

Executive Meeting of Mayor and Council August 4, 2005

PRESENT: Mayor DeIorio; Councilmembers Badillo, Murphy, Matarante, Finance Officer Greg Mayers and Borough Engineer Ed Dec (in at 7:50 p.m.)

ABSENT: Councilman Harms (vacation)

Mayor DeIorio called the meeting to order at 7:35 p.m. and said it is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, C172. (NJAC 17:27).

As required by the Fire Prevention Code, he indicated the fire exits and procedure to be followed in case of fire.

Deputy Borough Clerk Donna Corrigan read a short prayer followed by the Pledge of Allegiance.

COMMUNICATIONS & PETITIONS

Request from the residents of Birch Street, between East Clay Avenue and East Webster Avenue to hold a "Block Party" on Saturday, August 13, 2005 from 2:00 p.m. until 10:00 p.m. This has the approval of the Police Department. (Referred to Council).

**Councilman Badillo moved to grant permission to the residents of Birch Street to hold a block party on Saturday, August 13, 2005 from 2:00 p.m. until 10:00 p.m.; seconded by Councilman Matarante and adopted.**

Request from the residents of the 500 block of Elm Street to hold a "Block Party" on Saturday, September 24, 2005 from 12:00 Noon until 9:00 p.m., with a rain date of Sunday, September 25, 2005. This has the approval of the Police Department. (Referred to Council).

**Councilman Badillo moved to grant permission to the residents of the 500 block of Elm Street to hold a block party on Saturday, September 24, 2005 from 12:00 Noon until 9:00 p.m., with a rain date of Sunday, September 25, 2005; seconded by Councilman Matarante and adopted.**

Resolutions from the Roselle Park Board of Adjustment accepting applicant's voluntary withdrawal of application without prejudice to allow cell antennas and equipment at 1 East Westfield Avenue and transferring this application to the Roselle Park Planning Board; denying application for expansion of nonconforming use variance

at 540 West Colfax Avenue; and granting application for height variance at 231 East Colfax Avenue. (Received and filed).

## REPORTS & RECOMMENDATIONS OF MAYOR

Mayor DeIorio thanked all the attendees at National Night Out and Fireworks Display Program. He thanked the financial supporters that made this no cost to the taxpayers, as well as the residents, and Board of Education for supporting Council's efforts. He reminded the public that the Farmer's Market is still in effect and on Wednesdays you can go out and purchase Jersey fresh fruits, vegetables and baked goods. He said the Farmer's Market is open until the end of October and encouraged all residents to participate. He said he spoke to Joe DeMaio, Director of the Boys and Girls Club Roselle Park Youth Center, who told him the Center has been well attended and they are running their activities for the children over the summer and encouraged members of the community to join. He said there are currently 600 members and looked forward to further activities.

## REPORT OF DEPARTMENTS

### Borough Attorney

Borough Attorney Bill Lane said he gave Councilmembers a copy of the NJ Statute regarding handicap parking in front of residences in which handicap individuals occupy and if there are any further questions, they can raise them. He said if there is any interest in any particular location that will be fine. Mr. Lane said he received an e-mail with regard to the Board of Adjustment and Planning Board seriously engaging stenographers at a cost of approximately \$225.00 a meeting. He said the suggestion of how both Boards can meet that cost is in the fees for each applicant that goes in front of the Boards to be raised to encompass that. He said it was an excellent suggestion and he had the opportunity to look at what they charge for a use variance, which he said was pathetic. Mr. Lane said the escrow policies may be a little behind the time also and said this Governing Body may want to take into consideration enacting an amendatory ordinance significantly increasing those fees and taking into consideration a system in which escrows are maintained so that experts can be retained by the Board to review all applications. He said he has been asked by the Board Attorney for the Board of Adjustment to be authorized to defend the Board of Adjustment in a recently filed Zoning Appeal, Vail vs. the Borough of Roselle Park Zoning Board of Adjustment. He said it was indicated that generally these defenses take about \$3,500.00 and Mr. Lane asked Mayor and Council to consider asking Mr. Fitzpatrick to do that. He said it will not be a necessity for the Borough to get involved, since they are not named as a party, but they will have to defend the action of the Board with regard to that matter. Mr. Lane said he had one matter for closed session and it involves the Superior Court matter Spagnoli vs. the Borough of Roselle Park, and specifically some pleadings that were recently received from them and the Borough's response to those pleadings.

