

PUBLIC MEETING – Monday, September 26, 2011 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Monday, September 26, 2011, at 8:00 p.m. in the Council Chambers of the Municipal Building.

Agenda: (May be subject to change)

1. CALL TO ORDER /ROLL CALL

This meeting is called pursuant to the provisions of the Open Public Meeting Law. This Meeting was included in a list of meeting notices sent to the Bergen Record and advertised in said newspaper in January, posted on the bulletin board in the Municipal Building, and has remained continuously posted as the required notices under the Statue. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

In accordance with the New Jersey State Fire & Safety Code I call your attention to the lighted exit signs. In the event the alarm sounds, move in an orderly manner toward the exit nearest you and leave the building.

**Council Member O’Hagan – yes
Council Member Orseck – present
Council Member Biggs – present**

**Council Member Pazan – present
Council Member Surrago – present
Council Member Nogara - present**

2. FLAG SALUTE/ANNOUNCEMENTS

Council member Orseck led the Council and audience in the flag salute.

3. CONSENT AGENDA

All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so request it, in which case the item(s) will be removed from the Consent Agenda and considered in its normal sequence on the agenda. The one motion signifies adoption of all resolutions, received and filed letters, correspondence, reports and approval of applications and minutes.

Resolutions:

1. Resolution for Approval of Minutes

**Resolution No. 176-11
Offered by Council Member Pazan
Seconded by Council Member Surrago**

BE IT RESOLVED, that the Minutes of:

Meeting of September 14, 2011

Be accepted as submitted.

ROLL CALL:

**Council Member O’Hagan – yes
Council Member Orseck – yes**

**Council Member Pazan - yes
Council Member Surrago - yes**

Council Member Biggs – yes

Council Member Nogara – yes

2. Resolution for Payment of Bills

Resolution No. 177-11

Offered by Council Member Pazan

Seconded by Council Member Surrago

BE IT RESOLVED, that the following bills of the Borough of Glen Rock be paid in the amount of \$ 4,928,542.15

Board of Education	\$3,540,242.00
GR Payroll	842,083.52
NJSHBP	151,138.61
Rachles/Michele’s	29,813.83
Delta Dental	13,232.30
Lincoln Financial	76,248.00
Sokol/Behot	12,411.44
Burton Agency	12,221.00
Veolia Environmental	20,609.32
Subtotal	\$4,698,000.02
Miscellaneous	138,020.22
Capital	85,941.91
State & Federal Grant Fund	6,580.00
Total Payment of Bills	\$4,928,542.15

ROLL CALL:

Council Member O’Hagan – yes

Council Member Pazan - yes

Council Member Orseck – yes

Council Member Surrago - yes

Council Member Biggs – yes

Council Member Nogara – yes

3. Resolution Authorizing Baseball’s Proposal for Main Street Field

Resolution No. 178-11

Offered by Council Member Pazan

Seconded by Council Member Surrago

PARK IMPROVEMENT AGREEMENT

THIS AGREEMENT made and entered into this _____ day of October, 2011 by and between THE BOROUGH OF GLEN ROCK, having an office at having offices at 1 Harding Plaza, Glen Rock, New Jersey (hereinafter referred to as the “Borough”), and the GLEN ROCK BASEBALL ASSOCIATION, INC., a New Jersey Not For Profit Corporation, having a mailing address of PO Box 171, Glen Rock, New Jersey 07452 (hereinafter referred to as “GRBA”).

WITNESSETH:

WHEREAS, the Borough of Glen Rock owns, operates and controls Main Street Field (the “Field”); and

WHEREAS, the GRBA is a New Jersey not for profit corporation and has qualified as a tax exempt charitable organization under IRC §501 [c][3]; and

WHEREAS, the GRBA is organized to develop youth baseball teams for the children of the Borough of Glen Rock; and

WHEREAS, the GRBA is desirous of assisting the Borough in the improvement of the Fields by providing all described work, at the GRBA's sole cost and expense, for the improvements described in the September 6, 2011 proposal from Advanced Athletic Services, a division of Bob Vierma and Sons, Inc. (the "Contractor") (Exhibit A); and

WHEREAS, N.J.S.A. 40:12-20 et seq. permits not for profit organizations to assist a municipality in the maintenance or improvement of a park or playground, subject to the inclusion of certain contractual and indemnity provisions as mandated by the statute; and

WHEREAS, the GRBA has presented to the Borough the proposal from the Contractor (exhibit A) covering the services and materials to be rendered to the GRBA on behalf of the Borough, the cost of which shall be borne exclusively by the GRBA; and

WHEREAS, the parties are desirous of memorializing the understanding in an agreement governing the services to be rendered to the Borough by the GRBA, together with its agents, employees, members, contractors and volunteers.

