

I. Monday, October 1, 2018 Work Meeting of the Governing Body of the Borough of Lincoln Park, the Municipal Clerk called the Work Meeting to order and announced the meeting was duly advertised in accordance with the Open Public Meetings Act. The Clerk also advised those present where the exits to the room were and to turn off all Cell Phones. All stood for the Pledge of Allegiance.

II. ROLL CALL

On the Roll Call, Council Members present were: Gemian, Kerwin, Moeller, Ross, Thompson, and Pepe.

ABSENT: Councilman Wild

Present from Administration: Mayor Runfeldt, Borough Administrator Perry Mayers, CFO Fabiana Monteiro-Mello, and Chris DiLorenzo Borough Attorney

III. PRESENTATION: Douglas Doyle, Esq. Covering Amendment to the Lincoln Park Station Redevelopment Plan

Presentation tabled until the Regular Meeting of October 15, 2018.

IV. **COUNCIL AGENDA:**

1. COAH Refund in the amount of \$30.00 to be paid to Winfred Miller 4 Carole Court.

Permit #20180054

Council Concurred and a Resolution will be on the October 15th. Agenda.

2. Discuss acquisition of Inspiron Chromebooks 11 L 3000 Total cost \$1,724.72.

Council Concurred and the amount of \$1,724.72 will be on the Clerk's Budget for 2019.

3. Memorandum from Planning Board.

Douglas Doyle, Esq. to address the concerns of the council re: R18-141 and R18-142

V. **COUNCIL COMMITTEE REPORTS:**

Councilman Gemian requested Douglas Doyle prepare material for the Council before the meeting on the 15th to be included in the packet. Council President Pepe added a timeline would be helpful and if there are roadblocks etc. Council would like to be able to have time to review before the discussion at the meeting .

Councilman Moeller: 1. DPW discussing the type of Salt Shed to purchase. Also paving starting on William Street and Highland Street this week. 3. First Reformed church received a late charge on their water bill. Council cannot waive the bill .4. Fireworks were excellent.

Councilwoman Ross: Very happy paving has started on Highland.

Councilwoman Thomas. Ray and I attended the League of Municipalities meeting last week and it was very interesting the topic discussed was school social media challenges.

Councilman Kerwin. First Aid Squad is working on the requirements needed for the new vehicle. 2. Please attend the Chris Heron story Rebound.

VI. **MAYOR'S AGENDA:**

Mayor Runfeldt discussed plans for this week to discuss OEM evacuation plans, active shooter etc. with the Schools and to get the Police, First Aid and Fire involved as well. Re-unification plan discussed.

I. Escrow Releases

- A. Release of Escrow #2391, 4 Algonquin Avenue, Block 75/Lot 42, to Franz Van Der Berg, has been approved by the Borough Engineer.

Council concurred and a Resolution will be on the October 15th. Agenda.

II. Request Resolution Authorizing Purchase of 2019 Ford Police Interceptor SUV

- A. Purchase of one (1) SUVs through Cranford Police Cooperative Pricing System
 i. Ford Police Interceptor
 ii. Contract #47-CPCPS, Item #2
 B. Cost w/ Options - \$37,651.75
 C. For Use by Mayor/Emergency Management Coordinator

Council concurred and a Resolution will be on the October 15th. Agenda.

III. Request Resolution Authorizing Purchase of Road Resurfacing Services

- A. Purchase of Road Resurfacing Services through the Morris County Cooperative Pricing Council
 i. Contract #6
 B. Various roads to be resurfaced
 i. Minnehaha Path
 ii. Cayuga Path
 iii. Station Road
 iv. Madison Street
 v. Cardinal Lane
 vi. Busse Street
 vii. Grove Street
 viii. Harmon Street
 ix. Troy Lane
 C. Cost - \$152,000.00

Council Concurred and a Resolution is on tonight's agenda

IV. Request Resolution Authorizing Refund of Tax Overpayments

- A. Barry & Nancy Jensen
 i. Block 21.1 / Lot 1
 ii. Amount - \$163.34
 iii. Reason Homestead Rebate Refund
 B. Araceli DeCastro
 i. Block 136.2 / Lot 3.12 C3012
 ii. Amount - \$110.04
 iii. Reason Homestead Rebate Refund
 C. Theresa Clark
 i. Block 120.5 / Lot 12
 ii. Amount - \$197.28
 iii. Reason Homestead Rebate Refund

Council concurred and a Resolution will be on the October 15th. Agenda.

