

AGENDA

Monday, March 1, 2010

REGULAR MEETING
MAYOR & BOARD OF ALDERMEN

TOWN OF BOONTON
100 WASHINGTON STREET
BOONTON, NJ 07005

CALL MEETING TO ORDER

The meeting will be called to order at 7:30 p.m.

SALUTE TO THE FLAG

The Mayor and Board of Aldermen will salute the flag.

ROLL CALL

On a call of the roll, the following officials should be present:

Mr. Daniel Carey	1 st Ward Alderman
Mr. Michael Eoga	1 st Ward Alderman
Dr. Clifford Keezer	2 nd Ward Alderman
Mr. Paul Nevadomski - Board President	2 nd Ward Alderman
Mr. Terry Dunn	3 rd Ward Alderman
Mr. Robert Looker	3 rd Ward Alderman
Mrs. Patricia Bujtas	4 th Ward Alderman
Mr. Anthony Scozzafava	4 th Ward Alderman
Mayor Cyril Wekilsky	Mayor
Mr. John H. Dorsey	Town Attorney
Mr. Terry McCue	Administrator
Mrs. Cynthia Oravits	Town Clerk

ADEQUATE NOTICE

Mayor's Statement

Pursuant to the requirements of R.S. 10:4-10, I announce and direct the Clerk to enter into the minutes of this meeting an accurate statement to the effect that:

1. Notice of the meeting was posted at Town Hall on December 16, 2009 and this agenda was posted on February 29, 2010.
 2. Notice of the meeting was published in the Citizen of Morris County and the Daily Record Newspapers on December 16, 2009 and a copy of the agenda was sent to each of the Town's official newspapers on February 29, 2010.
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PROCLAMATIONS

Mayor Wekilsky will recognize March 7 - 13, 2010 as Girl Scout Week in Boonton, New Jersey

Mayor Wekilsky will recognize Anna Kalavrezos, Bridget Newman and Dana Reminsky for obtaining Girl Scouts Gold Awards

CORRESPONDENCE

1. Email from Mary Ellen Zung, Our Lady of Mt. Carmel, requesting permission to post signs for a six week period from April 3 - May 15, 2010 advertising their Casino Night fundraiser .
 2. Email from Bruce Goldman, Temple Beth Am, Parsippany, NJ requesting to post signs for their free event being held in Montville on March 13, 2010 for young families.
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CONSENT AGENDA

Resolutions 10-66 through 10-74 have been placed on the Consent Agenda

RESOLUTION 10-66

RESOLUTION TO ADOPT MINUTES OF THE MAYOR AND BOARD OF ALDERMEN MEETINGS

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that the minutes from the following meetings are hereby approved as typed and filed in the Town Clerk's Office:

February 16, 2010

RESOLUTION 10-67

RESOLUTION TO APPROVE PAYMENT OF VOUCHERS

WHEREAS, vouchers for payment have been submitted to the Mayor and Board of Aldermen by the various municipal departments;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that all vouchers approved by the respective Committees be and are hereby ordered paid.

RESOLUTION 10-68

RESOLUTION TO CANCEL WATER/SEWER CHARGES

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey that the following Water/Sewer charges be and are hereby canceled:

Account	Address	Reason	Amount
Water # 2004-0	208 Dawson Avenue	Bad Reading	\$ 183.60

RESOLUTION 10-69

RESOLUTION APPOINTING ZACHARY E. BOLCAR AS A MEMBER OF THE BOONTON VOLUNTEER FIRE DEPARTMENT

BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton that Zachary E. Bolcar, 411 Oak Street, Boonton, New Jersey, be and is hereby appointed as a member of the Boonton Volunteer Fire Department, South Boonton Hose and Engine 305 Co., effective March 1, 2010.

