

## Regular Meeting of Mayor and Council October 5, 2006

PRESENT: Mayor DeIorio; Councilmember Badillo (in at 8:15 p.m.), Harms, Matarante, Zeglarski, Rubilla and Dinardo; Borough Attorney Bill Lane

ABSENT: None

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

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

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

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

### COMMUNICATIONS & PETITIONS

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

- Letter from New Jersey Citizen Action advising that they will be conducting a fundraising drive in this area from October-December 2006, between the hours of 4:00 p.m. and 9:00 p.m., and requesting a signed acknowledgement from the Borough.
- Letter from Roselle Park Republican Municipal Committee requesting use of the Council Chambers on Wednesday, October 18, 2006 at 7:00 p.m., Monday, October 23, 2006 at 7:00 p.m. and Wednesday, October 25, 2006 at 7:00 p.m.

### REPORT & RECOMMENDATIONS OF MAYOR

- Reported that the State of New Jersey Department of Community Affairs Division of Local Government Services issued out a local finance notice. He said sales tax went up from 6% to 7% and expanded the number of taxable items by the State. He said the notice states the regulatory part of the law and that certain items needed to be taxed one being parking meters. He said the street meters will not be taxed but any centralized municipal meter would. Mayor DeIorio said he spoke with the Chief Financial Officer and was told it was an administrative nightmare. He said money would need to be collected separately, one from the centralized meter systems and those on the street. He said there has been an incredible amount of lobbying trying to change this regulation. He said the Finance Officer suggested bagging the two centralized meters on Chestnut Street for a period of 1 or 2 months to see if the regulation goes through. Mayor DeIorio said if Council does not do this the Borough will have to start collecting the sales tax and submitting it to the State. Councilman Harms suggested bagging all three municipal

parking meters. Chief Wielgus suggested bagging the meters since he was looking into replacing two of them with solar powered meters. He said that would allow him 3 months to figure out cost factors. Council agreed to bag the meters for two weeks and revisit the issue at the next meeting.

- Received information on alternate sources of energy in the League of Municipalities magazine. He said he wanted to share that information with Council so they could discuss planning for the future.
- The next meeting regarding Adase and Wolf Fields will be held on October 17<sup>th</sup>, at 7:30 p.m., and representatives from the DEP will be present. He said questions from the audience will be answered that evening.
- He said the Redevelopment Meeting was held on Monday and he wanted to share with the Governing Body a presentation and a rendition that was presented by Heyer and Gruel Associates. He said the drawing is a discussion point and opportunity for the public to give their input of what they would like to see. He said copies will be in the Library, Casano Center and Borough Hall.
- Information was received regarding several grants. He said a notice was received from Union County that the Borough was approved for \$7,000.00 under the Open Space and Recreation Grant, a grant application was received for an Anti Violence Program that will be shared with the Boys and Girls Club, under the Department of Community Affairs an application was put together for a Joint Patrol Program and will ask the State for implementation money to implement a Joint Boarder Patrol with the Borough of Roselle. He said a resolution would need to be passed with the Borough of Roselle to submit the grant. He said the Mayor of Roselle is very excited about the opportunity and he hoped that the State would look favorably on the application. Mayor DeLorio said he met with a representative from the Department of Environmental Protection regarding the Green Acres Program. He said they had a long discussion because this year the agreement between the Borough of Roselle Park, the School and the State Green Acres Program expired. He said there is not agreement with the State to preserve that as Open Space however the Borough does want to keep the athletic field and not develop it. He said by going back to the State additional grant funds may be available to rehabilitate sections. Mayor DeLorio said he received a list of items from the Board of Education that they would like to see improved. He said he would discuss these items with the State to see what can be funded with Green Acres and if the Borough can receive some additional dollars we may want to consider signing another 25 year agreement. He said he would report back to Council after he hears from the State.
- Thanked Ford World for their Toys for Tots Program who is sponsoring a program with the Marine Corps. He said at the Meeting of the 19<sup>th</sup> he would like to recognize them for sponsoring the program and encouraging the people in Roselle Park to participate.