V. Request Resolution Authorizing Tax Collector to Make Tax Adjustments

- A. Vincent & Angela Sperduto

- i. Block 46.4 / Lot 69.6 CE193
 - ii. Amount - \$159.68
 - iii. Send to: 2019
- B. Ingeborg Blakely
 - i. Block 46.7 / Lot 44
 - ii. Amount - \$65.15
 - iii. Send to: 2019
- C. Susan Gallo
 - i. Block 46.7 / Lot 109
 - ii. Amount - \$137.05
 - iii. Send to: 2019
- D. Jennifer Chandler
 - i. Block 136.2 / Lot 5.7 CE5007
 - ii. Amount - \$97.54
 - iii. Send to: 2019
- E. Joseph & Kathleen Sepede
 - i. Block 150 / Lot 15
 - ii. Amount - \$357.15
 - iii. Send to: 2019

Council concurred and a Resolution will be on the October 15th. Agenda.

VI. Request Resolution Designating October 18, 2018 as Arbor Day within the Borough

- A. An integral part of the Borough's Community Forestry Program
- B. A requirement for Tree City USA status
- C. Ceremonial tree to be planted on High Mountain Trail

Council Concurred and a Resolution is on tonight's agenda

Chris DiLorenzo: The draft of the Marijuana Ordinance has been sent to the Planning Board for review since it will amend the Zoning Ordinances of the Borough. The Planning Board meeting on the 18th; report should be on the November 5th Work Meeting.

Perry Mayers: Two properties 21 Bank Lane and 12 Debow Street were previously on the list to be demolished and acquired through the Morris County Flood Mitigation Program. The opportunity to do so expired; we had to wait one year to re-apply and the owners of the properties have expressed interest in participating in the program.

Councilwoman Thompson asked if the parking lot by the post office will be paved and administration assured her it will be paved soon.

VII. RESOLUTIONS:

Pepe: Resolution authorizing the purchase of road resurfacing services.

Ross : So Moved
Moeller: Second

Pepe: Any questions, comments or corrections? Call the Roll.

RESOLUTION R18-180

AUTHORIZING THE PURCHASE OF ROAD RESURFACING SERVICES FOR VARIOUS ROADS FOR A TOTAL COST OF \$152,000.00

WHEREAS, Public Contract Law 40A:11-4 requires that every contract awarded by the contracting agent for the provision or performance of any goods or services, the cost of which in the aggregate exceeds the bid threshold, shall be awarded only by resolution of the governing body; and

WHEREAS, the Morris County Cooperative Pricing Council (MCCPC) has awarded contracts to various vendors as successful bidders for MCCPC contracts; and

WHEREAS, The Borough of Lincoln Park is authorized by law to purchase goods or services from approved vendors who have been awarded by and have existing contracts with the Morris County Cooperative Pricing Council; and

WHEREAS, Morris County Cooperative Pricing Council (MCCPC) Contract #6, was awarded to Tilcon NY Inc. for Road Resurfacing; and

WHEREAS, the following roads within the Borough of Lincoln Park are in need of resurfacing:

- Minnehaha Path
 - Cayuga Path
 - Station Road
 - Madison Street
 - Cardinal Lane
 - Busse Street
 - Grove Street
 - Harmon Street
 - Troy Lane
- ; and

WHEREAS, the Borough of Lincoln Park ("Borough") desires to authorize the purchase of Road Resurfacing services from Tilcon NY, Inc. through MCCPC Contract #6, for a total cost of \$152,000.00;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Lincoln Park, County of Morris, and State of New Jersey as follows:

1. The purchase of Road Resurfacing services from Tilcon NY, Inc. for the resurfacing of Minnehaha Path, Cayuga Path, Station Road, Madison Street, Cardinal Lane, Busse Street, Grove Street, Harmon Street, and Troy Lane through the MCCPC Contract #6, for a total cost of \$152,000.00 with funds from Capital Budget Accounts #C-04-55-820-202 (\$165.55), C-04-55-843-203 (\$1,361.40), C-04-55-844-202 (\$33.00), C-04-55-848-206 (\$135,740.05), and C-04-55-850-208 (\$14,700) is hereby approved.

