

REGULAR MEETING FEBRUARY 16, 2006

READ PUBLIC MEETINGS LAW ARTICLE:

Mayor DeIorio called the meeting to order at 7:30 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,C.172. (NJAC 17:27).
As required by the Fire Prevention Code, he indicated the fire exits and the procedure to be followed in case of fire.

ROLL CALL:

PRESENT: Mayor DeIorio; Councilmembers Badillo, Harms, Matarante,
Rubilla and Dinardo; Borough Attorney Bill Lane

ABSENT: Councilman Zeglarski

Borough Clerk Doreen Cali read a short prayer followed by the Pledge of Allegiance.

COMMUNICATIONS

1. Girl Scouts of America inviting the Mayor and Council to the annual pancake breakfast on Saturday, March 11, 2006 from 9:00 am to 12:00 pm.

Councilman Harms moved the following communication seconded by Councilman Badillo and adopted.

2. Church of the Assumption requesting permission to hold its annual St. Anthony's Feast on June 8th, June 9th from 6:00 pm to 10:00 pm, June 10th, June 11th from 4:00 pm to 6:00 pm.
Also, requesting to close West Clay Avenue between Faitoute Avenue and Roosevelt Street
and the presence of borough police.

Councilman Harms moved the following communication seconded by Councilman Badillo and adopted.

3. Roselle Park High School Marching Band requesting permission for NO PARKING signs on West Webster Avenue from Laurel to Larch and use of the DPW lot.
4. Notice from Palumbo & Renaud, Esqs. of application to Board of Adjustment to permit expansion and alteration of establishment located at 143-153 West Westfield Avenue.

Councilman Rubilla moved approval of the following minutes seconded by Councilman Badillo and adopted.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS:

- Executive Meeting November 03, 2005
- Special Meeting November 03, 2005
- Regular Meeting November 14, 2005
- Executive Meeting December 01, 2005
- Workshop Meeting January 24, 2006
- Closed Session February 02, 2006
- Closed Session January 19, 2006

Councilman Rubilla moved that the Treasurer’s Report for November 30, 2005 and December 31, 2005, be accepted and spread upon the minutes with the exception of the budget detail.

The following routine bills listed on a consent agenda were offered by Councilman Rubilla and seconded by Councilman Harms.

Current Fund (void cks. #5759 & 5723)	\$6,639,177.70
Federal State and Grants	35,848.08
General Capital	56,416.96
Sewer Utility Operating	29,524.16
Recreation Trust Account	5,791.00
Other Trust	11,314.53
Hud Trust Account	2,584.19
Public Assistance II Fund	4,333.34
Special Law Enforcement Fund-S	3,587.98
Tax Collector’s Premium Account	<u>18,800.00</u>
Total Bill List:	\$6,807,377.94

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$2,246.69 payable to:

American Tax Funding, LLC
Harris Nesbitt Corp.
P.O. Box 862658
Orlando, FL 32886-2658

For redemption of Tax Sale Certificate #6-05, held by American Tax Funding, LLC on Block 1002, Lot 3 (otherwise known as 617 Sherman Avenue, Roselle Park, New Jersey) and assessed in the name of Rachel Santos-Caban

Lien #6-05 (dated 9/29/05)	\$2,121.82
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4% Flat Penalty	84.87
Recording Fee	40.00
Total redemption amount	\$2,246.69

In addition, the treasurer is hereby authorized to issue a check from the Tax Collector's Premium account in the amount of \$18,800.00 for return of premium.

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$890.13 payable to:

Crusader Servicing Corp.
179 Washington Lane
Jenkintown, PA 19046

For redemption of Tax Sale Certificate #7-05, held by Crusader Servicing Corp. on Block 404, Lot 9 (otherwise known as 832 Locust Street, Roselle Park, New Jersey) and assessed in the name of Michael & Maria Conroy.