### Borough Clerk

Received report from Borough Clerk Arlene Triano. (See app. pg. # ).

### Finance Officer

Received report from Finance Officer Greg Mayers. (See app. pg. # ).

Mr. Mayers highlighted the grant opportunities available from the County, and Mayor DeIorio said to schedule a discussion at the Finance & Administration Committee Meeting to be held on August 16<sup>th</sup>. He said if any member of the Governing Body has any suggestions, please forward them to the Clerk's Office so they can be available for the meeting on the 16<sup>th</sup>.

Councilman Zeglarski thanked Greg Mayers for attending the internet training. Mr. Mayers said they switched the DNS over from the old server to the new server. He said they were not sure if there was going to be any interruption of the e-mail, because it takes 24 to 48 hours to run through the internet and today the e-mail was down. He said he spoke to Keith Heyman who said it probably was not complete and next week they will start doling things out. He said after that he would contact him about setting things up. Councilman Zeglarski said Mr. Mayers attended an advanced web development seminar to help the Borough better create and maintain the website. He said Mr. Mayers took it upon himself to volunteer for that and he wanted to extend his appreciation and ask him to train Keith Heyman on what he learned. He said Mr. Mayers now has an advanced knowledge over most of the department heads and it would be helpful if Mr. Heyman grabbed some of that knowledge. Mr. Mayers said it would probably be a week or so because the training that was earlier this week was about access and getting the departments to help set up the website.

### Borough Engineer

Borough Engineer Ed Dec reported that bids will be going out for Markthaler Place and Hemlock Street in August. He said in regards to the situation at the Roselle Park Youth Baseball Field, he met with a field scientist and other technicians from the EPA on July 12<sup>th</sup> who were taking samples and they were there extensively throughout the day. He said they have not come up with any results that would be of any health concerns. He said they will present Council with their completed results once they are received, but they did not feel there was a problem at the site. Mr. Dec said he received a bid for the Casano Center Sprinkler System and he had some wordage on two different ordinances that the Planning Board and Borough Council may want to coordinate into the Land Use Ordinance. Mayor DeIorio said at this point the information has to be referred to the Planning Board for review and make their recommendation to Council. Councilman Badillo said Council allocated 1/3 of the money to do work without repair at the brook with a 3 year plan, and asked when they were going out to bid on the first phase. Mr. Dec said he had a short project status report and said they planned on doing

