

## WORK SESSION

APRIL 9, 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.

Mayor Padovano said a few words in remembrance of residents Joseph Rogers and Robert Kudera and asked for a moment of silence to remember them and all Maywoodians who have passed.

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

Mayor Padovano wished Council member Eisenberg a Happy Birthday.

**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. The revisions included the Magnolia Avenue sewer replacement (approximately 550 linear feet), the Brook Avenue manhole / siphon configuration, and the Lawrence Avenue siphon obstruction. 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 and prepared by the Borough Attorney and the Borough of Paramus Attorney.

We understand that the Borough may be required to hire a conflict / special attorney to negotiate the interlocal agreement.

Subsequent to completing this agreement, Borough would pursue the easement purchases for the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property. Once the inter-local connection agreement is finalized with the Borough of Paramus and the easement acquisitions are completed, the project would be bid.

Mr. Polyniak reported a letter was received from the DEP today accepting the close-out of the first phase of the project.

## 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.

<b>Advertise Date:</b>	06/18/2012
<b>Bid Date:</b>	7/25/2012
<b>Award Date:</b>	8/14/2012
<b>Start of Work:</b>	10/22/12
<b>Projected Completion Date:</b>	11/16/12

**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.

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 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.

An NJDOT Final Inspection letter was received January 28, 2013 stating that no contractor corrective work is required. In addition, Neglia Engineering Associates received the asphalt testing results from Keytech Laboratories stating that no additional remedial action is required. Therefore, the only remaining open item to be completed prior to closeout is the lawn area at the Parkway intersection.

Mr. Polyniak reported his office spoke with the contractor today who advised within the next two weeks they will be in the field addressing the landscaping issues, adding once completed, the project will be closed out.

**3. 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 the Borough to authorize Montana Construction Corp. in the amount of \$7,475.00 pending the availability of funds.

Per the Borough's authorization at the February 12, 2013 meeting, Neglia Engineering Associates directed the contractor to proceed. The contractor completed the scope of work the week of March 15, 2013.

**4. OAK AVENUE – SIDEWALK AND ROADWAY REPAIR**

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

**Status:** On February 22, 2013, Neglia Engineering Associates prepared and issued a revised, quote solicitation for sidewalk and roadway repair. It also included but was not limited to curbing and driveway aprons. On March 04, 2013, our office issued a recommendation letter to the Borough to authorize D&L Paving Contractors, Inc. (the lowest of four received quotes) to perform the sidewalk and roadway improvements as listed within our solicitation in the amount of \$33,620.47 pending the availability of funds and review by the Borough Auditor.

On March 27, 2013, Neglia Engineering Associates forwarded the Borough's authorizing resolution to D&L Paving. A pre-construction meeting with D&L Paving has been scheduled for Tuesday, April 09, 2013. Subsequent to this meeting, construction schedule will be provided to the Borough along with pre-construction photographs and the resident notice for review.

**5. 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). Our office forwarded the submission to the Bergen County Office of Emergency Management by E-mail on February 15, 2013. On March 21, 2013, Neglia Engineering Associates submitted hard copies of the LOI to the Bergen County Office of Emergency Management per their request. In addition, the NJDEP Areas of Mitigation Interest Community Data Questionnaire was submitted to the NJDEP on April 02, 2013.

**6. YEAR 2012 ANNUAL STORMWATER REPORT**

**Scope:** Each municipality in the State is required to submit the Year 2012 Annual Stormwater Report per the NJDEP Municipal Stormwater Management Program.

**Status:** The Borough of Maywood DPW has typically prepared this Annual Report for the Borough, but our office would be glad to prepare or aid the Borough in preparing the Report. The online report submission is due May 02, 2013.

**7. BERGEN COUNTY PAVING PROGRAM – MAYWOOD AVENUE**

**Scope:** Maywood Avenue is included as part of the anticipated Bergen County paving program. Prior to the County performing the roadway section resurfacing, the Borough of Maywood would be responsible to have its engineer design ADA ramps and to have the County paving program contractor construct these said ramps. The Borough would provide the surveying and engineering costs and ramp construction cost funds upfront. Subsequently, Bergen County would reimburse the Borough of Maywood for these funds.