Lien #7-05 (dated 9/29/05)	\$389.95
Interest on Certificate @ 15%	22.26
2% Flat Penalty	7.80
Recording Fee	40.00

Subsequent Charges Paid by Lienholder:

Taxes paid 12/13/05	416.99
Interest on above from 12/13/05-2/16/06 @ 18% interest	<u>13.13</u>
Total redemption amount	\$890.13

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$4,591.30 payable to:

American Tax Funding, LLC
P.O. Box 862658
Orlando, FL 32886-2658

For redemption of Tax Sale Certificate #5-05, held by American Tax Funding, LLC on Block 401, Lot 2.05 Condo (otherwise known as 6A Roselle Avenue, West, Roselle Park, New Jersey) and assessed in the name of Housing & Urban Development.

Lien #5-05 (dated 9/29/05)	\$ 879.33
2% Flat Penalty	17.58
Recording Fee	40.00

Subsequent Charges Paid by Lienholder:

Taxes paid 12/30/05	\$3,572.23
Interest on above from 12/30/05-2/16/06 @ 18% interest	82.16
Total redemption amount	\$4,591.30

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RESOLVED: The Tax Collector, per State Court Judgement shall adjust the below listed tax records to reduce the assessments for 2005 as outlined.

<u>Block</u>	<u>Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Reduction</u>	<u>Rate</u>	<u>Refund</u>
213	1	(2005) 855,000	805,000	50,000	9.096	\$4,548.00
314	1	(2005) 1,000,000	950,000	50,000	9.096	\$4,458.00

The Treasurer is hereby authorized to issue a refund check to McCarter & English, attorneys for 450 W. Westfield Realty in the above amounts.

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RESOLVED: The Tax Collector, per State Court Judgement shall adjust the below listed tax records to reduce the assessments for 2004 and 2005 as outlined.

<u>Block</u>	<u>Lot</u>	<u>Original Assessment</u>	<u>Judgement</u>	<u>Reduction</u>	<u>Rate</u>	<u>Refund</u>
503	9	(2004) 207,000	162,000	45,000	8.478	\$3,815.00
503	9	(2005) 207,000	162,000	45,000	9.096	\$4,093.20
503	10	(2004) 61,300	43,000	18,300	8.478	\$1,551.47
503	10	(2005) 61,300	43,000	18,300	9.096	\$1,664.57

The Treasurer is hereby authorized to issue a refund check to “Daniel G. Keough, Trustee”, for Timp at, Inc. in the above amounts.

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Roll called, all members voting Aye, said resolutions were adopted.

PRESENTATION

Mayor DeIorio read a proclamation, on behalf of the Governing Body, enthusiastically endorsing NEA’s Read Across America and Read Across America-NJ, and re-committing our community to engage in programs and activities to make America’s children the best readers in the world. He called on the citizens of Roselle Park to assure that every child is in a safe place reading together with a caring adult on March 2, 2006 to celebrate the 102nd birthday of Theodor Seuss Geisel, better known as Dr. Seuss.

PASSAGE OF ORDINANCES

Ordinances for Second Reading and Public Hearing

Councilman Rubilla moved the public hearing on the following Ordinance #2167 be opened; seconded by Councilman Badillo and adopted all members present voting aye on roll call.

There being no one wishing to speak, Councilman Rubilla moved to close the public hearing; seconded by Councilman Badillo and adopted all members present voting aye on roll call.

Councilman Rubilla moved that the following Ordinance #2167 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms all members present voting aye on roll call.

“AN ORDINANCE AMENDING CHAPTER 43-95 OF THE CODE OF THE
BOROUGH OF ROSELLE PARK REGARDING COMPENSATION FOR
BASKETBALL REFEREES

BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey, that Chapter 43-95 of the Code of the Borough of Roselle Park is hereby amended to read as follows:

SECTION I. Chapter 43-95, Position created; compensation, is hereby amended to read as follows:

There is hereby created the position of Basketball Referee in the Recreation Department in the Borough of Roselle Park, County of Union, State of New Jersey, to be compensated as set forth herein, effective January 1, 2006:

<u>Position</u>	<u>Salary</u>
Basketball Referee	\$15.00 per game

SECTION II. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION III. This ordinance shall take effect at the time and in the manner prescribed by law.

