

“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 asked for a moment of silence to reflect on the twelfth anniversary of the 9/11/2001 terrorist attack on the World Trade Center.

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

Lt. Korn was present to explain the 9-1-1 System upgrades to the Mayor and Council.

Mayor Padovano stated if the council is in agreement, we can place the resolution on the next meeting agenda subject to review by the council members who are absent – All in favor.

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.

The Borough's conflict attorney forwarded a final draft agreement to the Borough of Paramus' conflict attorney on July 19, 2013. We understand that negotiations and review are ongoing. After review and approval by both municipalities, the agreement would be finalized.

Subsequent to completing and formalizing this agreement, the Borough would pursue the easement purchases for the Spring Valley Avenue, Maywood office building property and the Hanjin, Paramus property. After both of these items are completed by the Borough's conflict attorney, the project would be bid. It shall be noted that this project cannot proceed until these legal tasks are completed.

2. **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: 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.

On September 04, 2013, the County Contractor began ADA ramp construction. They anticipate completing construction within two to three weeks pending weather conditions. It shall be noted that a question arose prior to construction activities commencing as they relate to the hourly rate for police traffic director reimbursement for this project. We understand that the Borough is addressing this matter directly with Bergen County and the Borough Police Department.

Mr. Polyniak stated they have spoken to the County about addressing the drainage issues at Magnolia and Washington Avenues when the paving commences and added the County has agreed to paint "do not block the box" striping at Hunter and Magnolia Avenues.

3. **YEAR 2013 ROAD PROGRAM – EAST HUNTER AVENUE (NJDOT FUNDED), SPRING VALLEY ROAD, AND WEST FAIRMOUNT AVENUE PARKING LOT**

Scope: Per the direction of the Borough at it August 27, 2013, the Borough has authorized the bid of construction documents for East Hunter Avenue from Maywood Avenue to Van Cleeve.

Status: As requested by Borough, Neglia Engineering Associates issued a proposal for surveying, engineering, and construction management services for a roadway project with a construction budget of \$315,000 on June 13, 2013 for review and consideration by the Borough. Within this proposal, our office included scope and budget to address Spring Valley Road from approximately two hundred feet south of Cumming Avenue to eighty feet south of Sanzari Place (middle section to complete roadway).

4. **NJDOT GRANT PROGRAM (YEAR 2014 PROGRAM)**

Scope: On July 09, 2013, the NJDOT issued a letter to the Borough informing of the Year 2014 NJDOT Municipal Aid, Transit Village, Bikeways, and Safe Streets to Transit Grant Programs. The application packages for this Year 2014 NJDOT Grant Program are due on September 20, 2013.

Status: Our office understands that the Borough wishes to submit two NJDOT Municipal Aid Program Grant Packages. The first priority submission would be the Maywood Avenue Streetscape from Central Avenue to East Hunter Avenue. The second priority submission would be for Oak Avenue and Parkway. These packages will be submitted by the September 20, 2013 grant submission deadline.

Mr. Polyniak spoke regarding the demolition of the handball and shuffle board courts at Memorial Park and stated they are in the process of soliciting quotes for same.

Council member Morrone questioned if the concrete pad would be removed in addition to the wall from the handball court.

Mr. Polyniak responded yes and explained the concrete handball wall would be cut five feet below grade to allow for any future foundation work on the property.

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 copy of the request received from American Legion Post #142 for their annual journal.

Mayor Padovano asked council if anyone objected to sponsoring the same ad we have taken in previous years.

Hearing none, Mayor Padovano requested Borough Clerk Pelligra to submit the required paperwork.

2. She stated CFO Cuccia will be working on the Best Practices Checklist received from the Governor and present it to the Mayor and Council at the first meeting in October.

REPORT OF ADMINISTRATOR

Administrator Stern was absent from tonight's meeting.

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 Community Bank will be hosting a shred day on Saturday, October 19, 2013 from 9:00 am to 12:00 pm in the bank parking lot.

Council member Eisenberg reported on the following:

1. He reported the Adidas Store will soon be open at the Bergen Town Center.
2. He stated a Temporary Certificate of Occupancy is expected to be issued soon to the Bank of New York building.
3. He spoke regarding the HUMC Fitness and Wellness Center and explained the Building Inspector has requested the brook that runs along the property be cleaned up.
4. He spoke regarding a property on East Hunter Avenue that has been a chronic problem for several years, and added the Building Inspector is involved and a court date has been scheduled.
5. He spoke regarding a property on the Esplanade and explained the Building Inspector is following up on a permit that the owner is not complying with.

Council President Febre reported on the following:

1. He stated the improvements at the Library are underway.
2. He advised the Library Director is out on leave; however we are fortunate to have our former Director, Diane Rhodes, filling in on a per diem basis to oversee the renovations and day-to-day operations.