## CERTIFICATES/PROCLAMATIONS

### Proclamation:

- Fire Prevention Week

## REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

### Councilman Dinardo:

- Attended the meeting with Heyer & Gruel Associates and asked if there was something concrete as to when redevelopment will start and in what areas. Mayor DeIorio said the Planning Board at the last meeting adopted the site study plan at the Romerovski Property. He said the Governing Body will have to adopt that to rezone it as a redevelopment zone and that is expected to be done at the next meeting.

### Councilman Badillo:

- Attended the Multi Fire Department Meeting which is held the last Tuesday of the month.
- Attended the Car Show and Barbecue at the Casano Center and the Band Competition at the High School.
- He explained that he was late for tonight's meeting because he attended Back to School Night at Sherman School.

### Councilman Rubilla:

- Had no formal report.

### Councilman Matarante:

- Thanked the Police Chief for attending a meeting at the County with Traffic Safety Officer Mike Antonucci to discuss the speeding problem on E. Lincoln Avenue.
- Thanked everyone that was involved in getting the speed hump installed on Prospect Street.

### Councilman Harms:

- Asked for a Municipal Services Committee discussion regarding time of construction and fees for fences. He said currently the Borough charges a nominal fee which does not even cover the cost of inspection. He asked the Borough Clerk to check the fees of neighboring communities.
- He asked the Borough Clerk to send a certified letter to Conrail regarding the Faitoute Avenue Bridge. He said there is debris falling from it and going into the street and walk area and people are very concerned with sitting under it during traffic and actually speed up to get through it. Councilman Matarante stated that the bridge was now owned by Norfolk Southern. Borough Attorney Bill Lane said he would send a letter to the Legal Department placing notice that there is a dangerous and hazardous condition.

Councilman Zeglarski:

- Said Fifth Ward residents are complaining about debris at the M&E Railroad. He said he was working with the County to exert pressure with the railroad to get movement. He said the residents in that area also had issues with parking and break-ins which he would bring to the attention of the Police Chief later in the evening.

PUBLIC COMMENT

Councilman Rubilla moved, at 8:25 p.m., to open the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Jacob Magiera, 612 Sheridan Avenue, addressed:

- Asked the Mayor to explain the 10 minutes for residents addressing Mayor and Council and Councilmembers who respond during their time. Mayor DeIorio said he understood it as 15 minutes period. Councilman Rubilla said it is a total time of 15 minutes whether there is interaction or not. He said no provisions were made to add extra time for the public to rebut to Council's explanations. Mr. Magiera said the original rules were 5 minutes for the resident and interacting would be an additional 5 minutes. He said at the last meeting he had 5 minutes, the Mayor had 10 and Mr. Lane had 1 so he would no longer be interacting with him. Councilman Rubilla noted that at the last meeting the Public Session had concluded and as a favor Council reopened it for him.
- Stated that the electrical conduit line at the Youth Center was still exposed and asked why the sidewalk was not yet finished. Borough Attorney Bill Lane said the Financial Department will be soliciting three bids for a mason to come in and do it.
- Stated that Social Security is running a surplus of 177 billion dollars and Washington keeps taking the surplus. His message to Washington is do not mess with Social Security and do not privatize it.
- Asked if speed limits could be reduced from 25 to 15 miles an hour on Borough roads and from 25 to 20 miles an hour on County roads.
- Said in reference to paying taxes on the parking meters he did not think it was a nightmare and it would be better to make some money then to cover them.
- Stated that he has been saying 30/30/30 for such a long time and that the Prime Minister of Japan is taking a 30% cut in his pay. He said he did not know how he heard him in Japan when no one here or in the State of New Jersey hears it.
- He asked why there were so many lawsuits in Roselle Park and Borough Attorney Bill Lane responded that they occur when they occur. He asked if he was talking about the Borough of Roselle Park as a defendant because he was not familiar with an abundance of them. He said the Borough had about 4 or 5 slip and fall accidents due to miles of roadway and sidewalk and when someone injures themselves they name potentially the property owner, business and the Borough.
- Asked how much the Borough was paying Heyer & Gruel for there redevelopment and Mayor DeIorio said the amount was somewhere near \$40,000.00.

