the “Board”); and

WHEREAS, pursuant to the provisions of the Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq. (the “MLUL”), the Borough enacted the “Municipal Land Use Ordinance of the Borough of Maywood” (the “Land Use Ordinance”) at Chapter 209 of the Code; and

WHEREAS, the Land Use Ordinance was adopted in order to “enact rules, regulations and procedures governing municipal zoning, planning and land use in the Borough of Maywood which are in accord with the provisions of the Municipal Land Use Law, P.L. 1975, c.291. N.J.S.A. 40:55D-1 et seq., and to promote and further the purposes and intents set forth in said law.”, as noted in Chapter 209, Section 2 of the Code; and

WHEREAS, Chapter 209, Section 25B of the Code memorializes the definitions of certain terms that are utilized within the Land Use Ordinance; and

WHEREAS, the Board has recommended to the Mayor and Council of the Borough that certain definitions within Chapter 209, Section 25B of the Code be amended to clarify issues, ameliorate any confusion and minimize the possibility of error that may result from the use of the language of the existing definitions, when reviewed and utilized in connection with the other provisions of the Land Use Ordinance and the Code; and

WHEREAS, the Mayor and Council of the Borough is desirous of implementing these amendments in order to address the Board’s concerns and improve the use of the Land Use Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY AS FOLLOWS:

1. The definition of “ACCESSORY BUILDING” within Chapter 209, Section 25B of the Code is hereby amended to delete the last sentence and replace it with the following: “Semi-permanent, prefabricated buildings not exceeding one hundred square feet (100 sf) in area shall be included in this definition.”
2. In connection with the above amendment to the definition of “ACCESSORY BUILDING” (which amendment was designed to address the construction of sheds), Chapter 209, Attachment 2, Schedule A-2 of the Code entitled “Limiting Schedule for Accessory Buildings in All Districts” is hereby revised to remove the contradictory reference to a setback requirement of five (5) feet and state as follows: “Notwithstanding any provision of Schedule A-2 to the contrary, one storage shed not exceeding one hundred square feet (100 sf) in area, having a height of eight feet (8’) or less and not exceeding a width or length of ten feet (10’) may be located in the rear yard of a premises used for residential purposes within the A-1 or A-2 Residential Districts, not less than two feet (2’) from the side or rear property lines.”
3. In furtherance of the above amendments, Chapter 209, Section 25B of the Code is hereby amended to incorporate a definition of “SHED”, as follows: “A shed shall be defined as a structure measuring no more than one hundred square feet (100 sf) in area, which is utilized to store equipment and other similar items. A shed shall not be permitted to contain any heating or plumbing.”
4. In order to eliminate any confusion with regard to the calculation of height, Chapter 209, Section 25B is hereby amended as follows:
 - (a) The definition of “BUILDING HEIGHT” is hereby deleted in its entirety and shall not be replaced; and
 - (b) The definition of “HEIGHT” is hereby deleted in its entirety and shall be replaced with the following: “The vertical distance of a building measured from the top of the highest point of a structure to the average finished grade taken six (6) feet from the building foundation at the midpoint of each building wall and at a point measured diagonally at forty-five degrees (45°) from each corner. Where new grades are proposed, any new grade shall not exceed one foot six inches (1’6”) above the existing grade.”
5. In furtherance of the aforementioned amendments to the definitions of “BUILDING HEIGHT” and “HEIGHT” in Chapter 209, Section 25B, Schedule A-1 of the Code entitled “Limiting Schedule” shall be amended to note the following with regard to Maximum Height: “The maximum height of flat roofs shall be 28 feet, measured to the highest point along the parapet. The maximum height of the ridge beam for a sloped roof shall be thirty-five feet (35’).”
6. The following definition of “RELIGIOUS INSTITUTION” is hereby incorporated into Chapter 209, Section 25B of the Code:

“A structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are held.”
7. The definition of “SIDE YARD” is hereby removed from its current placement between the definitions of “SEXUALLY ORIENTED BUSINESS” and “SIGN” within Chapter 209, Section 25B of the Code, and relocated to the end of the definition section as “(3)”, under the general definition of “YARDS”.
8. The definition of “FRONT YARD” within Chapter 209, Section 25B of the Code is hereby amended to incorporate the following additional sentences at the end thereof: “The front yard of a corner lot, as defined herein, shall be that portion of the property that is adjacent to the street that is listed as the mailing address of the property. A property owner or applicant shall not be permitted to circumvent the application of the Municipal Land Use

Law and the jurisdiction of the Borough Planning Board by changing the mailing address of the property in order to avoid the need for approval of a variance or any other relief from the Borough Planning Board.”