3. He reported the new HVAC equipment is being installed at the Senior Center.
4. He stated September is National Preparedness Month and OEM is putting together a program, adding you can visit www.Ready.gov for helpful tips on getting your home prepared.
5. He stated there will be nine people from Maywood enrolled in the Bergen County Fire Academy in October, adding it is great to see so many people volunteering for Maywood.

REPORT OF MAYOR

Mayor Padovano reported on the following:

1. He stated the Grant Avenue Parking Ordinance that the council approved seems to be going well and is relieving congestion at Memorial School.
2. He stated 9/11 ceremonies will be held tomorrow in Memorial Park at 8:45 am and at the Presbyterian Church at 7:30 pm.
3. He stated the Environmental Protection Agency hosted a public hearing at the Library yesterday and explained their continuing clean-up plan, adding they will also be working closely with the Army Corps of Engineers.
4. He stated on Sunday, October 6, 2013 the Maywood Hawks 5K Run will take place at 9:00 am and the Fall Festival will begin at 12:00 noon in Memorial Park.
5. He stated the town-wide garage sale is scheduled for Saturday, October 19, 2013, adding an address list and map will be available on the borough website and in our building's lobby.
6. He reported the Board of Health will be sponsoring free flu vaccinations for Maywood Seniors, 65 years of age and older, on Friday, October 11, 2013 at 9:30 am at the Senior Center.
7. He stated the Fire Police is sponsoring a bus trip to Resorts Casino in Atlantic City on November 2, 2013.

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.

Jim Csaposs – 644 Wyoming Avenue – questioned the status of the elimination of the pump house.

Mayor Padovano responded the Borough Engineer discussed this briefly in his report, adding negotiations are still going on with Paramus to finalize the easements.

Kristen Panos – 823 Palmer Avenue – spoke regarding a group who will help winterize the Community Garden at no cost.

Mayor Padovano responded the Green Team will be closing down the Community Garden after a very successful season, adding they donated much of the produce to area food shelters. He suggested the Green Team host a seminar for the groups who participated to instruct them on how to properly close down a garden for the winter.

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. Jai Singh, Ryan Burk, Benjamin Scarpulla and Christopher Balasa as Junior Firefighters for the Maywood Fire Department effective September 10, 2013.
2. Brandon Westcott as a probationary member of the Maywood Fire Department assigned to Protection Hook & Ladder effective September 10, 2013.
3. Giuseppe Dambrosio as a full member of the Maywood Fire Department assigned to Protection Hook & Ladder effective September 10, 2013.

Mayor Padovano echoed Council President Febre's comments and congratulated all those who are signing up to serve the borough as members of the various emergency service organizations.

Council member Febre moved the appointments, seconded by Council member Morrone; and so carried by unanimous roll call vote.

Mayor Padovano reviewed the Action List with the Council:

Police Vehicle: Mayor Padovano stated the Police Chief is looking to purchase a 2014 Dodge Ram pick-up truck for the transport of traffic control equipment.

Mayor Padovano stated he is going to request further clarification as to where the money is coming from.

Council member Eisenberg questioned if they could borrow a pick-up truck from the DPW.

Council member Morrone responded he spoke with Chief Pegg and his concern is when equipment is needed after hours.

Mayor Padovano stated we will have Traffic Officer Darryl Wuhrl or the Chief's designee attend the next meeting to discuss this issue further.

9-1-1 Software System Update: Mayor Padovano stated this was discussed earlier in the meeting.

Zoning Map: Mayor Padovano discussed the September 6, 2013 memo from the Borough Engineer regarding the updating of the borough's zoning map which has not been done since 1989. He stated the Borough Engineer has submitted a proposal in the amount of \$2,500.00, adding I believe it is appropriate to proceed and possibly utilize Planning Board funds. He stated there is a Planning Board meeting Thursday and he will circulate the proposal for their input.

Council member Eisenberg questioned the ability to enlarge the map without distortion if needed.

Mr. Polyniak explained you will be able to print the map out in various sizes.

Shade Tree Commission: Mayor Padovano stated the Shade Tree Commission has begun marking out locations for the planting of new trees and explained there has been discussion about locating some of the trees to the residential side of the sidewalk to alleviate trees growing into wires and damaging sidewalks.

Council member Morrone questioned if the homeowner has a choice in the location of the tree.

Mayor Padovano responded it is his understanding the DPW and Shade Tree Commission work with the resident.

Council member Eisenberg questioned if a homeowner could purchase additional trees at their own expense.

Mayor Padovano responded yes but we need to determine the price of the tree in order to cover our costs.

Mayor Padovano invited Hildegard Ampssler, a member of the Shade Tree Commission, to briefly address the council.