Michael Peterson, 45 E. Colfax Avenue, addressed:

- Asked when it was legal to put campaign lawn signs up. Mayor DeIorio said 30 days prior to the election.
- Suggested changing parking meters from 25 cents an hour to 30 cents. Mayor DeIorio said he was hoping that the State changes their mind.
- Asked if Crossing Guards were on post only to cross students or are they also responsible for escorting adults. Mayor DeIorio said he believed that while their on duty they would help anyone who approached the crosswalk. Mr. Peterson said that was not happening on the corner of E. Lincoln and Chestnut near the train station and bike path. He said it was his judgment that individual was not doing his job. Councilman Badillo said he had never received a phone call and something of that importance should have been brought to the attention of the Police Department or a Councilperson rather than wait to come to a meeting.
- Said he received his property tax bill last weekend with a letter from the Mayor stating he was responsible for saving 3% on our estimated tax bill because he managed to obtain a \$100,000.00 in extraordinary aid from the State. He said he was glad that happened because it does help. Mr. Paterson said the letter stated the Borough applied for \$250,000.00 and referenced a series of things the State looks at when they reach their decision and among those items was the budget surplus and how it is used for tax reduction. He said it was no secret the Democrats were pushing to reduce the size of the budget surplus hoping that would reduce the property tax burden. He said if the Borough has a smaller surplus they may have gotten a larger aid package from the State. Councilman Matarante said if you make that assumption you can also assume that if the reserve surplus was deemed any higher or not within the guideline the Borough may not have received anything at all. Mr. Peterson asked if past grants had any effect on current applications. Mayor DeIorio said if the Borough received extraordinary aid last year the Borough would not have been eligible this year. He said there is a provision in the application asking if you received it last year which is why he feels that way because if the Borough did and other municipalities didn't they would take priority.

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

- Commented on the extraordinary aid letter sent by the Mayor saying it was misleading. He said we should not be happy to get \$100,000.00 and should be disappointed we did not get a lot more. He said if the Borough is going to ask for \$250,000.00 the documentation the Borough submits to the State should rise to the occasion and there has been no extraordinary aid in recent history given to the Borough and if the information given to the State was incorrect it was given by the Borough.

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

Mayor DeIorio stated that the information provided to the State of New Jersey as well as the preparation of the municipal budget was under the recommendation of the Borough's Budget Director Mrs. Jeanne Decker. He said Mrs. Decker had explained the municipal budget and

provided sound financial recommendations. He said she made sure the Borough was in safe financial condition and supported the efforts of the extraordinary aid application.

## REPORTS OF DEPARTMENTS

### Borough Engineer – Donald Guarriello (sitting in for Ed Dec)

- Franklin Place reconstruction will begin on the week of October 9<sup>th</sup>. He said a letter was sent 2 weeks ago to all the residents on the western side of Walnut Street requesting notification if they wanted trees and as of today have only received 3. He said 30 trees are available to plant. Mr. Guarriello said when they discussed the reconstruction residents complained about the removal and now they don't want one. Councilman Harms said last year the Borough decided that where one was removed they would put one back. Mr. Guarriello agreed saying the trees were purchased through a DOT grant and he would not want to put in for 30 trees and have them count 20.
- He said the grass contract will end on October 31<sup>st</sup> and the current contractor has requested a meeting. He said the contractor has some suggestions before the Borough puts it out for bid. He said they had some problems and if those problems were not addressed they were not going to bid on it.

### Borough Attorney – Bill Lane

- Said he forwarded a list of dates for the Pay-to-Play sessions and he has received some responses. He said as soon as he gets a few minutes with Council he will sit down and try to schedule that.
- All three subdivision applications will be moving forward on October 16<sup>th</sup>. He said they are Lehigh Avenue, Valley Road and Jerome Street.

### Borough Clerk – Doreen Cali

- Noted that the Borough Wide Garage Sale is this Saturday. She said there are listings and maps available at the Youth Center, Casano Center, Library, Police Department and Clerk's Office.
- All Council mail that comes into the office will be scanned and e-mailed home to Council.
- Thanked Frank Wirzbicki for helping her decorate Town Hall with fall decorations and flowers.