the field work and getting quotes to begin the project sometime in September. Councilman Badillo asked about the fence on the bikepath. Mr. Dec said they received two bids on that and have submitted a purchase order to the qualified bidder. Councilman Badillo asked if a contract would be rewarded for the sprinkler system. Mr. Dec said in the past they have had 3 bidders, but then the scope of the project was changed when the Construction Department came back to make sure it was all up to code. He said because the scope was changed, they now have a new bid from one bidder. He said what has to be done is not only the sprinkler reconfiguration, but they also have to do some work within the building. He said it is a little difficult to find someone that can do both, but they do have one bid and he expects another next week. He said as soon as they have two, they can go in and submit a purchase order. Councilman Badillo said on E. Colfax Phase 3 that was just completed, he had a chance to walk around and said he and Councilman Matarante had sent a letter out and the majority of residents were extremely happy, but there was a slab of walk that they have not put back yet. Mr. Dec said they put the forms up, but have not gone back and put in the concrete. He said he contacted Jenicar Contractors and they will be there next week. Councilman Matarante said there was some question about the reseeded of the grass. Mr. Dec said what he does in his specifications require that the area be graded and the topsoil seeded with a fescue put on top of the area to keep it moist. He said because this summer has been so brutal, the contractor will probably have to go back and do that in the fall. Mayor DeIorio said at this point the Borough should not issue a final payment until we are satisfied. Mr. Dec said they are still held responsible even if the final payment has been made. Councilman Badillo said Hemlock Street is going out to bid and asked what the timetable for that was. Mr. Dec said the date for advertisement is August 21<sup>st</sup> and the bids will be accepted on the 29<sup>th</sup> of August, with the work to be done in September. Councilman Matarante asked about the status of the auction of the property at Acker Park. Mr. Dec said the next step is to do a survey, which has not been done yet. Councilman Matarante asked when that can get done and Mr. Dec said he could guarantee before the first week of September. He asked if there was anything going on with the Doctor's Office on Galloping Hill Road. Mr. Dec said he never directly communicated with the Doctor, but he did prepare a response letter that was delivered to him, but has not heard back. Borough Attorney Bill Lane asked if the sprinkler system is anyway related to the problem that was left by the original installer. He said the problem was that the sprinkler system was too close to the electrical panel. Mr. Dec said he was not sure of what the original issue was with the original install, and Mr. Lane said it goes back 2 or 3 years. Mr. Dec said he believed there was a matter that was not resolved but he was not sure if it is the same issue, which is in close proximity to the electrical cabinets. Mr. Lane said that was the issue, and they had retainage from the first installer and he did not know what this bid is. He said he hoped the retainage came close to covering it and Mr. Dec said almost half. Councilman Zeglarski said he felt tonight would be good to put the paper street on Pinewood Avenue to rest. He said because both the Attorney and Mr. Dec are here, if Mr. Dec could stay for closed session where they make their final decision on what direction to take. Mr. Lane said the issue was left to the Governing Body on if they are going to charge, and if they do, how much and said to at least meet the expenses of the vacation of the street. He said there are going to be two land owners because the street was going to be divided in half. He said one half will be going to the north owner and the other half going to the

south owner. He said it is irregular and the south owner is going to get a larger portion. He said if Council is going to operate on the basis of per square foot, which is what some municipalities do, then the south property owner is going to get more land but at a higher cost. Mr. Dec said he would be able to stay for the closed session. Councilman Zeglarski said the other issue has to do with a sewer by Hazel Street. He said at the last Executive Session he asked Donald Guarriello, who said there was apparently something wrong with the system and water backed up into people's homes. He said by Hazel Street there is an older storm system that backs into a newer system and the older system is becoming overloaded. He said that Mr. Guarriello mentioned using a camera to have it scoped. He said he thinks it affected people's property because when the storm backed up it caused individual home water levels to rise and some of their sewer drainage backed up. Mayor DeIorio said Frank Wirzbicki would need to look into it. Mr. Dec said if it was a flash or a high intensity storm it may be the size of the pipe, and Councilman Zeglarski said he would like to look seriously into that area of the sewer system because he gets frequent phone calls on that.

#### INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 8:00 p.m., to interrupt the regular order of business for a Special Meeting; seconded by Councilman Badillo and adopted.

#### RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 8:45 p.m., to resume the regular order of business; seconded by Councilman Badillo and adopted.

#### Police Department

Received report from Police Chief Warren Wielgus. (See app. pg. #      ).

Councilman Rubilla said last night when he got home a little before 5:00 p.m. he caught a live TV broadcast zooming in on a Roselle Park black and white in an effort to subdue an alleged perpetrator from another town in a high speed chase off the parkway. He said it was identified in the Star Ledger today that a Roselle Park Police Officer subdued that suspect and asked if they had a name. Chief Wielgus said the Officers were Sgt. McCaffery and Patrolman Skebeck who assisted Kenilworth and the State Police in the apprehension of the suspect. He said the actual apprehension was made by a Kenilworth Police Officer.

