

“On January 3, 2017, and as revised on June 27, 2017, 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 2017, 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.

### **SALUTE TO THE FLAG**

### **ROLL CALL**

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

### **Greg Polyniak, Borough Engineer – Monthly Engineer 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.

On May 30, 2017, Neglia Engineering Associates received a bid approval letter from the NJDEP. Thereafter on June 09, 2017, we issued a bid recommendation package to the Borough for review by the Borough and its Attorney. The project was awarded by the Governing Body on June 27, 2017.

**Status:** The pre-construction meeting for the project was held on July 25, 2017. The contractor has informed our office that they anticipate proceeding with construction on Monday, September 11, 2017 pending weather conditions. The construction timeframe is to be ninety calendar days pending weather conditions, but they anticipate completing the project scope during mid- to late October 2017.

#### **2. 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:** On May 25, 2017, our office issued an NJDOT construction completion letter for final inspection. Our office received the construction completion letter with no remedial action required during late August 2017. Once we receive the final paperwork from the contractor, our office would forward municipal closeout documents to the Borough for consideration. Subsequently, the NJDOT closeout would occur which would permit the Borough to receive the remainder of its grant reimbursement.

#### **3. WEST MAGNOLIA AVENUE / MAGNOLIA LANE – BERGEN COUNTY BRIDGE INSPECTION**

Bergen County with the State created an inspection program to inspect small culverts and bridges throughout all municipalities. Bergen County and the State hired Pickering, Corts & Summerson of Newtown, Pennsylvania to perform inspections which included the Magnolia Lane / West Magnolia Avenue Bridge / Culvert over the Westerly Branch of the Saddle River. This bridge serves as access to two residences located at the terminus of the said roadway. On November 11, 2016, Neglia Engineering Associates and the Borough of Maywood received a report from the County's engineering consultant concerning this structure.

**Status:** The Resolution to Advertise and Bid Notice were provided to the Borough on June 13, 2017. The document availability and bid opening dates and times were July 06, 2017 and August 03, 2017, respectively. The bid award recommendation package was forwarded to the Borough and its Attorney on August 07, 2017 for review and consideration prior to award. The lowest bid submitted of the four submitted was from D&L Paving Contractors, Inc., 681 Franklin Avenue, Nutley, New Jersey 07110 in the amount of One Hundred Eighty-Six Thousand Four Hundred Thirty-Six Dollars and Four Cents (\$186,436.04) for the Base Bid and Alternate Bid A.

The pre-construction meeting is anticipated to occur within the next week. The construction timeframe is to be forty-nine calendar days pending weather conditions. We anticipate the project construction to be substantially completed in Fall 2017.

Mr. Polyniak reported construction is to proceed on the project on September 25, 2017.

**4. OAK AVENUE ROADWAY IMPROVEMENTS (WEST PLEASANT AVENUE TO PARKWAY)**

The Borough will construct roadway improvements on Oak Avenue from its intersection with West Pleasant Avenue to its intersection with Parkway. The document availability was May 03, 2017. The bid opening occurred on Thursday, June 01, 2015. The lowest bid submitted of the six submitted was from Marini Brothers Construction, Co., Inc., 9 Lafayette Street, Hackensack, New Jersey 07601 in the amount of One Hundred Nineteen Thousand Two Hundred Fifty-Five Dollars and Zero Cents (\$119,255.50) for the Base Bid.

**Status:** A pre-construction meeting occurred on June 29, 2017 at Borough Hall. Construction is anticipated to proceed once Fairway is completed as discussed at the July 2017 Mayor and Council Meeting. As of September 05, 2017, the contractor has completed concrete improvements, milling, and paving on Oak Avenue. Roadway striping and punch list items remain.

**5. PSE&G IMPROVEMENTS (69kV IMPROVEMENT PROJECT)**

On January 06, 2017, a project meeting was held at Borough Hall with PSE&G, the Borough, and Neglia Engineering Associates present.

**Status:** A meeting is to be held on September 06, 2017 with Verizon and Borough officials at Borough Hall. The schedule to remove the previous utility poles is to be discussed and determined.

Mr. Polyniak reported Verizon is in the process of removing the redundant poles and expect to have it completed by the end of the year; adding a second meeting is scheduled for October to review the status of the work.