2. The Mayor and Borough Clerk are hereby authorized and directed to execute all pertinent contracts, and said officers, together with all other officers, professionals and employees of the Borough are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution.

3. The foregoing award is further subject to the certification of availability of funds by the Chief Financial Officer of the Borough.

4. This Resolution shall take effect immediately.

Pepe: Please call the Roll.

Yes: Gemian, Kerwin, Moeller, Ross, Thompson and Pepe.

No: None

Absent: Wild

Abstain: None

The Resolution was Adopted.

Pepe: Resolution designating an annual community arbor day.

So Moved: Thompson

Second: Ross

RESOLUTION R18-181

A RESOLUTION DESIGNATING AN ANNUAL COMMUNITY ARBOR DAY

WHEREAS, in 1872 J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees: and

WHEREAS, this holiday, called Arbor Day, was first observed with the planting of more than one million trees in Nebraska; and

WHEREAS, the planting of trees is a vital step in developing civic pride and a sense of community; and

WHEREAS, trees provide an abundance of environmental and aesthetic advantages to citizens and wildlife, wherever they are found; and

WHEREAS, the State of New Jersey has designated the last Monday in April as the State Arbor Day; and

WHEREAS, all communities in New Jersey can designate their own Arbor Day, based upon the climactic conditions of the community; and

WHEREAS, the Governing Body for the Borough of Lincoln Park desires to participate in the annual celebration of Arbor Day.

WHEREAS, The Borough will plant a ceremonial tree on High Mountain Road as part of its first Arbor Day Celebration;

NOW THEREFORE BE IT RESOLVED: That the foregoing recitals are incorporated in and made part of this resolution by reference. That the Borough Council of the Borough of Lincoln Park, NJ does hereby designate Thursday, October 18, 2018 as Arbor Day within the Borough of Lincoln Park, and we urge all citizens to plant trees and to support the Borough's Community Forestry Program throughout the year.

Pepe: Any questions, comments or concerns? Please call the Roll

Yes: Gemian, Kerwin, Moeller, Ross, Thompson and Pepe.
 No: None
 Absent: Wild
 Abstain: None

The Resolution was Adopted.

Pepe: Resolution of Support; Morris County Flood Mitigation Program Application.

So Moved: Moeller

Second: Ross

RESOLUTION R18-182
Borough of Lincoln Park
MUNICIPAL RESOLUTION OF SUPPORT
Morris County Flood Mitigation Program Application

WHEREAS, the Borough of Lincoln Park ("Borough") desires to acquire properties for the purpose of flood mitigation; and

WHEREAS the acquisitions consist of a total of two (2) properties as follows:

Project Area: Central

Properties

Block 66 / Lot 6 – aka 21 Bank Lane

Project Area: South

Properties

Block 130 / Lot 5 – aka 12 Dubrow Street

WHEREAS the Borough desires to apply for a grant through the Morris County Flood Mitigation Program for the funding of the acquisition of the listed properties with this application: and

WHEREAS the Borough desires to authorize the execution and submission of said application to the Morris County Flood Mitigation Program and the acceptance of said funds in the event the Borough is awarded the grant.

NOW, THEREFORE BE IT RESOLVED by the Governing body of the Borough of Lincoln Park, County of Morris, State of New Jersey as follows:

The Borough of Lincoln Park hereby authorizes and endorses the application for a Morris County Flood Mitigation Grant for the acquisition of listed properties in the Central and South Project Areas; and

The Borough Council hereby authorizes and directs the Business Administrator and/or Mayor to execute said application and together with all other appropriate officers, employees, and professionals of the Borough are hereby authorized and directed to take any and all necessary steps to effectuate the purposes of this resolution; and

The Borough of Lincoln Park hereby authorizes the acceptance of said grant funds in the event the same is awarded; and

Pepe: Any questions comments or concerns? Please call the Roll.

