

WORK SESSION

APRIL 8, 2014

“On January 2, 2014, 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 2014, which has been posted on the bulletin board at Borough Hall, filed with the Borough Clerk, faxed to the Our Town, The Record, The Community News and The County Seat 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.

SALUTE TO THE FLAG

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

Absent: Council members Lindenau and Eisenberg

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).

Advertise Date:

Bid Date: 7/20/2011

Awarded: 8/4/2011

Start of Work: 10/17/2011

Projected Completion Date: 12/13/2012 (Phase #1)

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

The Borough’s conflict attorney forwarded a final draft agreement to the Borough of Paramus’ conflict attorney in mid-July 2013. In early November 2013, Neglia Engineering Associates received a revised draft agreement as revised by the Borough of Paramus for our review and comment. That same date, our office issued our comments concerning the revised draft agreement to the Borough’s conflict attorney with the Borough copied.

On March 10, 2014, Neglia Engineering Associates received E-mail correspondence as it related to the following four open agreement items:

1. The means to negotiate any future sewer discharge rate increases
2. The inspection services escrow deposit for the Borough of Paramus Engineer during the construction of the sewer connection to the Paramus sewer system
3. The escrow deposit for any emergent conditions in which the Borough of Paramus Engineer must be present and must address
4. The sewer discharge rate to be utilized

Our office provided a response which included the requested information on March 11, 2014. We understand that the Borough’s Conflict Attorney is awaiting a response from the Borough of Paramus’ Attorney at this time. After review and approval by both municipalities, the agreement would be finalized.

Subsequent to completing and formalizing this agreement, the Borough would pursue the easement purchases for the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property. After both of these items are completed by the Borough’s conflict attorney, the project would be bid. It shall be noted that this project cannot proceed until these legal tasks are completed.

2. YEAR 2013 ROAD PROGRAM – EAST HUNTER AVENUE (NJDOT FUNDED), SPRING VALLEY ROAD, AND WEST FAIRMOUNT AVENUE PARKING LOT

Scope: The project consists of roadway improvements along East Hunter Avenue and Spring Valley Road along with parking improvements at the West Fairmount Avenue Parking Lot. The Borough acquired an NJDOT Municipal Aid Grant in the amount of \$150,000.00 for the East Hunter Avenue improvements.

Advertise Date:	9/16/2013
Bid Date:	10/03/2013
Award Date:	10/08/2013
Start of Work:	11/18/13
Anticipated Projected Completion Date:	Spring 2014

Status: Per the direction of the Governing Body at the August 27, 2013 Mayor and Council meeting, the Borough authorized the bid of construction documents for roadway improvements including but not limited to milling, paving, roadway reconstruction, curbing, ADA accessible ramps, and striping as follows:

1. Base Bid - East Hunter Avenue from Maywood Avenue to Van Cleve Street
2. Alternate Bid A – Spring Valley Road from approximately two hundred feet south of Cumming Avenue to eighty feet south of Sanzari Place (middle section to complete roadway)
3. Alternate Bid B – West Fairmount Avenue Parking Lot

The bid opening for this project occurred on October 03, 2013 at 11AM at Borough Hall. On October 08, 2013, the Borough awarded the project to the lowest responsible, AJM Contractors, Inc, 300 Kuller Road, Clifton, New Jersey 07011 for the Base Bid, Alternate Bid A, and Alternate Bid B in the amount of \$445,384.40.

Subsequent to the project award, a pre-construction meeting was held at Borough Hall on October 29, 2013 at Borough Hall. After the meeting, our office issued a Notice to Proceed. In mid-November 2013, the project contractor began construction activities on Spring Valley Road. At this time, Spring Valley Road is substantially completed.

During the week of March 24, 2014, the project contractor removed the East Hunter Avenue greenbelt trees as stipulated within the contract documents. At this time, concrete curbing, sidewalk, and driveway aprons have been marked for replacement. Concrete demolition construction is to occur within the next week pending weather conditions.

