

Regular Meeting of Mayor and Council May 18, 2006

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

ABSENT: None

Mayor DeIorio called the meeting to order at 6:43 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.

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

COMMUNICATIONS & PETITIONS

Councilman Badillo moved the following communication; seconded by Councilman Harms, all members voting Aye, said motion was adopted.

Letter from Bob Milici requesting permission to hold a Street Fair on Sunday, September 10, 2006 from 11:00 a.m. to 6:00 p.m., rain date Sunday, September 17, 2006.

Councilman Matarante moved the following communication; seconded by Councilman Badillo, all members voting Aye, said motion was adopted.

Letter from Brian Fava requesting permission to close the 400 Block of Spruce Street on Saturday, June 10th or Sunday June 11th (rain date) for the purpose of a Block Party.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

- Special Meeting of April 20, 2006
- Regular Meeting of April 20, 2006

REPORT OF OFFICIERS AND DEPARTMENT HEADS

Borough Attorney:

- Dropped off the corporate set for the Special Improvement District Corporation. He said everything has been formed, the minutes have been prepared and they are awaiting the signatures of the two appointed trustees.

- He said he had two matters to discuss in closed session: Negotiations with Susynes and the ongoing matter of The Borough of Roselle Park vs. Blackstone.

MOTION TO APPROVE SUBMITTED REPORTS

- Treasurer’s Report of March 31, 2006

PAYMENT OF BILLS

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

Current Fund	\$4,726,315.07
Federal State and Grants	8,093.19
General Capital	3,504.88
Sewer Utility Operating	12,074.82
Recreation Trust Account	1,182.60
Other Trust	3,156.51
Animal Control Trust	172.15
Hud Trust Account	1,148.84
Public Assistance II Fund	<u>2,500.00</u>
Total Bill List:	\$4,758,148.06

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

PROCLAMATIONS/CERTIFICATES

Certificates:

- Prabal Singh – Boys & Girls Club “Sportsman of the Year”
- Adriana Acosta – “Outstanding Academic Achievement Award”
- Janet Papciak and Students – Earth Day Clean Up
- Tim Williams – Earth Day Clean Up
- Ed Wood –Earth Day Clean Up
- Newark Paint II, Inc.
- Donato Florist

Resolutions:

- Roselle Park High School Play – “Guys and Dolls”
- Capital Joseph C. Iungerman

Proclamations:

- Myasthenia Gravis Awareness Month

PASSAGE OF ORDINANCES

Introduction

ORDINANCE NO. 2176

**ORDINANCE CREATING THE POSTION OF
CHIEF ADMINISTRATIVE OFFICER**

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

**ARTICLE XXXXII
CHIEF ADMINISTRATIVE OFFICER**

§43-133 Position Created

There is hereby created the position of Chief Administrative Officer.

§43-134 Appointment and Term of Office.

The Chief Administrative Officer shall be a full time employee of the municipality and shall serve at the discretion of the Mayor and Council. She/He shall receive such compensation as the Mayor and Council may determine, and shall be chosen solely on the basis of experience and administrative qualifications. The Chief Administrative Officer may hold one (1) or more other appointive positions in the municipality.

§43-135 Removal from Office

The Chief Administrative Officer may be removed by a two-thirds (2/3) vote of the Borough Council. The resolution of removal shall become effective three (3) months after its adoption by the Borough Council, which may provide that the resolution shall have immediate effect; provided, however, that the Governing Body shall cause to be paid to the Chief Administrative Officer forthwith any unpaid balance of her/his salary for the next three (3) calendar months following adoption of the resolution.

§43-136 Acting Chief Administrative Officer

- a. The Chief Administrative Officer, with the consent of the Council, may designate a Borough officer or employee as Acting Chief Administrative Officer to perform the duties of the office during her/his absence or disability of less than ten (10) days. Should the Chief Administrative Officer not do so, or should the Mayor and Council disagree with the designated appointment, then the appointment of the Acting Chief Administrative Officer shall be made pursuant to subsection 43-134.
- b. On removal or resignation of the Chief Administrative Officer, the Mayor and Council may appoint an Acting Chief Administrative Officer to serve for ninety (90) days or until an Chief Administrative Officer is appointed, pursuant to subsection 43-134 above, whichever is sooner.

