

**WORK SESSION**

**JULY 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.

**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.  
Absent: Council member Meglio

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

**ORDINANCE # 6-13**

**AN ORDINANCE VACATING A PORTION OF LEXINGTON AVENUE IN THE BOROUGH OF MAYWOOD, STATE OF NEW JERSEY**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:**

**WHEREAS**, the State of New Jersey requires the Borough of Maywood to vacate its ownerships and/or easement rights in a portion of Lexington Avenue so as to facilitate improvements.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Maywood, Bergen County, New Jersey, as follows:

**Section 1.** That all that portion of Lexington Avenue, in the Borough of Maywood, Bergen County, New Jersey situated between the northeasterly line of Parcel 57B2, the northeasterly line of Parcel V57B1 and the southwesterly line of Parcel 57C, as indicated on a map entitled: "NEW JERSEY STATE HIGHWAY DEPARTMENT, GENERAL PROPERTY KEY MAP, ROUTE - 2 (Rev. 1927) SECTION - 6, Hasbrouck Heights to Route - 4 (Rev. 1927), Showing Existing Right Of Way And Parcels To Be Acquired In The Boro. Of Hasbrouck Heights, City of Hackensack, Boro. Of Lodi, Boro. Of Maywood, Boro. Of Rochelle Park And Boro. Of Paramus, Bergen County, March 1931",

filed in the office of the Bergen County Clerk on July 28, 1932 and last revised September 2002 and located at about Station 86+00 [Base Line Route 2 (Rev. 1927), Section 6 Stationing], being more particularly described as follows:

BEGINNING at a point in the existing southwesterly right of way line of Lexington Avenue where the same is intersected by the westerly line of the Borough of Maywood (Lexington Avenue) Vacation Ordinance, filed with the Bergen County Clerk’s Office in Book 6, Page 117, said point being northeastwardly and perpendicular to Route 2 (Rev. 1927) Section 6 Base Line at Station 83+87.34, and running, thence:

1. N51°57’30”W Plan (P), 325.38 feet (P), along said existing southwesterly right of way line to a point in the curved easterly line of the Borough of Maywood (Lexington Avenue) Vacation Ordinance No. 500, filed with the Bergen County Clerk’s Office in Book 6, Page 279;
2. Northwardly Scaled (S), along said line, curving to the left having a radius of 2,390.0 feet (P), and an arc length of 62 feet (S), to a point where the same intersects the southeasterly line of the Borough of Maywood (Hackensack Street) Vacation Ordinance, filed with the Bergen County Clerk’s Office in Book 6, Page 117;
3. N38°02’30”E (P), 18 feet (S), along the last mentioned line to a point where the same intersects the existing northeasterly right of way line of Lexington Avenue;
4. S51°57’30”E (P), 256.03 feet (P), along said line of Lexington Avenue, to a point where the same intersects the aforementioned westerly line of the Borough of Maywood (Lexington Avenue) Vacation Ordinance;
5. S24°12’30”E (P), 129 feet (S), along the last mentioned line, to a point and place of beginning;

**Section 2.** It being intended that the same is hereby vacated as a public street or highway, and the public easement therein as a street be and the same hereby is surrendered and extinguished.

**Section 3.** That a copy of this Ordinance of vacation shall, after the passage of same, be filed in the Office of the Clerk of the County of Bergen.

**Section 4.** All ordinances or parts of ordinances which are in conflict with this ordinance or are inconsistent with any of the provisions hereof, are hereby repealed.

**Section 5.** This ordinance shall take effect immediately when duly published and as regulated by law.

**ORDINANCE # 7-13**

**“AN ORDINANCE AMENDING THE BOROUGH OF MAYWOOD MUNICIPAL CODE SO AS TO REVISE CHAPTER 312 SECTION-7D”**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MAYWOOD, IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY, AS FOLLOWS:

**WHEREAS**, Borough of Maywood Municipal Code Chapter 312 section-7D provides that no person shall park any vehicle for longer than 15 minutes between the hours of 9:00 a.m. and 6:00 p.m. on any day except Sunday and public holidays within any of the parking spaces designated by the Police Department for fifteen-minute parking along West Pleasant Avenue by the placement of signs therefor in accordance with rules and regulations promulgated by the Commissioner of Transportation conforming to the Manual of Uniform Traffic Control Devices for Streets and Highways.

**WHEREAS**, Borough of Maywood Municipal Code Chapter 312 section-7D provides a schedule of sign placement to enforce said ordinance

**WHEREAS**, the Mayor and Council of the Borough of Maywood, on advice of the Chief of The Maywood Police Department amends the schedule of sign placement contained in Chapter 312 section-7D

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Maywood, County of Bergen, State of New Jersey, as follows:

**Section 1:** The schedule of sign placement contained in Chapter 312 section-7D shall be amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
West Pleasant Avenue	North	92 West Pleasant shall be <b>removed</b> from this ordinance
West Pleasant Avenue	South	144 West Pleasant shall be <b>added</b> to this ordinance

**Section 3: Effective Date**

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

Mayor Padovano opened the meeting to the public for any comments or questions relative to the foregoing ordinances.

