

Regular Meeting of Mayor and Council September 21, 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 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, C172. (NJAC 17:27).

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

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

CERTIFICATES/PROCLAMATIONS

Certificates

- Nicholas Marino

Proclamations

- National Breast Cancer Awareness Month

PRESENTATION BY CAROLYN COOPER, HONEYWELL

Mayor DeIorio said this presentation has been an ongoing project that the Governing Body ventured into regarding energy conservation at Borough buildings and facilities. Ms. Cooper thanked Council for their invitation and introduced Max Loc who is the Performance Contracting Engineer that worked with her on the project. She said she had a brief presentation to follow up on some work they have been doing with the Borough on a potential energy program. Ms. Cooper said she would walk through the agenda and talk a little bit about the overall program objectives, steps that have been conducted to date, summary of the findings they have concluded, some proposed improvements they would like to recommend for the Borough, some proposed cost and savings, program benefits and next steps. Ms. Cooper said there was good news and that Honeywell did have a potential energy program for the Borough which is not a big program, it's a small program but that is also good news because what that suggests is that the Borough is doing a very good job with regard to energy efficiency and Council should pat themselves on the back for that. She said basically what they found is that their energy usage per square foot across the Borough is relatively low when compared with and benchmarked to other municipalities. She said if the Borough had a lot of inefficiencies they would have a bigger

program but because they are so efficient they have a small program but a good program and will save the Borough money. Ms. Cooper asked if there were any questions and if the agenda was amenable to everyone. She recapped on some of the objectives they discussed when they initially met and Honeywell came into the Borough to evaluate the facilities to identify energy and cost saving opportunities, to identify energy and operational issues, to look at opportunities to potentially repair and modernize the facilities without any added cost to the taxpayers which is very important. She said the whole program that they looked at was on the premise they are not looking to add any increased cost to taxpayers. Ms. Cooper said after they identified the various opportunities then the next step was to evaluate the technical and financial feasibility. She said such a program can work technically and they make it work financially for the Borough. She said after reaching that step the next was to come up with a guaranteed self-funded program because as they had talked about with this program, it is budget neutral and the idea is to generate savings that the Borough will use to implement energy conservation issues and there will be no cost to the Borough. She stated that the biggest issue is to avoid the need for capital funding or any bond issues with no added cost to taxpayers. She said back in March and April she met with Council to introduce the whole concept of energy performance contracting and to make sure they understand what the Borough's needs were. Ms. Cooper said the Borough signed a letter of authorization in May and that it was not a legally binding document with regard to any costs. She said the letter simply stated the Borough was providing them access to the facilities to walk through them as well as look at the utility bills. Ms. Cooper said once they got the letter they grabbed the bills and looked at two years worth of data, gas and electric bills and then Max and her came out in June and conducted an audit of all the facilities. She said they took all that information sat down, analyzed and reviewed it and basically identified some potential energy opportunities and then developed some saving projections around that. As she said already the analysis of the utility bills suggested that the energy usage per square foot across the Borough is relatively low when compared and benchmarked with other municipalities and that is very good news. She said the preliminary walk through that Max and her conducted supported that and they did not find any equipment about to breakdown but did find an opportunity for the Borough to save about 10 percent of the current energy spent which is about \$100,000.00 and that translates into about \$10,000.00 in savings per year and the total proposed savings would be about \$150,000.00 over 15 years. She said when they first talked about the program that the performance contracting legislation in New Jersey allows municipalities to lease these programs over 15 years. She asked if there were any questions and the improvements that Honeywell is proposing is a Borough wide lighting upgrade which includes all of the buildings with the exception of the library and they are not only talking fixtures they are also talking controls. The second thing they are proposing is to upgrade the building controls for heating and cooling at some of the satellite facilities in particular some of the firehouses and first aid squad. Ms. Cooper said she wanted to look at some of the proposed cost savings which are a little small but the important thing to note here is that these are budgetary cost or simply for estimating purposes. She wanted to call out that under payback it states 18 years and a few minutes ago they talked about a program over 15 years. She said 18 years is a very conservative number and she knows she can get the Borough a 15 year program but for proposed budgetary purposes and eternal uses they have 18 as overly conservative but they can get 15 under the terms of the law. She said it is a total cost of about \$191,000.00 a total savings of \$10,000.00 and the payback would be closer to 15 years. She said those were very rough numbers and Council has to remember that when Honeywell first came in they said they would do the energy audit at a