**6. QUOTE SOLICITATION – VARIOUS SIDEWALK LOCATIONS**

Per the request of the Borough, Neglia Engineering Associates prepared and issued a quote solicitation to contractors for various sidewalk locations to replace damaged sidewalk slabs on April 13, 2017. Quotes were received on April 25, 2017 with a recommendation package issued to the Borough on April 26, 2017 for review and consideration by the Governing Body.

**Status:** The lowest quote received was from D&L Paving, 681 Franklin Avenue, Nutley, New Jersey 07110 for 178 square yards of concrete sidewalk for a unit price of \$225.00 per square yard. A pre-construction meeting occurred on June 29, 2017 at Borough. Construction began in mid-August 2017 and was completed in late August 2017.

Mr. Polyniak stated this project has been completed.

**7. WILLIAM STREET, FAIRWAY, AND DUVIER PLACE (ROADWAY IMPROVEMENTS)**

Neglia Engineering Associates understands that the Borough will construct roadway improvements at the following locations:

1. William Street from West Passaic Street to West Pleasant Avenue
2. Duvier Place from Lenox Avenue to its terminus (including drainage improvements)
3. Fairway from Passaic Street to the school entrance

**Status:** As requested at the July 2017 Mayor and Council meeting, our office directed the contractor to proceed with Fairway prior to the William Street, Duvier Place, and Oak Avenue as Fairway is a main entrance to the Maywood Avenue School.

As of September 05, 2017, the contractor has completed concrete improvements, milling, and paving on Fairway. Construction on Duvier Place and William Street will follow shortly.

**8. MAYWOOD AVENUE STREETScape – PHASE II (NJDOT MUNICIPAL AID GRANT)**

Neglia Engineering Associates understands that per the Year 2017 NJDOT Municipal Aid Grant awarded grant project list that the Borough has received a grant in the amount of \$165,627.00 for the Maywood Avenue Streetscape – Phase II. We understand that the NJDOT will forward a grant agreement package to the Borough for review and signature. The required project completion schedule would be listed within the grant agreement package.

**Status:** At this time, we understand that the Borough is reviewing the overall project scope. This includes contacting the adjoining business to review the project scope. Once we are informed of the selected amenities and project limits, we would proceed with the design. We anticipate this project to be constructed during Spring – Summer 2018.

**9. YEAR 2018 NJDOT MUNICIPAL AID GRANT – CALL FOR PROJECTS**

The NJDOT has informed municipalities of a call for Year 2018 Municipal Aid Grant projects. The grant submission packages are due on Friday, October 06, 2017. Our office provided an endorsing resolution for Palmer Avenue for consideration by the Governing Body at the September 12, 2017 Mayor and Council meeting. Once adopted by the Governing Body, we would require four copies of the signed and sealed endorsing resolution by October 04, 2017. On or before October 06, 2017, we would submit the completed application package to the NJDOT.

Mr. Polyniak responded to a previous question from Council President Messar regarding PSE&G connections to the Central Avenue transfer station and explained PSE&G has stated nothing is planned for the immediate future.

Attorney Dario asked Mr. Polyniak to have the pump house contractors move the construction equipment to the Hanjin parking lot.

There being no further questions for the Borough Engineer from the Council, 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.

Tom Bornemann – 848 Grant Avenue – spoke regarding three or four shade trees cut below the wires by PSE&G and then removed by the DPW on Grant Avenue. He stated George Trapp with the Shade Tree Commission advised him he is not being notified of tree removals; Mr. Bornemann asked who makes these decisions and if a protocol is in place.

Administrator Stern stated over fifty new trees have been planted this season; adding there is definitely a protocol in place and Mr. Trapp, the DPW Superintendent and I work closely together on this.

Walter Moussou – former Police Officer - questioned the delay of money due him for his retirement.

Attorney Dario advised the Mayor, Council and Administrator not to respond at this time due to pending and anticipated litigation.

Hildegard Ampssler – 65 Edgewood Place – spoke regarding her neighbor who contacted Administrator Stern regarding a raised sidewalk slab caused by an ash tree she states was planted by the borough on the inside of the sidewalk and explained her neighbor was advised it was her tree because it was 10’ 2” in from the curb and could do whatever she wanted to with the tree.

Council member DeHeer asked what Ms. Ampssler wants done with the tree.

Ms. Ampssler responded she wants it recognized as a town tree so the resident does not remove the tree.