Mayor DeIorio commended his department and leadership for the new crime statistics that were released most recently. He said the crime index rate actually dropped in the Borough of Roselle Park in comparison to some of the other towns. Chief Wielgus said crime actually dropped 19.8% from 2003 to 2004 and stated that was the fourth highest drop in the County.

Councilman Badillo thanked Chief Wielgus for addressing the issue on W. Webster Avenue and the speeding and scooters on the street by Aldene Park. Chief Wiegus said they are not issuing warnings; they are issuing summonses. Councilman Badillo said there is a no tolerance policy on scooters and they will be confiscated. Chief Wiegus said once they are confiscated, a parent must come to get the release so this way they know they are not allowed on public property. He said they are only allowed to use them on private property with the owner's permission. He stated they are illegal and really should not be used.

## DPW

Received report from DPW Superintendent Frank Wirzbicki. (See app. pg. #

Mr. Wirzbicki said up to July the tonnage for bulk pickup was about 474. He said there are 2 more bulk pickups scheduled for August and December. He said he submitted a letter to Council regarding the tree problem with people removing and trimming trees. He said they received quotes from Elite Tree Service and because of the bid, he had to knock quite a few trees out of the bid in order to stay in budget. He said the problem was because of recent emergencies and two trees had to be taken down that were causing a hazardous problem. He said because they had to have an outside outfit come in, that took away part of the budget. He said they had to do two other trees and Nelson Tree Service was called in and did the work at no cost, just the use of some help. He said he had to cut about 20 to 30 trees and said he may be able to do them in November when the Borough could move some money around. Mayor DeIorio said the Borough changed the way they addressed tree maintenance. He said there was a person and then they had a medical issue and no one in the department wanted to step up to the plate. He said the work was contracted out to see if the Borough could save some money and provide services. He asked Mr. Wirzbicki for his estimation on what he thought of the tree inventory in the Borough, and Mr. Wirzbicki said terrible. Mayor DeIorio asked him to give Council an estimate on how much more will be needed for the next meeting. Councilman Badillo asked if he looked at 415 Park Place, and Mr. Wirzbicki said it is on the list and is a minor trim. He asked Mr. Wirzbicki if he found a plumber to put a smaller camera in on Galloping Hill Road. He said the resident is concerned and doesn't want to put a new driveway down only to have it sink again. Mr. Wirzbicki said the driveway put in may not have been packed well enough, used the wrong material or they put all of the dirt back in. He said if the pipe was broke, that whole block would be under water. Councilman Badillo said he would call him tomorrow to discuss it. He asked Mr. Wirzbicki about the brook behind the houses between Grant and Clay, and if he could get SLAP back there to take care of the overgrowth. Councilman Zeglarski said there is a sewer issue by Hazel and Mr. Wirzbicki said he did not get a chance to camera that yet. Councilman Rubilla asked if it was a sanitary sewer, because they had sewage backup in their homes. Mr. Wirzbicki said the problem was not storm and was probably sanitary. He said he has not gotten a lot of complaints, but he is going to camera where the old line is to make sure there is no obstruction. Mayor DeIorio said regarding the question about the dirt at the Hawthorne Detention Basin, there was a proposal by the Recreation Committee to have volunteers help to do some regrading to allow the playing of soccer or

other sports there. He said from what he just heard, the dirt is still there and the Engineering Department has not been presented with any plans to meet the Borough requirements necessary for the retention of the water. Borough Engineer Ed Dec said he has advised members of the Recreation Committee that plans are necessary for any type of work involved with that detention basin and said that approximately 3 or 4 months ago. Mayor DeIorio said in light of that information, he is going to leave it to Mr. Wirzbicki and his department because he knows that they can do it and requested that the dirt be removed.