NOW, THEREFORE, in consideration of the premises, covenants and agreements herein contained, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties agree as follows:

Section 1. **Landscaping Services.** Pursuant to the provisions of N.J.S.A. 40:12-20, et seq., the Borough hereby authorizes the GRBA to provide all work on the Field by the Contractor, in accordance with its proposal dated September 6, 2011, which is annexed hereto and made a part hereof as Exhibit A. The GRBA agrees to provide such services pursuant to the terms and conditions set forth in Exhibit A, subject to the review and approval of the Borough's Borough Administrator, Director of the Department of Public Works and Director of Parks and Recreation.

Section 2. **Insurance.** GRBA shall, at all times, keep in full force and effect, (I) comprehensive/general liability insurance, on an occurrence basis, of not less than \$_____ for personal injury and \$100,000 for property damage. The GRBA and its contractor, shall furnish the Borough with a certificate from its insurance carrier(s), prior to the effective date of this Agreement, showing its compliance with the foregoing insurance requirements, and the insurer's extension of at least ten (10) days prior notice of any cancellation to Borough.

Section 3. **Indemnification.** The GRBA and its contractor shall indemnify and hold harmless the Borough against all liability or loss, damage, or expenses, including reasonable attorney fees, court costs and expenses, and against all claims or actions based on or arising out of damage or injury (including death) to persons or property caused by or sustained in connection with the performance of the contract or by conditions created thereby, or based on any violation of any Federal or State law or statute, ordinance, administrative code or regulation, and the defense of any such claims or actions.

Section 4. **Term, Termination of Agreement.** This Agreement shall be in effect for the term of the guaranty noted in Exhibit A.

This Agreement may be terminated by the Borough at any time, without prior notice to the GRBA, for any reason as provided by N.J.S.A. 40:12-22.

Section 5. **Notices.** All communications, notices, and demands of any kind which either party may be required or desire to give to or serve upon the other party shall be made in writing, and shall be delivered by personal service to an officer of the other party or sent by certified mail, return receipt requested, to the following addressee:

To Borough: Borough of Glen Rock
1 Harding Plaza
Glen Rock, NJ 07452
Attn: Lenora Benjamin, Borough Administrator

To GRBA: Glen Rock Baseball Association, Inc.
PO Box 171
Glen Rock, NJ 07452
Attn: Rob Famularo

Any such notices sent by mail shall be presumed to have been received by the addressee Three (3) business days after posting in the United States mail. Either party may change its address by giving the other party written notice of its new address as provided herein.

Section 5. **Assignment.** This Agreement may **not** be assigned by GRBA at any time.

Section 6. **Waiver of Liability.** The GRBA acknowledges and agrees that, prior to the GRBA, or any of its employees, agents, contractors, members or volunteers, undertaking any work as contemplated hereind, each of the GRBA's employees, agents, contractors, members or volunteers assisting in maintaining, operating or improving the field **must** sign a waiver releasing the Borough from civil liability in the form annexed hereto as Exhibit B. [N.J.S.A. 40:12-26(b)]. The original of all waivers shall be filed by the GRBA with the Borough Clerk.

Section 7. **Entire Agreement, Amendments.** This Agreement and the items incorporated herein contain all of the agreement of the parties hereto with respect to the matters contained herein, and no prior agreement or understanding pertaining to any such matter shall be effective. No provisions of this Agreement may be amended or modified in any manner whatsoever, except by an agreement in writing signed by each of the parties hereto.

Section 8. **Captions.** Captions to articles, sections, and paragraphs of this Agreement are not a part of this Agreement and shall not be deemed to affect the meaning or construction of any of its provisions.

Section 9. **Non-Exclusive Use.** The GRBA recognizes that pursuant to N.J.S.A. 40:12-28, entitled "**Applicable laws, regulations,**" the use of the Field is non-exclusive to the GRBA for its activities. In addition, the GRBA shall be subject to comply with all Borough rules and regulations regarding the use of the fields, and closure of the field due to unsafe conditions based on the sole and exclusive determination of the Borough.