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

**CLOSED SESSION – IF APPLICABLE**

Council member Morrone made a motion to go into closed session; seconded by Council member Gervino - All in Favor.

**BOROUGH OF MAYWOOD**  
**Closed Session Resolution # 125-17**

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):

**Litigation**

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: 9/12/17 Time: 7:55 pm

Council member Morrone made a motion to return to the regular order of business; seconded by Council member DeHeer - All in Favor.

**PUBLIC HEARING ON PENDING ORDINANCES – ADOPTION OF ORDINANCES**

NONE

**APPROVAL OF MINUTES**

Council member Lindenau moved for approval of the August 22, 2017 Council Meeting and Closed Session minutes; seconded by Council member Messar; and so carried with the exception of Council member Gervino abstaining.

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

Borough Clerk Pelligra stated she has no report this evening.

## **REPORT OF ADMINISTRATOR**

Administrator Stern reported on the following:

1. She spoke regarding an endorsing resolution for a Community Development Block Grant for new doors and light switches for the police department.
2. She reported the digital sign design border is on order.
3. She stated the Fall Festival is scheduled for Sunday, October 1, 2017 in Memorial Park.

## **REPORT OF ATTORNEY**

Attorney Dario reported he has no report this evening.

## **COMMITTEE REPORTS**

Council member Padovano reported on the following:

1. She stated the Annual Flu Clinic is scheduled for Wednesday, October 25, 2017 from 3:00 – 4:45 pm at the Senior Recreation Center.
2. She reported the following from the Recreation Department:
  - The Theatre Program will be performing “Elf, Jr.” on December 16<sup>th</sup> and 17<sup>th</sup>, 2017; adding tuition for the program is \$325.00.
  - She stated Line Dancing, Total Body Work Out and Zumba classes are available at the Senior Recreation Center.
3. She reported the Access for All committee updated the Borough’s Emergency Notification form; adding it will be included with the tax bills for residents to complete if they have special needs in the event of an emergency.

Mayor Febre thanked Council member Padovano and Hildegard Ampssler for their work on the form.

Council member Gervino reported on the following:

1. He reported from Municipal Alliance the Recreation Department will be hosting Guardians of the Galaxy, Volume 1 on September 18, 2017 at 4:00 pm and Volume 2 on September 25, 2017 at 4:00 pm at the Maywood Library; adding please RSVP to Lisa Schieli, Recreation Director.

Council member DeHeer reported on the following:

1. He reported the building department collected \$13,022.00 in permit fees from August 22, 2017 through today; adding letters are being sent to residents regarding property maintenance.
2. He reported the Fire Board requested the DPW look at the ceiling at the West Hunter Avenue fire house.

Mayor Febre spoke regarding the non-removal of yard sale signs by residents after the completion of the sale. A discussion ensued amongst the council.

Mayor Febre asked the Our Town to place a notice in the paper urging residents who obtain yard sale permits to remove the signs after the sale.

Council member Lindenau stated he has no report this evening.

Council member Morrone reported on the following:

1. He stated he attended the August 30, 2017 Board of Education meeting and read a policy reported on by Superintendent Jordan that is in effect regarding transgender students; adding steps are being taken to identify one gender neutral bathroom in each school.

Council President Messar reported on the following:

1. He stated our thoughts and prayers go out to the residents of Texas and Florida affected by the recent hurricanes.
2. He reported from the New Jersey Office of Emergency Management that September is National Preparedness Month; adding if you need assistance in knowing how to be prepared, a free guide is available on their website. He urged everyone to plan ahead.
3. He stated the MPOA Food Truck Fundraiser Event will be held Sunday, September 17, 2017 at Memorial Park from 11:00 am to 6:00 pm.

### **REPORT OF MAYOR**

Mayor Febre reported on the following:

1. He stated yesterday was the sixteenth anniversary of 9/11 and thanked Betty Fetzer and the First Presbyterian Church for hosting the remembrance service.
2. He thanked the Boy Scouts and Girl Scouts for acting as honor guards for the 9/11 ceremonies yesterday.
3. He spoke regarding the recent loss of former Councilman Thomas Gaffney, Theodora Palazzo, and retired Police Officer John "Bud" McVey.

Mayor Febre asked Administrator Stern what happened to the trees that were removed by PSE&G from one side of Central Avenue.