9. In order to eliminate any confusion with regard to the classification and treatment of a particular area as either a “CELLAR” or a “BASEMENT”, the Code is hereby amended as follows:
 - (a) Chapter 209, Section 25B is hereby amended to incorporate a joint definition of “CELLAR/BASEMENT” as follows: “A cellar/basement shall be defined as set forth in Chapter 201, Section 7e(1)(5) of the Code”;
 - (b) Chapter 201, Section 7e(1)(5) of the Code is hereby amended to incorporate the following: “ ‘CELLAR/BASEMENT’: A portion of a building, the floor level of which is below grade at any point on the periphery of the building having one-third (1/3) or more of its exterior wall area measured from floor to ceiling below the final grade. A cellar/basement shall not be considered a “Story”. If a garage is located at the level of a cellar/basement, it shall be considered to be a part thereof.” and
 - (c) Chapter 247, Section 4b and Chapter 330, Section 13B of the Code are hereby amended to reference Chapter 201, Section 7e(1)(5) of the Code with regard to “BASEMENT” and “CELLAR” respectively.
10. In order to eliminate any confusion with regard to the classification and treatment of a particular floor as either a “STORY” or a “HALF STORY”, Chapter 209, Section 25B of the Code is hereby amended as follows:
 - (a) The definition of “STORY” is hereby deleted and shall be replaced with the following: “That part of a building between the upper surface of one floor and the upper surface of the floor next above or between the top floor and ceiling or flat roof. In the case of a building having a sloping roof, if the line of intersection of the sloped ceiling and the wall face is more than three feet (3’) above the floor level or if the floor area with head room of more than five feet (5’) occupies more than sixty percent (60%) of the total floor area of the story directly beneath it, it shall constitute a story.”; and
 - (b) The definition of “STORY, HALF” is hereby deleted and shall be replaced with the following: “A space under a sloping roof with stairway access that is intended to remain vacant or to be utilized for residential occupancy, storage or location of equipment or utilities related to the overall usage of the structure, which has the line of intersection of the roof and wall face not more than three feet (3’) above the floor level, and in which space the possible floor area with headroom of five feet (5’) or less occupies not less than forty percent (40%) or more than sixty percent (60%) of the total floor area of the story directly beneath.
11. The aforementioned amendments are hereby found to be substantially consistent with the land use plan element and the housing plan element of the Borough master plan and/or designed to effectuate such plan elements, as required by N.J.S.A. 40:55D-62(a).
12. Upon adoption of this Ordinance after introduction by the Mayor and Council, referral to the Board, review by and recommendation of the Board and second reading by the Mayor and Council, a copy of this Ordinance shall be filed with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16.
13. This Ordinance shall not take effect until completion of the filing required by N.J.S.A. 40:55D-16 and expiration of any and all statutory appeal periods.

This Ordinance was introduced by the Mayor and Council at its public hearing of February 23, 2016 and referred to the Planning Board.

This Ordinance was reviewed and considered by the Planning Board at its public hearing of _____, 2016. The Planning Board transmitted a report to the Mayor and Council with regard to the Ordinance on _____, 2016, which date is within the thirty-five (35) day time period required by N.J.S.A. 40:55D-26.

ORDINANCE # 6-16
AN ORDINANCE AMENDING CHAPTER 209, SECTION 35D(1) OF THE LAND USE CODE OF THE BOROUGH OF MAYWOOD TO CLARIFY THE PERMITTED HOURS OF OPERATION FOR RESTAURANTS

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the “Borough”) previously created a planning board pursuant to N.J.S.A. 40:55D-1, et seq., as set forth in Chapter 209, Section 7 of the Land Use Code of the Borough of Maywood (the “Code”), the membership of which is appointed and consists of the individuals set forth in N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1 (the “Board”); and

WHEREAS, pursuant to the provisions of the Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq. (the “MLUL”), the Borough enacted the “Municipal Land Use Ordinance of the Borough of Maywood” (the “Land Use Ordinance”) at Chapter 209 of the Code; and

WHEREAS, the Land Use Ordinance was adopted in order to “enact rules, regulations and procedures governing municipal zoning, planning and land use in the Borough of Maywood which are in accord with the provisions of the Municipal Land Use Law, P.L. 1975, c.291. N.J.S.A. 40:55D-1 et seq., and to promote and further the purposes and intents set forth in said law.”, as noted in Chapter 209, Section 2 of the Code; and

WHEREAS, Chapter 209, Section 35D of the Code memorializes the permitted hours of operation for various uses within the Borough’s RC, Restricted Commercial Business District; and

WHEREAS, Chapter 209, Section 35D(1) sets forth an exception to these permitted hours of operation for restaurants and states that “Restaurants, between the hours of 2:00 a.m. and 6:00 a.m.” are an exception to the language of Chapter 209, Section 35D that “[I]t shall be unlawful for any person, firm or corporation to open any retail business to the public or in any way operate or conduct a retail business between the hours of 11:00 p.m. and 6:00 a.m...”; and

WHEREAS, the language of Chapter 209, Section 35D(1) of the Code was intended to extend the closing time of restaurants within the RC District from 11:00 p.m. to 2:00 a.m., but as currently drafted could be interpreted to permit restaurants to operate “between the hours of 2:00 a.m. and 6:00 a.m.” ; and

WHEREAS, the Board has recommended to the Mayor and Council of the Borough that the language of Chapter 209, Section 35D(1) of the Code be amended to clarify the intent, ameliorate any confusion and minimize the possibility of error that may result from the application of said language to restaurants within the RC District; and

WHEREAS, the Mayor and Council of the Borough is desirous of implementing this amendment in order to address the Board’s concerns and improve the use of the Land Use Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY AS FOLLOWS:

1. The language of Chapter 209, Section 35D(1) of the Code is hereby deleted and replaced with the following: “Restaurants are permitted to operate until 2:00 a.m.”.
2. The aforementioned amendment is hereby found to be substantially consistent with the land use plan element and the housing plan element of the Borough master plan and/or designed to effectuate such plan elements, as required by N.J.S.A. 40:55D-62(a).

3. Upon adoption of this Ordinance after introduction by the Mayor and Council, referral to the Board, review by and recommendation of the Board and second reading by the Mayor and Council, a copy of this Ordinance shall be filed with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16.
4. This Ordinance shall not take effect until completion of the filing required by N.J.S.A. 40:55D-16 and expiration of any and all statutory appeal periods.

This Ordinance was introduced by the Mayor and Council at its public hearing of February 23, 2016 and referred to the Planning Board.

This Ordinance was reviewed and considered by the Planning Board at its public hearing of _____, 2016. The Planning Board transmitted a report to the Mayor and Council with regard to the Ordinance on _____, 2016, which date is within the thirty-five (35) day time period required by N.J.S.A. 40:55D-26.

