

WORK SESSION

JUNE 11, 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, Fleischmann and Febre. Also present were Borough Attorney Ronald A. Dario, Borough Clerk Jean M. Pelligra, and Borough Administrator Roberta Stern.

Late: Council member Eisenberg (7:42 pm) and Council member Meglio (7:50 pm)

Absent: Council member Ballerini

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 by legal counsel for both the Borough of Maywood and Paramus. At this time, the Borough's conflict attorney has prepared the draft interlocal agreement. The parameters have been discussed with the Borough of Paramus's conflict attorney. The final agreement negotiations and preparation are ongoing.

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.

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.

Advertise Date:	06/18/2012
Bid Date:	7/25/2012
Award Date:	8/14/2012
Start of Work:	10/22/12
Projected Completion Date:	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. The remaining items were to be completed in the Spring 2013 to ensure lawn surface survival. In late January 2013, an NJDOT Final Inspection letter and Keytech Laboratories asphalt testing report were received stating that no contractor corrective work was required.

Per discussions with the resident on Parkway, they have received a payment check from the contractor for their sprinkler repair. At this time, Neglia Engineering Associates will forward a project closeout package to the Borough for review and consideration. Thereafter, NJDOT closeout would proceed to permit the Borough to acquire the remaining 25% grant reimbursement.

Mr. Polyniak stated they received AJM Contractor's Maintenance Bonds today.

3. **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 reimbursable the Borough of Maywood for these funds.

Status: In late April 2013, a site inspection meeting with the Neglia Engineering Associates, Bergen County, and the Bergen County contractor occurred to inspect the location of existing and proposed ADA ramps along Maywood Avenue prior to the County implementing milling and paving activities. On May 09, 2013, Neglia Engineering Associates received an E-mail listing the requested ramp locations to be constructed prior to paving operations.

In late May 2013, Neglia Engineering Associates was informed that the Borough and the Board of Education decided to relocate the Maywood Avenue School crossing from its existing location at concrete stairs along the Maywood Avenue frontage to the north in the vicinity to the School's northern access drive on Maywood Avenue. This shift was required by Bergen County. If the crossing was not to be shifted, a switchback ADA ramp from Maywood Avenue following the existing stairs would need to be constructed at the Borough's / BOE's expense prior to any County paving operations.

With this provided information, Neglia Engineering Associates intends to submit the final ADA ramp plans / sketches to Bergen County for review and approval by Monday, June 10, 2013. Subsequent to the County review and approval, the Borough would issue a purchase order to the Bergen County ramp contractor to construct the ramps along Maywood Avenue. The Borough would submit County vouchers for construction reimbursement.

Mayor Padovano explained the relocation of the ramps will extend the "drop and go" lane in front of the school.

4. **NJDOT MUNICIPAL AID GRANT – EAST HUNTER AVENUE**

Scope: Per the direction of the Borough, Neglia Engineering Associates submitted an NJDOT Municipal Aid Grant package for East Hunter Avenue to the NJDOT on September 19, 2012.

Status: Neglia Engineering Associates was copied on a letter to Mayor Padovano from Governor Christie. The letter stated that the Borough of Maywood was selected to receive \$150,000 as an NJDOT Municipal Aid Grant for East Hunter Avenue. Should the Borough wish to proceed with this project with the available grant funds and / or with additional capital funds to address the roadway conditions, our office would be prepared to move forward accordingly.

5. BERGEN COUNTY OPEN SPACE

Scope: Bergen County Open Space has issued a request for projects for the Year 2013 Open Space Grant Program. This grant is a matching grant program. The application packages for this Year 2013 Open Space Program are due on August 29, 2013.

Status: Our office would be glad to prepare / aid in the preparation of the grant submission package if requested. We would require input as it relates to a Borough-selected open space project to prepare the application package.

Council member Fleischmann asked if we are just considering the repaving of East Hunter or are we considering other streets as well.

Mayor Padovano responded he and Administrator Stern discussed the inclusion of the remaining portion of Spring Valley Road and the parking lot by Memorial School.

Administrator Stern stated a grant writer is working on the Bergen County Open Space application.

Administrator Stern stated the raised water shut-off that was located in the crosswalk by the library has been repaired by United Water.

Council member Fleischmann stated if we are going to pave the Fairmount Avenue parking lot, he suggested the catch basins in the area of the parking lot be repaired.