### Police Department – Chief Warren Wielgus

- Attended a meeting with the Boy Scouts of America where he was informed that he will be installed into the Eagle Scout Hall of Fame in January 2007. He said Father Donald Hummel from St. Agnes Church had nominated him.
- Monthly meetings have started with New Jersey State Association of Chiefs of Police and the Union County Chiefs of Police. He said he attended both of those meetings. He

said the Union County Prosecutor had a meeting with all the Chiefs and they discussed several issues.

- Attended the annual pre-school meeting with Lieutenant Morrison, Detective-Sergeant Scalea and Detective Cocca, Superintendent of Schools and the Principals from the Middle School and High School. He said they discussed plans for the upcoming school year and everyone feels that this is going to be a better year as the 8<sup>th</sup> grade has been moved back to the Middle School.
- Attended the Union County Crime Stoppers Meeting and gave the report for the County Chiefs Association.
- Attended Back to School Night at Aldene School and Robert Gordon School with the Mayor. He said he spoke mainly on the safety of the children and told parents that the Police will not tolerate any illegal parking or dropping off of children. He told them that summonses will be issued to any violators.

Councilman Zeglarski said he has received a lot of complaints of double parking in front of Sunrise Village Apartments for long periods of time. He said people have also complained about the landscaping trucks making it difficult to get out of their driveways and down the street. He said he was also told that there has been a series of break-ins in that same area and requested an assessment of the situation.

Councilman Badillo said now that school has resumed the residents on Sherman and Sheridan Avenue are complaining about the milk delivery at 4:00 a.m. and making all kinds of noise with the metal crates waking everyone up. He said last year the Police Department addressed the issue and they are not to deliver before 6:00 a.m.

Chief Wielgus noted that the Prime Minister of Japan makes 6 million dollars a year and he would be glad to take his salary with the 30% pay cut.

Councilman Dinardo said on Sheridan Avenue across Westfield Avenue near the LaCatena Restaurant residents are complaining that residents are parking too close to the corner and they cannot see when pulling out onto Westfield Avenue.

Mayor DeLorio thanked Chief Wielgus who has been working with the Union County Police Chief to provide a joint patrol service on E. Lincoln Avenue.

#### DPW – Frank Wirzbicki

- Street sweeper is back in service, sweeping 5 days a week & out early Friday mornings.
- SLAP worked with the department the whole month of September.
- American flags were replaced on Westfield Avenue and fall banners were installed.
- 14 stop signs were replaced and tree limbs were trimmed.
- Pot holes were filed at the bottom of the Walnut Street Bridge.
- Stumps were being grind where the trees were removed.
- Catch basins are being cleaned and all sewer lines are being checked.

- Pear trees were trimmed on W. Lincoln Avenue due to the sweeper not being able to get through.
- Heavy winds caused large limbs to fall, pear tree split on Madison Avenue, PSE& G was called to address falling tree limbs in the lines on Jerome Street and Hemlock Street.
- Parking signs were replaced on Williams Street and Park Place.
- SLAP was cleaning center island on the west and east.
- Parking lots and under bridges are being cleaned.
- Weeds near W. Webster Avenue by the railroad were cut.
- Catch basins were cleaned and flushed on E. Lincoln Avenue, Sheridan Avenue and Borough Hall.
- Yellow curbs on Chestnut Street are being cleaned.
- Trees were trimmed or removed at the following locations: 198 Galloping Hill Road on Markthaler side trimmed, removed at 306 Pershing Avenue, trimmed at 130 Dalton Street, trimmed at 515 and 507 Sherman Avenue, removed at 155 Sheridan Avenue, removed at 339 W. Lincoln Avenue, trimmed at 515 Roosevelt Street, trimmed at 519 Hemlock Street, 131 Sherman Avenue, trimmed at 112 Columbus Place and 1 removal.
- Custodian at the Boys & Girls Club resigned and gave 1 months notice.