3. GRANT AVENUE – TRAFFIC ENGINEERING SERVICES (TRAFFIC FLOW)

Scope: Per the request of the Borough, our office understands that the Borough would like to review and study the traffic conditions of a portion of Grant Avenue to improve vehicular circulation in the vicinity of Memorial Park and Memorial School.

Status: Per the request of the Borough, our office understands that the Borough would like to review and study the traffic conditions along Grant Avenue to improve vehicular circulation in the vicinity of Memorial Park and Memorial School. Per the authorized proposal, the first work task is to gather traffic information / counts in the vicinity of the School. The automated traffic detectors (ATDs) will be set within the roadways the week of April 07, 2014 pending weather conditions.

4. MEMORIAL PARK IMPROVEMENT PROJECTS

Scope: Per the request of the Borough, our office understands that the Borough would like to solicit quotes for baseball and softball field maintenance at Memorial Park and a field located off of Grant Avenue across the street from Memorial School. The fields are as follows:

1. The 90 foot baseball diamond with grass infield at Memorial Park
2. The 60 foot baseball diamond with grass infield at Memorial Park behind / in the vicinity of the DPW Building
3. The 60 foot softball skin field on Grant Avenue across from Memorial School

The improvements include but are not limited to the following: cutting sod, installing sod, grading, installing soil conditioners, installing field clay, grooming field, and disposal of any field waste materials. It shall be noted that any sod improvements would require a field to be untouched for approximately four to six weeks until the sod root took hold.

Status: Per the request of the Borough, Neglia Engineering Associates prepared a quote solicitation for the above field improvements on March 14, 2014. Neglia Engineering Associates received quotes and issue a quote recommendation letter on March 24, 2014. Our office recommended the rejection of all quotes as the three provided exceeded the quote threshold.

5. PSE&G IMPROVEMENTS (CENTRAL AVENUE)

Scope: PSE&G will be constructed 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. At the meeting, the PSE&G construction drawings were distributed. Within the next week, Neglia Engineering Associates will issue a project review letter to PSE&G's project team. It will include requirements as it relates to site restoration, traffic detours, police protection, and engineering reviews.

6. YEAR 2013 NJDEP ANNUAL STORMWATER REPORT

Scope: Each municipality in the State is required to submit the Year 2013 NJDEP Annual Stormwater Report. The online report submission is due May 02, 2014.

Status: Typically, the Borough of Maywood DPW has prepared the Annual Report for the Borough. Our office would be glad to prepare or aid the Borough in preparing the Report.

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

PROCLAMATIONS, PRESENTATIONS, ETC.

NONE

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

John Brown – 41 Stelling Avenue – He thanked Administrator Stern and Donna for their quick response to his request for library information.

Mr. Brown spoke regarding Ordinance #7-14 and stated he is opposed to the ordinance. He stated although he is a non-smoker, it has not been proven that second hand smoke is detrimental in an outdoor environment and read excerpts from reports supporting his statement. He expressed his concern that this is a parenting issue vs. a government issue, adding we are criminalizing the people who smoke.

Kara Murphy – Global Advisors on Smoke-free Policy – stated they work with “Tobacco-Free for a Healthy New Jersey” and thanked the Mayor and Council for their consideration of Ordinance #7-14, stating to-date 236 New Jersey communities have already adopted similar ordinances and several

counties have also adopted county-wide bans, adding she hopes Maywood becomes the 237th community to adopt a no-smoking ban.

Thomas Richards – 347 Golf Avenue – He stated he will be requesting via OPRA information on the HUMC EMT program. He spoke regarding the daytime EMT staff and stated he signed a petition that was circulated at the street fair this past Sunday. He thanked the Mayor and Council for pulling the resolution. He explained HUMC is a for-profit organization and would bill for the balance insurance does not cover.