Introduction

Councilman Rubilla moved the following Ordinance #2168 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 16, 2006; seconded by Councilman Harms all members present voting aye on roll call motion was adopted.

“AN ORDINANCE AMENDING CHAPTER 128 OF THE CODE OF THE
BOROUGH OF ROSELLE PARK REGARDING LAND USE”

Councilman Rubilla moved the following Ordinance #2168 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 16, 2006; seconded by Councilman Harms all members present voting Aye on roll call. motion was adopted.

RESOLUTIONS

The following routine resolutions, listed on a consent agenda, were offered by Councilman Rubilla and seconded by Councilman Badillo all members present voting aye on roll call.

#37-06

RESOLVED, that the following individuals be appointed as Basketball Referees in the Recreation Department of the Borough of Roselle Park at a salary set by Borough Ordinance:

Carolyn Franco 37 West Roselle Avenue, Roselle Park
Kathryn Bundy 105 East Roselle Avenue, Roselle Park

#38-06

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby reconfirms the Planning Board's appointment of Michael Tripodi, as Attorney for the Planning Board, effective January 5, 2006 for a one year term ending December 31, 2006, at a salary set by Borough resolution.

#39-06

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby reconfirms the Zoning Board's appointment of John Fitzpatrick, Jr., as Attorney for the Zoning Board, effective January 5, 2006 for a one year term ending December 31, 2006, at a salary set by Borough resolution.

#40-06

WHEREAS, the Borough of Roselle Park is desirous of contracting with the City of Rahway, for Bulk Waste Collection for the years 2006 through 2008; and

WHEREAS, the City of Rahway is willing to accept such agreement; and

WHEREAS, the City of Rahway, with approval of the Borough of Roselle Park, by resolution shall provide the services of properly trained personnel as necessary to aid in the carrying out within the territorial jurisdiction of the Borough of Roselle Park the Bulk Waste Collection for the years 2006 through 2008; and

WHEREAS, the City of Rahway has proposed removal of bulk waste from within the Borough of Roselle Park for a total of \$299,450.00 for a three (3) year period - \$95,000.00 for the year 2006, \$99,750.00 for the year 2007 and \$104,700.00 for the year 2008; and

WHEREAS, the \$102.12 per ton tipping fees generated from this service are to be payable by the Borough of Roselle Park to the landfill currently used by the City of Rahway, A.M.S. facility in Linden, now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Mayor and Borough Clerk be and hereby are directed and authorized to enter into an Interlocal Services Agreement with the City of Rahway for bulk waste disposal services for six (6) designated pick-ups per year; and

BE IT FURTHER RESOLVED that a duly executed copy of this Resolution be forwarded to the City Clerk of the City of Rahway.

#41-06

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby reconfirms the Mayor's appointment of Attilio S. Ventura as Roselle Park's Commissioner to the Rahway Valley Sewerage Authority, effective January 5, 2006, for an amended term expiring on February 1, 2011

#42-06

BE IT RESOLVED that Judy Mack has been separated from her employment with the Borough of Roselle Park as Code Enforcement Officer, effective February 3, 2006.

#43-06

BE IT RESOLVED that Judy Mack will be retained as an independent contractor from the period of February 3, 2006 through April 30, 2006 for a lump sum fee of One Thousand Four Hundred Dollars (\$1,400) in exchange for her signing an Independent Contractor Agreement and General Release.

#45-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Holly Lynn Blessing, 632 Keller Place, Rahway be appointed to the position of Probationary Civilian Dispatcher in the Roselle Park Police Department, at a salary of \$26,416.87, effective February 19, 2006 for a 12 month probationary period ending February 18, 2006, and pending a satisfactory background check.