§43-137 Compensation.

- a. The Chief Administrative Officer shall receive such salary as may be fixed and adopted by the Salary Ordinance of the Borough of Roselle Park. She/He shall be reimbursed for all necessary expenses incurred in the performance of her/his office.
- b. Unless otherwise provided, no Acting Chief Administrative Officer shall be paid more than her/his regular salary while serving in that capacity, but she/he shall be

reimbursed for all necessary expenses incurred in the performance of her/his office. If the Mayor and Council, by resolution, increases the compensation of the Acting Administrator during her/his term, such increased compensation shall not exceed the minimum established in the Salary Ordinance for the position of Chief Administrative Officer

§43-138 Qualifications; Residency.

- a. The Chief Administrative Officer shall be appointed on the basis of executive and administrative abilities and qualifications. Previous responsible, successful experience in local government is required.
- b. The Chief Administrative Officer need not be a resident of the Borough.

§43-139 Powers and Duties.

The Chief Administrative Officer shall have such administrative duties and functions as shall be delegated to her/him by the Mayor and Council. The Chief Administrative Officer of the Borough shall be responsible to the Mayor and Council for the administration of all Borough affairs and with the following powers and duties.

The Chief Administrative Officer shall:

- a. Attend all meetings of the Mayor and Council and such other meetings as directed by the Mayor and Council.
- b. Provide a liaison between the Mayor and Council and various municipal boards, agencies and departments of the Borough and its professional advisors.
- c. Keep the Mayor and Council currently informed on all matters assigned to her/him or otherwise within her/his jurisdiction.
- d. Be responsible for the coordination of interdepartmental operations and manage the day-to-day operations of the Borough Hall by coordinating and supervising the activities of all employees.
- e. Make studies and surveys of the municipal problems of the Borough as shall be assigned by the Mayor and Council, and prepare and submit written reports of her/his findings and determinations to the Mayor and Council for its consideration and action.
- f. Have direct responsibility for policy formulation on overall problems and shall study continually present and future budgets, purchasing procedures and personnel organization and policies, making appropriate changes when necessary. She/He also shall make recommendations to the Mayor and Council relating thereto as she/he deems necessary.
- g. Be responsible for continually improving communications between the various Borough personnel, departments, agencies, boards and the Mayor and Council.
- h. See that all terms and conditions imposed in favor of the Borough or its inhabitants in any Statute or contract are faithfully kept and performed and, upon knowledge of any violation, call the same to the attention of the Borough Council.
- i. Have the authority to recommend the removal, discipline and appointment of all department heads subject to the personnel policies of the Borough
- j. Be responsible for the overall supervision and maintenance of the real property owned by the Borough of Roselle Park.
- k. Review daily any complaints concerning the function and obligations of the Borough of Roselle Park made by any of its residents and she/he shall have a permanent record of all complaints and the disposition made.

- l. Make any recommendations, which he may believe will increase the efficiency of the operation of the Borough.
- m. Develop and administer a comprehensive personnel program, as provided by the Council.
- n. Implement and enforce the policies of the Mayor and Council with respect to the compiling and release of public information.
- o. Supervise the disbursement of all Borough funds and approve all vouchers and bills before submitting same to the Mayor and Council for final approval.
- p. Conduct annual evaluations of department heads and oversee evaluation of personnel.
- q. Perform such other duties as may be assigned to her/him from time to time by the Mayor and Council, which duties may be modified from time to time by resolution or the Mayor and Council.

§43-140 Repealer.

Any ordinance or parts of ordinances inconsistent herewith are hereby repealed.

Councilman Rubilla moved that Ordinance #2176 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on June 1, 2006; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2177

AN ORDINANCE AMENDING CHAPTER 43 (OFFICERS AND EMPLOYEES) OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO REPEAL SECTION 43-9 (HOLDING OTHER OFFICES)

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter 43 (Officers and Employees) of the Borough Code is hereby amended as follows:

SECTION I

§43-9 Holding Other Offices.

Is hereby repealed.