Mark Diverio – 21 E. Magnolia Avenue – He echoed Mr. Richards comments, stating the residents of Maywood appreciate having Maywood people caring for Maywood people and asked the Mayor and Council to consider maintaining the program.

Mayor Padovano responded we will be maintaining the program but explained over its lifetime, we have lost one-quarter of a million dollars. He stated the council entertained various options, one of which was Hackensack University Medical Center who would have provided coverage from 7:00 am to 7:00 pm at no cost to the borough. He explained we will be revamping our current program by adjusting employee schedules and streamlining the billing so that we may continue to provide this service to the community and hopefully close the \$50,000.00 gap in lost revenue per year. He advised Hackensack University Medical Center ambulances are currently covering the borough on average five to six calls per week.

Mayor Padovano spoke regarding the volunteer ambulance squad and stated we are standing by both our paid and volunteer programs.

Stanley Machlin – 326 Maywood Avenue – He explained a hospital ambulance service can charge more than a town can and suggested someone negotiate with the insurance companies so the borough's fees are more commensurate with Hackensack's fees. He stated he supports having people with skill, empathy and caring who know the borough residents provide care.

Thomas Richards – 347 Golf Avenue - submitted a petition of signatures regarding the daytime EMT's to the Mayor and Council.

There being no further comments, Mayor Padovano closed this portion of the meeting.

PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES

NONE

CORRESPONDENCE AND REPORT OF BOROUGH CLERK

Borough Clerk Pelligra reported on the following:

1. She reported the Borough received the Silver Award from the South Bergen Municipal Joint Insurance Fund in the amount of \$1500.00 and achieved an overall score of eighty-plus points for the 2013 Safety Incentive Program.
2. She stated tomorrow, April 9, 2014, is the last day to change party affiliation prior to the June 3, 2014 Primary Election, adding the Borough Clerk's office will be open 8:30 am to 4:30 pm.

REPORT OF ADMINISTRATOR

Administrator Stern reported on the following:

1. She commended Borough Engineer Greg Polyniak and Neglia Engineering for their cooperation regarding the East Hunter Avenue paving project.

REPORT OF ATTORNEY

Attorney Dario stated he has a report for Closed Session.

COMMITTEE REPORTS

Council member Morrone stated he has no report this evening.

Council member Messar reported on the following:

1. He reported April 4, 2014 was Maywood Alumni Association Night at Maywood Avenue School, adding festivities included a tour of the school and basketball games followed by a party at the Maywood Inn.
2. He stated the Board of Education meeting is scheduled for April 30, 2014 and the public portion of the school budget is on the agenda.

Council member Febre reported on the following:

1. He stated the Maywood Volunteer First Aid Squad is hosting a blood drive on Sunday, June 1, 2014 from 11:00 am to 3:00 pm at 15 Park Avenue.
2. He stated both fire houses passed inspection by PEOSHA.
3. He reported the fire department handed out membership applications at Sunday's Street Fair; adding they also collected \$500.00 in donations and thanked members of the community for their support.

4. He reported the acting Library Director, Caroline Brown, has been hired as the new full time Library Director, adding the prior Director has submitted her resignation.

Council President Ballerini reported on the following:

1. He spoke regarding Resolution #78-14 and thanked Borough Attorney Dario and MPOA representatives for their hard work on the PBA contract, adding it has been a fifteen month process. He stated the net result of this contract represents fair compensation to the MPOA, while ending longevity, and was accomplished with mutual respect and collaboration. He believes this contract will benefit everyone in Maywood and hopes the council approves it.

REPORT OF MAYOR

Mayor Padovano reported on the following:

1. He reminded everyone this is the borough's 120th Anniversary and the Historical Advisory Committee will be hosting various programs throughout the year. He stated two bus tours are scheduled for April 27, 2014 hosted by Historian Betty Fetzer, adding you can contact Borough Clerk Pelligra for further information and reservations.
2. He stated the Fall Festival is scheduled for October 5, 2014.
3. He stated the Fourth of July parade will be held Friday, July 4, 2014 and the fireworks, preceded by entertainment, will be held Sunday, July 6, 2014.
4. He gave an update on the Dixo site and advised the clean-up and remediation is expected to continue for another couple of weeks, adding our OEM and emergency services are closely monitoring the project.

