

WORK SESSION

FEBRUARY 12, 2013

“On January 7, 2013, 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 2013, 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.

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

Late: Council member Meglio

CFO Cuccia was present to discuss Resolution #41-13 regarding Bond Anticipation Notes and sales of same.

CFO Cuccia distributed information to the Mayor and Council that relates to the process and authorization for the sale of notes and bonds in the Borough of Maywood.

Mr. Cuccia explained the council approved a note for the swim pool in 2002 and since the note is now over ten years old, the borough is required to either pay off the note or go to bond sale. He stated Bond Counsel suggested we group other notes together with the swim pool and make it a much more efficient sale, adding our last bond sale was in 2004.

Council member Morrone stated the pool has operated at a profit for the past few years and asked if surplus funds were being used to pay off the note.

CFO Cuccia explained over a ten year period, you will pay more than the original note amount and the pool was not able to pay off the note and still have enough money in its budget to operate.

CFO Cuccia reviewed how the swim pool operates and explained its functions as a utility with users, not taxpayers.

Council member Fleischmann asked CFO Cuccia if there were any remaining monies in the original bond ordinances and if so, perhaps we can combine them for use on another project.

CFO Cuccia responded yes, and explained it will be part of the financial statement which he will have for the council.

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

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:

Fall 2012

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. The revisions included the Magnolia Avenue sewer replacement (approximately 550 linear feet), the Brook Avenue manhole / siphon configuration, and the Lawrence Avenue siphon obstruction. At the July 24, 2012 Mayor and Council Meeting, the formal change order for these revisions was authorized with a budget reduction of \$27,822.07.

Construction related to the revised project scope began in mid-August 2012. The construction activities related approved as part of the July 24, 2012 formal change order were substantially completed on December 13, 2012. The contractor has completed all work related to our punch list request.

On January 23, 2013, Neglia Engineering Associates attended a final NJDEP project inspection meeting. Per a telephone conversation on February 07, 2013, the NJDEP informed our office that project closeout can proceed. At this time, we are preparing the closeout documents.

Neglia Engineering Associates understands that the Borough is pursuing easement purchase funds for the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property for the Spring Valley Avenue Pump Station project. In addition, Neglia Engineering Associates has been in contact with the Borough of Paramus' Engineer to address the inter-local connection agreement conditions. Per their office's request, our office provided the specified metering device model and specifications for the proposed sanitary connection for review and comment on January 28, 2013. Once the easements have been acquired and an inter-local connection agreement is finalized with Paramus, the project would be bid.

2. SPRING VALLEY ROAD – WEST PASSAIC STREET TO MUNICIPAL BOUNDARY

Scope: The project consists of roadway improvements along Spring Valley Road from West Passaic Street to the municipal boundary with Paramus. The Borough acquired an NJDOT Municipal Aid Grant in the amount of \$146,500.00 for these improvements.

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| Advertise Date: | 06/18/2012 |
| Bid Date: | 7/25/2012 |
| Tentative Award Date: | 8/14/2012 |
| Tentative Start of Work: | 10/01/12 |
| Projected Completion Date: | 11/19/12 |

Status: The project was designed with the following Base Bid and Alternate Bids per the direction of the Borough:

1. Base Bid – Spring Valley Road from West Pleasant Avenue to approximately two hundred feet south of Cumming Avenue
2. Alternate Bid A – Felter Avenue
3. Alternate Bid B – Spring Valley Road from approximately eighty feet south of Sanzari Place to Coolidge Avenue (Memorial Park frontage)
4. Alternate Bid C – Spring Valley Road from approximately two hundred feet south of Cumming Avenue to eighty feet south of Sanzari Place (middle section to complete roadway)

The bid opening for this project occurred on Wednesday, July 25, 2012 at Borough Hall. On August 14, 2012, 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 \$177,367.80. The project improvements included milling, paving, roadway reconstruction, curbing, ADA accessible ramps, and striping.

On Monday, October 22, 2012, the project contractor distributed project resident notices to those residents potentially affected by the project construction activities. Project construction began on October 26, 2012 with a schedule delay due to Hurricane Sandy. Paving operations were completed on Friday, November 16, 2012. The contractor has completed all punch list items for this project other than limited grading, topsoil, and seeding at the Parkway intersection in late 2012. These activities would be completed in the Spring 2013 to ensure lawn surface survival.