RESOLUTION 10-70

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, NEW JERSEY, AWARDING A PROFESSIONAL SERVICES CONTRACT TO SUBURBAN CONSULTING ENGINEERS, INC. FOR ENGINEERING SERVICES RELATIVE TO NJDEP COMPLIANCE - BOONTON MUNICIPAL COMPLEX

WHEREAS, the Town of Boonton is desirous of obtaining professional engineering services relative to NJDEP requirements for monitoring and reporting of the discharge from the former gasoline underground storage tank located at the Municipal Complex on 100 Washington Street, Boonton, NJ; and

WHEREAS, the Mayor and Board of Aldermen deem it in the best interests of the residents of the Town of Boonton to retain the services of Suburban Consulting Engineers, Inc., a corporation in the State of New Jersey, having its principal offices at 100 Valley Road, Ste. 202, Mt. Arlington, NJ 07856; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., permits the hiring of professional services without advertising and public bid and requires that the resolution authorizing same be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, as follows:

1. That the Administrator and Clerk be and are hereby authorized to execute a contract on the Town's behalf with Suburban Consulting Engineers of Mt. Arlington, NJ for professional engineering services relative to the NJDEP Compliance – Boonton Municipal Complex.
2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because the contract is awarded for services to be performed by a person or persons licensed and authorized by law to practice a recognized profession and the services to be rendered are of an unspecific nature not compatible with competitive bidding.
3. The term of services shall be from the date of acceptance of the agreement until its completion, in full accord with the terms and conditions thereof. The total fee for engineering services for this project shall not exceed \$ 17,250.00, in accordance with the proposal submitted by Suburban Consulting Engineers for said project, dated February 16, 2010.
4. This award is contingent upon certification by the Chief Financial Officer that sufficient funding exists therefore.
5. Notice of this action shall be published in "The Citizen" within ten (10) days of the passage thereof.

I hereby certify that \$ 17,250.00 is available in the General Capital Fund
General Capital Account # C-04-55-923-901

Terry McCue, Administrator/CFO

RESOLUTION 10-71

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, NEW JERSEY, AWARDED A PROFESSIONAL SERVICES CONTRACT TO SUBURBAN CONSULTING ENGINEERS, INC. FOR ENGINEERING SERVICES RELATIVE TO THE 2010 STORMWATER COMPLIANCE

WHEREAS, the Town of Boonton is desirous of obtaining professional engineering services relative to the 2010 Stormwater Compliance; and

WHEREAS, the Mayor and Board of Aldermen deem it in the best interests of the residents of the Town of Boonton to retain the services of Suburban Consulting Engineers, Inc., a corporation in the State of New Jersey, having its principal offices at 100 Valley Road., Ste. 202, Mt. Arlington, NJ 07856; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., permits the hiring of professional services without advertising and public bid and requires that the resolution authorizing same be available for public inspection;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, as follows:

1. That the Administrator and Clerk be and are hereby authorized to execute a contract on the Town's behalf with Suburban Consulting Engineers of Mt. Arlington, NJ for professional engineering services relative to 2010 Stormwater Compliance.
2. This contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5(1)(a)(i) of the Local Public Contracts Law because the contract is awarded for services to be performed by a person or persons licensed and authorized by law to practice a recognized profession and the services to be rendered are of an unspecific nature not compatible with competitive bidding.
3. The term of services shall be from the date of acceptance of the agreement until its completion, in full accord with the terms and conditions thereof. The total fee for engineering services for this project shall not exceed \$ 2,500, in accordance with the proposal submitted by Suburban Consulting Engineers for said project, dated February 16, 2010.
4. This award is contingent upon certification by the Chief Financial Officer that sufficient funding exists therefore.

5. Notice of this action shall be published in "The Citizen" within ten (10) days of the passage thereof.

I hereby certify that \$ 2,500.00 is available in the General Capital Fund
Current Fund Account # 0-01-20-165-229

Terry McCue, Administrator/CFO

RESOLUTION 10-72

RESOLUTION AUTHORIZING THE TOWN CLERK TO ISSUE TAXI/LIMOUSINE LICENSE

WHEREAS the following applicants for Taxi/Limousine License have met the requirements as stated in Chapter V, Title 5-6 (Taxicabs) of the Revised General Ordinances of the Town of Boonton:

<u>Applicant</u>	<u>Permit #</u>
ALM-Limo Service, LLC, 174 Kanouse St.	8
Aban Limousine, 618 Cedar Street	9

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen do hereby authorize the Town Clerk to issue Taxi/Limousine License, effective March 1, 2010.