Mayor Padovano stated a lot of work went into this year's budget and he is proud to report it has a 0% increase over last year, adding we also realized a \$1.8 million surplus; the largest the borough has ever seen. He thanked the council, particularly Finance Liaison Frank Messar and CFO Cuccia for helping this come to fruition.

Mayor Padovano asked CFO Charles Cuccia to speak regarding the 2014 proposed budget.

CFO Cuccia reiterated the budget reflects a 0% increase, actually a slight reduction and accounts for all proposed contract provisions relating to ongoing negotiations. He explained we realized a reduction in health benefit costs by moving to the State Health Benefits Plan and a decrease in BCUA fees by approximately \$300,000.00.

CFO Cuccia stated it was a job well done by everyone involved in the budget process.

Mayor Padovano asked CFO Cuccia to explain Ordinance #8-14.

CFO Cuccia responded the municipal budget cap ordinance allows us each year to bring the appropriations cap to 3 1/2 % of the prior year's appropriations and to protect the cap bank.

Mayor Padovano questioned if the daytime EMT's are provided for in this budget.

CFO Cuccia responded yes.

There being no further questions from the council, Mayor Padovano closed this portion of the meeting.

ACTION LIST ITEMS

The Action List was not reviewed during tonight's meeting.

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

NONE

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. Brian Smith and Michael Gnazzo as part-time Telecommunicators at an hourly rate of \$15.50 per hour effective April 8, 2014.

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

COUNCIL APPROVAL OF THE FOLLOWING

1. From Rosary Society Our Lady Queen of Peace Church – permission to hold an On-Premise Draw raffle at Our Lady Queen of Peace Church, 400 Maywood Avenue, Maywood on October 17, 2014 from 6:00 pm to 10:00 pm.
2. From Rosary Society Our Lady Queen of Peace Church – permission to hold an On-Premise 50/50 raffle at Our Lady Queen of Peace Church, 400 Maywood Avenue, Maywood on December 7, 2014 at 4:00 pm.

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

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 73-14

AUTHORIZING SERVICE AGREEMENT WITH ZACHARIAH E. RIEHLE FOR PICK-UP AND DISPOSAL OF METAL GOODS WITHIN THE BOROUGH OF MAYWOOD

WHEREAS, the Borough of Maywood is in need of a service agreement with Zachariah E. Riehle for the pick-up and disposal of metal goods within the Borough of Maywood for the year 2014; and

WHEREAS, the agreement provides for a one (1) year service agreement, **retroactive to January 1, 2014 through December 31, 2014** at no cost to the Borough of Maywood with the conditions as set forth in said agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey that the Mayor is hereby authorized to execute, and the Borough Clerk to attest, a service agreement between the Borough of Maywood and Zachariah E. Riehle for the pick-up and disposal of metal goods within the Borough of Maywood.

RESOLUTION # 74-14
RESOLUTION AUTHORIZING RENTAL/USE AGREEMENT BETWEEN THE
BOROUGH OF MAYWOOD AND SKYY SWIM CLUB

WHEREAS, Skyy Swim Club operates a swimming competition and training program open to the youth within the Borough of Maywood; and

WHEREAS, Skyy Swim Club wishes to utilize the Maywood Swim Pool within the Borough of Maywood for such programs, and;

WHEREAS, Skyy Swim Club will utilize the Maywood Swim Pool between the hours of 6:00 a.m. to 8:00 a.m. and in a manner that will not interfere with the public use and enjoyment of the facility , and;

WHEREAS, Skyy Swim Club agrees to the mutual promises and covenants contained in the “Use Agreement” to be executed by the parties, and agrees to pay the cost of said use of \$5,700.00 in total.