Hearing none, Mayor Padovano closed this portion of the meeting.

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

**BE IT RESOLVED** by the Mayor and Council of the Borough of Maywood that Ordinances #6-13 and #7-13 be and they are passed upon second and final reading and that the Borough Clerk is hereby authorized and directed to advertise the same according to law.

**CORRESPONDENCE AND REPORT OF BOROUGH CLERK**

Borough Clerk Pelligra reported on the following:

1. She reminded everyone Tuesday, July 23, 2013 is the deadline to register to vote prior to the August 13, 2013 Special Primary Election.
2. She stated the Engineer's Report was distributed; however, our engineer will attend our next regular council meeting.

**REPORT OF ADMINISTRATOR**

Administrator Stern stated she has a report for closed session.

**REPORT OF ATTORNEY**

Attorney Dario stated he has a report for closed session.

**COMMITTEE REPORTS**

Council member Morrone reported on the following:

1. He reported the town wide garage sale is scheduled for Saturday, October 19, 2013, adding if you wish to participate, you may purchase a \$5.00 permit. He explained a list of addresses and a map will be provided to the public to show the locations of the sales.
2. He stated there will be a household hazardous waste collection at Bergen Community College on Sunday, October 20, 2013.
3. He reported new life guard chairs will be installed at the pool.

Council member Eisenberg reported on the following:

1. He stated he spoke with the building inspector and reported the Hackensack Medical Center property on Route 17 North is coming along, adding they requested a temporary certificate of occupancy; however the building inspector would not issue one for safety reasons.

Council member Ballerini reported on the following:

1. He reported on the resignation of the part-time dispatcher listed on tonight's agenda and explained he is working a full time job and is unable to maintain this commitment.
2. He requested the following items be added to the Action List for discussion.
  - Police Department - Canine Program
  - Police Department – Second Parking Enforcement Officer
3. He thanked the members of the Maywood Police Department for all their work over the 4<sup>th</sup> of July weekend.

4. He commended Detective Sergeant Moran and Detective Brown for their work in capturing the TD Bank robbery suspects.

Council member Fleischmann asked if Chief Pegg will be recommending the hiring of another part-time telecommunicator.

Council member Ballerini responded yes, adding Chief Pegg is reviewing his list of applicants.

Council member Fleischmann reported on the following:

1. He followed up on the discussion regarding the sump pump situation by Sanzari Place and asked if the borough engineer will be obtaining a quote for water and soil testing.

Administrator Stern responded she will follow up.

Council President Febre reported on the following:

1. He thanked all the towns that participated in our Fourth of July parade and who backed us up during our fireworks event together with our own emergency services, EMS, Fire Police, Fire Department and CERT Team. He recognized Administrator Stern for a job well done securing donations for our parade and fireworks.

### **REPORT OF MAYOR**

Mayor Padovano reported on the following:

1. He thanked everyone for the Fourth of July and fireworks events especially the July 4<sup>th</sup> Committee. He stated there were six bands in this year's parade and thanked Administrator Stern and Borough Clerk Pelligra for their work in securing them. He thanked our local vendors and acknowledged the sponsors whose donations paid for the parade and fireworks, adding there is a sign on West Pleasant Avenue listing the major sponsors who contributed. He stated these events were paid for without the use of any taxpayer money, adding surplus donations will be used towards our fall festival and winter holiday events. He thanked all the emergency services and volunteers for their participation.
2. He stated Resolution Nos. 83-13 and 84-13 have to be rescinded which had set August 1, 2013 as our deadline to switch over to the State Health Benefits Plan, adding we have to move it back to September 1, 2013.

Administrator Stern stated we will have to notify B-Med to extend our current coverage for another month.

**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.

Ms. Kalomeris – 672 Grant Avenue – stated there is only one crosswalk by Memorial School and suggested a second crosswalk be placed by the Kindergarten entrance.

Ms. Kalomeris spoke regarding the stop sign at the intersection of Grant and Mendez Avenues and explained motorists cannot see the sign due to poor visibility and suggested something be done to make it more noticeable.

Mayor Padovano responded we have a meeting set up with Chief Pegg, the School Superintendent and Principal and myself to discuss that section of Grant Avenue from Fairmount to Mendez.

Further discussion ensued amongst the council.