#### Administrative Assistant – Karen Intile

- Triad Security Systems and Glen Hartzler will be working on installing additional equipment for the fire suppression system.
- Fatima Construction Company, Inc. has received a purchase order to replace the ceiling and floors.
- The Cruisin' Night Car Show and Swap Meet was September 30<sup>th</sup> from 4 to 7 p.m. Guarriello and Dec Associates donated \$450 to the car shows. She said they received \$100 for sponsorship from Climax Brewing Co., Colline Brothers, Enterprise Rent a Car, JDS Cycle Parts, Inc., LaCatena Restaurant, STS Tire and Auto Centers and Sun Tavern.
- The tree lighting ceremony is tentatively scheduled for Friday, December 1<sup>st</sup> and the parade the following day. The route will be leaving from Sherman School up to Lincoln, following Lincoln to Chestnut Street and Chestnut Street to the Gazebo Park.
- The title and plates for the Seniors in Motion van has been turned over to the Borough.
- Donna Evaristo of RE/MAX Action Group Realty of Roselle Park is giving the senior citizens of Roselle Park a free brunch from 11:30 a.m. to about 1:00 p.m. on Wednesday, October 11<sup>th</sup> at the Casano Community Center.
- The Borough of Roselle Park will be sponsoring "Pet Appreciation Day" on Saturday, October 28<sup>th</sup>, at the Casano Community Center. Mayor Joe and his dog Martino will be the master of ceremonies. Experts will be available to speak on general pet care and pet behavior, at 3 p.m. there will be a non-denominational "Blessing" of the Animals.



PAYMENT OF BILLS

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

Current Fund	\$1,018,522.44
Federal State and Grants	8,120.98
General Capital	202,500.00
Sewer Utility Operating	20,710.09
Other Trust	5,575.26
HUD Trust Account	<u>925.60</u>
<b>Total Bill List</b>	<b>\$1,256,354.37</b>

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

PASSAGE OF ORDINANCE

Second Reading and Public Hearing

ORDINANCE NO. 2187

An Ordinance (#2176) entitled, “AN ORDINANCE TO AMEND CHAPTER 105 (EXCAVATIONS IN STREETS) OF THE CODE OF THE BOROUGH, TO PRESCRIBE PROCEDURES FOR STREET EXCAVATIONS, OBSTRUCTIONS AND OPENINGS, AND TO REVISE OTHER PROVISIONS OF SAID CHAPTER”, 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 #2187; seconded by Councilman Badillo and adopted.

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

Councilman Rubilla moved that Ordinance #2187 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo, all members present voting Aye, said ordinance was adopted.

Introduction

ORDINANCE NO. 2188

AN ORDINANCE OF THE BOROUGH OF ROSELLE PARK PROHIBITING REGISTERED SEX OFFENDERS FROM RESIDING OR LOITERING WITHIN ONE THOUSAND FIVE HUNDRED FEET (1,500 FT.) OF ANY SCHOOL, (PUBLIC, PRIVATE OR PAROCHIAL), PRESCHOOL, DAYCARE CENTER, CHURCH, PARK, PLAYGROUND, RECREATIONAL AREA,

## YOUTH CENTER, GROUP HOME FOR DISABLED, OR SCHOOL BUS STOP

WHEREAS, the Mayor and Council of the Borough of Roselle Park desires to protect the health, safety and welfare of children within the Borough of Roselle Park by prohibiting registered sex offenders from residing or loitering within one thousand five hundred feet (1,500 ft.) of any school, (public, private or parochial) preschool, daycare center, church, park, playground, recreational area, youth center, group home for disabled, or school bus stop; and

WHEREAS, the Code of the Borough of Roselle Park does not currently provide for the protection of the health, safety and welfare of children within the Borough against registered sex offenders; and

WHEREAS, it is the intent of the Mayor and Council to protect and insure the health, safety and welfare of children within the Borough and not to penalize registered sex offenders.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, as follows:

### SECTION I.

#### REGISTERED SEX OFFENDER PROHIBITION ZONES

##### A. Findings and Declarations.

The Mayor and Council finds and declares that the health, safety and welfare of children will be enhanced by prohibiting registered sex offenders from residing or loitering within the Borough of Roselle Park within one thousand five hundred feet (1,500 ft.) of any school, (public, private or parochial) preschool, daycare center, church, park, playground, recreational area, youth center, group home for disabled, or school bus stop located within the Borough of Roselle Park or adjacent municipalities.