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 he is hereby authorized and directed to execute, and the Borough Clerk to attest, an agreement between the Borough of Maywood and Skyy Swim Club for terms pursuant and embodied in the “Use Agreement” contract for use of the Maywood Pool Facilities for the 2014 season and

BE IT FURTHER RESOLVED, that a copy of the within resolution together with a copy of the Agreement be on file in the Office of the Borough Clerk and be available for public inspection during regular business hours and pursuant to the laws of the State of New Jersey, County of Bergen and Borough of Maywood; and

RESOLUTION # 75-14
RESOLUTION AUTHORIZING FIREWORKS DISPLAY AGREEMENT
BETWEEN THE BOROUGH OF MAYWOOD AND INTERNATIONAL
FIREWORKS MFG. CO. INC.

WHEREAS, the Borough of Maywood has decided to conduct a fireworks display during their July 4th Celebration on the date of July 6, 2014 with a rain date to be determined before March 1, 2015; and

WHEREAS, the display will be provided and supplied by International Fireworks Mfg. Co. Inc. whose address is 242 Sycamore Road, Douglasville PA 19518; and

WHEREAS, the cost as written in said contract is \$9,750.00 in total;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, BERGEN COUNTY, NEW JERSEY, that the Mayor, Gregg A. Padovano, is hereby authorized to execute and the Borough Clerk, Jean M. Pelligra, to attest an agreement between the Borough of Maywood and by International Fireworks Mfg. Co. Inc. subject to the availability of funds and in accordance with all requirements set forth by the South Bergen Joint Insurance Fund as determined by our Risk Manager, Professional Insurance Associates of 429 Hackensack Street, Carlstadt, NJ 07072, and approval of the location and display by the Borough of Maywood's Fire Official, Thomas Tuttle, as well as being subject to the Borough Attorney's approval as to form.

RESOLUTION # 76-14
A RESOLUTION AUTHORIZING THE PURCHASE AND INSTALLATION OF
EQUIPMENT AND LETTERING FOR NEW POLICE VEHICLES

WHEREAS, a need exists within the Borough to purchase and install various equipment and lettering for the new police vehicles for use by the Maywood Police Department; and

WHEREAS, the cost of such equipment with installation and lettering is estimated to be 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 \$7,500 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 purchase, and to sign and issue purchase orders for the equipment and installation for the new police vehicles at a cost of \$16,013.58, payable to East Coast Emergency Lighting, Inc., 200 Meco Drive, Millstone Township, NJ 08535, and the lettering for said vehicles at a cost of \$1,500.00 payable to

Signarama, 379 Main Street, Hackensack, NJ 07601 pursuant to the price quotation(s) received from both East Coast Emergency Lighting Inc., and Signarama whose response was most advantageous to the Borough, price and other factors considered.

RESOLUTION # 77-14
RESOLUTION CONFIRMING ENDORSEMENT OF A COMMUNITY DEVELOPMENT GRANT FOR THE INSTALLATION OF AMERICANS WITH DISABILITIES COMPLIANT WATER FOUNTAINS AT VARIOUS LOCATIONS WITHIN THE BOROUGH OF MAYWOOD

WHEREAS, a Bergen County Community Development Grant of \$ 31,025.00 has been proposed by the Borough of Maywood for the installation of water fountains to comply with the Americans with Disabilities Act (ADA) at various locations in the Municipality of Maywood, NJ; and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body; and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Maywood; and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CDBG funds.