Council President Febre questioned if we have any property that would qualify for Blue Acres money.

Mr. Polyniak responded he will look into it.

There being no further questions for the 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 reported four hundred one residents voted in the June primary election which is 6.73% of the registered voters.
2. She stated Wednesday, June 19, 2013 is the last day to change party affiliation prior to the special primary election on August 13, 2013, adding, please feel free to call me if you have any questions regarding any of the upcoming election dates.

REPORT OF ADMINISTRATOR

Administrator Stern reported on the following:

1. She spoke regarding municipal parking spaces that are available and stated there are eleven spots in the library lot that are accessible from 10:00 pm to 8:00 am Monday through Saturday and twenty-four hours on Sundays and holidays and three spaces behind the Maywood Inn. She stated spaces will soon be available at the swim pool lot, adding all borough parking spaces are rented for \$40.00 per month.
2. She stated Friday, July 5, 2013 will be the floating holiday in lieu of Election Day this year; therefore, borough offices will be closed.

REPORT OF ATTORNEY

Attorney Dario stated he has one item for closed session.

COMMITTEE REPORTS

Council member Morrone reported on the following:

1. He spoke regarding swim pool repairs that were discussed at the swim pool meeting, including the replacement of lifeguard stands.

Administrator Stern responded she met with the swim pool manager, David Wells, today and all items on the list are being addressed.

2. He reported on June 23, 2013 there will be a household hazardous waste collection at Bergen Community College.
3. He discussed the borough shuttle bus schedule as it relates to the Summer Recreation Program.

Council member Eisenberg reported on the following:

1. He stated he attended the Maywood Avenue School Student Council Elections and was very impressed with the students. He commended the speech given by the student elected President of the council.
2. He visited the Huyler Street regional post office to speak with the Postmaster to request a new street address for the healthcare center; however, he was not in his office and is still waiting to meet with him.

Council member Fleischmann reported on the following:

1. He congratulated everyone who participated in the Maywood Avenue School production of the Wizard of Oz and stated the kids did a tremendous job.

2. He stated he is working with the DPW mechanic on the implementation of a new preventative maintenance program for all borough vehicles which will include more “in-house” repairs, and added there are three items that could be added to the capital ordinance.
3. He asked Administrator Stern if there was any progress on the mulch and requested certification that it is playground mulch.
4. He requested we follow up on the use of Clean Communities money to provide garbage cans for bus stops.

Council President Febre reported on the following:

1. He stated Fire Chief Neumann has received prices on replacement turn-out gear and will make his recommendation to the council.
2. He thanked Arlene Formisano for reminding us the Borough receives a ten percent discount on Home Depot purchases.
3. He spoke regarding a rumor the first aid squad would merge or be taken over by Paramus and wanted to make sure everyone understands there are no such plans so do so.

Council member Meglio reported on the following:

1. He stated he recalls a similar rumor two years ago regarding the first aid squad, adding he has no further report.

REPORT OF MAYOR

Mayor Padovano reported on the following:

1. He reported the new fence around the Community Garden will be installed soon, adding it was funded through grants from Home Depot and PSE&G.
2. He stated on June 18, 2013 at 6:00 pm the Green Team is sponsoring a master gardener who will be giving a lecture at the Community Garden on home gardens, adding he hopes this is the first in an on-going series.
3. He stated the DPW is leaving tree stumps to be used as seating at the Community Garden.
4. He reported as a result of the four recycling events that have been held this year, the borough has collected 21,000 pounds of electronics recycling. He thanked the Recycling Committee, Lisa Schieli and members of the council for their help at the events, adding we hope to hold additional events in the fall.
5. He spoke regarding the upcoming Capital Bond and created an Ad Hoc committee to establish the goals and needs of the borough. He asked Council members Fleischmann and Febre and Administrator Stern to serve on the committee with him. He reviewed items to be included that have previously been discussed.
6. He reminded everyone of upcoming events:
 - July 4, 2013 – Independence Day Parade with Grand Marshall Jack Savage
 - July 6, 2013 – Fireworks Display

- August 6, 2013 – National Night Out
- October 6, 2013 – Fall Festival

7. He stated he met with members of the Library Board and Hackbarth Foundation last week for a very productive meeting and thanked the Foundation for their support of the library as well as many other borough events and programs.

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.