SECTION II

This Ordinance shall take effect at the time and in the manner prescribed by law.

Councilman Rubilla moved that Ordinance #2177 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on June 1, 2006; seconded by Councilman Harms, all members present voting Aye, said motion was 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, addressed:

- Received a request from a neighbor for a stop sign at the corner of Sheridan Avenue and E. Lincoln Avenue on the Lincoln Avenue side. He said since E. Lincoln Avenue is a County Road the request has to come from Mayor and Council.
- Asked who was responsible for the maintenance of the gas tank at the DPW Yard. Mayor DeIorio said the Superintendent of Public Works is responsible.
- Said he made a mistake regarding the storm sewer water and stated that the water goes into a stream and not a maintenance plant.
- Thanked the Mayor for seeing that the dirt was removed from the sidewalk at 130 E. Colfax Avenue, having the tree limb on the corner of Sheridan and E. Lincoln removed seeing that the storm sewer on the corner of E. Colfax and Walnut was cleaned out as well as seeing that the dangerous street sign on the corner of Sherman and E. Colfax was secured.
- Complained that TV34 did not show the Council meeting on two occasions last week. Mayor DeIorio said the electricity went off and by doing so the scheduling went off at the same time.
- Requested that the Mayor check into the condition of several properties: Tavern in the Park, the Hair Salon building next to the theater, the building on Hawthorne Street and development of the Ryan Property at the railroad station.
- He said the former Financial Officer had said that on December 31st at Midnight in 2004 there was 2 million 4 hundred dollars in surplus.
- Mr. Magiera asked if the Safety Committee planned to address the problem of children not wearing safety helmets.
- He said he was trying to cross Chestnut Street and 7 cars passed by with not one of them stopping to let him cross even with the yield to pedestrian signs there.

Councilman Matarante said the Public Safety Committee has already looked into those stop signs and will be making follow request for the study by the Traffic Safety Officer.

Robert Zeglarski, Sr., 521 Chester Avenue, addressed:

- Questioned Resolution #88-06 and why all the bids for bathroom renovations were rejected. Borough Attorney Bill Lane said 3 bids were offered and all of them had a fatal technicality and as a result they were all rejected and will be readvertised.
- Said regarding Resolution #89-06 he did not consider the person being considered to perform the Borough's computer service a professional. Borough Clerk Doreen Cali said that company is the original person who set up the Borough computers and computer services is a professional service agreement. She said she did receive other quotes and his were the lowest and stated it was being used on a temporary basis to see how it works because there was no IT person in the Borough. Ms. Cali stated that the person did hold certifications and is a professional IT person.

Ed Leonard, 504 Laurel Avenue, addressed:

- Thanked the Mayor and Scouting Troops for cleaning up Lamonaco/Perry Park. Mayor DeIorio said they cleaned the back of the high school, Gazebo Park, Aldene Park, Acker Park and the First Aid Squad area. Councilman Badillo said he would like to see a possible bike path made at that abandoned railroad line. Mr. Leonard offered to volunteer his time to help work on it.

Chris Harms, 284 Seaton Avenue, addressed:

- Reminded Council and residents of the Union County Relay for Life on Saturday, June 3rd, at the Roselle Park High School with the first lap starting at 6:00 p.m. until 8:00 a.m.

Vinnie Iungerman, 824 Prospect Street, addressed:

- Said the Relay for Life was a very touching event especially when you look onto the field which is illuminated with candles spelling out a word of hope for the survivors. She welcomed everyone to attend and for \$10.00 they could purchase luminaries to represent a survivor or in memory of a loved one.

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

RESOLUTIONS

The following routine resolutions, listed on a consent agenda, were offered by Councilman Rubilla and seconded by Councilman Matarante, all members present voting Aye, said resolutions were adopted.

RESOLUTION NO. 87-06

BE IT RESOLVED, that Resolution No. 58-06, appointing Jeanne K. Decker as Roselle Park Budget Officer, be and is hereby increased in the amount of \$2,000.00 for a total not to exceed \$10,000.00.