Yes: Gemian, Kerwin, Moeller, Ross, and Thompson.

No: Pepe

Absent: Wild

Abstain: None

The Resolution was Adopted.

VIII. PUBLIC HEARING.

Pepe: At this time if anyone is wishing to address the Council.

So Moved Thompson

Second: Ross

Clerk: Addressing the Council any person desiring to address the Council shall first seek recognition by the Presiding Officer. Upon recognition by the Chair the person shall give his name and address in an audible tone of voice for the records. Unless further time is granted by the Council, he shall limit his statement to five minutes.

Statements shall be addressed to the Council as a body and not any member thereof.

A Councilman shall not direct any question to a speaker addressing the Council except through the Presiding Officer.

1. Cynthia Davis 17 Bristol Court commented on the Redevelopment of Main Street.

I would like to address the council concerning the Redevelopment Study and Preliminary Investigation Report for Block 305, Lots 305 and 305.5, also known as 117 and 107 Main Street, properties previously the Bragotti home the and Terhune-Benjamin home. The report I am referencing, prepared by RicciPlanning of Clark NJ, was presented in full at a Planning Board meeting open to the public.

The study was conducted to evaluate if the property qualifies for Redevelopment designation based on New Jersey Law.

The study sites New Jersey State Law, the Lincoln Park Downtown Revitalization Action Plan, and two site visits to the lots on May 22 and June 25, 2018.

According to the study, in 2016 the Lincoln Park Downtown Revitalization Action plan designated the downtown area as an area in need of redevelopment. I have not found documentation of the Action plan.

I will now speak about the subject properties.

At the time of the study, the parcels are owned by Meridia Lincoln Park, LLC. This group purchased the land with the intention of removing all the structures and building an apartment complex that will include affordable housing. Please note that I am in favor of affordable housing.

Moving on to the study itself:

Reading from the study : “A review of the latest digital geographic data of the NEW Jersey Department of Environmental Protection and the Federal Emergency Management Agency indicate that the study area is partially located within a flood hazard area.”

The flood zone designation has recently been discussed in Planning Board meetings in reference to the Meridia property. Although there is preliminary material indicating some of the currently designated flood zones may be changed, it has also been noted that it may be months or years before the new designation takes place.

Reading from the study: “The Study Area Contains no other mapped environmental constraint “

Contrarily, the Land Conservancy of New Jersey presented an Environmental Resource study to the Council on September 8, 2016. It contains maps that indicate Patches with Endangered Species Habitats and Vernal Habitats appear to include the subject properties. A copy of these maps and presentation title page are included in the Exhibit B I have given to the Council Lawyer.

Back to the Redevelopment study:

The study area is approximately 475 feet from block 305 lot 309 which is the property east of the Lincoln Park History Museum and is the site of a house that probably could use rehabilitation, but the body of lot 305.5 is separated from that lot by the funeral home, the VFW and the Lincoln Park Historical Museum. The study also references proximity to Block 305 lots 313 and 313.1, a residential property, and Valley Bank. Because these properties are referenced, I am assuming the Borough Revitalization area may include these properties. I do not see the significance of the relationship.

Back to the Study:

The State Development and Redevelopment Plan is intended to (among other items) “Protect the Character of the existing stable communities”. Although the buildings are not yet built, I believe settlement between the Borough and Meridia is already inconsistent with protecting the character of the existing stable community. A large apartment complex will be incorporated into a previously residential community. Therefore, I believe the idea of protecting the character of the existing community is rather a moot subject. Whether or not the area is designated for rehabilitation or not, the character of the existing community has been disrupted.

Back to the Study:

To validate that certain required criteria applies to the lots, two site visits made by the study authors.

1st Visit was May 22 – reading from the study: “the site visit determined that the parcels were no longer in use and that the parcel’s former use generally compared with the assessed land uses.”

The parcels former use was residential. Meridia intended to demolish the buildings no matter the designation. Identifying parcels or land as requiring rehabilitation only after the former use has been destroyed for the purpose of profit is questionable.

