

Regular Meeting of Mayor and Council July 6, 2006

PRESENT: Mayor DeIorio; Councilmembers Harms, Matarante, Zeglarski, Rubilla and Dinardo

ABSENT: Councilman Badillo

Mayor DeIorio called the meeting to order at 7:40 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.

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

Mayor DeIorio asked for a moment of silence for the loss of two outstanding Roselle Park citizens, Former Borough Clerk Jean Keenan and Jennie Casano, a former Record Room Clerk in the Roselle Park Police Department and wife of the late Vincent Casano, a former Councilman and namesake for the Casano Community Center.

COMMUNICATIONS & PETITIONS

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

- Letter from Johanna Zlobl requesting permission to hold a block party on the 300 block of Sheridan Avenue on August 19, 2006 from 1:00 p.m. to 9:00 p.m., with a rain date of Sunday, August 20, 2006.

REPORT & RECOMMENDATIONS OF MAYOR

- Thanked the individuals who attended the redevelopment meeting. He congratulated the work of Chuck Lantini from Heyer, Gruel & Associates for conducting the community input section.
- Mayor DeIorio thanked the second grade classes from Sherman School. He said he attended a "Donuts with Dad" morning where he was given an opportunity to speak. He said he received letters from the students with suggestions on how to make Roselle Park a cleaner place to live and raise a family. He invited them to help clean up around the gazebo, plant flowers and paint over graffiti at Michael Mauri Park. He thanked the second graders, Sandy Deegan for helping coordinate

the event and serve refreshments, volunteers from the Youth Center and the Public Works Department.

- He thanked all the volunteers who made the “Fourth of July Extravaganza” a success.
- Announced an opportunity for the public to continue their support for our troops in the armed forces. He said operation DVD is where members of the public collect new or used DVD’s or CD’s for our men and woman serving overseas. He said collection points will be at the Borough Clerk’s Office, Library, Casano Center and Youth Center.

PROCLAMATIONS/CERTIFICATES

Certificates:

- Marc Signorello – Collecting donations for Hurricane Katrina victims.
- Brian Kinsley, Jr. – Collecting donations for Hurricane Katrina victims.
- Matthew Ramirez – Collecting donations for Hurricane Katrina victims.

REPORT OF DEPARTMENTS

Borough Engineer – Ed Dec:

- The road work on Markthaler Place has been completed and the residents are pleased.
- Two out of the three sections of the Walnut Street project has been completed but the third section was delayed due to rain.
- Sewer pipe construction will begin on Hemlock Street either tomorrow or the beginning of next week.
- A pre-construction meeting will be held next Thursday for Franklin Place.

Councilman Zeglarski asked Mr. Dec to explain the sidewalk program and where residents could pick up applications. Mr. Dec stated that the program was only for sidewalks damaged by Borough trees and applications could be picked up in the Construction Department. Councilman Zeglarski requested that a letter be drafted to the Board of Heath regarding standing water in the Webster Gardens parking lot.

Borough Attorney – Bill Lane:

- Matter regarding Spagnolli vs. The Borough of Roselle Park has been postponed due to the State shutdown.
- Two oversized lots on Jerome Street and Valley Road will be subdivided into four lots and hopefully the Borough will be able to generate funds.
- Requested a closed session discussion regarding a potential bid challenge on the second time bid for the Fatioute Fire House bathroom rehabilitation. He said he was still getting mixed signals as to whether or not there is a problem with the

bids and he would discuss that further in closed session. Councilman Zeglarski also requested an update on the sanitation bid challenge.

Borough Clerk – Doreen Cali:

- Request from Councilman Dinardo regarding an Ordinance for Introduction for a town wide garage sale. She said residents will register in Borough Hall, pay a registration fee, get a black and white checkered flag to be placed on their lawn and their address will be placed on a map. Residents will be able to come in a week before town wide garage sale and each address that has registered will be indicated on the map.
- At the request of Councilman Harms she has begun to review all fees in the Borough and expects to have a revised ordinance by August.
- Has corresponded with the County regarding Community Development Block Grant money to make ADA upgrades in the Borough.