IN WITNESS WHEREOF, the parties have executed, or have caused their properly authorized representatives to duly execute, this Lease on the date and year first above written.

ROLL CALL:

Council Member O'Hagan - yes
Council Member Orseck – yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago – yes
Council Member Nogara - yes

4. Resolution Extending Root Control Bid for One Additional Year

Resolution No. 179-11

Offered by Council Member Pazan

Seconded by Council Member Surrago

RESOLUTION EXTENDING SEWER ROOT CONTROL BID

WHEREAS, the Borough of Glen Rock received bids for Sewer Line Chemical Root Control on November 5, 2009 and the lowest bid came from Municipal Sales, Inc of Queensbury, NY and was awarded on November 23, 2009, Resolution 294-09; and

WHEREAS, Municipal Sales, Inc performed the sewer root control in accordance with the specifications; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-15 allows for the performance of goods and services shall be awarded for a period not to exceed 12 consecutive months; and

WHEREAS, the Borough would like to exercise their right to extend this contract until November 23, 2012; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Glen Rock, hereby awards an extension of the 2009 Sewer Line Chemical Root Control Contract to Municipal Sales, Inc. of Queensbury, NY, the amount not to exceed \$25,000.00 subject to certification of funds by the CFO.

ROLL CALL:

Council Member O'Hagan – yes

Council Member Pazan - yes

Council Member Orseck - yes

Council Member Surrago - yes

Council Member Biggs - yes

Council Member Nogara - yes

5. Resolution Endorsing CDBG Grant Application

Resolution No. 180-11

Offered by Council Member Pazan

Seconded by Council Member Surrago

ENDORSEMENT OF COMMUNITY DEVELOPMENT PROJECT

WHEREAS, a Bergen County Community Development grant of \$161,050 has been proposed by the Mayor and Council of the Borough of Glen Rock for ADA Renovation of Existing Bathroom Facilities at Children's Park in the Borough of Glen Rock, and

WHEREAS, pursuant to the State Interlocal Services Act, Community Development funds may not be spent in a municipality without authorization by the Governing Body, and

WHEREAS, the aforesaid project is in the best interest of the people of the Borough of Glen Rock, and

WHEREAS, this resolution does not obligate the financial resources of the municipality and is intended solely to expedite expenditure of the aforesaid CD funds.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Glen Rock hereby confirms endorsement of the aforesaid project, and

BE IT FURTHER RESOLVED that a copy of this resolution shall be sent to the Director of the Bergen County Community Development Program so that implementation of the aforesaid project may be expedited.

ROLL CALL:

Council Member O’Hagan - yes

Council Member Pazan - yes

Council Member Orseck – yes

Council Member Surrago – yes

Council Member Biggs – yes

Council Member Nogara - yes

6. Resolution for Chapter 159 (Drunk Driving Enforcement Fund)

Resolution No. 181-11

Offered by Council Member Pazan

Seconded by Council Member Surrago

**Chapter 159 Resolution
Approval of items of Revenue and Appropriation
NJS 40A:4-87**

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock in the County of Bergen, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the amount of \$5,374.14, which is now available from the State of New Jersey General State Fund in the amount of \$5,534.14.

BE IT FURTHER RESOLVED that the like sum of \$5,374.14 is hereby appropriated under the caption of Drunk Driving Enforcement Fund; and

BE IT FURTHER RESOLVED that the above is the result of funds from the State of New Jersey State General State Fund in the amount of \$5,374.14.

ROLL CALL:

Council Member O’Hagan – yes

Council Member Pazan - yes

Council Member Orseck – yes

Council Member Surrago - yes

Council Member Biggs – yes

Council Member Nogara – yes

Motion to accept consent agenda by Council Member Pazan

Seconded by Council Member Surrago

ROLL CALL:

Council Member O'Hagan – yes
Council Member Orseck – yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara – yes

4. MOTIONS

Departmental Reports

Council member O'Hagan (*Safety*) – Thanked our ambulance, police, fire and OEM for their tremendous work before, during and after Hurricane Irene. Their coordination and stand-by availability makes a huge difference.