RESOLUTION 10-73

RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON, NEW JERSEY, AUTHORIZING CHANGE ORDER #1/FINAL FOR THE EMERGENCY SIPHON SYSTEM AT TAYLORTOWN RESERVOIR DAM

WHEREAS, the Town Engineer, by way of his letter dated February 11, 2010, has recommended a final payment to Adamsville Maintenance in the amount of \$28,845.24, in addition to the release of all retainage held, in the amount of \$2,614.71.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey, that based upon the recommendation of the Town Engineer, Change Order #1/Final for the Emergency Siphon System at Taylortown Reservoir Dam project be authorized decreasing the final amount by \$ -764.75 from \$ 131,500.00 to \$ 130,735.25.

RESOLUTION 10-74

RESOLUTION URGENT THE STATE LEGISLATURE TO REFORM INTEREST ARBITRATION

WHEREAS, the interest arbitration process was intended to fairly and adequately give all due consideration to the interest and welfare of the taxpaying public and support local government aims by arriving at award decisions that are equitable to all involved parties, including municipalities and police and fire department personnel; and

WHEREAS, the New Jersey Employer-Employee Relations Act, adopted in 1968, was amended in 1977 to provide for interest arbitration as the statutorily imposed terminal step in the collective bargaining process for police and fire personnel as defined by the Act; and

WHEREAS, the Police and Fire Interest Arbitration Reform Act (L.1995, c. 425) as signed into law by Governor Christine Todd Whitman and became effective on January 10, 1996; and

WHEREAS, in 2005, the League of Municipalities' Arbitration Reform Committee suggested a number of Legislative reforms to the Interest Arbitration process. Among the changes proposed by the Reform Committee were that: (1) the Arbitrator may not award salary increases in excess of the expenditure cap (N.J.S.A. 40A:4-45 et seq.); (2) the Arbitrator's Award may provide for salary increases limited to the budget cap imposed by the State of New Jersey and/or any lawful adjustment adopted by the public employer; and (3) the Arbitrator's award may provide for salary increases limited to the percentage established by the State or the lawful adjustment adopted by the public employer, as may be appropriate; on a department line basis; and

WHEREAS, in 2007 the Police and Fire Interest Arbitration statute was amended to add a new ninth factor of the 4% Tax Levy Cap which resulted in 4 of the 9 statutory factors in Interest Arbitration addresses the employer's fiscal situation; and

WHEREAS, municipalities are bound by strict fiscal controls embodied in the expenditure limit and tax levy caps and it is the norm rather than the exception for state approved arbitrators to award raises for police salaries at rates that exceed the annual caps; and

WHEREAS, binding arbitration awards in excess of the caps forces municipalities to cut other critically needed municipal services, in order to fund salary increases, compounded by pension increases, to police and fire personnel, and cost for police and fire services continue to spiral at an unacceptable rate; and

WHEREAS, the state approved interest binding arbitration process is inconsistent with the State cap laws and is unfair to municipalities attempting to control property taxes through fiscal responsibility; and

WHEREAS, interest arbitration should be reformed to provide that the cost of living and the employer's ability to pay should be given greater weight and the total costs of the arbitrator's award, including steps and cost of living (COLA) increases, should not exceed the cost of living; and

WHEREAS, arbitrators should be required to evaluate and analyze the total cost of the salaries and benefits, including step increases, and must provide a detailed line item analysis and explanation of the costs in the award; and

WHEREAS, arbitrators must also evaluate and analyze the overall compensation received by the bargaining unit, including vacations, longevity, holidays, excused leave, medical and pension benefits; and