ORDINANCE # 7-16
AN ORDINANCE AMENDING CERTAIN PROVISIONS WITHIN CHAPTER 209,
SECTIONS 35 AND 40 OF THE LAND USE CODE OF THE BOROUGH OF MAYWOOD
REGARDING SIGNAGE

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the “Borough”) previously created a planning board pursuant to N.J.S.A. 40:55D-1, et seq., as set forth in Chapter 209, Section 7 of the Land Use Code of the Borough of Maywood (the “Code”), the membership of which is appointed and consists of the individuals set forth in N.J.S.A. 40:55D-23 and N.J.S.A. 40:55D-23.1 (the “Board”); and

WHEREAS, pursuant to the provisions of the Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq. (the “MLUL”), the Borough enacted the “Municipal Land Use Ordinance of the Borough of Maywood” (the “Land Use Ordinance”) at Chapter 209 of the Code; and

WHEREAS, the Land Use Ordinance was adopted in order to “enact rules, regulations and procedures governing municipal zoning, planning and land use in the Borough of Maywood which are in accord with the provisions of the Municipal Land Use Law, P.L. 1975, c.291. N.J.S.A. 40:55D-1 et seq., and to promote and further the purposes and intents set forth in said law.”, as noted in Chapter 209, Section 2 of the Code; and

WHEREAS, Chapter 209, Section 40 of the Code outlines the regulations applicable to the use and installation of signage within the Borough; and

WHEREAS, the Board has recommended to the Mayor and Council of the Borough that certain provisions within Chapter 209, Section 40 of the Code be amended to clarify issues, ameliorate any confusion and minimize the possibility of error that may result from the use of the language of the existing provisions, when reviewed and utilized in connection with the other provisions of the Land Use Ordinance and the Code; and

WHEREAS, the Mayor and Council of the Borough is desirous of implementing these amendments in order to address the Board’s concerns and improve the use of the Land Use Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY AS FOLLOWS:

1. The definition of “SIGNAGE” within Chapter 209, Section 25B of the Code is hereby deleted and replaced with the following: “See Chapter 209, Section 40.”
2. Chapter 209, Section 40B shall be amended to include a general definition of “SIGN” as follows: “Any object, device, display or structure (or part thereof), situated outdoors or indoors, that is used to advertise, identify, display or direct or attract attention to an object, person, institution, organization, business, product, service, event or location by means of

words, letters, figures, design, symbols, fixtures, colors, illumination or projected images, all as and if permitted.”

3. Chapter 209, Section 40B shall be amended to include a general definition of “AWNING” as follows: “An area of cloth or similar material forming a window or door canopy and attached or affixed permanently or temporarily to a building or other structure.”
4. Chapter 209, Section 40B shall be amended to include a general definition of “AWNING SIGN” as follows: “A sign that is mounted, painted or otherwise attached or affixed to an awning, as such term is defined herein. The lettering on such signs shall be limited solely to the name and telephone number of the establishment to which the awning is attached or affixed and shall be located solely on the area of the awning that is parallel and not perpendicular to the ground area immediately beneath the same.”
5. Chapter 209, Section 40E of the Code is hereby amended to delete the last sentence thereof and replace it with the following: “Where signs, including awning signs, project beyond a building façade or wall over a pedestrian walkway, the lowest portion of the sign shall be at least eight feet (8’) above the walkway.”
6. Chapter 209, Section 40B shall be amended to include a general definition of “WINDOW SIGN” as follows: “A sign that is mounted, painted or otherwise attached or affixed to the window of a building or other structure.”
7. Chapter 209, Section 40B shall be amended to include a general definition of “WALL SIGN” as follows: “A sign that is mounted, painted or otherwise attached or affixed to the wall of a building or other structure.”
8. Chapter 209, Section 40B shall be amended to delete the definition of “FREESTANDING SIGN” and replace it with a general definition of “GROUND SIGN” as follows: “Any non-movable sign not attached or affixed to a building or other structure.”
9. Chapter 209, Section 40B shall be amended to delete the definition of “SIGN AREA” and replace it with a the following: “The area of any sign contained within the outside of a framed or enclosed sign or the area within a parallelogram drawn so as to include all figures, including but not limited to logos, within the background of a flush-mounted sign.”
10. The language of Chapter 209, Section 40P(2)(a)[1] of the Code is hereby deleted and replaced with the following: “one wall sign per established business expressly related to the business conducted on the premises for each street frontage. The square footage of any wall sign shall not exceed a total of ten percent (10%) of the building face, including the window area, associated with the business to which the signage relates – and not ten percent (10%) of the total square footage of the entire face of the building.”
11. The language of Chapter 209, Section 40P(2)(b) of the Code is hereby deleted and replaced with the following: “one ground sign per street frontage of a parcel of property for use by the establishments located thereon, which sign shall not exceed eighteen square feet (18 sf) in size.
12. The second sentence of Chapter 209, Section 40F of the Code is hereby deleted and replaced with the following: “No sign with red, green, yellow or blue illumination in a beam, beacon or flashing form resembling an emergency light, traffic light or other traffic signage shall be erected in any location where it may be confused with a railroad, traffic control or emergency signal.”
13. The language of Chapter 209, Section 40M of the Code is hereby amended to delete the reference to “Part 2” and replace it with “Section 209-40” and include the following sentence at the end of the Section: “Signs erected by public schools shall also be exempt from the provisions of Section 209-40.”

14. The aforementioned amendments are hereby found to be substantially consistent with the land use plan element and the housing plan element of the Borough master plan and/or designed to effectuate such plan elements, as required by N.J.S.A. 40:55D-62(a).
15. Upon adoption of this Ordinance after introduction by the Mayor and Council, referral to the Board, review by and recommendation of the Board and second reading by the Mayor and Council, a copy of this Ordinance shall be filed with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16.
16. This Ordinance shall not take effect until completion of the filing required by N.J.S.A. 40:55D-16 and expiration of any and all statutory appeal periods.

This Ordinance was introduced by the Mayor and Council at its public hearing of February 23, 2016 and referred to the Planning Board.

This Ordinance was reviewed and considered by the Planning Board at its public hearing of _____, 2016. The Planning Board transmitted a report to the Mayor and Council with regard to the Ordinance on _____, 2016, which date is within the thirty-five (35) day time period required by N.J.S.A. 40:55D-26.