2nd Visit was June 25 – reading from the study: “The site contained rubble and heavy equipment used for the demolition of the buildings”

This condition lasted for two or three days. Prior to the demolition, the property was safe. After the demolition the property is safe. It would actually be a nice place for a picnic.

Here are the three specific criteria the study indicates justify the designation:

Criteria d: “Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factor, are detrimental to the safety, health, morals, or welfare of the community

The only proof of this status are pictures taken June 25 – purported to show an attractive nuisance, unsecured, grade changes, exposure to building rubble.

This was unsafe primarily because the contractor did not secure the area during the destruction. The condition lasted for perhaps a few days, and the property is now very safe. But the study authors made sure to photograph the property specifically on the destruction days.

Criteria f – “Areas in excess of five contiguous acres, where on buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other causality in such a way that the aggregate assessed value of the area has been materially depreciated.” [N.J.S.A. 40A:12 A 5[f]

Not only is the property less than 5 acres (although I will grant that at 4.65 acres I would not quibble on this), but there has been no destruction that has materially depreciated the value of the property. Meridia intended to take down the buildings.

Criteria h – The designation of the delineated area as consistent with smart growth planning principles adopted pursuant to law or regulation NJSA 40A:12 – 5[h] njsa 52:18a-196 40:55d-1

This may be subjective on my part, but smart growth is not the same as growth to satisfy other governmental requirements such as affordable housing. And, again, if any one cares, I am in favor of affordable housing.

There is an additional qualifying condition noted: reading from the study – “a redevelopment area may include land, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition for the effective redevelopment of the area of which they are a part.”

Again, I find this a stretch. Redevelopment of the downtown area is hardly related to 107 and 117 Main street.

Now for the study's stated justification for the designation:

Reading from the study: "Designation of the Study Area as an area in need of redevelopment would provide the Borough of Lincoln Park with an important opportunity to conserve New Jersey's natural resources. Protect the quality of New Jersey's environment; and promote economic growth, development and renewal by recycling or reusing land and avoiding development where it may impair or destroy natural resources or environmental qualities that are vital to the health and well-being of the present and future residents of New Jersey"

This, Council, is a supreme stretch – No environmental benefit will come from the construction that will be done by Meridia on these properties.

The Benefits to Meridia: (and I request any corrections to my statements by the council)

If the property is designated as an area for rehabilitation, Meridia can receive a tax Abatement – The taxes that Meridia will have to pay may be lowered through a tax abatement. The amount they pay would be less than the assessed value, but the tax collected will not be subject to the standard breakdown. The standard percentage of the tax allocated to the schools would not be required. The lowered amount of tax could be applied by the borough without regard to the standard distribution breakdown.

Meridia will be eligible for funding guarantees from the state. I will absolutely admit that I don't know exactly what that entails, but I know if the state is involved in guaranteeing or funding, so are my taxes.

I have personally been against the Meridia settlement ever since the process began. And now it is my personal opinion that there is no justification for providing further concessions to make the Meridia company profits greater at the cost of our school funding or our tax dollars.

The Council will have to adopt the plan by ordinance before the borough can exercise the redevelopment powers granted by the Local Redevelopment and Housing Law. This will give the public opportunity to speak to the council with their own point of view. I hope that the council will listen to the citizens who have elected them.

If the Council passes the ordinance, I cannot contest it fall within the law, but certainly within a very small letter of the law.

My point is (I'm sure you are saying 'finally'), I believe designating these lots as in need of rehabilitation is unethical and a local example of misuse of governmental power, hurting the tax payer and benefiting corporate entities.

I would like to make both the Redevelopment Study and the Environmental presentation available on the Lincoln Park Facebook page. Unless there is any legal objection, I will post these without comment or my personal opinion.

2. Michael Vukovic 183 Main Street Apartment 2.

Commented on: LP Day, post office parking lot and low income housing.

IX. ADJOURNMENT:

So Moved: Thompson

Second: Kerwin:

There being no further business to come before the Council the meeting was adjourned at 8:09 PM.

Council President Louis Pepe

Municipal Clerk Cynthia L. Sloane

Mayor Dr. David Runfeldt