Administrator Stern responded we were unable to put the trees back; however, PSE&G planted trees elsewhere in the borough.

### **ACTION LIST ITEMS**

1. **Proposed Ordinance – Storm Water Control:** Attorney to prepare a more detailed ordinance.
2. **Childhood Cancer and Sickle Cell Disease Awareness Proclamations:** Council was in agreement to put them on the September 26, 2017 agenda.
3. **Electronic Tax Payments:** Administrator Stern stated once everything is in place, it will be explained by our Tax Collector, Ashley Morrone.

### **RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

NONE

### **APPOINTMENTS – APPROVAL OF THE FOLLOWING**

NONE

### **COUNCIL APPROVAL OF THE FOLLOWING**

1. From Womans Club of Maywood NJ – requesting permission to hold an On-Premise Draw raffle at 145 W. Magnolia Avenue, Maywood, on Friday, December 8, 2017 from 7:00 to 10:00 pm.
2. From the Senior Citizens Club request to use the swim pool parking lot from 7 a.m. on October 8 through 7 p.m. on October 13, 2017 for trip participation parking.

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 # 118-17**

**APPROVING AN APPLICATION TO THE UNITED STATES SECRETARY OF DEFENSE OR ANY OTHER GOVERNMENTAL AGENCY TO SECURE HISTORICAL ARTIFACT/CONDEMNED OR OBSOLETE COMBAT MATERIAL TO HONOR THE MEN AND WOMEN WHO HAVE SERVED IN THE UNITED STATES ARMED SERVICES**

**WHEREAS** the Borough has recognized the benefits in securing one or several pieces of condemned or obsolete combat material for placement as a static outdoor display to honor the men and women who have served in the United States Armed Services.

**WHEREAS** 10 U.S. Code § 2572 permits, upon the petition of a municipal corporation, the Secretary of Defense to lend or give condemned or obsolete combat material that is not needed by the military department.

**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 is hereby authorized to execute, and the Borough Clerk to attest, to any documentation necessary and the Borough Attorney is charged with applying to the appropriate agency necessary to secure one or several pieces of condemned or obsolete combat material for placement as a static outdoor display to honor the men and women who have served in the United States Armed Services.

**RESOLUTION # 119-17**

**RESOLUTION AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO PERFORM ANCILLARY SIDEWALK REPAIRS PURSUANT TO THE BOROUGH'S SIDEWALK PROGRAM AND SETTING FEES THERETO IN THE BOROUGH OF MAYWOOD, BERGEN COUNTY, NEW JERSEY**

**WHEREAS**, the Mayor and Council of the Borough of Maywood have determined the benefits of repairing sidewalks within the Borough where Borough trees have caused said sidewalks to lift; and

**WHEREAS**, during such program in an event when a property owner requests for additional ancillary site work to be performed to facilitate the improvements pursuant to the Sidewalk Program; and

**WHEREAS**, property owners shall be and are responsible to make payment to the Borough of Maywood for the costs of the work performed in the event that the Department of Public Works performs any ancillary site work to facilitate the sidewalk improvement.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey that property owners shall be and are responsible to make payment to the Borough of Maywood in the event that the Department of Public Works performs any ancillary site work to facilitate the improvements to their property in addition to the work that is part of the Borough's Sidewalk Program; and

**BE IT FURTHER RESOLVED** that the Borough Administrator, along with the Superintendent of the DPW are authorized to set the appropriate fees/charges for said additional work requested by the homeowner and approved by the DPW Superintendent who will invoice and charge any property owner for the costs of any ancillary site work provided by the Department of Public Works.

**RESOLUTION # 120-17**

**RESOLUTION AWARDDING BID FOR SOLID WASTE AND RECYCLING COLLECTION/DISPOSAL SERVICES AND AUTHORIZING THE EXECUTION OF CONTRACT FOR THE BOROUGH OF MAYWOOD**

**WHEREAS**, the Borough of Maywood did advertise for bids for the Collection/Disposal of Solid Waste and Recyclable Materials for the Borough of Maywood, the receipt of which bids were duly advertised in accordance with law and were accepted and opened on August 10, 2017 at 11 a.m. in Borough Hall; and