**Status:** On Monday, April 29, 2013 at 10AM, a site inspection meeting with the Borough of Maywood, Neglia Engineering Associates, Bergen County, and the Bergen County paving contractor is scheduled. This is the project's required first step. ADA ramp locations will be reviewed and determined. Subsequent to this meeting, Neglia Engineering Associates would prepare a proposal for surveying and engineering services for the ADA ramp design. The budget will be set on a per ramp / per intersection basis as stated within the County and Borough-adopted resolutions.

Mayor Padovano stated perhaps we can speak to the County regarding our plans for Street Scapes III, the area from Hunter Avenue to the train tracks, and ask them to consider that project.

Mr. Polyniak stated they met with the County regarding the drainage problems from Magnolia Avenue through Central Avenue to the railroad and after inspection stated they plan on correcting the ponding issues through the construction of drainage improvements.

Council member Fleischmann asked if the cement curbing on the corner of Parkway and Spring Valley Road will be addressed by the contractor when they return to do the landscaping.

Mr. Polyniak responded that will be addressed when the contractor completes the landscaping and punch list items.

Council member Fleischmann asked if the funding for the Oak Avenue project would be coming from FEMA or bonded borough money.

Administrator Stern responded it will be a combination of funds from FEMA and the borough.

Council member Fleischmann asked if a bid date can be scheduled for the pump station project.

Mr. Polyniak responded once the interlocal agreement and easements have been formalized, the plans will be made available.

Council member Morrone spoke regarding the paving of Maywood Avenue and asked if the contractor looks at how the pitch affects the secondary roads which can cause water to pool.

Mr. Polyniak responded it will be a mill and pave job, removing and replacing two inches of asphalt. He explained other than the drainage improvements from Magnolia to Central Avenues, he does not believe they intend to address any other areas; however, if there are any particular areas of concern, he can address it with the contractor during the walk-through.

There being no further questions for the Borough Engineer, 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 stated she distributed a letter from Lynn Gargagliano, Planning Board Secretary, to the council's borough mailboxes regarding the Board's review of Ordinance #2-13 and advised a memorialized resolution will be forthcoming.
2. She stated a copy of the Loss Control Report was distributed which stated there were no discrepancies found.
3. She reported the borough was the recipient of a 2012 South Bergen Municipal Joint Insurance Fund Safety Award, adding we received the Silver Award which included a Certificate of Achievement and a cash award in the amount of \$1,250.00.

**REPORT OF ADMINISTRATOR**

Administrator Stern reported on the following:

- 1. She reported effective May 1, 2013, in the interest of efficiency, we will be limiting the hours for various departments as follows:

<b>Registrar</b>	Tuesday and Thursday	10:00 am – 11:00 am and 2:00 pm – 4:30 pm
<b>Recreation</b>	Monday thru Friday	9:00 am - 11:00 am
<b>Building</b>	Monday thru Friday	9:00 am – 12:00 pm and 2:00 pm – 4:00 pm

**Certified Technical Assistant – Building** Monday thru Friday 10:00 am – 12:00 pm

She stated the hours will be advertised and posted similar to the way the Finance Department was when it closed from 1:00 – 2:00 pm, adding she hopes this works out for the benefit of both residents and employees.

- 2. She stated swim pool registration will begin on May 15, 2013 and added we hope to have the brochures in the mail within the next couple of weeks. She advised there will be no free passes for early registration this year.
- 3. She stated we are waiting for additional quotations for sidewalk, curb and driveway repairs required as a result of damage caused by Hurricane Sandy, adding seventy-five percent of the repair costs will be reimbursed by FEMA.
- 4. She reported the DPW secretary will be moving to the second floor of the municipal building as of April 30, 2013 which will offer elevator access for residents; adding leaf bags and recycle buckets will be available here.
- 5. She stated there has been no response to the newspaper ad asking for residents with artistic and carpentry backgrounds to assist with upcoming holiday decorations for the borough.

**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 he attended the MYAA meeting and they will be paying for coaches to obtain background checks.
- 2. He reminded everyone about the shredding event scheduled for Saturday, April 20, 2013, from 9:00 am to 1:00 pm at Maywood Avenue School.
- 3. He stated the annual Street Fair is scheduled for Sunday, April 21, 2013.