Police Chief – Warren Wielgus:

- Attended the annual Walk to Cure Cancer with Team Roselle Park which was very successful. He thanked Maria DelRio, her committee, the Mayor and Councilmembers for taking on such a large project and allowing it to be held in Roselle Park.
- Attended the John H. Stamler Police Academy graduation held at Kean University.
- The Church of Assumption held their annual St. Anthony's feast and he was pleased to report that there were no incidents.
- Attended the Beef Steak Dinner held by the Boys & Girls Club. It was a huge success and everyone had a great time.
- Attended the New Jersey State Association of Chiefs of Police annual conference in Atlantic City. He thanked Mayor and Council for their continued support and said it was bitter sweet to leave the Board of Officers but he had a great six years.
- Met with Labor Attorney Linda Niedweske, the PBA and SOA twice this month in contract negotiations. Some points cannot be reached by either side so they are trying to go into mediation in hopes of coming to a settlement.
- Attended several committee meetings regarding the 4th of July Extravaganza and thanked the Borough Clerk for all she has done to make it a success. He thanked the Roselle Police Department for supplying light towers and an air conditioned command center.
- He presented a check to the Mayor for \$10,090.46 from Passaic County for an Officer that left prior to two years.

DPW – Frank Wirzbicki:

- Street sweeper is out five days a week and Borough trashcans are emptied twice a week.

- SLAP workers have been with the Public Works Department the whole month of June.
- One crew is picking up debris five days a week, business cardboard is picked up every other Thursday and white goods are picked up daily by appointment only.
- Playgrounds are being cleaned at least three times a week and the bridges are being washed at least three times a week.
- Trees were removed and a crew is out grinding stumps, another crew is cutting grass throughout the Borough.
- One man has been cleaning Borough Hall and Police Department 5 days a week.
- The 40 foot wall that collapsed inside the brook at E. Grant Avenue was removed and the engineer has been notified.
- One crew brought tables, barricades and hung a banner for the Church of Assumption Feast.
- Astone Tree Service removed an uprooted tree from a house on June 10th. Damage was done to the house, two cars, sidewalk and curb.
- Summer and Farmer Market banners were installed on Chestnut Street and Westfield Avenue.
- One crew is trimming all bush throughout the Borough.
- Catch basin markers are still being installed. Three hundred basins have been done and they are waiting for more makers to come in.
- One crew is out doing black top and the curb line on Hazel Street has been repaired.
- The following trees were removed by the Public Works Department: 261 W. Webster Avenue, 420 Roosevelt Street, 412 Park Place, 117 E. Clay Avenue and 250 Lehigh Avenue.
- The following trees were trimmed: 100 E. Roselle Avenue, 300 W. Webster Avenue and 636 Ashwood Avenue.
- SLAP Workers have been cleaning the following areas: parking lots, emptied lots, two playgrounds and at Acker Park & Aldene Park chips were installed.
- Sewer camera is out of service and is being repaired.
- Waiting for letters from Council regarding tree planting in their wards.

Councilman Matarante asked Frank to find out if any measures needed to be taken in regards to the speed humps and snow plowing.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Dinardo:

- Attended the redevelopment meeting and felt the main goal will be to bring in rateables and beautify all at once.
- Attended the Fireworks Extravaganza and spent a lot of time in the dunk tank saying it was refreshing and they had a great turn out.

Councilman Rubilla:

- Attended the Fourth of July festivities but due to the lightening storm never got the opportunity to get dunked. He thanked all the volunteers especially Doreen Cali and Karen Intile.
- Representative Rich Dwyer from PSE&G was in to discuss the tree situation regarding an outside contractor cutting around power lines. He said Council had some concerns so Mr. Dwyer contacted the NJ Tree Foundation who presented Council with a \$1,000.00 check to help with any defects it may have cost the Borough.

Councilman Matarante:

- Said the Fireworks were a success and next year the Borough will form a committee to help prepare for the extravaganza. He requested letters of appreciation for the Roselle OEM, the Union County OEM, and the Roselle Police and Fire Departments for donating use of their equipment. He said the Borough collected over \$7,000.00 for the event and thanked Pop Warner, the PTA and the Boy Scouts. He said there were a lot of people who volunteered their time and services and thanked them for making it an excellent event.

PUBLIC COMMENT

Councilman Rubilla moved, at 8:00 p.m., to open the public comment portion of the meeting; seconded by Councilman Dinardo and adopted.