ORDINANCE # 8-16

AN ORDINANCE TO AMEND CHAPTER 52 ENTITLED “PERSONNEL POLICIES” OF THE BOROUGH OF MAYWOOD CODE IN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

WHEREAS, Borough of Maywood Code Chapter 52 entitled “[Personnel Policies](#)” provides for personnel polices of full time permanent employees of the Borough of Maywood who are not covered by collective negotiation agreements; and

WHEREAS, the Mayor and Council of the Borough of Maywood desire to revise and update the Personnel Policies of the Borough of Maywood;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

Section 1: Chapter 52 Subchapter 47 Sub Section E is stricken and removed in its entirety. The remaining subsections shall be re-codified numbered within this section and given the appropriate letter designation.

Section 2: Chapter 52 Subchapter 47 Sub Section I is amended to read as follows:

- I. Vacation allowances: Vacation allowances are determined by the length of service completed from the hire date of the full-time employee. The Borough Administrator may create an exception to this policy.

Section 3: Effective Date

- b. This Ordinance shall take effect upon passage and publication according to law.

ORDINANCE # 9-16

AN ORDINANCE AMENDING CHAPTER 312 AND ADDING SECTION 312-34.1 OF THE CODE OF THE BOROUGH OF MAYWOOD RESPECTING THE MAYWOOD MUNICIPAL SWIM POOL PARKING LOTS

WHEREAS, the Mayor and Council wish to establish additional parking areas with evening permit parking regulations respecting said parking lot,

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

Section 1. Section 312-34.1, respecting the Maywood Municipal Swim Pool Parking Lot is hereby added to read as follows:

A. The property owned by the Borough and commonly referred to as "Municipal Swim Pool" shall have parking areas on the east side of the lot adjacent to Duvier Place, which area shall be designated as municipally operated parking area.

B. Parking Regulations

1. During hours when the Swim Pool is open to the public, parking spaces shall be limited to employees and patrons of the Maywood Municipal Swim Pool.
2. When the Swim Pool is not otherwise open to the public, general parking shall be permitted.
3. Between the hours of 10:00 p.m. and 8:00 a.m., parking shall be permitted only by vehicle owners who have obtained a permit issued by the Borough for this purpose, the fee for which shall be as set forth in the most recent fee ordinance of the Borough of Maywood.

Section 2. Chapter 312 of the Code of the Borough of Maywood, respecting "Vehicles and Parking," is hereby amended to add thereto Section 312-34.1 to designate the Municipal Swim Pool Parking Lot and to read in full as follows:

Section 3. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

Section 4. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect upon passage and publication as required by law.

ORDINANCE # 10-16
AN ORDINANCE AMENDING CHAPTER 209, SECTION 37 OF THE LAND
USE CODE OF THE BOROUGH OF MAYWOOD

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the "Borough") enacted the "Municipal Land Use Ordinance of the Borough of Maywood" (the "Land Use Ordinance") pursuant to the provisions of the Municipal Land Use Law, codified at N.J.S.A. 40:55D-1, et seq. (the "MLUL");

WHEREAS, the Land Use Ordinance is codified at Chapter 209 of the Code of the Borough (the "Code"); and

WHEREAS, the Land Use Ordinance was adopted in order to enact rules, regulations and procedures governing municipal zoning, planning and land use in the Borough which are in accord with the provisions of the MLUL and to promote and further the purposes and intents set forth therein, as noted in Chapter 209, Section 2 of the Code; and

WHEREAS, Chapter 209, Section 37 of the Code outlines the uses that are prohibited and permitted within the Borough's LL Limited Light Industrial District (the "LL District"), which was intended to be utilized for light manufacturing, processing, warehouses or enclosed storage, as outlined in Chapter 209, Section 37A of the Code; and

WHEREAS, significant property development has occurred within the LL District over the past few years which has impacted the traffic volume and flow within the LL District, its surrounding areas and throughout the Borough; and

WHEREAS, in order to mitigate future increases in traffic volume, impediments on traffic flow and impacts on the Borough and its residents, it is necessary to review the intent and purpose(s) of the LL District and the prohibited and permitted uses therein; and

WHEREAS, certain uses outlined in Chapter 209, Section 37 of the Code will likely generate more traffic volume than the Borough can presently support which will ultimately lead to decreased traffic flow and impact the safety of vehicular and pedestrian traffic within the LL District, its surrounding areas and throughout the Borough; and

WHEREAS, such uses include the following: (1) used car establishments (which are permitted as an accessory use to a new car dealer pursuant to Chapter 209, Section 37A); (2) the sale of new automobiles (which is permitted pursuant to Chapter 209, Section 37C); and (3) hotels and nursing homes (which are permitted as conditional uses pursuant to Chapter 209, Section 37D); and

WHEREAS, the impact of the aforementioned uses on the traffic volume, flow and safety of vehicular and pedestrian traffic within the LL District, its surrounding areas and throughout the Borough would be significantly diminished if said uses were restricted to locations within the LL District that have direct ingress and egress access onto Route 17; and

WHEREAS, the Mayor and Council of the Borough is desirous of amending Chapter 209, Section 37 of the Code to impose such a requirement on the use of properties within the LL District for the sale of new and used automobiles, hotels and nursing homes.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY AS FOLLOWS:

1. Chapter 209, Section 37A shall be amended to delete the item “Used car establishment, except as an accessory use to a new car dealer”.
2. Chapter 209, Section 37C (1) shall be deleted and replaced with the following:
“(1) Within this district, the sale of new automobiles is permissible, provided that the property has direct ingress and egress access onto Route 17.”.
3. Chapter 209, Section 37D(1)(b) shall be deleted and replaced with the following:
“(b) the property shall have direct ingress and egress access onto Route 17.”.
4. Chapter 209, Section 37D(2)(a) shall be deleted and replaced with the following:
“(a) Minimum lot size of 2.5 acres with direct ingress and egress access onto Route 17.”.
5. The aforementioned amendments are hereby found to be substantially consistent with the land use plan element and the housing plan element of the Borough master plan and/or designed to effectuate such plan elements, as required by N.J.S.A. 40:55D-62(a).
6. Upon adoption of this Ordinance after introduction by the Mayor and Council, referral to the Borough Planning Board, review by and recommendation of the Planning Board and second reading by the Mayor and Council, all statutory notice, publication and posting requirements shall be completed and a copy of this Ordinance shall be filed with the Bergen County Planning Board as required by N.J.S.A. 40:55D-16.
7. This Ordinance shall take effect in accordance with applicable statute.