On January 08, 2013, Neglia Engineering Associates issued a NJDOT project inspection request letter. An NJDOT Final Inspection letter was received January 28, 2013 stating that no contractor corrective work is required. In addition, our office authorized Keytech Laboratories to perform the required asphalt testing in accordance with the \$1,300.00 purchase order issued by the Borough in late January 2013. After the testing, the contractor may be required to address additional punch list items.

Mr. Polyniak stated Keytech Laboratories will be performing the asphalt testing, adding the greenery at Parkway and other locations will be completed as required.

3. BOROUGH HALL – MONITORING POINTS

Scope: The project consists of monitoring a complaint of the possible settlement in and outside of Borough Hall.

Status: Neglia Engineering Associates set monitoring points at Borough Hall per the Borough's direction. The locations included the police desk, first floor restroom, the front stairs, and the firehouse bays. Settling signs were exhibited on June 06, 2012 (police entrance) and September 10, 2012 (firehouse bay). No signs were exhibited on December 04, 2012. Therefore, Neglia Engineering Associates intends to perform a monitoring session in early March 2013. Should settlement not be found, we will conclude the monitoring sessions unless directed otherwise by the Borough.

4. **HERGESELL AVENUE – CATCH BASIN AND ROADWAY REPAIR**

Scope: Per the request of the Borough, a quote solicitation was prepared to address an inlet replacement and roadway repair on Hergesell Avenue.

Status: In late November 2012, Neglia Engineering Associates prepared a quote solicitation for an inlet replacement and roadway repair on Hergesell Avenue. Subsequently, Neglia Engineering Associates issued a recommendation letter to authorize Montana Construction Corp. in the amount of \$7,475.00 pending the availability of funds.

5. **OAK STREET – SIDEWALK AND ROADWAY REPAIR**

Scope: Per the request of the Borough, a quote solicitation was prepared to address sidewalk and roadway repair on Oak Street in the vicinity of 691 Oak Street.

Status: On February 04, 2013, Neglia Engineering Associates prepared a quote solicitation for sidewalk and roadway repair. It also included but was not limited to curbing and driveway aprons. Subsequent to receipt and review of the quotes, Neglia Engineering Associates would issue a recommendation letter.

6. **FUSRAP, MAYWOOD – YEAR 2013 SEWER BILL CALCULATION**

Scope: Per the request of the Borough, a Year 2013 Sewer Bill Calculation was issued for the FUSRAP, Maywood project.

Status: On February 06, 2013, Neglia Engineering Associates prepared and issued a Year 2013 Sewer Bill Calculation for the FUSRAP, Maywood project for review and use by the Borough.

7. **NEW JERSEY HAZARD MITIGATION GRANT PROGRAM**

Scope: Per the request of the Borough, Neglia Engineering Associates prepared a New Jersey Hazard Mitigation Grant Program estimate and Letter of Intent for Hurricane Sandy mitigation projects.

Status: Per the direction of the Borough, Neglia Engineering Associates prepared a preliminary engineer's estimate for building generator projects to be submitted as part of the New Jersey Hazard Mitigation Grant Program – Letter of Intent (LOI). These items were submitted to the Borough for review, signature, and completion on February 01, 2013. The initial LOI submission deadline was Friday, February 08, 2013. On February 04, 2013, Neglia Engineering Associates

was informed by Bergen County OEM that the submission deadline had been extended to March 22, 2013.

Council member Morrone questioned if a funding issue was the reason why Spring Valley Road was not completely paved.

Mr. Polyniak responded the State only awarded the municipality \$146,500.00; therefore, only the sections in the worst condition were addressed.

Mayor Padovano and Mr. Polyniak stated the engineering documents are already in place if the borough chooses to go back to complete the project.

Council member Fleischmann spoke regarding the January 31, 2013 memo from Mr. Csaposs regarding the pump station and asked if the elevation and metering issues have been addressed.

Mr. Polyniak responded he respects Mr. Csaposs's work; however, after reviewing his memo he disagrees with his findings and is confident the engineering design would work accordingly and meet all requirements. He stated he does agree with Mr. Csaposs regarding the interlocal agreement with Paramus and selecting the correct meter that satisfies both municipalities.

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

Chief Pegg and Police Officer Madden were present to discuss a proposal for a police department canine unit.

Chief Pegg reviewed the proposal with the Mayor and Council.

Chief Pegg explained it is key to have a canine unit at a crime scene as soon as possible, adding a dog is probably the most efficient deterrent with regards to a robbery suspect.