RESOLUTION NO. 88-06

WHEREAS, bids were received by the Borough Clerk for the project Renovation of Existing Bathrooms including Modification for ADA Compliance at the Faitoute Fire House, Laurel Avenue; and

BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey, that:

1. All bids be and hereby are rejected.
2. The Borough Clerk is hereby authorized to readvertise for new bids.

RESOLUTION NO. 89-06

WHEREAS, Al Costanzo of AKC Computer Services Corporation, has submitted a proposal to handle the day to day Internet and computer problems faced by Roselle Park Employees; now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park, that:

1. Al Costanzo of AKC Computer Services Corporation be and hereby is authorized to proceed as a point of contact for all computer related problems and issues on behalf of the Borough of Roselle Park consistent with the terms and conditions of the attached agreement in the amount not to exceed \$3,300.00 per year.

RESOLUTION NO. 90-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the following donations for the Fourth of July Fireworks be and are hereby accepted.

Schering-Plough Corporation	\$500.00
Comcast of New Jersey	\$500.00

RESOLUTION NO. 91-06

WHEREAS, it has been determined by the Borough Council that it would be in the public interest to have the general and permanent ordinances of the Borough of Roselle Park codified and revised; and

WHEREAS, it has been further determined by the Borough Council pursuant to N.J.S.A. 40A:4-56 that the services to be rendered are of a special technical nature.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Roselle Park, that Coded Systems LLC, a limited liability company of the State of New Jersey, whose principal offices are located in the Borough of Avon, Monmouth County, State of New Jersey, is hereby designated to codify and revise the general and permanent ordinances of the Governing Body of the Borough of Roselle Park in accordance with the provisions of a certain agreement about to be executed and dated simultaneously with the adoption of this resolution. Said agreement provides for work to be performed in accordance with the proposal as submitted. A copy of the agreement shall be on file in the office of the Borough Clerk.

BE IT FURTHER RESOLVED, that the aforesaid agreement heretofore referred to is hereby made a part of this resolution and the terms and provisions set forth therein are adopted as legal and binding on all parties concerned; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to Coded Systems LLC with directions that the work on the codification shall be commenced immediately and a copy of this Resolution be advertised according to law; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk be authorized to execute the agreement on behalf of the Borough of Roselle Park.

RESOLUTION NO. 92-06

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Borough of Roselle Park wishes to apply for a project under the Safe and Secure Communities Program; and

WHEREAS, the Mayor and Council of the Borough of Roselle Park has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Roselle Park, for the purpose described in the application; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that:

1. As a matter of public policy the Borough of Roselle Park wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the Borough of Roselle Park.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to the Borough of Roselle Park as authorized by law.

MOTIONS

Mayor DeIorio:

Councilman Badillo moved the following motions; seconded by Councilman Rubilla, all members present voting Aye; said motions were adopted.

- Motion appointing Ray Parenteau, Jr., 614 Chester Avenue, Roselle Park as member of the Roselle Park Fire Department, effective immediately, to be assigned to the Faitoute Engine Company #3.
- Motion appointing Erwin Heinrich, Jr., 333 Bender Avenue, Roselle Park as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Lorraine Engine Company #1.
- Motion appointing Andrew Batich, 819 Larch Street, Roselle Park as an Alternate School Crossing Guard, effective immediately, for a one year term expiring on December 31, 2006.

Mayor DeIorio said anyone with concerns regarding the FAA Flight Plan should contact the state legislature. He said the Borough Clerk would post the names, e-mails and telephone numbers of those committee chairs and legislative leadership in the Senate who have the influence to push the legislation through. He said the issue of safety helmets was referred to the

Public Safety Committee and noted that Assemblyman Munoz is a trauma surgeon who specializes in head injuries. He said he would speak to him about setting up a program in the schools regarding the importance of safety helmets.

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

- Negotiations of the fiber optics right-a-way with Susynes
- Litigation – The Borough of Roselle Park vs. Blackstone

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

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

- Negotiations of the fiber optics right-a-way with Susynes
- Litigation – The Borough of Roselle Park vs. Blackstone

There being no further business to come before the meeting, Councilman Badillo moved to adjourn; seconded by Councilman Matarante and adopted.

Attest:

Borough Clerk