#### Administrative Assistant

Received report from Administrative Assistant Karen Intile. (See app. pg. #

#### REPORT OF STANDING COMMITTEES

Councilman Zeglarski said he works with an individual named Katherine Matthews who is an Auxiliary Police Officer in Springfield and she congratulated him on one of our Auxiliary Police Officers and what a fine job he did at the Battle of Springfield. He said Springfield honored him in such a great way and she asked what Roselle Park did. Councilman Zeglarski said he did not realize that Jonathan Regan participated, but was told he represented Roselle Park really well. He said as he was acting in his capacity as an Auxiliary Officer, he actually answered an emergency call and assisted a woman that collapsed in the crowd. He said it would be fitting for this Council to honor him in some way at an upcoming meeting to show our appreciation for representing Roselle Park so well at that event. Councilman Zeglarski said he has given copies of a Union Resolution to members of Council, to which he made slight modifications. He said the resolution makes effective immediately upon its passage that the Borough review closed session minutes, redact minutes that are sensitive, and make free the rest of the closed session minutes for public consumption. He said it does so dating back to January 1, 2005 and creates a procedure for reviewing closed session minutes and making them public. He said within 6 months it requires Council to bring the closed session minutes from January 1<sup>st</sup> to the present up to date, fully redacted and then makes a procedure that twice a year in August and February Council reviews all the minutes from that present time back to January 1, 2005 and see if they can remove some of what was redacted and expose more of that public information if it is not sensitive. He said he felt the Borough could handle it if they just go back to January 2005 and made a good faith effort to do this into the future. He said he felt it was good timing because they are going to be releasing a webpage soon that is going to have the standard Council minutes during public sessions, and it would be nice to go that extra mile and put closed session minutes up there that are no longer sensitive information. He said this would also affect the Zoning Board and Planning Board, who would also have to comply with it. Mayor DeIorio said to expedite this, he suggested getting information from the Clerk's Office, the Planning Board and Zoning Board informing them this is coming and asking if they have any comments. He said unless there are agenda items, the Planning or Zoning Board may not be meeting. Councilman Zeglarski said they do not have to meet in order for the Boards to deal with it because it gives 6 months to come into compliance.

He said if Council thinks it's a good idea and the Boards agree, then he felt Council should go forward with it. He said if they have questions or concerns, they could contact Councilmembers individually and may not necessary require a meeting. Mayor DeIorio said they will meet in September, because of the summer there seems to be historically a lesser need due to vacations. Councilman Zeglarski said he did not have a problem postponing until September. Borough Attorney Bill Lane said he was not familiar if either Board had closed sessions. Mayor DeIorio said he has been on the Planning Board since 1995 and could not remember any closed session meetings. Mr. Lane said most of those involve ongoing litigation and said he might request that the Governing Body consider as potential exception any litigation matters that are in existing litigation and reserve them until they are actually disposed of by settlement, decision or otherwise. Councilman Zeglarski said this does not say that they are just going to swing open the doors to closed session minutes, but will present them with a redacted version. He said Mr. Lane's office is going to be doing a lot of the reviewing and saying this is sensitive information and why. He said the next review time would be February and when February comes back, they will look back at the old minutes that were put up with black outs and decide if it is no longer sensitive. Mr. Lane said with the nature of litigation, he would assume as soon as it is resolved and the nature of the resolution is unimportant, it should be made public. Mayor DeIorio said as a suggestion for improvement in the third to last paragraph he wondered if having it at the Library might be more accessible to the residents since they have evening hours. He said normally the minutes are housed in the Borough Clerk's Office, but actually there is more accessibility and more reference people to help with research there. Councilman Zeglarski said he did not feel there was anything wrong with putting a copy in the Library, but would not want it housed at the Library. Mayor DeIorio said by law they have to have it at the Clerk's Office. He suggested sending a copy of the draft to the Clerk's Office, the Zoning Board and Planning Board Chairs, asking for comment and preparing the 3 groups for a September introduction.