##### B. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**REGISTERED SEX OFFENDER** – Any person over the age of 18 who is required to register pursuant to N.J.S.A. 2C:7-1, et. seq., the New Jersey Sex Offender Registration and Notification Statute (“Megan’s Law”).

**LOITERING** – Whether on foot or in a motor vehicle, a person who wanders or remains idle in essentially one location, sits, lounges, loafs, walks about aimlessly, or repeatedly frequents the same location, repeatedly circles in a motor vehicle.

**PROHIBITED AREA** – The area within one thousand five hundred feet (1,500 ft.) from the real property upon which any school, (public, private or parochial) preschool, daycare center, church, park, playground, recreational area, youth center, group home for disabled, or school bus stop is located, whether within the Borough or adjacent municipalities.

**PROHIBITED AREA MAP** – A map approved and adopted pursuant to this Section depicting the prohibited area.

**SCHOOL BUS STOP** - An area designated by the school district, by any receiving district, or by any county jointure commission as a school bus stop where children regularly congregate for the purpose of boarding and debarking from a school bus.

##### C. Adoption of Prohibited Area Map.

The prohibited area map prepared by the Borough Engineer and adopted by the Mayor and Council by a resolution and as may be amended from time to time by resolution, depicting the locations and areas within the Borough of property which comprise of school, (public, private

or parochial) preschool, daycare center, church, park, playground, recreational area, youth center, group home for disabled, or school bus stop, and all areas within one thousand five hundred feet (1,500 ft.) from such properties, shall be kept on file with the Borough Clerk and shall serve as an official finding and record of the prohibited area.

D. Residency and Loitering Prohibited.

A registered sex offender shall not reside or loiter within a prohibited area.

E. Exceptions to “Residency and Loitering Prohibited”.

1. Any person who is registered to serve a sentence at a jail, prison, juvenile facility or other correctional institution or facility which is located within a prohibited area.
2. Any person who is both a record title owner and an occupant of a residence within the prohibited area as of the date of the adoption of this Ordinance.

F. Enforcement.

This section shall be enforced by the Roselle Park Police Department. The Chief of Police shall cause a copy of this section and the prohibited area map to be provided to each registered sex offender who has registered under Megan’s Law and who is residing within the Borough.

G. Defenses.

It shall be no defense to prosecution for a violation of this section that the actor was unaware that the prohibited conduct occurred within a prohibited area, nor shall it be a defense to prosecution under this section that no juveniles were present within any prohibited area at the time of the offense. To the extent that a registered sex offender has not registered under Megan’s Law, it shall not be a defense to prosecution under this section that the registered sex offender was not provided with a copy of this section or the prohibited area map.

H. Use of Prohibited Area Map.

In a prosecution under this section, a true copy of the prohibited area map shall, upon proper authentication, be admissible and shall constitute *prima facie* evidence of the location and boundaries of the prohibited area. Nothing in this section shall be construed to preclude the prosecution from introducing or relying upon other evidence or testimony to establish any element of this offense; nor shall this section be construed to preclude the use or admissibility of any map or diagram other than one which has been approved by the Mayor and Council, provided that the map or diagram is otherwise admissible pursuant to the applicable rules of evidence.

I. Violations and Penalties.

Any person who is convicted of violating any of the provisions of this Ordinance shall, upon conviction of a first offence, be punished by a fine of not less than \$100 nor more than \$1,250 and/or by imprisonment or community service not exceeding 90 days.

Any person who is convicted of violating this Ordinance within one (1) year of the date of a previous violation of this Ordinance shall be punished by an additional fine of \$1,250 and/or by imprisonment or community service not to exceed six (6) months.

J. Current Residences.

Any registered sex offender who currently resides in a prohibited area can be prosecuted under this ordinance as a result of that residency unless or until he or she relocates to a different residence within the prohibited area. However, any such registered sex offender who currently resides in the prohibited area can be prosecuted for a violation under the loitering section of this Ordinance.

K. Miscellaneous.

1. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.
2. 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.