Administrator Stern asked Officer Madden, as the dog's handler, to clarify the availability of the dog.

Officer Madden responded the dog will be available 24/7 when he is on duty or in the area with the exception of vacation time.

Chief Pegg explained the financial and educational benefits to the borough and stated he can arrange for a canine unit demonstration if the council is interested.

Mayor Padovano asked who authorizes bringing Police Officer Madden in for overtime if another municipality calls for the canine unit.

Chief Pegg responded he would set the guidelines as to when Officer Madden would be called in and how far he would travel with the dog.

Council member Ballerini asked if it were legal for the dog to be used for foot patrol on West Pleasant Avenue, and if during the patrol the dog reacted because he sensed something was wrong, could the officer act on it.

Officer Madden responded it is legal for us to act if the dog picks up any drug related scent in a public area, such as a street, sidewalk, park or car parked in a public parking area.

There being no further questions regarding the canine unit, Chief Pegg continued on with his report.

Chief Pegg stated fingerprint registration is moving forward for the MYAA.

Chief Pegg spoke regarding Swift Reach, a Reverse 911 program that would cost the borough \$1,400.00 annually.

Chief Pegg spoke regarding the recent traffic study performed by the Borough Engineer on Paterson Avenue. He stated Officer Wuhrl reviewed the option of making it a dead end and feels it would only push the traffic down to the next street. Chief Pegg suggested limiting the hours when a left hand turn can be made.

Council member Ballerini asked if DEA money could be used to fingerprint borough employees.

Chief Pegg responded no, there are strict guidelines as to what the money can be used for.

There being no further questions for Chief Pegg, 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 reminded the Mayor and Council the Eagle Scout ceremony is scheduled for Friday, February 22, 2013.
2. She stated “Read Across America” day is Wednesday, February 27, 2013 adding, if you are interested in participating, please call the number listed on the flyer.

REPORT OF ADMINISTRATOR

Administrator Stern reported on the following:

1. She stated after the Borough Engineer has completed the March monitoring session of the Borough Hall, we should look into obtaining estimates to make the necessary repairs to the uneven concrete outside the building and in the lobby.
2. She spoke regarding the Oak Avenue sidewalk and roadway repair that is necessary after damage was caused by a fallen tree during Hurricane Sandy.
3. She reported PSE&G is hosting a "Plant the Right Tree" program this Friday and Council member Fleischmann, DPW Superintendent Russell and George Trapp will be attending.
4. She reported the stove and ice maker at Peerless Firehouse are no longer working and she has reached out for assistance to pay for new appliances, adding, Mark Stanek of Stepan Chemical sent a check for \$500.00.

Council member Morrone suggested visiting the store on Route 17 North that offers products that have some slight cosmetic damage.

Council member Morrone asked who is responsible for the repair of sidewalks along Maywood Avenue.

Administrator Stern responded it states by ordinance the homeowner is responsible, adding, this spring we are going to offer a sidewalk program to assist residents.

Council member Ballerini spoke regarding the settling issues at borough hall and asked Administrator Stern if we had any recourse to help pay for the repairs, such as a performance bond.

Administrator Stern responded she has not looked into it; however, it is past the time a performance bond would be in place.

REPORT OF ATTORNEY

Attorney Dario stated he has a report for closed session.

COMMITTEE REPORTS

Council member Morrone reported on the following:

1. He stated on February 26, 2013 Lisa Schieli will be attending a class on grant training for the Governor's Council on Alcoholism and Drug Abuse.
2. He stated the Recreation Director is recommending the reappointment of Yvette Ulubay and Joseph Zigrest as Director and Assistant Director of the Summer Club.
3. He stated a shredding event is scheduled for Saturday, April 20, 2013 from 9:00 am to 1:00 pm.
4. He stated the town-wide garage sale is scheduled for October 19, 2013.

Council member Eisenberg reported on the following:

1. He stated the Borough Engineer and Mr. Csaposs evaluated the situation at the corner of Prospect and Hill Streets where water from sump pumps is discharging into the street causing an icing condition in cold weather and both advised the storm sewer is too far away to be used to correct the situation, and added Council member Fleischmann also visited the area as Liaison to the DPW.