Mayor van Keuren added at a previous work session it was discussed the possibility of acquiring five new police vehicles. This prospect is still under discussion and it may be possible to purchase fewer. Comments have been made to the effect that Glen Rock has an inordinate amount of unmarked police vehicles to which Mayor van Keuren responded by reading the names of ten surrounding towns that have more unmarked vehicles than Glen Rock. The perception is at odds with reality.

Council member Surrago (*Public Works*) – The deadline for tree requests has been extended until September 30, 2011. Delivery for a new rack truck was accepted. Another act of vandalism has occurred at Wilde Park. DPW Director Tirserio is looking at a company that would modify the crosswalks in an attempt to make them more visible.

Council member Pazan (*Finance/Library*) – Joanne Nicolosi has returned from the library. The Library has several events scheduled for various age groups. Three dates have been scheduled for Finance meetings. They are 10/24, 11/2 and 12/12, all at 5 pm.

Council member Nogara (*Licenses & Franchises*) – Thanked Paul Rosengren for his work on the “11 Trees for 11 Neighbors”.

Council member Orseck (*Recreation*) – The pool has closed for the season. Saturday, October 15th will be a Wine and Art Auction for the artificial turf.

Council member Biggs (*Buildings & Grounds/Communications*) – The DPW section of the website has been updated. There will be a campaign starting this Sunday to collect e-mail addresses, cell phone numbers and phone numbers to be used for disseminating emergency information with the plan to extend it to important borough announcements.

Motion to accept reports as filed:
Motion by Council Member Biggs
Seconded by Council Member O'Hagan

ROLL CALL:

Council Member O'Hagan – yes
Council Member Orseck – yes
Council Member Biggs – yes

Council Member Pazan - yes
Council Member Surrago - yes
Council Member Nogara – yes

Mayor van Keuren unveiled a recent gift of our signed flag duplicated on silk given to our sister town of Onomachi, Japan. The Mayor had the silk flag and photograph framed to be hung in the Municipal Building.

5. ORDINANCES

Ordinance Procedure # 1647 (Public Defender)

Date of Introduction: September 26, 2011

Council Resolution # 182-11

Introduced by Council Member Nogara

Seconded by Council Member Pazan

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN ORDINANCE TO AMEND CHAPTER 44 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK, 1971 ENTITLED "PUBLIC DEFENDER"; BEING AN ORDINANCE ESTABLISHING THE OFFICE OF PUBLIC DEFENDER; TO PROVIDE FOR AN APPLICATION FEE FOR REPRESENTATION

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on October 8, 2011 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member O'Hagan - yes

Council Member Pazan - yes

Council Member Orseck – yes

Council Member Surrago - yes

Council Member Biggs - yes

Council Member Nogara - yes

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1647**

**AN ORDINANCE TO AMEND CHAPTER 44 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971, AS
AMENDED, ENTITLED "PUBLIC DEFENDER"; BEING AN ORDINANCE
ESTABLISHING THE OFFICE OF PUBLIC DEFENDER; TO PROVIDE FOR
AN APPLICATION FEE FOR REPRESENTATION**

BE IT ORDAINED by the Borough Council, the Borough of Glen Rock, County of Bergen, State of New Jersey, as follows:

Section I - Chapter 44 of the Revised General Ordinances of the Borough of Glen Rock 1971, as amended, being an Ordinance entitled "Public Defender" is hereby amended by adding thereto the following new section:

“44.7 Application Fee. Any person applying for representation by a Municipal Public Defender shall pay an application fee to the Municipal Court of not more than \$200. The Municipal Court Judge may waive any required application fee, in whole or in part, if the Court determines in its discretion that the application fee represents an unreasonable burden upon the person seeking representation.”

Section II. **VALIDITY-SEVERABILITY** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Ordinance but such judgment shall be confined in its operation to the section, paragraph, subdivision or clause directly involved in the controversy in which said judgment shall have been rendered.

Section III All Ordinances or parts of Ordinances inconsistent with the provisions hereof are hereby repealed.

Section IV This Ordinance shall take effect upon passage as required by law.

6. MEETING OPEN TO THE PUBLIC: (Before speaking at the meeting, each person must state their name and address. 5 minute limit)

7. ADJOURNMENT

**Motion to adjourn the meeting was made by Council member Orseck
Seconded by Council member Surrago
Meeting adjourned at 8:23 p.m.**