4. He reported the following on behalf of the swim pool commission:
  - They hope to have the brochures completed and printed very soon.
  - They are working on the ADA ramp and looking into the lighting in the parking lot.

Administrator Stern stated she spoke to the representative from PSE&G who is looking into the installation of a higher illumination light for the parking lot.

Council member Eisenberg reported on the following:

1. He stated he attended the Easter Egg Hunt at the Senior Center with his daughter and it was a very nice experience.
2. He walked the Assisted Living property with a concerned neighbor and spoke regarding issues that need to be addressed with the facility.

Mayor Padovano asked Administrator Stern to speak with them regarding those issues.

Council member Fleischmann reported on the following:

1. He stated hopefully the use of the brining system is done for this season.
2. He reminded everyone Opening Day for baseball and softball is this Saturday, April 13, 2013 in Memorial Park.
3. He thanked the DPW personnel for a job well done preparing the ball fields and cleaning up the parks. He thanked Larry Sellitti, the MYAA field coordinator for keeping in contact with the DPW regarding any concerns.

Council President Febre reported on the following:

1. He reported the wear and tear issues were repaired on the library roof this past weekend at a cost of \$5,400.00 and per the contractor, the roof is now in pristine condition.
2. He reported the contract for the library's security system was signed and installation should begin next week.
3. He stated both HVAC units at the senior center are in need of replacement at a total cost of \$20,000.00, adding Administrator Stern put a temporary "band aid" on one of the units. He further reported Administrator Stern was able to locate a second hand unit through a borough vendor that has four years remaining on its warranty for \$7,500.00 and explained a decision will have to be made whether to use this unit or purchase two new units.
4. He reported Fire Truck 17 had a problem with its steering and is now back in service.

## **REPORT OF MAYOR**

Mayor Padovano reported on the following:

1. He stated the new pancake house is expected to open next week.

2. He stated the Couture Consignment shop will be opening on May 4, 2013.
3. He reminded everyone the Street Fair is Sunday, April 21, 2013 and the Fall Festival is Sunday, October 6, 2013.
4. He stated the ad hoc committee for the historical house located on the corner of Maywood and Central Avenues met to discuss grant funding to preserve the house.
5. He stated the Green Team is implementing the use of grant funds they received last year for the Community Garden and are currently soliciting organizations from town who wish to maintain a garden bed this year, adding we have heard from a few organizations who are interested and hope to see everything up and running within the next couple of weeks.

**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.

Thomas Richards – 347 Golf Avenue – spoke regarding the equipment located at the pump house and more specifically the quotation for repairs on Ambulance 26 and stated he is going to review it with another repair service, adding I believe much of the work can be done in house. He stated there was a fire in town recently and explained fire rehab equipment needs to be on scene at the start of a fire for the protection of our firefighters and if this vehicle is not going to be repaired, eventually another vehicle will need to be purchased.

Mr. Richards also spoke regarding the ton and one-half roller that is located at the pump house and questioned why such a valuable piece of equipment is not being used by the DPW to benefit our community and asked that it be taken out of the elements.

Mr. Richards questioned the status of the budget and amount of surplus.

Mayor Padovano responded it is on the agenda for introduction and added CFO Cuccia will be making a presentation.

Zachariah Riehle – Borough White Goods Contractor – spoke regarding two recent thefts of white goods, a treadmill and a dishwasher at one location and a Fed Ex truck taking a piece at another location. He asked the Mayor and Council to make it a little easier for him.

Mayor Padovano explained the plan he hopes to have in place by the end of the month.

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

Mayor Padovano thanked the American Legion Post #142 Ladies Auxiliary for running the Easter Egg Hunt on March 30, 2013.



**RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

Sheryl Ann Biondi as Tax Collector, Treasurer and Assistant Finance Administrator effective April 15, 2013.

Mayor Padovano thanked Ms. Biondi for her service and wished her well in her future endeavors.

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

**APPOINTMENTS – APPROVAL OF THE FOLLOWING**

NONE

**COUNCIL APPROVAL OF THE FOLLOWING**

1. From American Legion Post #142 – permission to hold an Off-Premise 50/50 Raffle on June 23, 2013 at American Legion Post #142, 135 E. Passaic Street, Maywood from 3:00 – 7:00 pm.
2. From Maywood Senior Citizens Club – permission to park personal cars in the pool parking lot from 7:00 am May 5, 2013 to 7:00 pm on May 11, 2013.