Council member Fleischmann explained this situation came to fruition when a police report was submitted by a police officer who had trouble stopping at the intersection and subsequently called out the DPW on overtime to salt, adding, the hazard is being caused by the homeowner. He explained the construction official, DPW Superintendent and myself discussed a solution where the homeowner could re-route the pipe to the far side of the house and the water would discharge onto the shrubbery and lawn area which is elevated. He stated we hope to have the situation rectified within the next week with the homeowners' cooperation.

Mayor Padovano stated with the recent colder temperatures, he hopes the police and building official will alert the DPW to these types of locations so they can be rectified.

Council member Eisenberg stated he researched the zoning ordinances and could not find a specific policy on sump pumps other than they cannot discharge into the sewer system.

Administrator Stern explained the BCUA program that the borough is involved in.

2. He stated he attended a SID meeting for the North Main Street Alliance in Hackensack and suggested one of our SID members attend to obtain some ideas that could help us here.

Council member Ballerini reported on the following:

1. He stated we should have a resolution prepared for the 2013 towing licenses for our next meeting, adding it will be the same five providers as in 2012.
2. He reported on New Jersey State Police background checks for volunteers and employees over the age of eighteen and stated the cost is \$26.00 per volunteer and \$57.50 for employees, and added DEA funds cannot be used.
3. He stated Chief Pegg had no issues with the rental of parking spots in the pool parking lot along the easterly fence line and suggested moving forward with an authorizing resolution.
4. He reported the Bergen County Sheriff's Department is launching a gun buy-back program with funds from the prosecutor's office through local police departments and stated the first collection is scheduled for April 13, 2013 at the First Presbyterian Church, 401 Maywood Avenue, from 1:00 to 4:00 pm.

Council member Fleischmann reported on the following:

1. He thanked the DPW for a job well done during the weekend snowstorm and stated he has met several times with the Mayor, Administrator and DPW Supervisors to focus on a better, more efficient method of snow removal.
2. He stated the brining system was overhauled today and we purchased a new delivery system that will spread the brine more effectively. He reported the mixing tanks were set up today which will enable us to make our own brine at a cost of nine cents per gallon. He explained the brine will be used on the trouble spots which will help return the roadway back to normal conditions quicker. He stated a 500 gallon tank is ready to go, adding 1200 gallons will do the entire town.
3. He stated the DPW inventory and maintenance logs are being updated to provide better preventative maintenance and to ensure our vehicles last longer.
4. He explained the DPW is working on plow procedures for corners that would help move the snow down along the road so corners are not blocked in.

Council member Febre reported on the following:

1. He spoke regarding the recent burglary at the library and reported four laptops were stolen, adding there are no leads at this point. He stated the Library Board of Trustees discussed improvements to security at the library and thanked Mr. Cilento, the Board of Education liaison, for information he submitted on security measures.
2. He stated the Mayor and Council along with the fire department are strongly encouraging residents to clear the snow from hydrants located in front of their homes. He reported members of the fire department were out last Saturday after the storm shoveling out hydrants.
3. He stated he recently had a physical and drug screening to become a member of the fire department and strongly advocates members of the governing body volunteer to do a drug screen as they are making decisions that will affect the future of this town.

Council member Febre made a motion to require members of the Mayor and Council be drug screened; seconded by Council member Eisenberg.

Mayor Padovano asked who would be funding this requirement.

Council member Ballerini made a motion to table the motion; seconded by Council member Fleischmann – All in favor.

Administrator Stern stated she will look into it further and provide additional information.

REPORT OF MAYOR

Mayor Padovano reported on the following:

1. He stated the DPW did a great job during the last storm and reported he will continue to meet with the Administrator, DPW Superintendent and Council Liaison Fleischmann to work on strategic plans for future equipment.
2. He reported the following from the Green Team meeting:
 - A work weekend is being scheduled for the community garden to complete work on the garden beds, including raising some beds to make them handicap accessible and easier to work on for people with back problems.
 - He is applying for a grant through Starbucks that will contribute more funding to the community garden.
 - Notification will be sent to all borough organizations to solicit ownership of the community garden beds.
 - A \$2,000.00 grant was received last year to start a tree farm and we will be working with the Shade Tree Commission to find out the best types of trees to plant.
3. He reported the following from the Celebrations Committee meeting:
 - The purchase of new holiday decorations for the borough from donations received last year was discussed.
 - The Committee is looking for someone with woodworking skills to make holiday wood cut-outs for Pleasant Avenue and Nickerson Park, adding please contact the Borough Administrator if you are interested.
4. He stated he is creating an ad hoc committee for historic preservation of the property located at the corner of Maywood and Central Avenues that would work on grant funding and uses for the property.
5. He stated he is speaking with the Mayors of Rochelle Park, Hackensack and Paramus about new shared services and hopes to present proposals to the council within the next few months.