50,000 foot level, a brief walkthrough and a quick look-see. She said if the Borough does decide to move on and proceed with this program once Council makes a selection on a vendor the vendor would then implement an investment grade audit. Ms. Cooper said they are now talking down into the weeds and really into the details on a 100,000,000 foot level and they will give the Borough some real firm concrete numbers that they can hang their hat on. She asked if there were any questions. She said the total project cost is \$191,000.00, savings of \$10,000.00 and the payback closer to 15 years. Ms. Cooper pointed out that M&V cost stands for monitoring and verification and when they talked about the program on its inset they talked about the fact that Honeywell is going to guarantee those savings year over year and they are going to do that by coming in every year and verify that they save what they said they would. She said if they do not they will write a check to make the Borough whole and if the Borough saves more that is money that goes in the Borough's pot and Honeywell does not take a piece of that. She said the benefits is that it is a self funded program which reduces and contains your energy and operational costs by roughly 10 percent, helps to modernize the facilities and improves the conditions for not only employees but for visitors. She said Honeywell is going to provide guaranteed results through their performance based contract. Councilman Matarante asked if they were confident that after 9 years the boiler was not going to break. Mr. Loc said he could only answer that question with a not really. He said when they looked at it they looked with the perspective of what they could do in a program that makes sense and will be self funded based on the amount of money the Borough spends on energy now. He said they are spending about \$100,000.00 a year if they are looking at the energy savings level they are looking at there is a limited amount of work that could be done and fit within the performance contract. He said there is some equipment in the district and some issues with the air conditioning equipment in the Municipal Building and asked if it could be paid for on a savings basis on a performance contract. He said the answer to that was probably not because the Borough is just not spending enough money. He said the fact that you run the building fairly well is kind of a double edge sword because it is good from the prospective they are saving the Borough money but bad from the prospective that there is not a lot of money to play with to make improvements. Mr. Loc said Honeywell cannot tell them that there is a piece of equipment that is not going to fail in the next 15 years. Councilman Matarante said if they are projecting savings out over 15 years and after the 15th year they say they saved the Borough money but somewhere along the line some deficiency pops up that wasn't planned for today how that affects Honeywell's goal and the Borough's savings capabilities. Mr. Loc said the answer to his question comes in parts. He said they establish in cooperation with the Borough and say they look at a lighting program they would establish in cooperation with them that there is a certain number of fixtures in the buildings and certain hours of operation on the existing fixtures which use X amount of energy and the new one use Y. He said the energy savings are very straight forward which is X minus Y times the number of hours of operation and that is what they are saving. He said they agreed to the basis of that. He said if something happens and you shut a building down and decide to double the size of Borough Hall or something else that is a major renovation that changes the way the building is used or operated that is what the whole measurement and verification piece is all about. On an annual basis Honeywell will look at that and make a decision in cooperation with you that says yes we've continued to operate the district the way we said we were and we agreed to and we're good or these are the things to change and these are the adjustments that have to be made in some base line agreement and then that works out on an annual basis of what the actual numbers are. Councilman Matarante said he was looking for if after a certain number

of years they start in 2006 changing fixtures and revamp the lighting system at the end of the year they can show through electrical cost they saved 10% now they fast forward 10 years from now and in the meantime Honeywell is coming in every year and he does not know if they are doing the full blown audit they did prior to the Borough signing the contract but they are still coming in and checking things out. Mr. Loc said it was a much reduced kind of a thing and would be a half of or a one full day. Councilman Matarante said for 7 years the Borough is at about \$100,000.00 of energy cost and have been saving about 10% pretty consistently. He said in year 8 they do not change the buildings and everything stays the same but energy cost go up to \$400,000.00 a year will there be some way they will know what happened and when that incurred. He said that is where he goes back to his original question which is how Honeywell calculates and he needs to know what is going to happen within the 15 years into the contract and if there is additional support that Honeywell will provide. Mr. Loc said when they come in and do the audit if they look at the energy bills for the last 12 months and see there is a major jump in energy they will obviously ask why. He said if they see something they will discuss it and find out what the issues are. Ms. Cooper said they were coming in to do an M&V of those ECM's that are covered under the performance base contract and in this instance will be looking at the Borough's controls to make sure they are working sufficiently and the Borough's lighting. She said if they found an issue as they walk through the Borough with a boiler and include it in this program that would also be covered but in this instance they are looking at lighting and controls. She said if you have a boiler and in 5 years it explodes and you need an emergency they can help with that and they hope to work with the Borough on a service contract. Councilman Matarante said having been with the Board of Education for a couple of years and knowing that all of a sudden all of the boilers were old he does not want to reach that point and if there is corrective action that can be taken prior. Mr. Loc said that was two different issues and the one they have been discussing is about energy. He said what the Councilman is asking is about infrastructure, its current construction, expectative use of life, establishing a plan in order to properly budget is a totally different issue and is entirely separate and apart from this type of program. Ms. Cooper said that is like a facility condition assessment where someone comes in looks at your equipment and gives a full report. Councilman Matarante said he appreciates that and really likes the program so he doesn't need to sound difficult but you started the presentation by saying you looked at all the equipment and it is in very good shape so he assumed there was some assessment that was already done. Mr. Loc said the assessment that was done was on the basis of the 6 or 7 hours they spent going through the district and primarily from the prospective of an energy performance contract but really did not look at it in great detail in the prospective of current age of equipment and condition. He said he made some judgments about that kind of thing as he went through and if Council would like to discuss that separately away from this meeting he would because it is not really relevant from what they are proposing. He said he was not implying that the equipment across the district is absolutely perfect and is going to run perfectly and flawlessly for the next 25 years because he would not make that kind of a statement. Councilman Badillo said then what you are saying is that by simply implementing the changes here you are going to propose this and the Borough would make these savings no matter what and Mr. Loc said yes. Councilman Badillo said his next question was the \$191,000.00 budget for the project and asked if Honeywell brings in there own contractors to change all the fixtures. He asked if that was provided through the contract so the Borough does not have to bid it out because if the Borough bids it out they don't know what the contractors will come back with and asked if that was part of the program. Ms. Cooper said yes and how that works is and