WHEREAS, arbitrators should be required to live in New Jersey and the process of selecting the arbitrators and the length of time the Arbitration process takes needs to be reviewed;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Board of Aldermen of the Town of Boonton in the County of Morris, State of New Jersey hereby urges the New Jersey State Legislature to pass legislation containing substantial reforms to the binding arbitration process; and

BE IT FURTHER RESOLVED that a copy of this resolution be forward to Senator Anthony Bucco, Assembly representatives Michael Carroll and Anthony Bucco, Jr., the New Jersey State League of Municipalities and the Office of the Governor.

RESOLUTION 10-75

RESOLUTION DESIGNATING THE MONTH OF MARCH AS "WOMEN'S HISTORY MONTH"

WHEREAS New Jersey women of every race, class, and ethnic background have made historic contributions to the growth and strength of our State in countless recorded and unrecorded ways;

WHEREAS New Jersey women have played and continue to play a critical economic, cultural, and social role in every sphere of the life of the State by constituting a significant portion of the labor force working inside and outside of the home;

WHEREAS New Jersey women have played a unique role throughout the history of the State by providing the majority of the volunteer labor force of the State;

WHEREAS New Jersey women were particularly important in the establishment of early charitable, philanthropic, and cultural institutions in our State;

WHEREAS New Jersey women of every race, class, and ethnic background served as early leaders in the forefront of every major progressive social change movement;

WHEREAS New Jersey women have been leaders, not only in securing their own rights of suffrage and equal opportunity, but also in the abolitionist movement, the emancipation movement, the industrial labor movement, the civil rights movement, and other movements, especially the peace movement, which create a more fair and just society for all; and

WHEREAS despite these contributions, the role of women in history has been consistently overlooked and undervalued, in the literature, teaching and study of American history

WHEREAS the Department of Community Affairs, specifically the Division on Women's goals are to

remember and celebrate New Jersey women and to:

- ♦ ensure that NJ women are offered equal opportunities in education, the workforce and healthcare regardless of age, sexual orientation, income, ethnicity, race or religion.
- ♦ identify, implement, measure and coordinate programs that address the needs of NJ women.
- ♦ engage in continuous study and research on issues affecting NJ women and their families, develop policy papers and legislative recommendations

NOW, THEREFORE, BE IT RESOLVED by the Governing Body in the Town of Boonton, State of New Jersey, that March 2010 is designated as "Women's History Month" under the National Women History Project's 2010 theme: *Writing Women Back Into History*.

CONSENT AGENDA VOTE

Resolutions 10-66 through 10-75

Moved: Board Member	Seconded:			
	Yes	No	Absent	Abstain
Mrs. Bujtas				
Mr. Carey				
Mr. Dunn				
Mr. Eoga				
Dr. Keezer				
Mr. Looker				
Mr. Nevadomski				
Mr. Scozzafava				
Mayor Wekilsky				

MEETING OPEN TO THE PUBLIC

Mayor Wekilsky will open the meeting to the public for discussion.

MAYOR & BOARD OF ALDERMEN COMMITTEE REPORTS

Committee	Committee Head	Alderman	Alderman
Economic Dev./Marketing	Patricia Bujtas	Michael Eoga	Anthony Scozzafava
Finance & Personnel	Michael Eoga	Paul Nevadomski	Clifford Keezer
Fire	Robert Looker	Clifford Keezer	Daniel Carey
License & Ordinance	Daniel Carey	Anthony Scozzafava	Terry Dunn
Lights, Buildings & Grounds	Clifford Keezer	Patricia Bujtas	Paul Nevadomski
Parking	Anthony Scozzafava	Patricia Bujtas	Daniel Carey
Police	Paul Nevadomski	Clifford Keezer	Terry Dunn
Public Works	Terry Dunn	Robert Looker	Michael Eoga