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Maywood, hereby confirms endorsement of the aforesaid project; and

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

RESOLUTION # 78-14
RESOLUTION APPROVING THE CONTRACT WITH P.B.A. LOCAL NO. 102 AND AUTHORIZING MAYOR TO EXECUTE AGREEMENT ON BEHALF OF THE BOROUGH IN THE BOROUGH OF MAYWOOD, COUNTY OF BERGEN, NEW JERSEY

WHEREAS, the Borough of Maywood engaged in negotiations for a successor collective negotiations agreement (“CNA”) with the P.B.A. Local No.102 and has agreed to terms and concluded negotiations with respect to a new contract for the period of January 1, 2013 through December 31, 2016; and

WHEREAS, this agreement has been reached regarding the contract terms and conditions as reflected in the contract attached hereto and made a part hereof; and

WHEREAS the Mayor and Council of the Borough of Maywood wishes to approve said agreement;

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 he is hereby authorized and directed to execute, and the Borough Clerk, is directed to attest to any documents necessary to enforce the terms and conditions in the new contract between the Borough of Maywood and the P.B.A. Local No. 102 for the period of January 1, 2013 through December 31, 2016.

BE IT FURTHER RESOLVED, that a copy of the within resolution together with a copy of the Agreement be on file in the Office of the Borough Clerk and be available for public inspection during regular business hours and pursuant to the laws of the State of New Jersey, County of Bergen and Borough of Maywood; and

RESOLUTION # 80-14
AUTHORIZING CONTRACT SERVICES BETWEEN THE
BOROUGH OF MAYWOOD AND AIRPOWER INTERNATIONAL, INC.

WHEREAS, the Maywood Fire Department is in need of Air System Services for maintenance for Mako Air Compressor and Cascade System; and

WHEREAS, the contract provides for two service calls in a one year period which includes travel, mileage, normal service labor and one free emergency call; and

WHEREAS, the contract also provides for one free emergency call if the need should arise, which includes travel time round trip and up to one hour on site (parts are additional); and

WHEREAS, Airpower International, Inc. is the only company within the State of New Jersey that handles maintenance for this system;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey that the Borough of Maywood enter into an Air System Service Contract with Airpower International, Inc., 7303 River Road, Pennsauken, New Jersey for Air System Services for a one year period from May 2014 to April 2015 in the amount of **\$1,595.00** which amount will be charged to Fire Department Operating.

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

RESOLUTION # 81-14
2014 MUNICIPAL BUDGET NOTICE

RESOLUTION 81-14
MUNICIPAL BUDGET NOTICE

SECTION 1.

Municipal Budget of the Borough of Maywood, County of Bergen for the Fiscal Year 2014

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2014;

Be It Further Resolved, that said Budget be published in the Our Town

in the issue of April 17th, 2014

The Governing Body of the Borough of Maywood does hereby approve the following as the Budget for the year 2014:

RECORDED VOTE
(insert last name)

(BALLERINI)
(FEBRE)
(MORRONE)
Ayes (MESSAR)
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Nays (
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Abstained (
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(

(EISENBERG)
Absent (LINDENALL)
(

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Maywood, County of Bergen, on April 8th, 2014.

A Hearing on the Budget and Tax Resolution will be held at Borough Hall, on May 13th, 2014 at 7:30 o'clock ^(P.M.) (cross out one) at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

Council member Morrone moved for approval, seconded by Council member Febre; and so carried by unanimous roll call vote.

NOTICE is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Maywood, County of Bergen, on April 8, 2014.

A Hearing on the Budget and Tax Resolution will be held at the Maywood Municipal Complex, 2nd floor Council Chambers on May 13, 2014 at 7:30 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2014 may be presented by taxpayers or other interested persons.

RESOLUTION # 82-14
RESOLUTION APPROVING SELF-EXAMINATION OF CY2014 BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Maywood has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the CY2014 budget year.

NOW THEREFORE BE IT RESOLVED, by the governing body of the Borough of Maywood that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.

5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION # 83-14
A RESOLUTION RATIFYING AND CONFIRMING THE PURCHASE AND
INSTALLATION OF THE SWIMPOOL HANDICAP BATHROOM

WHEREAS, a need exists within the Borough to purchase and install a handicap bathroom at the municipal swim pool of the Borough of Maywood; and

WHEREAS, the cost of such renovation is estimated to be 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 \$7,500 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 purchase, and to sign and issue purchase orders for the handicap bathroom renovations for use at the municipal swim pool in the Borough of Maywood for the sum of \$ 18,963.00, payable to CIBCO Construction Corp., P.O. Box 1132, Englewood Cliffs, NJ, pursuant to the price quotation received from CIBCO Construction Corp., whose response was most advantageous to the Borough, price and other factors considered.