Jacob Magiera, 612 Sheridan Avenue, addressed:

- Asked if the Town Wide Garage Sale was going to be coordinated with the garbage bulk pickup. Borough Clerk Doreen Cali said no because the next one is in August which is too soon and the other pickups are in November and December.
- Asked if the Borough had a tree maintenance program and Councilman Harms said they did but nothing could be done until the budget was passed.
- Addressed speeding and the need for new yield signs on Chestnut Street. He stated that Assembly Bill A-175 requires a vehicle to come to a full stop for pedestrians.
- Stated that children under 17 are still riding bicycles and skateboards without helmets. He said it is a State law which is not being enforced and suggested encouraging them by giving them an ice cream cone or a 2 liter bottle of soda.
- Said he was at Webster Garden Apartments this week and claimed the fence was a mess and there was a bunch of garbage behind it.

- Read an article from The Leader regarding the Board of Education and closed session meetings. He said Council had agreed two years ago to go into re-training regarding the Sunshine Law and asked why they have not done that. Mayor DeIorio said through the Union County League of Municipalities Organization they are working on a shared services training session.
- Suggested putting lights under the bridges for the safety of pedestrians. Mayor DeIorio said Councilman Harms suggested putting an additional light pole there and sparing the Borough the expense of putting lights underneath.

Joseph Fonte, 456 Amsterdam Avenue, addressed:

- Said he attended the fireworks and wanted to commend everyone involved.
- Stated that all residents should be able to ask any question they want regarding Roselle Park.

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

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

Councilman Rubilla moved to approve the following minutes pending any corrections; seconded by Councilman Matarante, all members voting Aye, said motion was adopted.

- Special Meeting: June 06, 2006
- Special Meeting: June 08, 2006
- Special Meeting: June 26, 2006
- Regular Meeting: June 15, 2006

REPORTS OF DEPARTMENTS – (Con't)

Councilman Harms:

- Thanked his wife who spent the whole day volunteering during the Forth of July Extravaganza.
- Asked the Borough Clerk to resend the rules of what can be discussed during the public comment portion of a meeting to all Councilmembers.

Councilman Zeglarski:

Councilman Zeglarski had no formal report. He said the rules of the quorum were created by this Council and are rules he has strenuously objected to. He said they create a chilling effect and can be changed and modified.

Councilman Zeglarski moved to amend the bylaws to remove any requirement for the quorum to simply allow people to speak at will under the control of our chairman; seconded by Councilman Dinardo.

Roll called, Councilmembers Matarante, Zeglarski and Dinardo voting Aye; Councilmembers Harms and Rubilla voting No. There being three affirmatives and two negatives, said motion was adopted.

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

An Ordinance (#2178) entitled, “AN ORDINANCE AMENDING CHAPTER 159, PEACE AND GOOD ORDER, §159-1, PROHIBITING PUBLIC URINATION OF THE CODE OF THE BOROUGH OF ROSELLE PARK”, was brought up and read by title only on its second reading and public hearing.

Councilman Rubilla moved to open the public hearing on Ordinance #2178; seconded by Councilman Dinardo and adopted.

Jacob Magiera, 612 Sheridan Avenue, addressed:

Asked what the throwing garbage and refuse into waters and ponds have to do with public urination. Borough Attorney Bill Lane said it was part of the ordinance as it originally existed. He said the amended ordinance is for the public good and not restricted to just one illegal activity.

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

Councilman Rubilla moved that Ordinance #2178 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Matarante, all members present voting Aye, said ordinance was adopted.

An Ordinance (2179) entitled, “AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ROSELLE PARK TO AMEND SECTION 128-58-B RELATING TO STORM DRAINS AND CREATE CHAPTER 130, A STORMWATER CONTROL ORDINANCE, IN THE BOROUGH OF ROSELLE PARK TO ENACT STORMWATER CONTROL REGULATIONS”, was brought up and read by title only on its second reading and public hearing.

Councilman Rubilla moved to open the public hearing on Ordinance #2179; seconded by Councilman Harms and adopted.

Jacob Magiera, 612 Sheridan Avenue, addressed:

Requested an explanation of the ordinance. Borough Engineer Ed Dec said the ordinance is mandated by the State and requires all municipalities to adopt an ordinance that follows the

State criteria. Mayor DeIorio stated that storm sewers have decals showing that they meet all of the guidelines of storm sewer regulations.