actually leads into her next slide. Ms. Cali said she did not want to go into the next slide yet just for one reason. You just brought up a great point if you could go back one slide. The average person watching this on television is going to look at the price as a \$191,092.00 and the town saving \$10,000.00 and scratch their head. She asked her to explain that, she said it looks to the normal taxpayer your showing proposed project cost and savings that the cost to do the project is \$191,092.00 and the Borough is going to save \$10,056.00. Ms. Cooper said the savings is based on the lighting retrofit and building controls there is M&V cost and some project management cost in there. Mr. Loc said the total savings should save dollars per year and Ms. Cooper agreed saying it is per year annually. Ms. Cali thanked her and Councilman Badillo said the contractors will come in and change the fixtures and air conditioning controls. Ms. Cooper said she would use the next slide to explain that because as a public entity you cannot just say Honeywell we want you to do this come do this. She said you have to go out and request proposals and select a vendor if you select Honeywell then yes we manage all that we take care of all that so if we go through the next steps we are at a point where the Borough now needs to make a decision on if this program is meaningful and if you want to go forward great. If at this point you say know what we've made a decision we don't want to go forward then fine no dollars and have been exchanged and we appreciate the opportunity to be here. She said they got some good benchmark data and meet some great people. We walk away, you walk away and everybody's happy so there is not financial exchange or anything for this. She said if you do decide to move forward the next thing you need to do is issue a request for proposal. She said you put that out on the street, you solicit responses and then you select a vendor. She said they talked back early on about how you go about that selection process and if you recall they talked about the competitive contracting laws in New Jersey and those laws allow you to make a selection on other criteria other than simply cost and we can help you do that. She said you would create some selection criteria when you put your RFP out so that whoever is bidding understands that these are the criteria we are going to be evaluated on and in the State of New Jersey you can actually hire an energy savings company based on criteria other than low bid. The competitive contracting laws allow you to do that. She said you would select a vendor and then you would pass a resolution awarding a project and what she has in parentheses is something she has called a letter of intent which is what they normally see in the private sector but the same thing in the public sector your resolutions would be termed like a letter of intent which basically says okay we are going to commit to work with you and if you can meet all of these criteria's vendor if you can go out and meet all of these things then we are going to go ahead with this project because once you select your vendor then vendor is going to come in and do an investment grade audit which is the 10,000.00 foot in the weeds really get definitive and put together some really firm pricing there going to then present the results of that suit to you and then you would agree to enter into a performance contract and a finance agreement and then they would implement the project. She said what is important is what she has down on the bottom of this slide is that because you're a public entity Honeywell can't run an RFP for you but they can give some examples and guide you through this process and if we are selected then yes we would take care of all the contracting and sub contracts. Mayor DeIorio said any capital expenditures would be done similar to purchasing an addition on a building. Ms. Cooper said Honeywell will save the Borough dollars in energy and those dollars will pay to implement this program. Mayor DeIorio said if Council's chooses to go through a lease agreement there will be an annual budget appropriation. Ms. Cooper said there are all different ways to make these programs work and Honeywell has internal people who do nothing but work up the financials on these programs.

Borough Attorney Bill Lane asked if the cost savings was based on the cost of savings in 2006 or 2007 because he anticipates a kilowatt will cost something different in 2012. Ms. Cooper said that would all be factored in as they work towards the finances of the program. Mayor DeIorio thanked Honeywell and stated there would be further discussions at future Finance & Administration meetings.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Badillo moved to interrupt the regular order of business for a 5 minute recess; seconded by Councilman Harms and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

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

COMMUNICATIONS

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

- Letter from Westfield Regional Health Department requesting permission to hang a Fall Health Fair banner on the side of the Municipal Building until October 31, 2006.

PUBLIC COMMENT

Councilman Rubilla moved, at 8:34 p.m., to open the public comment portion of the meeting; seconded by Councilman Dinardo and adopted.