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

INTRODUCTION OF ORDINANCES

ORDINANCE # 7-14
“AN ORDINANCE TO PROHIBIT SMOKING ON RECREATION AREAS INCLUDING
PUBLIC PARKS, PLAYGROUNDS AND THE MUNICIPAL SWIMPOOL PROPERTY”

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, pursuant to N.J.S.A. 40:48-2, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules, any by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, Chapter 52-79.3, "Smoking," of the Borough Code only prohibits smoking within the municipal workplace buildings/automobiles and does not address smoking in any other public building or on public property, such as public parks, recreational areas and swim pool; and

WHEREAS, the previous State legislation which prohibited municipalities from passing strict local smoking laws that differed from the State standards was repealed and the State now expressly authorizes municipalities to enact strict ordinances regulating smoking under N.J.S.A. 26:3D-63; and

WHEREAS, N.J.S.A. 2C:33-13b also provides that the owner and/or operator of a public place, such as public parks, recreational areas and swim pool, may prohibit smoking on such property; and

WHEREAS, the Borough Council recognized the well-known health and safety risks posed by smoking and finds that it is within the public interest to prohibit smoking in public buildings and on public property, such as public parks, recreational areas and swim pool; and

WHEREAS, the Borough Council has determined that the public interest is especially implicated in preventing the youth of Maywood from being exposed and succumbing to the temptations of experimenting with tobacco products; and

WHEREAS, the Borough Council also finds that the appearance of parks, recreational areas and swim pool can be enhanced and the limited resources of the Borough's Department of Public Works can be conserved if smoking were to be banned from such areas, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey, that the following ordinance be entered into the Borough Code as Chapter 234, be entitled "**SMOKING ON PUBLIC PROPERTY**" and shall contain the following language for the prohibition of smoking on public property.

Section 1: Chapter 234 of the Borough of Maywood Code shall be entitled "**SMOKING ON PUBLIC PROPERTY**" and shall read as follows:

TITLE: Chapter 234: SMOKING ON PUBLIC PROPERTY

Section 1 Definitions.

Section 2 Prohibition of smoking in public places; signs.

Section 3 Enforcement.

Section 4 Violations and penalties.

Chapter 234.1 Definitions

As used in this chapter, the following words shall have the following meanings:

ENCLOSED AREA

All areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL BUILDINGS

All structures owned, leased, rented and/or operated by the Borough of Maywood, and/or occupied by Borough employees and used for official business of the Borough of Maywood.

PARKS, RECREATIONAL FACILITIES AND SWIM POOL

All public parks, playgrounds, swim facilities and their surrounding areas, and ball fields publicly owned or leased by the Borough of Maywood and all property owned or leased by the Borough of Maywood upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle.

SMOKING

The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

Chapter 234.2: Prohibition of smoking in public places; signs

- A. Smoking shall be prohibited in all municipal buildings as defined herein. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted at each municipal building entrance and within each closed area where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.

- B. Smoking shall be prohibited within a thirty-five-foot radius of the front entrance of all municipal buildings. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted both on the building and at the thirty-five-foot perimeter of the front entrance of all municipal buildings where smoking is prohibited by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrast in color with the sign, indicating that smoking is prohibited therein. The sign shall also indicate that violators are subject to a fine.
- C. Smoking shall be prohibited in all public parks, recreational areas and swim pool owned or leased by the Borough of Maywood and all property owned or leased by the Borough of Maywood upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities, including all areas adjacent to such facilities, including, but not limited to, any parking area, driveway or drive aisle, which have been designated with no-smoking signs. No-smoking signs or the international no-smoking symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section) shall be clearly, sufficiently and conspicuously posted in all areas regulated by this chapter. The signs shall be clearly visible to the public and shall contain letters or a symbol which contrasts in color with the sign, indicating that smoking is prohibited at the designated area. The sign shall also indicate that violators are subject to a fine.
- D. Smoking shall be prohibited in any vehicle registered to the Borough of Maywood.