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

Councilman Rubilla moved that Ordinance #2179 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

Roll called, all members voting Aye, said Ordinance #2179 was adopted.

An Ordinance (#2180) entitled, "AN ORDINANCE TO REPEAL CHAPTER 113 (FLOOD DAMAGE PREVENTION) AND TO ENACT ARTICLE XIII A (FLOOD DAMAGE PREVENTION) IN CHAPTER 128 (LAND USE) OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO REVISE FLOOD DAMAGE PREVENTION REGULATIONS", was brought up and read by title only on its second reading and public hearing.

Councilman Rubilla moved to open the public hearing on Ordinance #2180; seconded by Councilman Matarante and adopted.

Jacob Magiera, 612 Sheridan Avenue, addressed:

Stated that E. Lincoln Avenue from Hemlock to Spruce was flooded the other day and asked if that area was still in the flood zone. Mayor DeIorio said a portion of that area was still in the flood zone. Mr. Magiera asked if any utility work was going to be done before paving E. Lincoln Avenue. Mayor DeIorio said E. Lincoln Avenue is a County project and they will notify the utilities. Borough Engineer Ed Dec said the ordinance is to keep the Borough current with their standards so we can participate in their programs.

There being no one wishing to speak, Councilman Rubilla moved to close the public hearing; seconded by Councilman Matarante and adopted.

Councilman Rubilla moved that Ordinance #2180 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Matarante.

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

Introduction

ORDINANCE NO. 2181

AN ORDINANCE TO AMEND CHAPTER 43 OF THE CODES
OF THE BOROUGH OF ROSELLE PARK TO ESTABLISH
THE POSITION OF ASSISTANT TAX COLLECTOR

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 of the Borough Code is hereby amended as follows:

ARTICLE VI

SECTION I

Chapter §43-22, is hereby amended to add the following:

Position created.

There is hereby created within the Borough of Roselle Park the position of Assistant Tax Collector

Duties.

Assists in the administration of the Tax Collector's Office; does other related duties.

NOTE: The examples of work for this title are for illustrative purposes only. A particular position using this title may not perform all duties listed in this job specification. Conversely, all duties performed on the job may not be listed.

Assists the tax collector in reviewing and recommending policies to the local Governing Body that would in anyway affect the normal operations of the tax collection function.

Aids the tax collector in consultations with the municipal finance director and municipal auditor to maintain accounting and reporting procedures.

Receives ad valorem tax duplicates from the tax assessor.

Assists in the timely preparation and mailing of all final tax bills after establishing the accuracy of said tax duplicates.

Assists the tax collector in consultation with the tax assessor, municipal finance director, and municipal administrator, regarding the exact format and amount of information outlined on tax bills and information regarding tax appeals.

Assists in establishing appropriate accounting and recording procedures as required by state statute to enhance efficient and accurate record keeping utilizing modern accounting techniques and system controls to provide detailed and timely data for audits.

Assists the tax collector in the receipt, reconciliation, deposit, and recording of all cash received to special account ledgers, tax lien ledgers, foreclosed property ledgers, and delinquent ledgers.

Assists the tax collector in developing administrative procedures for dealing with delinquent accounts to increase the percentage rate of collection and reduce the rate of uncollected or delinquent accounts including telephoning, personal visits, newspaper releases of delinquent accounts, and/or separate mailing for delinquent accounts.

Assists in establishing and maintaining accurate listings of all unpaid tax items.

Assists in preparing a listing of properties to be sold, accurate descriptions of all property, the name of the owner and listing of all taxes, assessments, and other charges for preparation of tax sale.

Aids the tax collector in the distribution of public notices of the time and place of all tax sales which include a description of said property and total amount due at the time of the sale, and the placing of notices in designated public places, and the publishing of same in an area newspaper pursuant to state statute.

Assists in the conduct of tax sales on all delinquent property at least once each year.

Assists in delivering certificates of sale to all purchasers.

Assists in the distribution of notifications concerning homestead rebates, tenant rebates, and notification to respective owners regarding their eligibility for federal flood insurance.

In the absence of the tax collector may assume his/her duties, responsibilities, and authority.

Will be required to learn to utilize various types of electronic and/or manual recording and computerized information systems used by the agency, office, or related units.

Compensation

The salary for such office shall be as provided from time to time as follows and shall be payable in biweekly payments.