This Ordinance was introduced by the Mayor and Council at its public hearing of February 23, 2016 and referred to the Planning Board.

This Ordinance was reviewed and considered by the Planning Board at its public hearing of _____, 2016. The Planning Board transmitted a report to the Mayor and Council with regard to the Ordinance on _____, 2016, which date is within the thirty-five (35) day time period required by N.J.S.A. 40:55D-26.

This Ordinance was adopted by the Mayor and Council at its public hearing of _____, 2016 after review and consideration of the report of the Planning Board.

Mayor Febre opened the meeting to the public for any comments or questions relative to the foregoing ordinances.

There being no comments or questions from the public, Mayor Febre closed this portion of the meeting.

Council member Morrone moved for the adoptions, seconded by Council member Messar; and so carried by unanimous roll call vote.

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinances #1-16, #2-16, #3-16, #4-16, #5-16, #6-16, #7-16, #8-16, #9-16 and #10-16 be and they are passed upon second and final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra stated she has no report this evening.

REPORT OF ADMINISTRATOR

Administrator Stern stated she has no report this evening.

REPORT OF ATTORNEY

Attorney Dario stated he has no report this evening.

COMMITTEE REPORTS

Council member Padovano reported on the following:

1. She reminded everyone the Board of Health is sponsoring the Maywood Wellness Challenge every Wednesday until May 18, 2016 in Memorial Park with a goal of 100,000 steps.
2. She stated the Golden Age Club is sponsoring a Fish and Chips dinner on Saturday, March 19, 2016 at 5:30 pm at the Senior Recreation Center, adding tickets can be purchased from Billy Jerlinski or any Golden Age Club member, no tickets will be sold at the door.
3. She stated she enjoyed participating in "Read Across America" last week. She thanked Patty Donovan and stated this is her last year as she is retiring.

Council member Gervino reported on the following:

1. He explained the Municipal Alliance will be sponsoring a senior luncheon on March 30, 2016, at the Senior Recreation Center where a local pharmacist will be in attendance to discuss common medication issues and the value of vaccinations, adding anyone who is interested please contact Lisa Schieli.
2. He stated he attended the Fourth of July parade meeting and this year's theme is "Liberty from Sea to Shining Sea" in honor of the Statue of Liberty's 130th Anniversary. He advised the cut-off date to submit a poem for the fourth to eighth grade poem contest is April 23, 2016.

Council member DeHeer reported on the following:

1. He reported the Building Department collected \$7,690.00 in fees from February 1 through March 8, 2016.
2. He stated he attended the monthly Fire Board meeting and is working with them on their five year plan.
3. He stated the Planning Board sent back the land use ordinances and were very appreciative of the Mayor and Council's quick response.

Mayor Febre thanked Council member DeHeer for his assistance with the ordinances.

Council member Messar reported on the following:

1. He stated he followed up with Chief Pegg and Officer Nichols on the proposed Blood Hound K-9 unit, adding he received a copy of the police department's policies and procedures on the unit and has requested additional financial information.
2. He stated he will be abstaining from Resolution #60-16 regarding Suez Water New Jersey as his company does business with them.

Council member Morrone reported on the following:

1. He reminded everyone of the following recycling dates at Bergen Community College:
 - Saturday, April 2, 2016 from 9 am – 2 pm - Tire, Electronics/Computer and Shred Collection
 - Sunday, April 17, 2016 from 9 am – 3 pm - Hazardous Waste Collection

Council President Lindenau stated he has no report this evening.

REPORT OF MAYOR

Mayor Febre reported on the following:

1. He stated he also attended "Read Across America"; adding it was a wonderful experience.
2. He encouraged everyone to participate in Wednesday night's walk for the Maywood Wellness Challenge; adding pedometers donated by the county are given to all walkers to keep track of their steps.

ACTION LIST ITEMS

1. **JIF Recommendations to Personnel Policy Amendments**: Administrator Stern advised Borough Clerk Pelligra forwarded the recommendations to Attorney Dario to prepare.
2. **"Access for All" Committee**: Mayor Febre stated Borough Clerk Pelligra was successful in reaching out to residents who are interested in staffing this committee; therefore, he feels we should move forward with a resolution at our next meeting.
3. **Police Vehicles**: Council member Messar stated due to the snow storm this year the police department is requesting the purchase of two Ford SUV's, adding they would cycle out the Dodge Chargers.

Administrator Stern stated the vehicles that are cycled out should go directly to auction; adding Bergen County will be holding an auction and she will advise the date.

Borough Clerk Pelligra advised we were very successful the last time we auctioned property through the county.

Council member Messar advised the new Ford SUV's would replace two SUV's that are currently in the fleet and repurpose them, one possibly for the canine unit if that program moves forward. He also stated the department is looking to purchase another unmarked vehicle with DEA funds.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

1. Erich Fleischmann, as full-time DPW Supervisor effective March 11, 2016.

Council member Lindenau moved the resignation be accepted, seconded by Council member Morrone; and so carried by unanimous roll call vote.

Administrator Stern explained Mr. Fleischmann is resigning from his full time position; however, he will continue to do some part-time work for the borough.

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. Boris Dropic; Rebecca Lynn Wells; Steven Gildea; Daniel Cezar as part-time Telecommunicators, effective March 8, 2016 at an hourly rate of \$15.50 per hour.
2. David Marotti reinstated as a Special Law Enforcement Officer effective March 8, 2016.

Council member Messar moved the appointments, seconded by Council member Morrone; and so carried by unanimous roll call vote.