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

COMMUNICATIONS – (Con't)

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

- Request to use the following parks on the dates specified for the following events:
Voter Registration Drive at Michael J. Mauri Park on Sunday, October 1, 2006 from 1:00 p.m. to 4:00 p.m.
Candidate Meet and Greet at Michael J. Mauri Park on Saturday, October 7, 2006 from 11:00 a.m. to 1:00 p.m.
Candidate Meet and Greet at Aldene Park on Saturday, October 21, 2006 from 11:00 a.m. to 1:00 p.m.
Candidate Meet and Greet at Acker Park on Saturday, October 28, 2006 from 11:00 a.m. to 1:00 p.m.

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

- Request for permission to hold a Street Fair on Sunday, October 21, 2007 pending same previous conditions are met.

REPORT AND RECOMMENDATIONS OF MAYOR

- Received word that the State will be redoing the Walnut Street Bridge. Bids will be advertised at the end of October and awarding the project in November. Work is expected to be completed in the Spring.
- Spoke with the Superintendent of Public Works regarding cleanliness along the Gordon and Walnut Street Bridges. Mr. Wirzbicki has been in contact with Roselle to come up with an informal Joint Services Agreement.
- Asked Council to bring us up to date on the proposed pedophile free school and playground zone. Borough Attorney Bill Lane said it was placed on the agenda and there were concerns with the area in question. He said two questions that have to be resolved by Mayor and Council is the distance from the protected site and whether it should include bus stops in addition to schools. The Governing Body was provided with copies of Guarriello and Dec's map showing two circles one representing 2,500 square feet the other 1,500 square feet. He said if the 2,500 square feet is used there is no area not protected and if Council agrees an ordinance has already been prepared except for the square feet which would need to be inserted. Councilman Badillo moved to add the two churches, the new pre-school, the Youth Center and use the ratios of 1,500 square feet. Mayor DeIorio suggested that Mr. Lane take this information to Mr. Dec to include churches, the Youth Center, day care facilities, library, public, private, parochial, pre-schools, adult disabled group homes, parks and playgrounds. Mr. Lane said he would take the 1,500 square feet and add the institutions to be protected into the ordinance for the next meeting.
- On October 24th confirmation was received that Ron Cook Barret an expert on gang related activity will be speaking at 7:00 p.m. in Town Hall. He invited the public to join and ask questions.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Dinardo:

- Attended a Board of Health meeting who had a question regarding the new Code Enforcement Official and who he would be reporting to. Mayor DeIorio said Ms. Mack use to handle high grass which fell under the Board of Health but he was not sure if an amendment was made to change that from Health to Code. He suggested Councilman Dinardo contact the Code Enforcement Department.
- Announced that on October 7th the Borough will be holding their Town Wide Garage Sale and invited everyone to come down and participate.

Councilman Badillo:

- Reported that according to the DEP the storm water sewer behind E. Clay Avenue and E. Grant Avenue could be a minor application and should not take as long as they thought it would.
- Thanked Doreen who is helping him and Councilman Matarante with a possible fence at Acker Park.

Councilman Rubilla:

- Former Mayor Helen Ryan's sister, Agnes, passed in her sleep. Her wake is being held at the Sullivan Funeral Home. He sent his condolences to the family and said everyone that knew her loved her and she would be missed.
- On September 8th the Municipal Services Committee met and Councilman Harms and Dinardo were in attendance. He said the essence of the meeting was to come across some kind of balance on starting and ending times for construction hours. Councilman Harms recommended contacting several communities to review their ordinances. He said they should have that information for the next meeting and will give their recommendation.
- Said he looked forward to the rehabilitation of the Walnut Street Bridge and thanked Frank Wirzbicki who has been routinely filling potholes on the Roselle Park side of the bridge.

Councilman Matarante:

- The Joint Sewer Meeting reassembled today and the big topic was the law firm for Joint Sewer had to resign today due to some conflict of interest. He said one of the recommendations was to increase the hourly fee and he has asked for a survey of industry norms and what the overall affect on the Joint Sewer budget would be. He said there is a settlement agreement that will bring back a significant amount of money Joint Sewer and hopefully that will come back to the Borough in some form of savings.
- The UCEDC is running their 22nd Annual Golf Classic and he has received a request for Mayor and Council. He read a letter regarding the lost of a committed volunteer and true friend when Jack Sievers passed away this past February. He said in honor of his memory UCEDC has created a 529 College Savings Plan to benefit Jack's youngest daughter Jessica. He said UCEDC will donate the full proceeds of the sale of every hole sponsorship to the savings plan and in addition individual donations could be made directly to the fund. He said both are tax exempt contributions and suggested the Governing Body contribute with a \$125.00 hole sponsorship. Council agreed to the \$125.00 sponsorship.

Councilman Harms:

- Said he received four ordinances regarding construction noise from Kenilworth, Cranford, Garwood and Linden. He said all four towns have the same starting time of 7:00 a.m. but ending times vary from dusk to a set time. He said the committee will discuss it and make recommendations but felt there should a time written in the books.

Councilman Zeglarski:

- Had no formal report.