Minimum
37,879.35

Maximum
43,559.23

SECTION II. All ordinances and parts of ordinances inconsistent with the terms hereof are hereby repealed to the extent of such inconsistency.

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

Councilman Rubilla moved that Ordinance #2181 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on July 20, 2006; seconded by Councilman Matarante, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2182

ORDINANCE REGULATING A BOROUGH WIDE GARAGE SALE IN THE BOROUGH OF ROSELLE PARK

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

SECTION 1. Chapter 106 (1). Is hereby amended to read as follows:

SECTION I.

Borough Wide Yard Sale.

- a. Definition. Borough Wide Yard sale is the sale of small, personal household items that are sold by individuals from the front yard of their residences after obtaining permit from the Borough Clerk.
- b. Limited. Only applicable to Borough Wide Yard Sale

Registration.

Any individual seeking to participate in the Borough Wide Yard Sale shall register with the Borough Clerk's office prior to participation in such sale a minimum of 10 days prior to the scheduled event.

Fees

The Borough Clerk shall collect a permit fee for Borough Wide Yard Sale. All license fees shall be paid in advance by cash, money order, certified check or bank check at the office of the Borough Clerk. Personal checks are prohibited. The following fee of \$10.00 is hereby established for such sale.

Violations and penalties.

Violations of the provisions of this article shall be punishable as in Chapter 1, Article General Penalty.

SECTION II. All ordinances and parts of ordinances inconsistent with the terms hereof are hereby repealed to the extent of such inconsistency.

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

Councilman Rubilla moved that Ordinance #2182 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on July 20, 2006; seconded by Councilman Dinardo.

Councilman Zeglarski moved to amend the ordinance to include "as stipulated through resolution by the Governing Body" after the completed definition of Borough Wide Yard Sale; seconded by Councilman Dinardo and adopted.

Roll called, all members present voting Aye, said ordinance was adopted.

RESOLUTIONS

Councilman Rubilla moved the following resolution; seconded by Councilman Harms, all members present voting Aye, said resolution was adopted.

RESOLUTION NO. 109-06

WHEREAS, Mayor and Council advertised for bids on May 31, 2006 for the reconstruction of Franklin Place off West Clay Avenue; and

WHEREAS, the three lowest bids received on June 12, 2006 were as follows:

. **JENICAR BUILDERS CONTRACTORS**

573 Belgrove Drive, Kearny, New Jersey 07032

base bid in the amount of **\$148,520.19**

. **TOP LINE CONSTRUCTION CORPORATION**

22 Fifth Street, Somerville, New Jersey 08876

base bid in the amount of **\$199,537.60**

. **4 CLEAN-UP, INC.**

P.O. Box 5098, North Bergen, New Jersey 07047

base bid in the amount of **\$211,894.00**

WHEREAS, the bids were reviewed by the Borough Engineer who has recommended that the bid of Jenicar Builders Contractors in the amount of \$148,520.19 be accepted; and

WHEREAS, this bid has been reviewed by the Borough Attorney and found to be in proper form and compliance with the specifications, now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the bid of Jenicar Builders Contractors be accepted; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are authorized to enter into a contract for the reconstruction of Franklin Place off West Clay Avenue, subject to the approval of the Borough Attorney.

Councilman Rubilla moved the following resolution; seconded by Councilman Harms.

Councilman Rubilla asked if this was the same labor counsel that along with the Police Chief acquired \$10,500.00 out of potential lawsuit and Mayor DeIorio said yes.

RESOLUTION NO. 113-06

BE IT RESOLVED, that Resolution No. 79-06, authorizing the award of a contract for Professional Services to Linda Niedweske, Esquire of the firm Niedweske Barber, P.C. in the amount of \$18,000.00, is hereby amended to increase the maximum amount specified for legal consulting and labor relations matters to an amount not to exceed \$20,000.00 for the year 2006.

Roll called, Councilmembers Harms Matarante and Rubilla voting Aye; Councilmembers Zeglarski and Dinardo voting No. There being three affirmatives and two negatives, said resolution was adopted.

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

- Potential litigation – Faitoute Firehouse Bathroom bids
- Litigation – East Coast Sanitation

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Rubilla 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:

- Potential litigation – Faitoute Firehouse Bathroom bids
- Litigation – East Coast Sanitation

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