**WHEREAS**, said bids required the submission of a 1, 2 and 5 year option for collection; and

**WHEREAS**, two bids were received, to wit

- 1. Buldo Carting
  - 2. Gaeta Recycling Company
- ; and

**WHEREAS**, the apparent low bidder was Gaeta Recycling Co., Inc. for all options submitted; and

**WHEREAS**, a review of all the bids submitted was prepared and attached hereto as Exhibit A.

**WHEREAS**, the bid submitted by Gaeta Recycling Co. Inc., has been evaluated and recommended for acceptance by the Borough Attorney, Borough Administrator and the Borough Chief Financial Officer exercising Option # 3 for a 5 year contract; and

**WHEREAS**, the term of agreement shall commence on and expire pursuant to the terms of the bidding specifications; and

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey accepts and awards as the lowest responsible bidder the contract enumerated in the advertisement for Solid Waste and Recyclable Materials Collection/Disposal services to Gaeta Recycling, Co., Inc of Paterson, New Jersey ; and

**BE IT FURTHER RESOLVED** that the Mayor, Borough Administrator and/or Borough Chief Financial Officer be and is hereby authorized and directed to execute, and the Borough Clerk, is directed to attest to any documents necessary to accept the bid and contract with Gaeta Recycling, Co. Inc. of Paterson, New Jersey for a 5 year contract in the amount of \$ 2,373,000.00 for the Solid Waste and Recyclable Materials Collection/Disposal Services pursuant to the terms of bid specifications and submitted bid; and

**BE IT FURTHER RESOLVED**, that a the Borough Chief Financial Officer certifies that the funds for such contract are available; 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

**Exhibit A**

<b>BIDDER</b>			
Buldo Container Paramus, NJ			
<b>Option #1 - One Year</b>	8/28/2017 to 8/27/2018		
Solid Waste \$ <u>367,876.80</u>	Recyclables \$ <u>117,000.00</u>	Total	\$ <u>484,876.80</u>
<b>Option #2 - Two Year</b>	8/28/2017 to 8/27/2019		
Solid Waste \$ <u>376,797.00</u>	Recyclables \$ <u>117,000.00</u>	Total	\$ <u>978,673.80</u>
<b>YEAR 3</b>			
Solid Waste \$ <u>388,100.91</u>	Recyclables \$ <u>120,510.00</u>	Total	\$ <u>508,610.91</u>
<b>YEAR 4</b>			
Solid Waste \$ <u>401,684.44</u>	Recyclables \$ <u>127,849.04</u>	Total	\$ <u>525,809.74</u>
<b>Option #3 - Five Year</b>	8/28/2017 to 8/27/2022		
Solid Waste \$ <u>413,734.97</u>	Recyclables \$ <u>127,849.04</u>	Total	\$ <u>541,584.01</u>
Total Contract Amount			\$ <u>2,554,678.46</u>



Gaeta Recycling Paterson, NJ		
<b>Option #1 - One Year</b>	8/28/2017 to 8/27/2018	
Solid Waste \$ <b><u>349,000.00</u></b>	Recyclables \$ <b><u>103,000.00</u></b>	Total \$ <b><u>452,000.00</u></b>
<b>Option #2 - Two Year</b>	8/28/2017 to 8/27/2019	
Solid Waste \$ <b><u>349,000.00</u></b>	Recyclables \$ <b><u>103,000.00</u></b>	Total \$ <b><u>904,000.00</u></b>
<b>YEAR 3</b>		
Solid Waste \$ <b><u>372,000.00</u></b>	Recyclables \$ <b><u>111,000.00</u></b>	Total \$ <b><u>483,000.00</u></b>
<b>YEAR 4</b>		
Solid Waste \$ <b><u>372,000.00</u></b>	Recyclables \$ <b><u>111,000.00</u></b>	Total \$ <b><u>483,000.00</u></b>
<b>Option #3 - Five Year</b>	8/28/2017 to 8/27/2022	
Solid Waste \$ <b><u>382,000.00</u></b>	Recyclables \$ <b><u>121,000.00</u></b>	Total \$ <b><u>503,000.00</u></b>
Total Contract Amount <b><u>\$ 2,373,000.00</u></b>		

**RESOLUTION # 121-17**  
**APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT**  
**CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE**  
**PALMER AVENUE ROADWAY IMPROVEMENTS PROJECT**

**NOW, THEREFORE, BE IT RESOLVED** that the Council of the Borough of Maywood formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Palmer Avenue Roadway Improvements-00115 to the New Jersey Department of Transportation on behalf of the Borough of Maywood.