Councilman Badillo said as far as the rims at Acker Park coming down, at the last meeting he asked the liaison to the Board to petition the Board to allow the basketball rims to be put back up at the High School, so that the bigger kids could play basketball in a spot more conducive to their age and size. He said the older kids were taking over at Acker Park and a lot of those residents have called to thank him and Councilman Matarante. He said there was a time when they tried to require resident ID cards, but the Supreme Court ruled on a case in Bergen County saying it was unconstitutional and a public park. Councilman Badillo said he had a busy month and Pop Warner, Cheerleading and Soccer will be starting. He said if anyone knows of any new families in town with children that are looking to get into any of those programs, they should feel free to call him on his Council line. He said at the next meeting he would like to have a lot of awards given out. He said the Junior Legion is coached by Kenny Iachio, Councilman Rick Matarante and his son, Nick Badillo, who was the pitching coach. He said they hosted for the first time the Junior Legion Districts and they did a great job. He thanked Pop Warner for opening the stands and helping to make it more enjoyable. He said they had a great season and were 22-3, first in Union County at the Junior Legion level and won the Championship. He said the Girls Parkway League 17 and under won

the Championship, the 14 and under happened to be the Roselle Park A vs. Roselle Park B Teams and they both made it to the Championships and played against each other. He said the 12 year old boys came in third in Union and second in Roselle Park, the 10 year old boys came in second in Colonia. Councilman Badillo said the Girl's Softball Tournament is going to be hosted by Roselle Park and will start on Thursday, August 11<sup>th</sup> and go on through August 14<sup>th</sup> at the Little League Field. He congratulated George Blaskewicz who was a Borough Dispatcher that resigned and is going to work at the Juvenile Detention Center in Union County.

Councilman Rubilla said he attended a Human Resources Meeting along with Councilman Badillo and said the fireworks display at National Night Out was fabulous.

Councilman Matarante said he had one closed session item to discuss regarding personnel positions in the Clerk's Office and the Construction Department.

Councilman Murphy said about 18 months ago the 250 Signal Battalion out of Westfield, New Jersey left for Iraq and they are on their way home. He said the family support unit that saw them off will probably be putting something together in the next couple of months and are looking for signs with individual names on it. He asked Council to consider participating in getting signs to put on their front lawns or a welcome home banner. Mayor DeIorio said he has been encouraging the public to give the Borough names of the individuals currently serving in the armed forces, so a list can be generated and kept in touch with. He said if anyone knows someone who resides in Roselle Park that is serving our Country in active duty, to send that information to the Clerk's Office so they can maintain a data base and as they come home, we can thank them for their service. Councilman Murphy said anything Council could do to honor them when they return would be appreciated. He said Karen Intile indicated that the food pantry is in need of food because it is very low. He said that for the last 4 weeks this Governing Body has been hammered by former Councilmen that a pay cut should be in order in the neighborhood of 30%. He said to be fair and balanced, he has retrieved through public records, some very interesting facts that he wanted to share with everyone. He said Roselle Park does not have a Business Administrator and to address Mr. Kinloch at this time, a Business Administrator is not necessary. He said although there has been pressure to yield to the hiring of a Business Administrator, this Governing Body has chosen not to go that route. Councilman Murphy said as for grandstanding, many of the newer and younger residents are not familiar with what a councilperson does. So again to reiterate, each member of the Governing Body continues to be active in at least one committee which is Public Safety, Finance and Administration, Municipal Services and Public Services. He said in addition, members of the Governing Body are assigned liaison positions with Police, Fire, First Aid, Library, Senior Citizens and Youth, Board of Education, Department of Public Works, Planning Board, Construction/Code Enforcement, Public Health and Safety, Joint Meeting, and the New Special Improvements District and does not include volunteer work for many of the organizations that give back to the community. Councilman Murphy said total compensation for the current Governing Body is \$66,000.00 and compared that with the following neighboring municipalities: Roselle – Mayor \$12,000.00, Councilmember \$9,012.00, Business