Councilman Badillo moved the following resolution seconded by Councilman Matarante All members present voting aye on roll call the motion was adopted.

#44-06

BE IT RESOLVED that the Governing Body of the Borough of Roselle Park hereby authorizes the donation of a 1950 GMC Pumper, Serial No. 079-503335, by the Roselle Park Fire Department to the New Jersey State Fire Engine and Equipment Museum.

Councilman Badillo thanked James McCrady who did a lot of work to get the pumper truck donated to the museum and have a piece of Roselle Park history preserved. He thanked Jimmy, Kathy and all the other firemen who were involved with the process.

MATTERS FOR REFERRAL

Councilman Harms said since the last Executive Meeting he has been thinking about having Council Liaison to the Youth Center.

Councilman Harms moved to appoint Mayor Joseph DeIorio as Council Liaison to the Roselle Park Youth Center; seconded by Councilman Badillo all members present voting aye motion was adopted.

Councilman Harms requested:

- Borough Clerk to send a letter to the persons that were invited to the Municipal Services Meeting on March 13, 2006

Councilman Matarante spoke regarding:

- Replacing/leasing two new vehicles which would greatly reduce the amount currently being paid for maintaining them.

- Public Safety Committee talked about beacons for train trestle over Chestnut Street and Locust Street.
- “Yield to Pedestrian” signs were wiped away during the plowing and
- Solar powered light and a low cost alternative with the batteries lasting about 8 years.
- Asked Council permission to allow Officer Antonucci to move forward and purchase the beacons.
- Joint Sewer Meeting tonight and said since the question was raised he brought his pay stub with him and his monthly pay is \$520.00. He said the meeting was an hour long and held in closed session where several litigation issues were discussed. He said he was nominated for two committees the public relations committee and the ad-hoc litigation committee. He said there is a big problem with violators of the environment laws and it was an eye opening experience for him.
- In regards to the budget report to date they have met with the Police and Fire Departments. He said the next four meeting dates are scheduled for February 21st, 23rd, 28th and March 7th.

Mayor DeIorio said since Council had no objections Chief Wielgus could go forward with the normal purchase order process to secure those items for the safety of the residents.

Councilman Rubilla spoke regarding:

- NJ Transit painting the bridges that are unsightly. He said the last time those bridges were painted was 14 years ago and if NJ Transit doesn't do it he would like to have the Department of Public Works do it.

Mayor DeIorio said it was a good idea and suggested getting our Congressmen involved since the trestles in Roselle Park are the responsibility of Conrail.

Councilman Rubilla moved to authorize the Borough Clerk to advertise the Police Department to conduct an auction of bicycles on Saturday, March 11, 2006 from 9:00 a.m. to 12:30 p.m. and an auction of used computers (without hard drives) on Saturday, March 11, 2006 from 1:00 p.m. to 2:00 p.m. and the borough Clerk be authorized to advertise the auctions; seconded by Councilman Badillo and adopted.

Councilman Rubilla moved to accept the resignation of Karin Dawe as dispatcher with the Roselle Park Police Department, effective immediately; seconded by Councilman Matarante and adopted.

Councilman Rubilla moved that the Mayor and Clerk be authorized to sign off on the second extension of condition lease with the Board of Education; seconded by Councilman Harms and adopted.

Councilman Rubilla moved to approve four raffle licenses for the Church of the Assumption and one raffle license for the Roselle Park Community Center Association; seconded by Councilman Harms and adopted.

Councilman Badillo:

- Wanted to give credited to Eddie Alfano a resident of Amsterdam Avenue who actually brought the condition of the bridges to his attention.
- Requested a moment of silence for Jack Sievers who was a longtime resident and very active member in this community and will be sorely missed.
- Gave some updates on the actives at the Community Center and stated that every Tuesday until April 11th senior citizens can make an appointment and have there income taxes done for free.
- Received a letter from Fire Chief Bob Tobe stating that NJ American Water Work will be working on a water main in Woodbridge starting on February 16th and if that main were to break Roselle Park could experience some low water pressure.
- Thanked the Mayor, Borough Clerk and Clerical Staff with pushing forward on the little league field issue, getting all those letters out on time and making sure all the parents were kept informed.