COUNCIL APPROVAL OF THE FOLLOWING

1. From American Legion Post #142 – requesting permission to hold an Off-Premise 50/50 raffle at 135 E. Passaic Street, Maywood, on Saturday, June 18, 2016 from 7:00 pm to midnight.
2. From the Rosary Society of Our Lady Queen of Peace Church – requesting permission to hold an On-Premise 50/50 Raffle at Our Lady Queen of Peace Church, 400 Maywood Avenue, Maywood, on Sunday, April 10, 2016 from 8:30 am to 1:30 pm.
3. From Maywood Rotary Club Foundation – requesting permission to hold an On-Premise 50/50 raffle at the Maywood Senior Recreation Center, 145 W. Magnolia Avenue, Maywood, on April 20, 2016 at 8:00 pm.
4. From the Maywood Rotary Club request to hold their Annual 5K Race on May 21, 2016 starting at 9 a.m. from Memorial Park and posting of signs advertising same to be displayed at approved locations.

Council member Lindenau moved for the approvals, seconded by Council member Messar; and so carried by unanimous roll call vote.

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 56-16

A RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A TEMPORARY CONSTRUCTION AND ACCESS EASEMENT WITH AMP REALTY ASSOCIATES AND SWS REALTY ASSOCIATES FOR IMPROVEMENTS TO HOWCROFT ROAD

WHEREAS, on January 26, 2012, the Borough Planning Board (the “Board”) adopted a resolution (the “Resolution”) to memorialize its November 15, 2011 approval of the development of Block 124, Lots 3 and 4 (commonly known as 87 & 137 Route 17 North and hereinafter referred to as the “Property”) as a fitness and wellness center (the “Center”) by AMP Realty Associates and SWS Realty Associates (the “Applicant”); and

WHEREAS, as a condition of approval of the Center, the Board and the Applicant agreed that construction vehicles would be permitted to access the Property via Howcroft Road during construction only and that upon completion of construction, such access would be closed to the public and remain as an emergency access roadway (the “Howcroft Road Condition”); and

WHEREAS, the Applicant has completed the construction of the Center and applied to the Board for excision of the Howcroft Road Condition in order to permit non-emergency vehicular access to the Property therefrom; and

WHEREAS, the Board and the Applicant are working to secure alternate access to the Property via Beech Street and in the interim, the Board adopted a Resolution on February 4, 2016 memorializing its determination to permit non-emergency vehicle access to Howcroft Road until January 28, 2017 as noted therein; and

WHEREAS, in support of its request for excision of the Howcroft Road Condition, the Applicant advised the Board that numerous Maywood resident members of the Center walk to the Property via Howcroft Road; and

WHEREAS, since the majority of Howcroft Road is unimproved and/or unfit for pedestrian access due to its use for construction and emergency vehicles, the Applicant plans to construct certain improvements thereto (the “Improvements”) in order to ensure the safety of the resident members; and

WHEREAS, the Applicant has provided the Borough Mayor and Council with a conceptual site plan prepared by Lapatka Associates depicting the Improvements, which include, among other things, landscaping and a safe pedestrian access walkway to the Center; and

WHEREAS, the Applicant has advised that it intends to commence construction of the Improvements in the Spring of 2016, which will be located within the Borough right of way adjacent to Howcroft Road; and

WHEREAS, before commencing construction of the Improvements, the Applicant and the Borough must negotiate and execute a temporary construction easement agreement (the "Agreement") which will outline the responsibilities and obligations of the Applicant and the Borough in connection with the Applicant's construction of the Improvements; and

WHEREAS, the Borough of Maywood, located in the County of Bergen, State of New Jersey (the "Borough") is authorized to, among other things, make, amend, repeal and enforce resolutions to manage, regulate and control real property of the Borough when and as necessary; and

WHEREAS, the Mayor and Council of the Borough is desirous of adopting this Resolution in order to authorize the Borough Counsel to negotiate and execute a temporary construction easement and access agreement outlining the responsibilities and obligations of the Applicant and the Borough in connection with the Applicant's construction of the Improvements.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, STATE OF NEW JERSEY AS FOLLOWS:

1. The Borough Counsel is hereby authorized to negotiate and prepare a temporary construction easement and access agreement outlining the responsibilities and obligations of the Applicant and the Borough in connection with the Applicant's construction of the Improvements.
2. The temporary construction easement and access agreement shall include language requiring the following:
 - (a) that the Applicant shall be responsible for obtaining any and all necessary approvals and/or permits necessary for the construction of the Improvements;
 - (b) that the Applicant shall be responsible for completion of the construction of the Improvements;
 - (c) that the construction shall commence on or before April 1, 2016, weather permitting;
 - (d) that the Applicant shall be responsible for providing the Borough with evidence of insurance as deemed necessary and in a form approved by the Borough; and
 - (e) that the Applicant shall be required to obtain a Certificate of Completion or other appropriate document from the Borough Construction Official evidencing the proper completion of the Improvements.
3. The Mayor or other appropriate Borough official is hereby authorized to execute the temporary construction easement and access agreement upon completion of the negotiations and drafting thereof.

RESOLUTION # 57-16

A RESOLUTION RATIFYING AND CONFIRMING THE PAYMENT TO A. MACCHIONE BROTHERS, INC., FOR SNOW REMOVAL SERVICES

WHEREAS, the need existed within the Borough to require additional snow removal services for the Borough of Maywood during January 26 and 27, 2016 which included three loaders and seven dump trucks for an eight hour period; and

WHEREAS, the cost of such snow removal was below the bid threshold of \$36,000, but in excess of \$5,400, being 15% of the bid threshold; and

WHEREAS, pursuant to Section 9-7 of the Code of the Borough of Maywood, purchases in excess of \$ 12,500 require Mayor and Council approval;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the Borough Administrator is hereby authorized to sign and issue purchase orders for the snow removal for the sum of \$ 14,960.00, payable to A. Macchione

Brothers, Inc., 71 South Newman Street, Hackensack, NJ 07601, pursuant to the price quotations received from A. Macchione Brothers, Inc., whose response was most advantageous to the Borough, price and other factors considered.