LIAISON TO:	ALDERMAN
Board of Education	Daniel Carey
Board of Health	Robert Looker
Historic Preservation Commission	Patricia Bujtas
Boonton Holmes Library	Michael Eoga
Housing Authority	Terry Dunn
Local Assistance	Cyril Wekilsky
Municipal Alliance	Anthony Scozzafava
Parks & Recreation	Clifford Keezer
Solid Waste & Recycling	Paul Nevadomski

MAYOR & BOARD OF ALDERMEN - GENERAL DISCUSSION ITEMS

General Discussion, Announcements and Miscellaneous Items of the Mayor and Board of Aldermen

NEW BUSINESS

RESOLUTION 10-76

**RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE TOWN OF BOONTON
RELATIVE TO THE HOLMES PUBLIC LIBRARY**

WHEREAS, the Holmes Public Library has been in operation for over 100 years the Holmes Public Library; and

WHEREAS, in 1993, as a result of a referendum, the Holmes Public Library came under the jurisdiction of the Trustees of the Boonton Public Library, and those Trustees have for a long period of time been in negotiations, if not litigation, with the Trustees of the Boonton Holmes Library relative to control of the Library and certain funds, etc.; and

WHEREAS, the Trustees of the Boonton Public Library are in the process of reaching a settlement with the Trustees of the Holmes Library whereby the Trustees of the Holmes Library will be dissolved and any and all assets controlled by them will be turned over to the Trustees of the Boonton Public Library; and

WHEREAS, pursuant to Statute, specifically N.J.S.A. 40:54-25, titled Any Real Estate, purchase for a library must be held in the name of the municipality, in this case, the Town of Boonton; and

WHEREAS, the Trustees of the Boonton Public Library and the Town have been in serious discussions and negotiations for some period of time as to how the statutory requirement should be satisfied and at the same time, the Library be given total control of the building which indeed is also a statutory requirement and a requirement apparently for the Library to receive some significant aid from the County of Morris; and

WHEREAS, the position of the Mayor and Board of Aldermen, for some period of time has been that the Boonton Public Library has some significant sources of income, i.e., a dedicated tax as well as trust funds which are available to them for the purpose of maintaining the facility by statute and ordinance a requirement that is imposed upon the Library; and

WHEREAS, the Mayor and Board of Aldermen wish to resolve this matter in a manner that is fair to the Boonton Public Library; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Board of Aldermen of the Town of Boonton, that the Town's position is that when the Deed of Conveyance is delivered to the Town, the Town's position will be that the Trustees of the Boonton Public Library shall have total control over the building, and at the same time, the Trustees of the Boonton Public Library shall have the obligation to maintain the building, not only for their uses but in a satisfactory manner so that the building does not become a nuisance and has a pleasant appearance as the building is situated in a strategic location on Main Street. Therefore, the Trustees of the Boonton Public Library shall have total control over the Library and at the same time shall have the total obligation of maintaining the building including any arrangements the Trustees of the Boonton Public Library think are suitable for any tenants.

Moved:	Seconded:			
Board Member	Yes	No	Absent	Abstain
Mrs. Bujtas				
Mr. Carey				
Mr. Dunn				
Mr. Eoga				
Dr. Keezer				
Mr. Looker				
Mr. Nevadomski				
Mr. Scozzafava				
Mayor Wekilsky				

MEETING OPEN TO THE PUBLIC

Mayor Wekilsky will open the meeting to the public for discussion.

CLOSED SESSION

RESOLUTION 09-

RESOLUTION TO RECESS INTO CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231 P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the Town of Boonton, New Jersey as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter(s).
2. The general nature of the subject matter to be discussed is as follows:

3. It is anticipated at this time that the above stated subject matter will be made public at the conclusion of each individual specified subject matter.
4. This resolution shall take effect immediately.

Moved: _____ Seconded: _____ Voice Vote: in favor [] against []

ADJOURN

There being no further business, the meeting shall adjourn.

Moved: _____ Seconded: _____ Voice Vote: in favor [] against []

(Time _____)