MEETING OPEN TO THE PUBLIC (FIVE MINUTE TIME FRAME)

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

John Brown – 41 Stelling Avenue – spoke regarding the brine system and the inability of the DPW to shut it off when stopped.

Council member Fleischmann responded this is a completely new automatic pump delivery system with an operating switch located in the cab of the truck.

Jim Csaposs – 644 Stelling Avenue – He stated he submitted two letters to the Mayor and Council regarding the pump house and had asked for a meeting to discuss his concerns. He spoke regarding Neglia Engineering's design drawings and the depth from the base of the brook at which the pipe will be run. He explained his concerns regarding his calculations and stated the Mayor and Council should look into this further.

Joan Rivera – 57 Parkway – spoke regarding the size and placement of political signs, Pleasant Avenue store signage and condition of our borough streets. She requested the council draft an ordinance to address political signs as well as other signage in the borough.

Arlene Formisano – 608 Edel Avenue – asked the Mayor and Council to consider an electronic sign to advertise events and notifications to help eliminate the need for many other signs.

Mayor Padovano responded he and Administrator Stern have been looking into pricing for this type of sign and are working with the police chief as to the best location.

Mayor Padovano stated we hope to re-zone Pleasant Avenue this year and address the store front sign issues.

Mayor Padovano spoke regarding political signs and suggested the borough attorney review South Hackensack's ordinance and circulate it to the council for review and future discussion.

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

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

None

APPOINTMENTS – APPROVAL OF THE FOLLOWING

1. Lenroy P. Alexander as a probationary member of the Maywood Fire Department, Undine Hose Company #1, pending physical and screening.
2. Adrian Febre as a probationary member of the Maywood Fire Department, Protection Hook and Ladder Company #1, pending physical and screening.
3. Samuel Mansell as a probationary member of the Maywood Fire Department, Undine Hose Company # 1, pending physical and screening.

Council member Fleischmann moved the appointments, seconded by Council member Morrone.

Council member Fleischmann commended Council member Febre for his dedication to the emergency services but as a council member is concerned about a conflict when a vote is required on a fire department issue and his representation to the council on the fire department going forward. He questioned if Council member Febre would be resigning from the fire police.

Council member Febre responded he will be remaining on the fire police.

Council member Febre stated he does not see any potential conflicts and makes no decisions on his own, adding the council makes decisions as a group. He made note of past elected officials and administrators who were members of the emergency services. He explained his commitment is to the

borough first, and his volunteerism is something he does on the side and will not interfere with his job on the council.

Council member Eisenberg asked if Council member Febre would consider switching with another liaison to avoid a conflict.

Council member Febre reiterated there will be no conflict and Administrator Richards was never asked to step down from the ambulance squad when he was in office.

Discussion ensued amongst members of the council.

Mayor Padovano stated there are no votes being presented tonight for the fire department, however, when there is a vote for the fire department, you can raise a conflict issue.

Administrator Stern stated she does not expect it to be a conflict; however, if something arises, it could be brought up at that time, but not when someone is volunteering to do something.

Attorney Dario explained if there is a perceived conflict at the time of a vote, Council member Febre can recuse himself at that point.

Council member Eisenberg read a statement from the Local Government Ethics Law.

Roll call vote was taken approving appointments with Council member Eisenberg voting no and Council member Febre abstaining from Appointment #2.

COUNCIL APPROVAL OF THE FOLLOWING

1. From the Maywood Rotary Club, request to hold their Annual 5K Run on May 18, 2013. starting at 9:00 a.m.
2. Permission to hold the Annual Street Fair on April 21, 2013 and August 18, 2013.

Mayor Padovano amended Approval #2 to April 21, 2013 only at this time.

Mayor Padovano stated Approval #1 would include placement of signage at Nickerson Park.