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Maywood and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**RESOLUTION # 122-17**  
**A RESOLUTION RATIFYING AND CONFIRMING THE PURCHASE OF**  
**SECURITY CAMERAS FOR MEMORIAL PARK**

**WHEREAS**, a need exists within the Borough to purchase security cameras along with the required miscellaneous hardware and installation thereof for Memorial Park along with the installation of a monitor and hardware for police headquarters; and

**WHEREAS**, the cost of such cameras and associated equipment is estimated to be below the bid threshold of \$40,000, but in excess of \$6,000, being 15% of the bid threshold; and

**WHEREAS**, the Borough Administrator had solicited and received price quotations; and

**WHEREAS**, pursuant to Resolution # 36-17 adopted by the Mayor and Council 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 purchase, and to sign and issue a purchase order for the eight (8) HikVision 4MP cameras, server, all necessary labor, aerial wire and miscellaneous hardware in accordance with Quote # JEF091701LL to provide and install security cameras at Memorial Park for the sum of \$ 23,850.00, payable to USA Security, 240 Frisch Court, Paramus, NJ 07652, pursuant to the price quotations received whose response was most advantageous to the Borough, price and other factors considered.

**RESOLUTION #123-17**  
**RESOLUTION APPROVING SETTLEMENT OF**  
**LITIGATION WITH MAYWOOD JOINT VENTURE, LLC**  
**IN THE BOROUGH OF MAYWOOD,**  
**BERGEN COUNTY, NEW JERSEY**

**WHEREAS**, Borough of Maywood has been named as a party to a matter arising from an application to the Maywood Planning Board, to wit *Maywood Joint Venture v. Borough of Maywood et als* filed in the Bergen County Superior Court under Docket Number BER-L-2792-17; and

**WHEREAS**, the matter has been resolved pursuant to the terms of the settlement agreement attached hereto and made a part hereof; 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 the settlement agreement and to finalize the settlement of litigation between the parties.

**Maywood Joint Venture v. The Borough of Maywood, The Maywood Planning Board**

**IT IS HEREBY SETTLED AND AGREED** by and between the parties hereto that the matter captioned be and hereby is settled subject to the following terms and conditions.

1. **Minor Site Plan Application.** The Maywood Planning Board (the "Board") shall permit Maywood Joint Venture ("MJV") to be heard on a Minor Site Plan application at the regularly scheduled meeting of the Board on September <sup>28</sup> 7, 2017 with submission of the attached application and architectural plans by MJV (Exhibit A) and with ~~no further notices~~ <sup>the required</sup> ~~or publications as per Section 209-60 of the Borough Code~~ <sup>The Municipal Land Use Law</sup> and subject to the following:

a. **Use of Site as it Exists.** MJV shall agree that the site shall be used as testified to by its Tenant Dunbar and set forth in the Board Resolution attached hereto as Exhibit B. MJV (or its designees) may restripe the parking lot so long as the circulation of traffic and the number of parking spaces (including loading zones and spaces) remains unchanged.

b. **Installation of Knox Box.** MJV shall install a Knox Box System at a location to be determined by the Borough Fire Code Official.

c. **Indoor Storage of Vehicles.** MJV's Tenant, Dunbar, shall be permitted to store any vehicles (Gasoline or Diesel) in the building unless otherwise specifically prohibited by Federal or State regulations directly related to the storage of such vehicles in buildings. The vehicles shall be restricted to those associated with the use of the site as set forth in the Board Resolution. MJV and with its Tenant Dunbar shall satisfy any and all

requirements of applicable Federal or State regulations to store such vehicles, including but not limited to any fire suppression requirements or fuel limitations.

d. **Fencing.** The current fencing may be replaced in the exact location(s), but not increased in height, unless approved by the Construction Official and Board, if necessary.

e. **Interior Sprinklers.** No modification to the current fire suppression sprinkler systems shall be required unless required by Federal or State regulations as determined by the Construction Official and MJV or its Tenant Dunbar shall retain all rights to appeal such determination as permitted by law.

f. **Weight of Vehicles and Load Bearing Floors.** Neither MJV nor its Tenant Dunbar shall be required to provide information to the Board concerning the weight of the vehicles to be stored in the building or the load bearing capacity of the floors. Such issue shall be governed by the provisions of the Uniform Construction Code.

g. **Issuance of Continued Certificate of Occupancy ("CCO").** MJV shall be permitted to apply to the Borough Zoning Officer for the issuance of a Continued Certificate of Occupancy following the adoption of the Resolution by the Board relative to the Site Plan Application.

h. **Occupancy by Dunbar.** MJV and its Tenant, Dunbar shall be permitted to take occupancy and commence operations immediately upon receipt of the CCO.