REPORTS OF DEPARTMENTS

Councilman Rubilla moved to approve the following reports; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

- Treasurer's Report for August 31, 2006
- Tax Collector for August 31, 2006
- Municipal Court for August, 2006

Borough Clerk – Doreen Cali:

- Attended a shared services meeting with the County of Union and they showed an extreme interest with sharing services in technology with each municipality as in website hosting and e-mail services. The County suggested Roselle Park be the pilot town who will apply for the grant and the Borough will be the experiment. Ms. Cali said this would cover the Borough's e-mail, webpage, web hosting, IT address, hooking up to fiber optics, the Police Department and their support service. She said she has sent a list of what they currently have and are paying and they will be sending a team over.
- Ms. Cali reported that under Community Development Block Grant she spoke with the Director who forwarded a map and will meet with her next week to discuss the application and what the Borough is eligible for.
- Ms. Cali said she was making arrangements with the State to come to Borough Hall and teach ethics rules, regulations and laws to Councilmembers and employees. Councilman Zeglarski said he would prefer something in the evening or weekends. Mayor DeIorio mentioned that the League of Municipalities held sessions quite often and that he would also like to see Borough employees receive training as well. Councilman Zeglarski said a date has not been set for either suggestion and it was said if a date was not set by the deadline Council would precede with the Borough Attorney. Mayor DeIorio directed the Borough Attorney to do a session with Council and Ms. Cali to do one for the employees. Borough Attorney Bill Lane said he would submit three or four alternate dates and schedule it based on the highest response.

Borough Attorney Bill Lane:

- Submitted to Council the most recent revised subdivision plan for the Lehigh Valley parcel. He said the Borough will be selling a strip of property 18 X 100 feet to an adjacent property owner. He stated it was the northeast side of Acker Park and is not any part of the park currently being used. He said his plan does include a small change of expanding the easement an additional 10 feet for maintenance of the fence. He said when they communicated with the adjacent property owner who agreed with the original transaction they now have to communicate with him due to the small change. He said he would discuss it with the property owner, revise the plans and have it ready for the October Planning Board Meeting. He said at that time he will also apply for a subdivision on Jerome Street and Valley Road.
- Forwarded to Mayor and Council a request from the Board of Education regarding the current lease at the Youth Center. He said they are now occupying on a holdover lease and requested direction from Council. Mayor DeIorio said he had some questions regarding the contract that he wanted to discuss in closed session.
- Said he had a matter to discuss in closed session regarding the potential claim in litigation that the Borough has in regards to Seagraves.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting: September 7, 2006

PAYMENT OF BILLS

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

Current Fund	\$1,757,680.53
Federal State and Grants	9,836.46
General Capital	183,486.09
Sewer Utility Operating	11,499.63
Recreation Trust Account	453.00
Other Trust	6,722.76
HUD Trust Account	2,097.73
Public Assistance II Fund	<u>4,464.00</u>
Total Bill List:	\$1,976,240.20

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

CERTIFICATES/PROCLAMATIONS

Certificates

- Nicholas Marino

Proclamations

- National Breast Cancer Awareness Month

PUBLIC COMMENT

Councilman Rubilla moved, at 9:25 p.m., to reopen the public comment portion of the meeting for the second time; seconded by Councilman Dinardo and adopted.

Jacob Magiera, 612 Sheridan Avenue, addressed:

- Thanked Mayor and Council for their reconsideration of opening up the public portion.
- Stated that on the corner of Sherman Avenue and E. Lincoln Avenue the storm sewer catch basin has not been cleaned out.
- Asked who was paying for the electrical work at the Youth Center. Mayor DeIorio said the monies being used to pay for the equipment and fixing up of the electrical system is through the retention of money from Blackstone. Borough Attorney Bill Lane said approximately \$24,000.00 has been retained from money that was contractually due to Blackstone.
- How many residents were struck by vehicles on Chestnut Street between E. Clay Avenue and W. Westfield Avenue during the last year and a half. Mayor DeIorio said that information would need to be researched.
- Mr. Magiera read an article titled “State sets up efforts to make Pedestrians Safer”. He said grant money will be made available to keep the streets safer and \$50,000.00 would be provided over a 5 year period. Mayor DeIorio said that article was regarding the Transportation Trust Fund made through the Department of Transportation.
- He stated that both Adase and Wolf ball fields are contaminated and should have been closed at the same time. He said the Governing Body should not put our children at risk. Mayor DeIorio said the fields contamination levels have stayed the same and the standards they are being judged by is different from the EPA to the DEP. He said the soil may be dirty but not necessary pose a significant health risk to a child or an adult and the Borough is bound by the Memorandum of Agreement and the standards DEP sets. He said the DEP is currently working on a public information session similar to the EPA’s and as soon as he receives confirmation from them the DEP the Borough will hold an open session for people to come in and ask questions. Mayor DeIorio stated that the numbers have not changed the use of the standards have changed.
- Said the parking lot lights were not on and need to be adjusted. He also stated that the storm sewer catch basin in front had standing water and that according to today’s Leader the West Nile Virus has been found in the Township of Union.