Arlene Formisano – 608 Edel Avenue – she spoke regarding a house on Edel Avenue that has been empty for quite a while and stated the grass is excessively high and she is concerned.

Mayor Padovano responded Mr. Mazzer has visited the house and the borough has been in contact with the bank. Council President Febre and Council member Eisenberg both stated they are aware of the situation and will continue to follow up.

Roseanne O'Neill – thanked the Mayor, Council and Administrator for addressing her concerns so quickly regarding the water in the pool and the health hazards the empty house next door has created.

Mayor Padovano and Administrator Stern explained the process has begun to take the appropriate action. Administrator Stern stated the issue is in the back yard and we may need to have the DPW drain the pool to alleviate the problem.

Thomas Richards – 347 Golf Avenue – stated with respect to Hunter Avenue, will it be a mill and pave or a rebuild.

Mayor Padovano responded we reviewed it with the borough engineer last year and explained the additional funds required will come from the capital bond.

Mr. Richards asked if Spring Valley Road would be a mill and pave job.

Mayor Padovano responded yes, that is my understanding.

Mr. Richards questioned what grants the grant writer has obtained and the amount we are paying the grant writer per month.

Administrator Stern responded \$1,500.00 per month for five grants plus the ones that are being done for the Board of Education.

Mr. Richards responded many of these grants were previously done in-house at no cost to the borough.

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

RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING

NONE

APPOINTMENTS – APPROVAL OF THE FOLLOWING

Mayor Padovano stated he is adding an appointment for the position of Assistant Swim Pool Manager to fill a vacancy per the recommendation of the Swim Pool Commission to tonight's agenda.

1. DPW Seasonal/Clean Communities workers Thomas Sanchez effective May 13, 2013 and Andrew Kendel effective May 20, 2013 at an hourly rate of \$10.00 per hour.
2. Summer Recreation Program Counselors: John Stratoberdha, Matthew Cofrancesco, Melissa Canto, Christopher Sievers, Alexander Fleischmann, Christopher Lisi, Daniel Lane and James Lane at \$7.25 per hour; Pre-K Program Director Jessica Hornes at a 2013 seasonal salary of \$2,000.00; Pre-K Program-Senior Counselor Linda McManus at \$10.00 per hour and Pre-K Counselors Matthew Golabek and Stephen Geerlof at \$7.25 per hour.
3. Michael Walker as Assistant Swim Pool Manager at the seasonal rate of \$8,200.00 for the 2013 swim pool season.

- All appointments are subject to the completion of all requirements set forth by the Borough.

Council member Febre moved the appointments as amended, seconded by Council member Eisenberg and so carried with the exception of Council member Fleischmann abstaining from Approval #2.

COUNCIL APPROVAL OF THE FOLLOWING

1. From Jean Carlos Mercedes request to hold the 2nd Annual Maywood Hawk 5-K race on Sunday, October 6, 2013.

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

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 92-13

TRANSFER OF LIQUOR LICENSE ON A PERSON-TO-PERSON AND PLACE-TO-PLACE BASIS TO KRISHI, LLC, T/A CORONET VARIETY STORE

WHEREAS, an application has been filed for a person-to-person and place-to-place transfer of Plenary Retail Distribution License # 0234-44-008-005, heretofore issued to Krishi, LLC, t/a Coronet Variety Store; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term of 2012-2013; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business; and

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Maywood, Bergen County, New Jersey does hereby approve, effective June 11, 2013, the transfer of the aforesaid Plenary Retail Distribution License to Krishi, LLC, t/a Coronet Variety Store, and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: This license, subject to all its terms and conditions, is hereby transferred to Krishi, LLC, t/a Coronet Variety Store, effective June 11, 2013.

RESOLUTION # 93-13
RENEWAL OF 2013/2014 LIQUOR LICENSES

WHEREAS, the Licenses as noted below have filed application for renewal of their liquor licenses at premises as noted; and

WHEREAS, all applications are in proper order, the license fee has been paid and a Clearance Certificate has been issued by the State of New Jersey, Division of Taxation;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Maywood, County of Bergen, New Jersey that the Borough Clerk is hereby authorized to issue renewal licenses as follows effective July 1, 2013:

PLENARY RETAIL DISTRIBUTION

0234-44-003-006	Maywood Marketplace, LLC	78 West Pleasant Avenue
0234-44-006 -005	P & P Spirits, Inc. T/A Maywood Wine & Liquor	117 E. Passaic Avenue
0234-44-001-003	Maywood Liquors & Deli, Inc. DBA/ Hollywood Liquors	40-42A West Pleasant Avenue

PLENARY RETAIL CONSUMPTION

0234-33-007-002	Maywood Inn Corp. T/A Victor's Maywood Inn	122-124 West Pleasant Avenue
0234-33-005-005	JHCC Enterprise, Inc. T/A Bon Buffet Restaurant	125 Essex Street
0234-33-004-005	Vornado Maywood License, LLC.	12:39 Ruling - INACTIVE

PLENARY RETAIL CONSUMPTION WITH BROAD PACKAGE PRIVILEGE

0234-32-002-005	Great Liquor Group, LLC	24-30 West Pleasant Ave
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CLUB LICENSE

0234-31-009-001	Maywood American Legion Post #142	135 E. Passaic Street
0234-31-010-001	Maywood Columbian Club	105 Grove Avenue

RESOLUTION # 94-13
RESOLUTION AUTHORIZING THE REDEMPTION OF A
TAX SALE CERTIFICATE FOR BLOCK 94 LOT 20 TO
ROBERT ROTHMAN

WHEREAS, Robert Rothman on December 09, 2010, purchased Tax Sale Certificate # 10-002 on property known as 427 Poplar Avenue, Block 94 Lot 20 and has paid subsequent taxes and interest; and

WHEREAS, the Tax Sale Certificate has been redeemed for \$39,411.96 effective June 25, 2013 due to the lien holder; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council that the Tax Collector be authorized to issue a refund check drawn from the current account, Wells Fargo Bank in the amount of \$39,411.96.

Robert Rothman
411 Grand Avenue
Englewood, NJ 07631

Council member Fleischmann moved for adoption, seconded by Council member Morrone.

Council member Eisenberg questioned Vornado's liquor license and stated it has been an inactive license for more than five years, adding perhaps we should reach out to Vornado.

Borough Clerk Pelligra explained Vornado is required to apply to the State to maintain it as a pocket/inactive license.

Discussion ensued amongst the council.

Roll call vote was taken and so carried by unanimous roll call vote.

INTRODUCTION OF ORDINANCES

NONE

Mayor Padovano reviewed the Action List with the council:

Capital Bond: Mayor Padovano stated the committee will be meeting to come up with an itemized list for the Capital Bond, and added the CFO will be retiring \$400,000.00 of unused bonds.

15 Minute Parking: Mayor Padovano stated he spoke with the police department regarding changes to the 15 minute parking spaces and suggested eliminating the 15 minute spot in front of the Pancake House and changing the one space on the westerly side by Timely Cleaners back to a 15 minute spot. He explained changes are necessary to accommodate the types of businesses on the avenue.

A discussion ensued amongst the council. Council agreed on the changes and suggested the ordinance be reviewed annually.

Street Fair: Mayor Padovano stated the Chamber of Commerce is requesting permission to hold another street fair on Sunday, August 18, 2013.

Mayor Padovano stated he had suggested a car show in lieu of a second street fair.

After further discussion continued amongst the council, it was agreed to place it on the next agenda for approval.

Garbage Contract: Mayor Padovano and Administrator Stern stated they would like to exercise the option to extend our contract, adding there will be a \$500.00 increase per month.

Vacating Portion of Route 17 – Ordinance: The council discussed the ordinance to vacate and were in agreement to place it on the next meeting agenda for introduction.

Mayor Padovano spoke regarding a memo from Chief Pegg requesting council approval to hire a new police officer through the alternate route program, adding a copy of the memo will be distributed for council review.

Council President Febre suggested speaking with CFO Cuccia regarding funding before proceeding further.

Council member Fleischmann stated in addition to budget questions, he would like an update on the department together with the total number of officers on the roster.

Mayor Padovano responded he believes this would be the twenty-first officer, not counting the Chief.

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

CLOSED SESSION

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

BOROUGH OF MAYWOOD
Closed Session Resolution # 95-13

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):

Contract Negotiations and Personnel

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

Date of Passage: 6-11-2013 Time: 8:45 pm

ADJOURNMENT

Council member Fleischmann moved the meeting be adjourned; seconded by Council member Meglio and so carried at 9:40 p.m.

Borough Clerk