Chapter 234.3: Enforcement

The enforcement authority of this chapter shall be the Police Department, Fire Department, Recreation Department, Public Works Department and Health Department of the Borough of Maywood.

Chapter 234.4: Violations and penalties

Any person who violates any provision of this chapter shall be subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense. Any municipal employee found in violation of this chapter may also be subject to discipline in accordance with the provisions of the Borough of Maywood's policies and procedures.

Section 2: Signage

All municipal signs shall be augmented or affixed to reflect these changes pursuant to Chapter 234.2 of this code and in accordance with State law.

Section 3: Effective Date

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

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

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance #7-14, pass on first reading and that said Ordinance will be further considered for final passage at a meeting of the Mayor and Council to be held on April 22, 2014 at 7:30 pm at the Borough Hall, 15 Park Avenue, Maywood, New Jersey at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

ORDINANCE # 8-14

CALENDAR YEAR 2014 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Maywood in the County of Bergen finds it advisable and necessary to increase its CY 2014 budget by up to 3.0% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that an additional 3.0 % increase in the budget for said year, amounting to \$326,203.17 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as cap bank to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Maywood, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2014 budget year, the final appropriations of the Borough of Maywood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to 380,570.37, and that the CY 2014 municipal budget for the Borough of Maywood be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Council member Ballerini moved for the introduction, 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 Ordinance #8-14, pass on first reading and that said Ordinance will be further considered for final passage at a meeting of the Mayor and Council to be held on May 13, 2014 at 7:30 pm at the Borough Hall, 15 Park Avenue, Maywood, New Jersey at which time and place all persons interested therein will be given an opportunity to be heard concerning the same, and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

CLOSED SESSION – IF APPLICABLE

Council member Morrone made a motion to go into closed session; seconded by Council member Ballerini; and so carried by unanimous roll call vote.

BOROUGH OF MAYWOOD
Closed Session Resolution #84-14

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, pursuant to the provisions of the Open Public Meetings Act, that the Mayor and Council meet in closed session to discuss the following subject matter(s):

Personnel, Contract Negotiations

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated sub-section(s) of Section 7 of the Open Public Meetings Act:

- Sub-section 1 dealing with material rendered confidential by express provision of Federal or State law
- Sub-section 2 covering a matter in which release of information would impair a right to receive federal funds
- Sub-section 3 involving disclosure of material that would constitute an unwarranted invasion of privacy, including material related to an individual's personal and family circumstances, without the express written consent of the individual involved
- Sub-section 4 pertaining to collective bargaining agreements and the terms, conditions and negotiations thereof
- Sub-section 5 dealing with the acquisition of real property, the setting of bank rates, or the investment of public funds where discussion thereof would adversely affect the public interest
- Sub-section 6 dealing with tactics and techniques used in protecting the safety and property of the public where disclosure could impair such protection or investigation of violation of the law
- Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof
- Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

AND BE IT FURTHER RESOLVED that, as precisely as can be determined at this time, the discussion conducted in the said closed session can be disclosed to the public upon taking final action thereon, provided disclosure shall not violate the attorney-client privilege or constitute an undue invasion of privacy; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Maywood

- Will return to open session after this meeting.
- Do not envision that they will return to open session after this meeting but reserves the right to do so.

Date of Passage: 4-8-2014 Time: 8:25 pm

ADJOURNMENT

Council member Ballerini moved the meeting be adjourned; seconded by Council member Febre and so carried at 9:15 p.m.

Borough Clerk