RESOLUTION #58-16
RESOLUTION IN SUPPORT FOR THE PASCACK VALLEY MAYORS'
OPPOSITION TO THE PENSION AND HEALTH BENEFIT STUDY COMMISSION
REPORT DATED FEBRUARY 24, 2015

WHEREAS, the Governor created the New Jersey Pension and Health Benefits Study Commission which released a report dated February 24, 2015; and

WHEREAS, this report recommends merging all nine (9) public employee pension funds in the State of New Jersey into one plan that would be merged into a new defined contribution plan (also known as a 457 plan); and

WHEREAS, local governments would have to pay an additional four (4) percent for each employee in the proposed new plan as well as fund a new pension liability for the two (2) local pension plans PERS and PFRS that would be frozen while current retirees received their benefit; and

WHEREAS, the report also recommends that the State of New Jersey transfer the responsibility for teacher pension payments to the local school districts; and

WHEREAS, the report further recommends that the school districts absorb and make payment on an as yet undetermined portion of the over \$80,000,000 unfunded liability for the teachers' pension plan; and

WHEREAS, if these two (2) recommendations related to the Teachers' Pension Plan are enacted, it will mean an immediate property tax increase to cover these costs which are currently paid for by the State or are future funding obligations of the State; and

WHEREAS, of the nine (9) public employee pension plans in the State of New Jersey, the seven (7) established for State employees will become insolvent within six (6) to seventeen (17) years; and

WHEREAS, there are two (2) pension plans that support local government employees, local PERS for municipal employees is solvent into perpetuity at current funding levels, local PFRS for police officers and firefighters is fully funded for the next forty (40) years at current funding levels; and

WHEREAS, the New Jersey State League of Municipalities, the New Jersey Municipal Management Association (NJMMA), and the Government Finance Officers Association (GFOA) are in agreement that the two (2) solvent local government pension plans should not be merged with the seven (7) State pension plans that are on the road to insolvency.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Maywood opposes the findings outlined in the Roadmap to Resolution Report dated February 24, 2015; and

BE IT FURTHER RESOLVED, that the Governing Body of the Borough of Maywood urge all municipalities and school districts in the State of New Jersey to review the cost allocation estimates of pension liability for each one percent of payroll contribution report which was prepared by Professor Raphael J. Caprio, Ph.D. dated July, 2015 published by the Bloustein Local Government Research Center which can be found at the following link: <http://tinyurl.com/paxvpty>.

BE IT ALSO RESOLVED, that a copy of this resolution be sent to the Governor, all state legislators, all municipalities in Bergen County, the League of Municipalities and Pascack Valley Mayor's Association.

RESOLUTION #59-16
RESOLUTION OPPOSING SENATE BILLS S 781 AND S 782 THAT ARE ATTEMPTING TO
FURTHER REVISE OUR CURRENT OPRA AND OPMA LAWS

WHEREAS, Senate bills S 781 and S 782 are attempting to further revise our current OPRA and OPMA laws in the name of transparency, and

WHEREAS, it is the position of the Bergen County League of Municipalities (BCLOM) which represents all 70 municipalities in Bergen County, that the existing OPRA and OPMA laws already make municipalities transparent, and

WHEREAS, there comes a time when staffing and budget requirements are exhausted just to accommodate a select few people who bombard our municipalities with public records requests, and

WHEREAS, our websites are always updated and contain all the information required by law; our meeting minutes are online and available by the next meeting or as soon as reasonably possible; our agendas and budgets are online for the public; and

WHEREAS, under the existing laws OPRA fees are unreasonable for the amount of time and effort that must go into searching for “older” documents; it take valuable time away from our staff – not only in the Clerk’s office – but also in many other departments that may be involved in the same request, and

WHEREAS, the OPRA law also allows outside businesses seeking construction permits and plans or animal rights groups to utilize municipal services for their private commercial gain, and

WHEREAS, the OPMA laws for Open Public Meetings, proposed changes will add secretarial expenses and additional reports to the cost of running subcommittee meetings, and

WHEREAS, subcommittee meetings are open to the public and rarely do people wish to come, and

WHEREAS, subcommittees are mostly volunteers along with representatives from the local governing body; to produce minutes in a formal fashion whether quarterly or semiannually would be another unfunded mandate, and

WHEREAS, subcommittees keep notes and any formal actions or expenditures ultimately require governing body approval.

NOW, THEREFORE, BE IT RESOLVED, that the BCLOM respectfully requests the New Jersey Senate and Assembly take no further action on Senate bills S 781 and S 782.

RESOLUTION #60-16
RESOLUTION OPPOSING RATE / TAX INCREASE BY
SUEZ WATER NEW JERSEY, INC.

WHEREAS, Suez Water New Jersey (United Water) has filed a petition for approval of a rate increase to the BPU; and

WHEREAS, the requested rate increase proposes a thirty three percent (33%) rate increase in the fixed monthly service charge and a seventeen percent (17%) in consumption charges, and

WHEREAS, the Suez Water Company Utility Notice seeks to increase their revenue by thirteen point five one percent (13.51%) and increase rates by eighteen point zero five percent (18.05%) per customer, and

WHEREAS, the Borough of Maywood, and all municipalities in the State are restricted to a two percent (2%) annual CAP within the budget and utilities fall within the State mandated CAP, and

WHEREAS, any increase beyond two percent (2%) has a very negative effect on municipal budgets; and

WHEREAS, every increase of over 2% comes at a direct cost to municipal budgets reducing available funds in the balance of the budget; and

WHEREAS, utility costs cannot be bid or negotiated, any increase must be incorporated into the budget, regardless of available funds; and

WHEREAS, homeowners and businesses report annual wage increases of less than 2% annually, State, County, Municipal and School budgets are stressed to a point of breaking; now

BE IT RESOLVED, that Suez Water New Jersey not be granted this exorbitant increase, be mandated instead to provide service within the budget parameters mandated by the State on all government agencies within the State with any future rate increases in a timely and appropriate manner consistent with State mandate for public budgets, and only be approved so any increase can be placed within the budget in a timely manner; and