Administrator \$134,500.00; Cranford – Mayor \$4,591.00, Councilmember \$4,091.00, Business Administrator \$112,554.00 (salaries for Mayor and Council frozen for the past 12 years); Union – Mayor \$15,600.00, Councilmember \$12,959.00, Business Administrator \$115,464.00; Westfield – Mayor \$1.00, Councilmember \$1.00 and Business Administrator \$116,233.00. Councilman Murphy said what they are seeing here is that all our neighbors are spending a minimum of 76% more than Roselle Park. He said it got even more interesting from 1994 through 1997 when Councilman Kinloch was in office. He said the Councilmembers at that time voted for an approved compensation package each year that exceeds the compensation being received for a Councilmember in 2005 in the municipalities of Cranford, Garwood and Westfield. Councilman Murphy said to compound the problem, in 1995 while Councilman Kinloch was in office, the Council at that time voted for and approved 47% pay raises retroactive to 1994 and again in 1996 a pay raise of 36.5%. He said to go even deeper, since he has been on Council the pay raises were as follows: 2003 – 3.25%; 2004 - 3.25% and 2005 – 0%. He said that equates to an average pay raise for the past 3 years of 2.2 % and during the term that Mr. Magiera served on Council 1989 through 1991, there was an average annual increase of 6%. He said while Mr. Kinloch was in office, first term 1986–1988, the average annual increase was 6.5%. He said, however, during the second and third terms in office, 1992-1997, Councilmembers enjoyed an average increase of 19%. That is because of the 47% pay increase in 1994 and the 36.5% pay increase in 1996. He said for the voting public that do not quite understand how Borough Government works, he said he would try to explain it in simplistic terms. He said members of Council, through the various committees that they participate in, make recommendations to the Mayor and remaining Councilmembers on issues, topics, expenditures and the like. Those recommendations may then be approved as presented, scaled back or simply put on the back burner for further discussions at a later date. Those recommendations that are approved, are presented for passage either by resolution or ordinance. He said the Mayor's role is to consent and advise and only votes to break a tie among Councilmembers, otherwise he or she does not vote. He said that held true with any prospective pay increase. He said sometimes elected officials must believe that the voters have a short memory. He said although some may, most who have been around for awhile and especially active within their community, can separate fact from fiction and as long as there is access to public records, it would be wise to be careful in the words that one chooses. He said they are seeing this quite frequently this year, especially with the notable senator from Massachusetts. Councilman Murphy said throughout his entire speech he has not mentioned once any political party, because party is not relevant, it is the people, elected by people to serve the general good of the populous. He said if someone wants to dig further and wants to make it political, they can go ahead. He said the bottom line is people make decisions, not political parties.

#### PUBLIC COMMENT

Councilman Matarante moved, at 9:30 p.m., to open the public comment portion of the meeting; seconded by Councilman Rubilla and adopted.