Mario Valli, 715 Elm Street, addressed:

- Asked if Council was going to hold debates before November's elections. Mayor DeIorio said he wanted to have one-on-one debates for the Mayor's position since it is such an important one. He said if Council and Mayoral candidates want to meet at the same time and have a debate there would be no objections from him.

Michael Yakobov, 146 W. Lincoln Avenue, addressed:

- Thanked the Mayor on behalf of some residents for a recent meeting held at Borough Hall regarding property taxes. He said they were very pleased the Governing Body was focused on their needs.
- He said in regards to distance regarding registered sex offenders he would prefer the distance be further and residents should be notified when someone of a Tier 1 is in a local area.

There being no one else wishing to speak, Councilman Rubilla moved, at 9:45 p.m., to close the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

PASSAGE OF ORDINANCES

Introduction

ORDINANCE NO. 2187

AN ORDINANCE TO AMEND CHAPTER 105 (EXCAVATIONS IN STREETS)
OF THE CODE OF THE BOROUGH OF ROSELLE PARK, TO PRESCRIBE
PROCEDURES FOR STREET EXCAVATIONS, OBSTRUCTIONS AND
OPENINGS, AND TO REVISE OTHER PROVISIONS OF SAID CHAPTER

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF
ROSELLE PARK:

SECTION 1. Section 105-5 (Fees) in Article I (Excavations, Obstructions and Openings) in Chapter 105 (Excavation in Streets) of the Code of the Borough of Roselle Park, is hereby amended to read as follows:

§105-5. Fees.

No permit shall be granted except upon payment by the applicant of the following fees:

- Application Fee
 - Normal \$ 30.00
 - Non-reported opening 90.00
- Permit Fee
 - Up to 20 sq. ft. \$ 50.00
 - Between 20 and 80 sq. ft. 100.00
 - Additional over 80 sq. ft. 0.50 per sq. ft.
 - Multiple openings Minimum of \$50.00 each

Sidewalk and Grass (Within Municipal Right of Way)	\$40.00 per lot and/or address
• Inspection Fee	\$ 75.00
• Cash Bond	
Up to 43 sq. ft.	\$800.00
Over 43 sq. ft.	\$18.75 per sq. ft. per opening
Multiple openings are a minimum of	\$800.00 each
Newly paved roads (5 years of less)	
1 year	- \$2,500.00
2 years	- \$2,000.00
3 years	- \$1,500.00
4 years	- \$1,000.00
5 years	- \$ 500.00

NO BOND WILL BE REQUIRED FOR REGULATED (UTILITIES) COMPANIES

CURB PERMITS

Application Fee	\$ 20.00
Permit Fee	
Depressed curb (driveway opening)	\$ 50.00
Full height curb	0.50 per lin. ft.
	\$ 50.00 minimum
Inspection Fee	\$ 75.00
Cash Bond	
For a single driveway	\$ 12.00 per linear ft.
All others	\$ 12.00 per linear ft.

NO BOND WILL BE REQUIRED FOR REGULATED (UTILITIES) COMPANIES

SECTION 2. Section 105-5.1 through 105-5.27 shall not be effected by this Ordinance and shall be in full force and effect.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 6. This ordinance shall take effect upon final passage and publication in accordance with the law.

BOROUGH OF ROSELLE PARK

POLICY AND PROCEDURES

FOR

RIGHT-OF-WAY EXCAVATION

Roselle Park Department of Public Works
180 West Webster Avenue
Roselle Park, New Jersey 07204
Phone: (908) 245-7676
Fax: (908) 241-6927

***Return completed application to:**

Borough Clerk
110 E. Westfield Avenue
Roselle Park. NJ 07204

**APPLICATION FOR CONSTRUCTION WITHIN A PUBLIC RIGHT-OF-WAY
IN THE BOROUGH OF ROSELLE PARK**

Date: _____ Permit No.: _____

Type of Permit – Road Opening: _____ Curb: _____ Other: _____ Description: _____

Application is made by: _____

Address: _____ Phone #: _____

Construction by: _____ Phone #: _____

Address: _____ Emer. Phone #: _____

Type of work: _____

Location of work: _____

Total area of road opening: _____ Sq. Ft. Width: _____ Ft. Length: _____ Ft. Depth: _____ Ft.

Class of pavement – Concrete () Bituminous Concrete () Other () Specify _____

Total Lineal ft. of std. Curb _____ Ft. Depressed Curb _____ Ft.

Type of material to be used – Concrete () Belgian Block ()

Remarks: _____

Date work will be started on _____ and finished by _____

Call 1-800-272-1000 72 hours before any digging

All work must conform to construction standards of the Borough. A copy of the ordinance for the standards and requirements is attached.