BE IT FURTHER RESOLVED, that the Borough of Maywood strongly opposes the 18.05% rate hike that Suez Water New Jersey is currently requesting and urges the BPU if there is any increase that it be slowly and incrementally placed to reflect the 2% CAP imposed by the State on all government agencies, to be keenly aware that rate increases have the chilling effect of causing the State of New Jersey to continue to hold the lead as one of the MOST TAXED STATES IN THE UNION, and

BE IT FURTHER RESOLVED, that copies of this resolution be sent to Governor Christie, our State Legislators, all Bergen County municipalities, and the Board of Public Utilities, Irene Kim Asbury, Secretary BPU, 44 South Clinton Street, 9th Floor, Trenton, NJ 08625-0350 and the Honorable Evelyn J. Marose, Office of Administrative Law, 33 Washington Street, Newark, NJ 07102.

RESOLUTION # 61-16
RESOLUTION APPROVING SETTLEMENT OF
LITIGATION WITH SERGEANT RICHARD BROWN
IN THE BOROUGH OF MAYWOOD,
BERGEN COUNTY, NEW JERSEY

WHEREAS, Borough of Maywood Police Department Sergeant Richard Brown sought legal action against the Borough on issues of unpaid salary and discrimination against an employee called to serve on active duty in the United States military; and

WHEREAS, a settlement of the matter has been reached in the amount of \$37,500.00; and

WHEREAS, the Borough Attorney recommends such settlement as it is in the best interest of the Borough; and

WHEREAS, the Mayor and Council of the Borough of Maywood declare that such settlement is limited to the particular facts and circumstances surrounding the instant matter and further declares that same does not create a precedence or practice within the Borough of Maywood.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey that the Mayor be and is hereby authorized and directed to execute, and the Borough Clerk to attest, to any and all documents necessary to execute a settlement agreement and to finalize the settlement of litigation between the parties.

RESOLUTION #62-16
AUTHORIZING CHRISTOPHER TUTTLE, FIRE DEPARTMENT TRAINING
OFFICER AS AUTHORIZED SIGNATURE FOR FIREFIGHTER CERTIFICATION
PROGRAM DOCUMENTS

WHEREAS, the state has created a voluntary program to certify firefighters; and

WHEREAS, the Mayor and Council of the Borough of Maywood has reviewed, discussed and voted to participate in the program; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey appoints Christopher Tuttle, Fire Department Training Officer as the Authorized Signatore to sign any documents necessary to implement the Firefighter Certification Program in the Borough of Maywood.

BE IT FURTHER RESOLVED, that a copy of the within resolution be on file in the Office of the Borough Clerk and be available for public inspection during regular business hours.

RESOLUTION # 63-16
AUTHORIZING EXECUTION OF AN AGREEMENT FOR THE GIS DATA EXCHANGE
WITH THE COUNTY OF BERGEN

WHEREAS, the Bergen County Department of Public Safety's Communications Division utilizes Think GIS mapping software to facilitate the provision of emergency services across the County; and

WHEREAS, the County seeks to share its Think GIS mapping data with the municipalities within Bergen County for use in providing public safety services, such as police, fire, rescue, and EMS, and the municipalities will reciprocally share their data with the County by updating their activities on the County's mapping systems; and

WHEREAS, the Think GIS data includes sensitive layers such as floor plans and water main locations; and

WHEREAS, the County seeks to ensure that agencies utilizing the County's GIS data are made aware of the need to keep the GIS data secure, and agree to same; and

WHEREAS, Where Technology Happens (WTH), the County's GIS vendor, has prepared a GIS Data Exchange Agreement for execution between the County and each municipality within Bergen County, a copy of which is annexed hereto; and

WHEREAS, the office of County Counsel has reviewed the proposed GIS Data Exchange Agreement, and found it to be acceptable; and

WHEREAS, the County Executive presented the GIS Data Exchange Agreement to the Board of Chosen Freeholders for approval pursuant to N.J.S.A. 40:41A-36(i) and 38(n); and

WHEREAS, the County Executive and Board of Chosen Freeholders agree that execution of the GIS Data Exchange Agreement is in the best interest of the residents of Bergen County,

NOW, THEREFORE, BE IT RESOLVED that, upon the recommendation of Ralph Rivera, Jr., Director of the Department of Public Safety, and Frank DelVecchio, the Director of the Division of Communications, the Board of Chosen Freeholders approved the GIS Data Exchange Agreement between the County of Bergen and each municipality within Bergen County.

BE IT FURTHER RESOLVED, that upon the recommendation of David Pegg, Police Chief of the Borough of Maywood, that the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Mayor be and he is hereby authorized and directed to execute, and the Borough Clerk to attest, an agreement between the Borough of Maywood and the County of Bergen a GIS Data Exchange Agreement.

Council member Morrone moved for the adoptions, seconded by Council member Lindenau; and so carried with the exception of Council member Messar abstaining to Resolution #60-16.

INTRODUCTION OF ORDINANCES

NONE

NEW BUSINESS

Council member Messar stated the borough requires Mayor and Council approval for raffles, block parties, and events that require street closures but not for tournaments which is only approved by the Recreation Department at this time. After looking into ordinances from other municipalities, he would like to recommend that groups looking to use our fields for something out of the ordinary such as tournaments also be required to obtain Mayor and Council approval.

Council member Morrone stated his only concern is the organization having enough time to come before the Mayor and Council prior to the event.

Council member Messar responded organizations know months in advance when a tournament or sports camp will be scheduled.

A discussion ensued and the council agreed the Attorney would prepare a resolution.

OLD BUSINESS

MISCELLANEOUS BUSINESS

CLOSED SESSION – IF APPLICABLE

NONE

ADJOURNMENT

Council member Morrone moved the meeting be adjourned; seconded by Council member DeHeer and so carried at 8:06 p.m.

Borough Clerk