Hildegard Ampssler – 65 Edgewood Place – stated she feels we should rethink the location of new plantings, possibly seven to eight feet in from the curb; adding this will not work on all streets.

Council member Morrone spoke regarding the confusion that could exist as to whether the tree is a borough tree or a homeowner's tree.

Ms. Ampssler suggested a letter be sent to residents and an article published in the Our Town newspaper advising where the new tree plantings will be placed if possible. She stated we can also advise the cost for an additional tree would be approximately \$110.00. She explained the borough cannot control weather, insects or disease, but can control tree placement, adding there is no ideal tree for this situation and low growing trees are very expensive.

Council member Eisenberg asked if the borough has given thought to creating their own tree farm.

Mayor Padovano responded a tree farm will become part of our Community Garden, adding the borough received grant money for this purpose.

Council President Febre questioned if the thought process is to ask the resident where they prefer to have the tree planted.

Ms Ampssler responded no, we are going to explain the tree will be planted in the town's right-of-way approximately seven and one-half feet in from the curb where possible.

Council President Febre stated no one should be forced to have a tree planted on their front lawn.

Ms. Ampssler stated we need to focus on immediacy and determine if any additional trees will be needed before the order is placed.

There being no further discussion on this matter, Mayor Padovano closed this portion of the meeting.

Mayor Padovano spoke regarding copies of a Police Department voucher he distributed to the council from the CFO and Finance Department in the amount of \$8,855.00 for the Beast Evidence Tracking System software. He explained the cost will be completely reimbursed by forfeiture funds from the Bergen County Prosecutor's office; however the Borough will have to outlay the funds first.

Council member Eisenberg asked how soon after the borough will be reimbursed.

Borough Clerk Pelligra responded once the borough has expended the funds, they can file for reimbursement.

COUNCIL APPROVAL OF THE FOLLOWING

1. From Maywood American Legion Post #142 – Permission to sell Instant Raffle Games effective October 15, 2013 through October 14, 2014.
2. Request for confirmatory approval of \$8,855.00 for the Beast Evidence Tracking System software for the Police Department which will be one-hundred percent reimbursed by forfeiture funds through the Bergen County Prosecutor's office.

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

RESOLUTIONS BY TITLE – CONSIDERATION OF THE FOLLOWING

RESOLUTION # 124-13
RESOLUTION APPOINTING SPECIAL LAW
ENFORCEMENT OFFICER

WHEREAS, in accordance with the provisions of N.J.S.A. 40A:14-146.8 et seq., the Mayor and Council have heretofore established the position of Special Law Enforcement Officer for the Borough of Maywood; and

WHEREAS, there are vacancies in the position of Special Law Enforcement Officer within the Borough of Maywood; and

WHEREAS, the Chief of Police has undertaken a search and conducted interviews for such positions; and

WHEREAS, as a result of such search and interviews, the Chief of Police has recommended the appointment of the following individual as a Class One Special Law Enforcement Officer; and

WHEREAS, the Mayor has heretofore appointed such individual as a Class One Special Law Enforcement Officer and the Council has confirmed such appointment, following a motion, second and roll call vote, at the meeting of the Mayor and Council held on August 27, 2013; and

WHEREAS, no person shall commence serving as a Special Law Enforcement Officer unless he or she has been certified by the Police Training Commission, as provided by N.J.S.A. 40A:14-146.11 as having successfully completed a training course approved by the Police Training Commission for each classification of Special Law Enforcement Officer; and

WHEREAS, the Police Training Commission has requested a formal resolution appointing such individual as a Special Law Enforcement Officer as a condition for completing the required training,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF MAYWOOD, Bergen County, New Jersey, as follows:

1. The appointment of **Nour A. Kanaan** as a Class One Special Law Enforcement Officer of the Borough of Maywood is hereby ratified and confirmed:
2. The Chief of Police is hereby authorized and directed to send such individual to the required training course approved by the Police Training Commission and that such individual shall not commence serving as a Special Law Enforcement Officer unless he or she has been certified by the Police Training Commission, as provided by N.J.S.A. 40A:14-146.11 as having successfully completed such training course.

RESOLUTION # 125-13
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR OAK AVENUE AND PARKWAY PROJECT

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

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2014-Maywood Borough-00411 to the New Jersey Department of Transportation on behalf of the Borough of Maywood

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

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

INTRODUCTION OF ORDINANCES

NONE

NEW BUSINESS

OLD BUSINESS

MISCELLANEOUS BUSINESS

CLOSED SESSION

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

BOROUGH OF MAYWOOD
Closed Session Resolution # 126-13

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

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: 09/10/2013 Time: 8:30 pm

ADJOURNMENT

Council member Morrone moved the meeting be adjourned; seconded by Council member Febre and so carried at 9:15 p.m.

Borough Clerk