L. Effective Date.

This ordinance shall take effect upon final page and publication in accordance with law.

Councilman Rubilla moved that Ordinance #2188 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 19, 2006; seconded by Councilman Badillo.

Councilman Badillo said he was proud to bring this to the floor and felt it was one step closer to providing some kind of safety feature from those types of predators.

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

ORDINANCE NO. 2189

AN ORDINANCE PROVIDING FUNDING FOR SIDEWALK  
REPLACEMENT PROGRAM FOR THE BOROUGH OF ROSELLE PARK,  
IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$15,000  
FROM CAPITAL SURPLUS FOR SUCH PURPOSE

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, as follows:

SECTION I. The improvement described in Section II of this Ordinance is hereby authorized to be undertaken by the Borough of Roselle Park as a general improvement. For the improvement described in Section II, there is hereby appropriated the sum of \$15,000.00 from the Capital Surplus Fund of the Borough of Roselle Park.

SECTION II. The improvement hereby authorized is as follows:

Sidewalk Replacement Program	\$15,000.00
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SECTION III. The estimated cost of the improvement is equal to the amount of the appropriation herein made therefore.

SECTION IV. It is hereby determined and stated that the sum of \$15,000.00 appropriated from the Capital Surplus Fund is now available for said costs and the sum is hereby appropriated from such monies to defray the expense of the improvement.

SECTION V. The following additional matters are hereby determined, declared, recited and stated:

- (a) The improvement described in Section II of this Ordinance is not a current expense. It is an improvement that the Borough may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specifically assessed on property especially benefited thereby.
- (b) The period of usefulness of the improvement, according to the reasonable life thereof, is ten (10) years.

SECTION VI. This ordinance shall take effect upon passage and publication pursuant to New Jersey State Law.

Councilman Rubilla moved that Ordinance #2189 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 19, 2006; seconded by Councilman Badillo, all members present voting Aye, said ordinance was introduced.

## RESOLUTIONS

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

### RESOLUTION NO. 139-06

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize the agreement between the County of Union and the Borough of Roselle Park for participation at the Leaf Composting Facility for the 2006 leaf season.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the Memorandum of Understanding and an Indemnification Agreement regarding Union County's Leaf Composting Facility.

### RESOLUTION NO. 146-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Wallace F. Wellington as part-time Custodian for the Borough of Roselle Park, effective November 1, 2006, be and is hereby accepted.

### RESOLUTION NO. 148-06

BE IT RESOLVED, the Borough of Roselle Park wishes to have Borough Trees Trimmed and Removed from an authorized vendor under the State of New Jersey Cooperative Purchasing 1-NJCP; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and

WHEREAS, Elite Tree Service, 2 Fox Run, Manalapan, New Jersey 07726, has been awarded New Jersey State Contract Number A58860 Tree Trimming and Removal from 6/1/04-11/30/06; and

WHEREAS, the actual cost for the Tree Trimming and Removals is expected not to exceed \$52,300.00; and

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Elite Tree Service from Manalapan be awarded the contract for Tree Trimming and Removals.

RESOLUTION NO. 149-06

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$10,972.25 which item is now available as a revenue from State of New Jersey Clean Communities Act pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED, that a like sum of \$10,972.25 be and the same is hereby appropriated under the caption of Clean Communities Act \$10,972.25; and

BE IT FURTHER RESOLVED, that the Borough Clerk forward a copy of this resolution with enclosures to the Director of Local Government Services.

RESOLUTION NO. 150-06

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby request the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2006 in the sum of \$400.00 which item is now available as a revenue from State of New Jersey Farmer's Market Grant pursuant to the provisions of statute; and

BE IT FURTHER RESOLVED, that a like sum of \$400.00 be and the same is hereby appropriated under the caption of State of New Jersey Farmer's Market Grant \$400.00; and

BE IT FURTHER RESOLVED, that the same of \$400.00 representing the amount required for the municipality's share of the aforementioned undertaking appears in the budget of the year 2006 under Matching Funds for Grants and is hereby appropriated under the caption of State of New Jersey Farmer's Market Grant; and

BE IT FURTHER RESOLVED, that the Borough Clerk forward a copy of this resolution with enclosures to the Director of Local Government Services.