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

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 39-13

RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO MONTANA CONSTRUCTION CORP., INC FOR CATCH BASIN AND ROADWAY REPAIRS WITHIN HERGESELL AVENUE

WHEREAS, Montana Construction Corp., Inc., located at 80 Contant Avenue, Lodi, NJ 07644 has submitted a proposal for the replacement of an existing oversized catch basin with roadway repairs within Hergesell Avenue including all labor and materials, in the sum of \$7,475.00; and

WHEREAS, the Borough of Maywood has received an additional informal quotation pursuant to N.J.S.A. 40A:11-6.1(a) from Gotthold Paving, Inc., in the sum of \$8,500.00; and

WHEREAS, the Borough Engineer has recommended the award of a contract to Montana Construction Corp., Inc., in accordance with its proposal, as most advantageous to the Borough of Maywood, price and other factors considered; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, that the Borough of Maywood hereby authorizes the award of a contract to Montana Construction Corp., Inc., located at 80 Contant Avenue, Lodi, NJ 07644, to replace an existing oversized catch basin with roadway repairs within Hergesell Avenue, including all labor and materials, in the sum of \$7,475.00, in accordance with its proposal, a copy of which proposal is on file in the office of the Borough Clerk; and be it further

RESOLVED that the Borough Administrator is hereby authorized to execute a purchase order for Montana Construction Corp., Inc., to carry out the foregoing purposes of a form approved by the Borough Attorney, subject to the Chief Financial Officer certifying that sufficient funds are currently available in Bond Ordinance 21-04.

RESOLUTION #40-13

DESIGNATING DEPOSITORIES FOR 2013 AS AMENDED

RESOLVED that Wells Fargo Bank, NA, 1 Johnson Avenue, Hackensack, NJ; TD Bank, 560 Maywood Avenue, Maywood, NJ; Community Bank of Bergen County, 125 W. Pleasant Avenue, Maywood, NJ, Capital One Bank, 184 Essex Street, Lodi, NJ, Valley National Bank, 50 East Midland Avenue, Paramus, NJ 07652 and the State of New Jersey Cash Management Fund are designated as depositories of the Borough of Maywood for the year 2013 and that the Mayor, Borough Clerk, and Treasurer are authorized to sign all checks; and

RESOLUTION # 41-13**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN, NEW JERSEY, COVENANTING TO COMPLY WITH THE PROVISIONS OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPLICABLE TO THE EXCLUSION FROM GROSS INCOME FOR FEDERAL INCOME TAX PURPOSES OF INTEREST ON OBLIGATIONS ISSUED BY THE BOROUGH OF MAYWOOD AND AUTHORIZING THE MAYOR, BOROUGH CLERK, CHIEF FINANCIAL OFFICER AND OTHER BOROUGH OFFICIALS TO TAKE SUCH ACTION AS THEY MAY DEEM NECESSARY OR ADVISABLE TO EFFECT SUCH COMPLIANCE AND DESIGNATING AN \$851,900 BOND ANTICIPATION NOTE, DATED FEBRUARY 1, 2013 AND PAYABLE MAY 1, 2013, AS A "QUALIFIED TAX-EXEMPT OBLIGATION" PURSUANT TO SECTION 265(b)(3) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.**

WHEREAS, the Borough of Maywood, in the County of Bergen, New Jersey (the "Borough") from time to time issues bonds, notes and other obligations the interest on which is excluded from gross income for Federal income tax purposes and desires to take such action as may be necessary or advisable to establish and maintain such exclusion; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), contains provisions with respect to the exclusion from gross income for Federal income tax purposes of interest on obligations, including provisions, among others, which require issuers of tax-exempt obligations, such as the Borough to account for and rebate certain arbitrage earnings to the United States Treasury and to take other action to establish and maintain such Federal tax exclusion; and

WHEREAS, the Borough intends to issue an \$851,900 bond anticipation note, dated February 1, 2013 and payable May 1, 2013 (the Note); and

WHEREAS, the Borough desires to designate the Note as a "qualified tax-exempt obligation" pursuant to Section 265(b)(3) of the Code;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Maywood, in the County of Bergen, New Jersey, as follows:

SECTION 1. The Borough Council hereby covenants on behalf of the Borough, to the extent permitted by the Constitution and the laws of the State of New Jersey, to do and perform all acts and things permitted by law and necessary to assure that interest paid on bonds, notes or other

obligations of the Borough (including the Note) be and remain excluded from gross income of the owners thereof for Federal income tax purposes pursuant to Section 103 of the Code.

SECTION 2. The Mayor, Borough Clerk, Chief Financial Officer and the other officials of the Borough are hereby authorized and directed to take such action, make such representations and give such assurances as they may deem necessary or advisable to effect compliance with the Code.