Jacob Magiera, 612 Sheridan Avenue, said on the resolution that Councilman Zeglarski is offering, the fifth resolution should read Borough Council instead of Township Committee and Councilman Zeglarski said he was correct. Mr. Magiera said listening to Councilman Murphy who did his homework, he thought he heard him say he was making \$6,600.00 and Councilman Murphy said he did not. He said the total compensation for this Mayor and Council is \$66,000.00. Mr. Magiera said he failed to mention the Mayor in 1990 and 1991 was a Councilman, and failed to mention Councilman Rubilla in 1990 and 1991 was a Councilman also where he stated 7½ percent increase. Councilman Murphy again stated that people make decisions, not political parties. Mr. Magiera said he did not mention political parties, just names who share the same party. Mayor DeIorio said he thought Mr. Magiera was a registered independent. Mr. Magiera stated that independents do not register, and he was a registered republican. Mayor DeIorio said he was part of the Governing Body at that time, but Councilmen Badillo, Zeglarski, Matarante, Harms and Rubilla were not on Council for the 47 percent increase. Mr. Magiera said it was 46 percent, and the Mayor voted for it. Mayor DeIorio said he did not vote for it unless, there was a tie, which he did not believe there was. Mr. Magiera said it was retroactive and Mayor DeIorio said it was because Councilman Mirabella received a benefit from that as well. Mr. Magiera asked if he opposed the raise and the Mayor said no, but he did not vote on it. Mayor DeIorio said he wanted to make sure all information given out is as accurate as possible. He thanked Councilman Murphy for his facts. Mr. Magiera said they should take a 30% cut in their pay and the Mayor asked if any salary cuts were taken in 1989, 1990 or 1991 and Councilman Murphy said no. Mr. Magiera said in answer to Councilman Badillo, The Leader does do a great job in reporting sports. He said Council is using apples and oranges when talking about Cranford and Westfield because that is money country and they can afford it. He said Roselle receives a lot of Federal and State money for municipal and schooling. Mr. Magiera asked if they could use capital money for tree work and to remember the safety, health and welfare of the residents. Finance Officer Greg Mayers said anything done with any kind of capital improvement money, the purchase or improvement has to have a useful life of a minimum of 5 years. He said the purchase of the tree has a useful life, but the maintenance cannot unless you can prove it will extend the life by 5 years or more. Mr. Magiera said perhaps Mr. Mayers could look into tree preservation grant money. He questioned if it was the Hazel Street storm sewer backing up, and if there was a new pipe put in at Hazel Street that was 15 inches going into a 12 inch wide pipe. Borough Engineer Ed Dec said he was not aware of any situation where they put a larger pipe into a smaller pipe. Mr. Magiera said it was new work and he thought he heard Mr. Guarriello mention that. He read an article from the July 30<sup>th</sup> Star Ledger newspaper "No further delay on Pension Reform". He asked if the Borough was paying their share to the State Pension Fund and said what was turned into the State was the employees' pension contribution. He said only this year the municipality has started contributing, along with all municipalities in the State of New Jersey, who will be contributing their share of the pension fund for the employees.

There being no one else wishing to speak, Councilman Matarante moved, at 9:40 p.m., to close the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Councilman Murphy said Roselle does receive additional Government Aid, but who is the Government? He said the taxpayers are and we pay one way or the other, whether it is through property taxes, State taxes or County taxes. He said if he was a resident and told do not compare with us with Westfield, he would feel a little bit hurt.

He said maybe they do make a few dollars more, but they pay their fair share. He said a good portion of them are catching the train in the morning going to New York just like the people from Roselle Park and those trains are packed. He said dollar wise, he did not feel there is that much of a difference. He said to say they might be a different class of citizen, he would be hurt by that because of the fact that he would like to think that as residents of New Jersey they are all hard working individuals, all trying to pay their fair share of property taxes. He said one way or the other, they are going to get burnt and this is why we agree to fight for lower property taxes and the like. Mayor DeIorio said he appreciated his comments. He said ironically they got Homeland Security Aid and we are right next door to them and asked why that happened saying only one can guess. Mayor DeIorio said on the issue of pensions, the issue came up about whether the Borough pays its pension costs and said of course they do as required by any changes in State policy. He said during his tenure they used to pay 100 percent during the Whitman Administration and it changed due to whatever recalculations were involved. He said that was waived for a couple of years, but essentially the bottom line is whatever is required by the State they pay. Finance Officer Greg Mayers said they come up with some kind of actuarial cost based on the number of employees, retirees and productive cost. He said those numbers are divided up and the Borough gets a bill.

Mayor DeIorio read the Closed Session Resolution and said Council would be discussing the following:

- . Ongoing Litigation – Spagnoli vs. Roselle Park
- . Personnel Issue – Involving Clerk’s Office and Construction Department
- . Negotiation – Vacation of Pinewood Avenue

#### INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 9:50 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Badillo and adopted.

#### RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 10:30 p.m., to resume the regular order of business; seconded by Councilman Rubilla and adopted.

Mayor DeIorio said during closed session Council discussed matters pertaining to:

- . Ongoing Litigation – Spagnoli vs. Roselle Park
- . Personnel Issue – Involving Clerk’s Office and Construction Department
- . Negotiation – Vacation of Pinewood Avenue

There being no further business to come before the meeting, at 10:32 p.m., Councilman Matarante moved to adjourn; seconded by Councilman Rubilla and adopted.

Attest:

Deputy Borough Clerk