2. **AMENDMENT OF RESOLUTION.** The Board, upon adopting this Settlement shall hold a hearing on the Site Plan Application referenced herein and the Board shall thereafter, amend the Resolution ("Amending Resolution") adopted on March 2, 2017 (ExhibitB) to reflect the following language:

a. **Reconfirmation of Permitted Use.** The Board reconfirms that the Borough Code allows the MJV's Tenant Dunbar proposed warehousing, operations, processing and administration as permitted uses in the LL Limited Light Industrial District and overturns the Borough Zoning Enforcement Officer Mazzer's Letter of Denial attached hereto as Exhibit C.;

b. **Installation of Knox Box.** MJV shall install a Knox Box System at a location to be determined by the Borough Fire Code Official.

c. **Indoor Storage of Vehicles.** MJV's Tenant, Dunbar, shall be permitted to store any vehicles (Gasoline or Diesel) in the building unless otherwise specifically prohibited by Federal or State regulations directly related to the storage of such vehicles in buildings. The vehicles shall be restricted to those associated with the use of the site as set forth in the Board Resolution. MJV and with its Tenant Dunbar shall satisfy any and all requirements of applicable Federal or State regulations to store such vehicles, including but not limited to any fire suppression requirements or fuel limitations.

d. **Fencing.** The current fencing may be replaced in the exact location(s), but not increased in height, unless approved by the Construction Official and the Board, if necessary.

e. **Interior Sprinklers.** No modification to the current fire suppression sprinkler system (for fire suppression) shall be required unless required by Federal or State regulations as determined by the Construction Official and MJV or its Tenant Dunbar shall retain all rights to appeal such determination as permitted by law.

f. **Weight of Vehicles and Load Bearing Floors.** Neither MJV nor its Tenant Dunbar shall be required to provide information to the Board concerning the weight of the vehicles to be stored in the building or the load bearing capacity of the floors. Such issue shall be governed by the provisions of the Uniform Construction Code. Notwithstanding the foregoing, MJV and or its Tenants shall provide such information to the Construction Code Official, if necessary and required by law.

g. **Issuance of Continued Certificate of Occupancy ("CCO").** MJV shall be permitted to apply to the Borough Zoning Officer for the issuance of a Continued Certificate of Occupancy following the adoption of the Resolution by the Board relative to the Site Plan Application and the Construction Official shall issue such CCO within 2 business days from the receipt of such application.

h. **Occupancy by Dunbar.** MJV and its Tenant, Dunbar shall be permitted to take occupancy and commence operations immediately upon receipt of the CCO.

3. **WAIVER OF APPEAL OR CHALLENGE BY BOROUGH.** The Borough, MJV and its Tenant Dunbar waive their right to appeal or challenge the Board's decision and "Amending Resolution."

4. **ENFORCEABILITY OF SETTLEMENT AGREEMENT.** The Board, Borough and MJV represent that they have consulted with counsel about this settlement before entering into this Settlement Agreement (or have been provided sufficient time to do so) and have voluntarily entered into this Settlement Agreement. If either party breaches the terms of this Settlement Agreement, the non-breaching party may bring an action to enforce

the terms of this agreement in a court of competent jurisdiction in the State of New Jersey and seek reimbursement for any and all reasonable attorneys' fees and costs to enforce its rights under this Settlement Agreement. All parties agree to submit to the jurisdiction of the State of New Jersey if an action is filed to enforce the material terms of this Settlement Agreement and that the law of the State of New Jersey shall apply to any action to enforce this Settlement Agreement.

5. **WAIVER OF DEFENSES.** If any party brings an action to enforce the terms of this Settlement Agreement, the only defenses to the enforceability of this Settlement Agreement that any party may assert are the defenses of satisfaction and accord.