Councilman Dinardo said he has been working very hard and putting in long hours with Councilman Harms on the fees and ordinances for Land Use.

Mayor DeIorio reported on the issue of the EPA's Public Availability Sessions. He said they were conducted with the highest professionalism by the representatives of the EPA, DEP, Board of Health and members of the Governing Body. He said the public had an opportunity to come question and comment on the issue plaguing the little league field. He said the EPA and DEP can provide the Borough with financial assistance or other services. He said the DEP will be conducting well testing on both fields and health concerns are being solely focused on Wolf Field. He said the DEP is asking for tests on both fields due to environmental concerns. Mayor DeIorio said they will assist in paying for the investigatory work that they require from the Borough. He said the Borough will have to go out and hire a consultant and an environmental engineer to put together an environmental testing plan. Mayor DeIorio said in addition the EPA will be able to assist the Borough with the removal of any contaminants. He said the Borough will be responsible with replacing the soil or replacing it with another material like AstroTurf. Mayor DeIorio said it would be a long process and at this point he was not able to give a time frame. He said the Little League President has asked for alternate field use at other locations and the games will go on. Mayor DeIorio said John Longo was at the meeting and wanted to give Council a quick briefing on a grant he received. He said John was going to approach during the Public Comment section but since he is a member a CAASA, a municipal organization, if Councilmembers were okay with it he would like to listen now. Mr. Longo said he was there representing the Community Alliance Against Substance Abuse. He said over the last several weeks he has been working on a grant application through Prevention Links. He said Roselle Park received the grant in the amount of \$500.00, met the requirements and the next step is for Mayor and Council to

approve the grant. He said the grant is time sensitive with a deadline for approval by February 28th. Mr. Longo said if the Borough does not meet that deadline the money will be offered to another town. He said the grant was offered to all 21 towns in Union County and Roselle Park was in the top 10. He said the grant money is to be used to support the “Talk to your kids before they start drinking” program.

Councilman Harms moved to authorize Mayor DeIorio to sign the approval application for the “Talk to your kids before they start drinking” grant; seconded by Councilman Badillo and adopted.

PUBLIC COMMENT

Councilman Rubilla moved, at 8:30 p.m., to open the public comment portion of the meeting; seconded by Councilman Harms and adopted.

Jacob Magiera, 612 Sheridan Avenue:

- How much the dais chairs cost

Mayor DeIorio said a couple of hundred dollars. He said the chairs at the dais and conference room were unsafe to sit in and could have been a liability.

- Energy conservation update and how much it cost to heat the municipal building.

Mayor DeIorio said Council has received the agenda for February’s Union County League of Municipalities Mayor’s Group and the topic for discussion will be energy conservation. He said they will be providing suggestions on energy conservation at a very good time. Mayor DeIorio said he will report on the meeting next month.

- Requested update on senior citizen property tax reimbursement.

Mayor DeIorio said packets were received and distributed along with a cover letter which are available at the Public Library, Casano Community Center and the Roselle Park Tax Office.

- Suggested putting lights under the bridge like they have on Galloping Hill Road where you can see the pedestrians.
- Holiday decorations being returned to the Borough and stored at the DPW. He said the DPW could put them up in November and Mayor DeIorio said no that the Borough did not have adequate space for that.
- Problems with snow removal and asked if there were plans for future storms.

Councilman Harms said one problem was that one of the residents did not remove their car so the plows were not able to widen the road. Resident was not very happy because when the DPW came back they plowed up to the driveway apron and the resident had to clean it out again. He said he was not sure of whatever problems there

were but almost 18 inches of snow came down and our public works department does not have all the big equipment to move everything around.