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

**Mayor Padovano asked CFO Cuccia to come forward to speak regarding the 2013 Municipal Budget.**

He stated the 2013 Budget is on tonight's agenda for introduction and as it stands reflects a tax rate increase of two points or two percent. He stated this year's budget is \$16,081,615.00 versus last year \$16,119,000.00, adding the 2012 year end surplus totaled \$960,423.38 and in 2013 we will utilize \$500,000.00 which gives us a remaining surplus of \$460,000.00.

CFO Cuccia explained the CAP ordinance stating it allows us to go to the full amount of the cap which is 3 ½% but does not provide for any spending; however, it allows you to bank authorization in case you need it during the year for an emergency which may affect your cap in a future year.

Mayor Padovano and Council member Eisenberg questioned if the cap bank has been used.

CFO Cuccia responded we have never used the bank and explained when the Governor declares an emergency, he excludes those emergencies from the cap so we do not have to use it, adding, if we had

a local emergency that was not approved by the state, then we may be in the situation where we would have to use it.

Council member Fleischmann reiterated this is an introduction only and may be amended.

CFO Cuccia responded yes, adding it may be amended at the public hearing.

Council member Fleischmann questioned information in the budget work book.

CFO Cuccia explained why it has to be presented that way in this document.

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

**RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING**

**RESOLUTION # 66-13**  
**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, 2013 with a rain date to be determined before March 1, 2014; 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, Joseph Mellone, as well as being subject to the Borough Attorney's approval as to form.

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

**RESOLUTION # 67-13**  
**2013 MUNICIPAL BUDGET NOTICE**

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

RESOLUTION # 67-13  
**MUNICIPAL BUDGET NOTICE**

Section 1.

Municipal Budget of the Borough of Maywood, County of Bergen for the Fiscal Year 2013

Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2013

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

in the issue of April 18th, 2013

The Governing Body of the Borough of Maywood does hereby approve the following as the Budget for the year 2013.

RECORDED VOTE  
(INSERT LAST NAME)

Ayes

MORRONE  
EISENBERG  
FLEISCHMANN  
FEBRE

Nays

Abstained

Absent

MEGLIO  
BALLERINI

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 9th, 2013

A Hearing on the Budget and Tax Resolution will be held at Borough Hall, on May 14th, 2013 at

8:15 o'clock  
interested persons.

(P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other  
(Cross out one)

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 9, 2013.

A Hearing on the Budget and Tax Resolution will be held at the Maywood Municipal Complex, 2<sup>nd</sup> floor Council Chambers on May 14, 2013 at 7:30 o'clock P.M. at which time and place objections to said Budget and Tax Resolution for the year 2013 may be presented by taxpayers or other interested persons.

**INTRODUCTION OF ORDINANCES**

**ORDINANCE # 5-13**

**CALENDAR YEAR 2013 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)**

Council member Febre moved for introduction; seconded by Council member Eisenberg; and so carried by unanimous roll call vote.

BE IT RESOLVED by the Mayor and Council of the Borough of Maywood that Ordinance # 5-13, 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 23, 2013 at 8:15 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.

Mayor Padovano spoke regarding a resolution supporting S-1896/A-1503, sharing the burden of property assessment appeal refunds and opened up discussion to the council.

Council member Eisenberg stated the assessor in conjunction with the revaluation firm sets the values of the properties, adding it is prorata and each department should take a hit based on what they get.

Mayor Padovano explained it is a municipal assessment by an independent person and certifiable by law.

The Council was in agreement to add the resolution to the next meeting agenda.

**NEW BUSINESS**

**OLD BUSINESS**

**MISCELLANEOUS BUSINESS**

**CLOSED SESSION**

Council member Fleischmann made a motion to go into closed session; seconded by Council member Febre – All in Favor.

**BOROUGH OF MAYWOOD**  
**Closed Session Resolution #68-13**

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):

**Litigation and 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

( ) 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: 4-9-2013 Time: 8:30pm

**ADJOURNMENT**

Council member Fleischmann moved the meeting be adjourned; seconded by Council member Febre and so carried at 9:55 p.m.

Borough Clerk