6. **LIABILITY FOR ATTORNEY'S FEES AND COSTS.** If any party brings an action to enforce the terms of this Settlement Agreement, the prevailing party shall, in addition to any other remedies sought and if ordered by the Court, be entitled to an award of all reasonable attorney's fees and costs incurred in connection with the action, including those fees and expenses associated with negotiating and drafting this Settlement Agreement.

7. **SEVERABILITY.** In the event that any of the provisions of this Settlement Agreement are found to be inconsistent with or unenforceable under applicable law, this shall in no manner affect the validity of this Agreement. In the event any provision of this Settlement Agreement is deemed by a court of competent jurisdiction to be void, voidable or invalid for any reason, this Settlement Agreement shall be otherwise valid and enforceable as if the void, voidable or invalid provision had not been included. The parties hereby agree to substitute for any such void, voidable or invalid provision, such other provisions which as closely as possible achieve the effect of the original provision.

8. **WHOLE AGREEMENT AND AMENDMENTS.** This Agreement embodies the entire agreement and understanding of the parties, and no other obligations or duties exist between the parties. This Agreement may not be changed except by a writing signed by all parties.

9. **AGREEMENT IN MULTIPLE COUNTERPARTS.** This Agreement may be executed in multiple counterparts, each of which shall be deemed an original but all of which taken together shall constitute one and the same instrument.

10. **EXECUTION AND ENFORCEABILITY OF AGREEMENT.** The Parties hereto represent and warrant that they have the authority of the party for whom they are executing this Agreement to bind such party and have undertaken any necessary legal duties to secure and obtain such authority to execute this Agreement.

\*  
IN WITNESS WHEREOF, We have hereunto affixed our hand and seal this 12<sup>th</sup>  
day of Sept., 2017.

**BOROUGH OF MAYWOOD**

Dated: Sept 12, 2017

By:

MAYOR:

ADRIAN J. FEBRE

**MAYWOOD PLANNING BOARD**

Dated: Sept 7, 2017

By:

CHAIRPERSON:

Frank Lichtenberger

- \* 11. The Applicant's attorney and the Board attorney shall agree upon a form of resolution to present to the Board for approval at the September 28, 2017 hearing upon completion of the Application.

**MAYWOOD JOINT VENTURE**

By:

  
Print Name: Michael Nacchione

Title: Authorized Agent

Dated: September 25, 2017

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**RESOLUTION # 124-17**  
**AUTHORIZING THE PURCHASE AND INSTALLATION OF EQUIPMENT**  
**FOR THE NEW POLICE VEHICLE**

**WHEREAS**, a need exists within the Borough to purchase and install various equipment in and on the new police vehicle for use by the Maywood Police Department; and

**WHEREAS**, the cost of such installation is estimated to be below the bid threshold of \$40,000, but in excess of \$6,000, being 15% of the bid threshold; and

**WHEREAS**, Pursuant to New Jersey State Contract # 81336, 81327 and 81338; and

**WHEREAS**, pursuant to Resolution # 36-17 adopted by the Mayor and Council 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 purchase, and to sign and issue purchase orders for the equipment and installation of said equipment in and on the new police vehicle at a cost of \$8,629.02, payable to East Coast Emergency Lighting, Inc., 200 Mecco Drive, Millstone Township, NJ 08535, pursuant to the price quotation received from East Coast Emergency Lighting Inc., whose response was most advantageous to the Borough, price and other factors considered.



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

## **INTRODUCTION OF ORDINANCES**

NONE

## **NEW BUSINESS**

Council member DeHeer requested the council consider an ordinance requiring a guard rail or barrier where residential property borders commercial property. A discussion ensued.

Mayor Febre spoke about limiting the parking on one side of Fairway; adding we should consult Chief Pegg and our Traffic Officer.

## **OLD BUSINESS**

## **MISCELLANEOUS BUSINESS**

## **CLOSED SESSION – IF APPLICABLE**

Council member Morrone made a motion to go into closed session; seconded by Council member Messar - All in Favor.

### **BOROUGH OF MAYWOOD** **Closed Session Resolution # 126-17**

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**

which subject matter(s) is (are) permitted to be discussed in closed session pursuant to the following designated subsection(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.

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

Date of Passage: 9/12/2017

Time: 8:45 pm

### **ADJOURNMENT**

Council member Messar moved the meeting be adjourned; seconded by Council member Lindenau and so carried at 9:12 p.m.

Borough Clerk