Mayor DeIorio said the Police Department did drive around about 11:00 p.m. using their horn to remind people to move their cars. In some cases the cars were moved and those that were not were issued tickets.

- Money is available from NJ Transit for beautifying the station and asked why they cannot paint the bridge.

Mayor DeIorio said the train trestles are not under the ownership of NJ Transit.

- Service stations are recycling oil and oil filters.

Mayor DeIorio said they are required by law to recycle.

- Asked if the Borough had a comprehensive physiological service for Police Officers who may be under stress, etc.

Mayor DeIorio said those test are given when a new officer is hired and Borough insurance covers mental health services.

- Reported on the meeting from the Union County Air Traffic and Noise Advisory Board and the impact the proposed plan would have on Union County.

Michael Peterson, 45 E. Colfax Avenue

- Concerned with the condition of the drainage at the bike path. He said on his end the pipes are clogged with leaves and the DPW did vacuum but must not have gotten them all out. He said with all of the snow melting he was willing to bet the pool has gotten much larger and all of the people that have the bike path running through their backyards are complaining about it.
- Thanked Mayor and Council for the placement of trash cans along the bike path.

Kevin Murphy, 115 Pershing Avenue

- Thanked Omni Paint for their donation of dictionaries hoped that members of the Governing Body would find it fitting to honor them for their contributions to this community.

Bob Zeglarski, Sr., 521 Chester Avenue

- Urged Council to discuss topics at great length especially those that concern taxes in Roselle Park.
- He said Roselle Park is part of the Rahway Valley Sewerage Authority and part of the capital improvement project he asked Council to discuss the project during televised meetings to keep residents informed.

There being no one else wishing to speak, Councilman Rubilla moved to close the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Mayor DeIorio said Council has invited Tom Griffin to speak regarding consulting services for the Borough of Roselle Park. Mr. Griffing provided a proposal. Borough Attorney Bill Lane said the Mayor supplied him with a letter from ERM dated February 15, 2006 and because a proposal is an offering of a contract and entails negotiations it should be held in closed session. He said a contract can be made public once it has been finalized

Mayor DeIorio on the recommendation of the Traffic Safety Officer, appointed Alice Horbal, 326 East Westfield Avenue, Roselle Park as an alternate school crossing guard, effective immediately, for a one year term expiring on December 31, 2006.

Mayor DeIorio said Council received a proposal from Heyer and Gruel regarding a redevelopment plan for the Borough of Roselle Park which will focus mainly on the area of Westfield Avenue. He said after the conclusion of the budget meeting he would like Council to discuss the proposal.

Mayor DeIorio said Micro Brewery is celebrating their 10th Anniversary in Roselle Park. He said in March they will be hosting a pig roast and all members of the Governing Body will be invited. He said wanted to invite Dave to the March or April Council Meeting to recognize him and his efforts.

Mayor DeIorio said he received some information from Janet Zahumany who is a high school teacher in Roselle Park. He said it is also the 10th Anniversary of the Roselle Park Board of Education and Roselle Park Web Page. He said her son will be providing some free service to the Borough networking the computers. He said 10 years ago the high school computer club and volunteers from our community started the great effort of putting together our web page.

Mayor DeIorio offered the name of Eileen Weaver, 420 Spruce Street, as a member of the Roselle Park Recreation Committee to service a 3 year term expiring December 31, 2006

Roll called, all members voting Aye, said motion was adopted.

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

- . Contractual – Discussion of ERM Proposal regarding Consulting and Engineering Services related to the site of the Roselle Park Little League Field.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Badillo moved to interrupt the regular order of business for a closed session meeting; seconded by Councilman Harms and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Badillo moved to resume the regular order of business; seconded by Councilman Harms and adopted.

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

- . Contractual – Discussion of ERM Proposal regarding Consulting and Engineering Services related to the site of the Roselle Park Little League Field.

There being no further business to come before the meeting Councilman Harms moved to adjourn; seconded by Councilman Dinardo and adopted.

Attest:

Borough Clerk