**RESIGNATIONS – ACCEPTANCE OF THE FOLLOWING**

1. Phillip Cerone as a part-time telecommunicator effective July 9, 2013.

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

**APPOINTMENTS – APPROVAL OF THE FOLLOWING**

1. Jose Hernandez as a member of the Maywood Fire Police effective July 9, 2013.
2. Sharmaine Joseph as a camp counselor for the Summer Recreation Program at an hourly rate of \$7.25 effective 07/09/2013 subject to all Borough requirements.
3. Kyle Kalomeris and Christopher Gargagliano as life guards for the Swim Pool for the 2013 season at an hourly rate of \$ 7.25 for Kalomeris and \$8.00 per hour for Gargagliano effective 7-9-13 and subject to all Borough requirements.

Council member Fleischmann moved the appointments, seconded by Council member Eisenberg; and so carried with the exception of Council member Febre abstaining from Appointment No. 1.

**COUNCIL APPROVAL OF THE FOLLOWING**

1. Request from the Maywood Pancake House for an outdoor dining permit.
2. Request from the Maywood Fire Police to use the Memorial School Parking lot on July 27, 2013 from 8:00 a.m. to 7:00 p.m. to park the participant's vehicles for their Atlantic City trip.
3. Rescinding prior resolution nos. 83-13 and 84-13.

Council member Ballerini moved for approval, seconded by Council member Febre; and so carried with the exception of Council member Fleischmann abstaining to Approval No. 3 and Council member Febre abstaining to Approval No. 2.

Mayor Padovano reviewed the Action List with the council:

1. **Capital Bond** – Mayor Padovano stated the Ad Hoc committee met and will make their recommendations available to the council for approval, adding per the CFO we closed out approximately \$557,000.00 of unused bond money. Administrator Stern distributed an itemized list to the council and further discussion ensued. Council members spoke regarding additional items that could be included on the list.
2. **Jif Renewal** – Borough Clerk Pelligra explained the borough's participation in the JIF is renewable every three years and we have to adopt by resolution to participate. Administrator Stern stated she has a meeting with the borough's insurance representatives on July 18, 2013 to discuss our renewal.
3. **Lime Energy** – Administrator Stern stated she received the quotation for the 80/20 program that is being offered; however, it does not include the duct work. She explained how the program works including the costs the borough will be responsible for. Mayor Padovano stated we should place the authorizing resolution on our next meeting agenda.
4. **Canine Program** – Council member Ballerini gave a brief overview of the program and stated there will be no cost to the borough as Chief Pegg has made arrangements to have all required services donated or funded by the DEA. Mayor Padovano asked if the funding included the cost of the vehicle. Council member Ballerini responded he believes it does but will look into it. Council member Eisenberg questioned overtime costs. Council member Ballerini responded generally the use of a canine unit would be an extension of a DEA investigation involving the forfeiture of funds of which we would receive a percentage. Mayor Padovano stated his concerns about our canine unit being called out to other municipalities and the overtime costs we may incur. Council member Ballerini responded those requests would be at the Police Chief's discretion.

Council member Fleischmann requested Chief Pegg attend a meeting to address the council on all police related issues.

5. **Second Parking Enforcement Officer** - Council member Ballerini spoke regarding Chief Pegg's request to add another part-time parking enforcement officer which would enable us to have six days of coverage.

Administrator Stern responded the Chief needs to submit new numbers so we can see what the revenue stream is now that we have e-ticketing.

6. **Sanzari Place – Sump Pump Program** – Mayor Padovano explained ground water is causing the problem and the issue needs to be addressed especially before the winter season.

Administrator Stern responded she will speak with the borough engineer, adding United Water has visited the area twice and the condition is not being caused by a water leak.

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

NONE

**INTRODUCTION OF ORDINANCES**

NONE

**NEW BUSINESS**

**OLD BUSINESS**

**MISCELLANEOUS BUSINESS**

**CLOSED SESSION – IF APPLICABLE**

Council member Ballerini made a motion to go into closed session; seconded by Council Member Morrone – All in Favor

**BOROUGH OF MAYWOOD**  
**Closed Session Resolution # 107-13**

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 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

Sub-section 7 dealing with pending or anticipated litigation, contract negotiations, or matters falling within the attorney-client privilege

Sub-section 8 concerning personnel matters dealing with employment, appointment, termination, or terms and conditions of employment of any person or persons, or the evaluation, promotion or disciplining of employees unless all employees involved consent to disclosure thereof

Sub-section 9 involving deliberations after public hearing on a matter which may result in the imposition of a civil penalty or the suspension or loss of a license

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

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

Will return to open session after this meeting.

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

Date of Passage: 07-09-2013 Time: 8:49 pm

**ADJOURNMENT**

Council member Ballerini moved the meeting be adjourned; seconded by Council member Morrone and so carried at 10:10 p.m.

Borough Clerk