Applicant's Signature: _____

***Return completed application to:**

Borough Clerk
110 E. Westfield Avenue
Roselle Park, NJ 07204

Application Fee: \$ _____ Application issued by: _____ Date: _____

Permit Fee: \$ _____ Permit issued by: _____ Date: _____

Inspection Fee \$75.00 Inspected by: _____ Date: _____

Bond, if applicable: \$ _____ Work actually started on: _____ Completed on: _____

Additional Fee for Newly Paved Road 5 years or less \$ _____

Inspect Temporary opening by: _____ Date: _____

Final Inspection by: _____ Date: _____

Inspect Permanent opening by: _____ Date: _____

Remarks on permit: _____

Procedure: All restoration must conform to the requirements of the Borough. You should also have a copy of the ordinance outlining the Borough's requirements for this excavation work.

This application must be made before any work is started except in cases of emergency. The original permit approved and signed must be available on the site at all times when work is in progress.

The permittee agrees to comply with the current laws of the State of New Jersey and Borough Regulations. The acceptance of this permit shall be deemed an agreement to abide by all of its terms, conditions and requirements as set by the Borough of Roselle Park. Notice must be given 24 hours before work starts to the Superintendent of Public Works to allow the inspectors sufficient time to check forming and compliance to standards. Call Superintendent of Public Works, Frank Wirzbicki at 908-245-7676, if you have any questions.

Approved: Superintendent of Public Works _____
Signature of Superintendent of Public Works

Newly Paved Road (Within 5 years)	_____	_____
	Yes	No
If yes/ year Paved	_____	
Infrared / Saw cut required	_____	_____
	Yes	No

***Return completed application to:**
Borough Clerk
110 E. Westfield Avenue
Roselle Park, NJ 07204

RETURN TO BOROUGH OF ROSELLE PARK

ROAD EXCAVATION & RESTORATION

All quarry process stone backfill must be placed and compacted in 6-inch layers. A temporary 2" bituminous top shall be placed and rolled.

Approximately 1 month later, the temporary patch and stone must be removed to sub-grade for permanent restoration. If existing pavement thickness is less than 6", a 4" thickness of bituminous stabilized base course (Mix I-2) and a 2" thickness of bituminous concrete surface course (Mix I-5) will be placed. If existing pavement thickness is greater than 6" the thickness of stabilized base will be increases so the depth of permanent restoration is the same as existing pavement. During the winter season, the pavement restoration will be deferred until April 1st or

as soon thereafter as favorable weather permits; however, the temporary patch must be maintained.

The existing pavement abutting the trench shall be saw cut. Any road surface that has been newly paved within five (5) years will be saw cut and infrared.

The trench in vehicular traffic lanes must be backfilled every night. Plates over trenches are not permitted, unless, specific approval is granted by the Superintendent of Public Works.

The applicant is responsible for the opening, protection of the opening, maintenance of the temporary and final pavement to the satisfaction of the Borough.

The Borough may perform any work necessary for the safety of the traveling public and deduct the cost of the work from the cash bond, or send additional billing to the permittee to cover the cost.

One year after final restoration, the Borough will re-inspect the site, and the cash bond will be returned to the permittee, if restoration is satisfactory.

All bar-holes must be filled in 24 hours after the job has been completed.

Traffic plans must be submitted with the permit when the traffic will be affected by the excavation.

SECTION 3

THE FEE SCHEDULE FOR APPLICANT THE POLICY AND PROCEDURE OF CHAPTER 105 (EVACUATION IN STREETS) IS HEREBY AMENDED TO READ AS FOLLOWS:

FOR APPLICANT FEE SCHEDULE **FOR BOROUGH OF ROSELLE PARK**

CONSTRUCTION PERMITS

ROAD OPENING PERMITS

Application Fee	
Normal	\$30.00
Non-Reported Opening	\$90.00
Permit Fee	
Up to 20 sq. ft.	\$50.00

Between 20 & 80 sq. ft.	\$100.00
Additional over 80 sq. ft.	0.50 per sq. ft.
Multiple openings are a minimum of Sidewalk and Grass	\$50.00
(Within Municipal Right of Way)	\$40.00 per Lot and/or Address

Inspection Fee \$75.00

BONDS NON-REGULATED COMPANIES

Cash Bond

Up to 43 sq. ft.	\$800.00
Over 43 sq. ft.	\$18.75 per sq. ft. per opening
Multiple openings are a minimum of	\$800.00 each

Newly paved roads (5 years or less)	1 st Year - \$2,500.00
	2 nd Year - \$2,000.00
	3 rd Year - \$1,500.00
	4 th Year - \$1,000.00
	5 th Year - \$500.00

CURB PERMITS

Application Fee \$20.00

Permit Fee

Depressed curb (driveway opening)	\$50.00
Full height curb	0.50 per lin. ft. \$50.00 minimum

Inspection Fee \$75.00

Cash Bond

For a single	\$12.00 per linear ft.
All others	\$12.00 per linear ft.