SECTION 3. The Note is hereby designated as a "qualified tax-exempt obligation" for the purpose of Section 265(b)(3) of the Code.

SECTION 4. It is hereby determined and stated that (1) said Note is not a "private activity bond" as defined in the Code and (2) the Borough and its subordinate entities, if any, do not reasonably anticipate issuing in excess of \$10 million of new money tax-exempt obligations (other than private activity bonds) during the calendar year 2013.

SECTION 5. It is further determined and stated that the Borough has not, as of the date hereof, issued any tax-exempt obligations (other than the Note) during the calendar year 2013.

SECTION 6. The Borough will, to the best of its ability, attempt to comply with respect to the limitations on issuance of tax-exempt obligations pursuant to Section 265(b)(3) of the Code; however, said Borough does not covenant to do so, and hereby expressly states that a covenant is not made hereby.

SECTION 7. The issuing officers of the Borough are hereby authorized to deliver a certified copy of this resolution to the original purchaser of the Note and to further provide such original purchaser with a certificate of obligations issued during the calendar year 2013 dated as of the date of delivery of the Note.

SECTION 8. This resolution shall take effect immediately upon its adoption.

RESOLUTION # 42-13
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 2013; and

WHEREAS, the agreement provides for a one (1) year service agreement, 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.

Council member Fleischmann moved for adoption, seconded by Council member Ballerini; and so carried by unanimous roll call vote.

INTRODUCTION OF ORDINANCES

NONE

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

CLOSED SESSION – IF APPLICABLE

Council member Ballerini made a motion for a five minute recess prior to closed session; seconded by Council member Febre - All in favor.

Council member Ballerini made a motion to go into closed session; seconded by Council member Eisenberg - All in favor.

BOROUGH OF MAYWOOD
Closed Session Resolution # 44-13

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, Litigation, 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
- (X) Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege
- (X) 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: 2-12-2013 Time: 9:30 pm

Council member Ballerini made a motion to return to the regular order of business; seconded by Council member Fleischmann – All in favor.

Council member Ballerini made a motion to extend the meeting; seconded by Council member Eisenberg – All in favor.

Mayor Padovano read Resolution #43-13 by title.

RESOLUTION # 43-13

A RESOLUTION CHANGING THE DELIVERY SYSTEM OF THE PRESCRIPTION COVERAGE PLAN UNDER THE BOROUGH’S HEALTH BENEFITS PROGRAM, TO BOLLINGER INSURANCE SOLUTIONS, INC. EFFECTIVE MARCH 1, 2013

WHEREAS, the Borough of Maywood provides a comprehensive health benefits program comprised of medical, prescription and dental coverages for eligible employees, their covered dependents and eligible retirees; and

WHEREAS, the prescription benefit is currently administered through Express Scripts, through the Borough’s membership in the Bergen Municipal Employee Benefits Fund (hereinafter, the BMED); and

WHEREAS, the Borough's Health Benefits Consultant, in performing due diligence, has secured a fully-insured prescription benefits program, underwritten by Monumental Insurance Company and offered through Bollinger Insurance Solutions, Inc. that will provide a substantial rate savings to the municipality while preserving the current level of prescription benefit offered to each plan participant, thereby meeting the contractual and moral obligations of the Borough.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Maywood, County of Bergen, State of New Jersey, that the proposal secured by the Health Benefits Consultant from Bollinger Insurance Solutions, Inc. is hereby accepted and authorized for implementation in accordance with the terms and conditions set forth in the forthcoming agreement; and

BE IT FURTHER RESOLVED, the Borough's Administrative Staff is directed to effectuate the implementation of this policy for a **March 1, 2013** effective date or as soon thereafter as administratively practical; and

BE IT FURTHER RESOLVED, the contract award for the insurance component of the proposal is to a duly licensed and admitted Insurance Company within the State of NJ and therefore, such award is exempt from the requirements set forth by P.L. 2004, Chapter 19 (as amended by P.L. 2005, c.51) N.J.S.A.19:44A-20.5 et seq.

BE IT FURTHER RESOLVED, that upon adoption, a certified copy of this Resolution shall be forwarded to Municipal Attorney, Registered Municipal Auditor, Municipal Health Benefits Consultant, Borough's CFO and payroll administrator.

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

ADJOURNMENT

Council member Ballerini moved the meeting be adjourned; seconded by council member Morrone and so carried at 11:32 p.m.