NO BOND WILL BE REQUIRED FOR REGULATED (UTILITIES) COMPANIES

Councilman Rubilla moved that Ordinance #2178 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 5, 2006; seconded by Councilman Harms, all members present voting Aye, said motion was adopted.

RESOLUTIONS

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

RESOLUTION NO. 137-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Marilyn Huertas as Deputy Court Administrator, effective October 2, 2006, be and is hereby accepted.

RESOLUTION NO. 138-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that Traci Zengewald, 137 East Colfax Avenue, Roselle Park be and is hereby appointed Deputy Court Administrator in the Municipal Court of the Borough of Roselle Park, effective October 2, 2006, for a one year term ending December 31, 2006, at a salary of \$23,587.38 per annum for a probationary period of three months.

RESOLUTION NO. 140-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Mary Leonard as Bookkeeper, effective September 8, 2006, be and is hereby accepted.

RESOLUTION NO. 141-06

RESOLVED that William Walter Bogoski, 54 Reinhold Terrace, Union, New Jersey, be and is hereby appointed to the position of part-time Evening/Day Director for the Casano Community Center, effective immediately, at a salary of \$8.89 per hour.

RESOLUTION NO. 142-06

RESOLVED that Karen Hecht, 320 Locust Street, Roselle Park, New Jersey, be and is hereby appointed as a Regular School Crossing Guard, effective immediately for a term expiring on December 31, 2006, at the rate of \$47.16 per day.

RESOLUTION NO. 143-06

RESOLVED that Carmen Benavides, 813 Martin Street, Elizabeth, New Jersey, be and is hereby appointed as an Alternate School Crossing Guard, effective immediately for a term expiring on December 31, 2006, at the rate of \$47.16 per day.

RESOLUTION NO. 144-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that S & A General Contracting be and is hereby awarded a contract in the amount of \$34,500.00 for the Roselle Park Public Library Roof Repair and Replacement Project.

This Resolution to take effect upon certification of the Resolution by the Chief Financial Officer that sufficient funds are available.

Councilman Rubilla moved to postpone Resolution No. 139-06; seconded by Councilman Harms, all members present voting Aye, said resolution was postponed.

RESOLUTION NO. 139-06

Postponed Until 10/5/06 Meeting.

Councilman Rubilla moved Resolution No. 145-06; seconded by Councilman Badillo, all members present voting Aye, said resolution was adopted.

Mayor DeIorio said this grant is funded by the Union County Freeholder Board and the Union County Government. He thanked everyone involved especially Mrs. Cali who spent hours on helping coordinate and putting the information together. He said the Borough is requesting funding for a second floor addition to the Pop Warner Field House, structural upgrades to the playgrounds, an ADA swing and funding to send children to Summer Camp who otherwise would not be able to attend.

RESOLUTION NO. 145-06

WHEREAS, the County of Union Open Space Trust Fund provides Kids Recreation Trust Fund grants to municipal governments; and

WHEREAS, the Borough of Roselle Park desires to expand recreational activities and increase the opportunity for participation by obtaining grant funding from the County;

NOW, THEREFORE BE IT RESOLVED that Joseph DeIorio, Mayor is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the County shall determine if the application is complete and in conformance with the scope and intent of the Open Space Trust Fund, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County for the above project;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE Borough of Roselle Park that should said grant be awarded the applicant will match it's share of the project.

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

APPOINTMENT:

Mayor DeIorio:

- Appointed Michael A. Policastro, 180 Walton Avenue, Union, New Jersey as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Faitoute Engine Company.

MOTIONS:

Councilman Rubilla moved that a raffle license be granted to the Church of the Assumption for an off-premise 50/50 raffle to be held on November 18, 2006; seconded by Councilman Harms, all members present voting Aye, said motion was adopted.

Councilman Rubilla moved that a raffle license be granted to the Robert Gordon PTA for an on-premise 50/50 raffle to be held on September 28, 2006; seconded by Councilman Matarante, all members present voting Aye, said motion was adopted.

Councilman Badillo moved to prepare an ordinance to fund the balance for sidewalk repairs through the capital surplus line item; seconded by Councilman Harms, all members present voting Aye, said motion was adopted.

Mayor DeIorio announced that the Roselle Park Middle School will be having a grand reopening of their building on September 22nd at 1:30 p.m. He said this is a historical moment being that the 8 graders will now be at the Middle School rather than the High School. He wished them well in their celebration.

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

- Litigation – The Borough of Roselle Park vs. Seagrave
- Negotiation – Discussion of the limited lease between The Borough and the Board of Education

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Rubilla moved, at 10:10 p.m. 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 Harms moved, at 10:40 p.m., to resume the regular order of business; seconded by Councilman Matarante and adopted.

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

- Litigation – The Borough of Roselle Park vs. Seagrave
- Negotiation – Discussion of the limited lease between The Borough and the Board of Education

Councilman Rubilla moved to address unsafe conditions or condemnation with the Board of Health and Construction Department for a house on Williams Street; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

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

Attest:

Borough Clerk