RESOLUTION NO. 151-06

WHEREAS, the Borough of Roselle Park will hold its Annual Holiday Parade and related activities on Saturday, December 2, 2006, beginning at 1:00 p.m., with a rain date of Sunday, December 3, 2006 at 2:00 p.m., and

WHEREAS, the parade will commence at Sherman School, proceed down Sherman Avenue to East Lincoln Avenue to Chestnut Street, and continue along Chestnut Street, ending at the reviewing stand at Michael Mauri Park, now therefore

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby request approval from the Union County Board of Chosen Freeholders to close East Lincoln Avenue, from Sherman Avenue to Chestnut Street and Chestnut Street, from East Lincoln Avenue to Charles Street, on Saturday, December 2, 2006 from 12:00 Noon until approximately 4:00 p.m., in order to hold its Annual Holiday parade and related activities, with a rain date of Sunday, December 3, 2006.

RESOLUTION NO. 152-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that the Planning Board application fee, for the project Laurel Avenue, from the Roselle Park Board of Education be and is hereby waived.

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

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

RESOLUTION NO. 147-06

BE IT RESOLVED, that Resolution No. 113-06, authorizing the award of a contract for Professional Services to Linda Niedweske, Esquire of the firm Niedweske Barber, P.C. in the amount of \$20,000.00, is hereby amended to increase the maximum amount specified for legal consulting and labor relations matters to an amount not to exceed \$30,000.00 for the year 2006.

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

Councilman Dinardo asked what the Paris Grant Program was. Mayor DeIorio said the County of Union is the lead agency to receive grant funds and the technology to be used in order to perform this function is records retention and storage. He said some towns apply individually but the County is trying to get everyone together. He said the State is trying to divert some of those funds that were dedicated for the Paris Program to fill the budget hole.

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

RESOLUTION NO. 153-06

WHEREAS, N.J.A.C. 15:3-7 in accordance with P.L. 2004, Chapter 117, Sections 38 and 39, established the New Jersey Public Records Preservation Account for support of County and local government efforts in the management, storage and preservation of public records; and

WHEREAS, a key component of this legislation earmarked two dollars of document filing and recording fees collected by County Clerks for deposit in this account, ensuring a sound foundation is laid for strategic broadening of the grant program in future years; and

WHEREAS, this dedicated fund is facing a \$5 million cut in funding, and diversion of these funds to the State's General Fund, setting a dangerous precedent that threatens the integrity of the PARIS Grant Program and the premise that dedicated funds be used for their intended purposes; and

WHEREAS, this measure will reduce grant amounts, minimize the opportunity for municipalities to receive grant funding and fiscally impact Counties and municipalities already impacted by continual State program and funding cuts, further escalating the burden of increased property taxes to offset these cuts;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roselle Park, County of Union, State of New Jersey that:

1. The Borough of Roselle Park strenuously urges the Legislature and Governor Jon Corzine to restore full funding for County and Municipal PARIS grants; and
2. The Borough of Roselle Park appeals to the Legislature and Governor Jon Corzine to protect these crucial, fundamental, viable programs when attempting to restore faith in the stability of our State government;
3. That the Municipal Clerk be and hereby is directed to forward a certified copy of this resolution to Governor Jon Corzine, State Senator Thomas Kean, State Assemblymen Eric Munoz and Jon Bramnick, Union County Board of Chosen Freeholders, and all Union County Municipalities.

Councilman Rubilla moved to the following resolution; seconded by Councilman Badillo.

Councilman Zeglarski said Resolution #154-06 was not on the agenda he received and it is the first time he is seeing it. He said he would like to table it for the next meeting in order to review it.

Councilman Zeglarski moved to postpone Resolution #154-06 to the October 19, 2006 Council Meeting; seconded by Councilman Badillo, all members present voting Aye, said resolution was postponed.

#### RESOLUTION NO. 154-06

WHEREAS, since their institution in 1977 as part of the package of bills establishing the Property Tax Relief Fund, funded by New Jersey's first Income Tax, the artificial limits on local budgetary discretion contained in the local government cap law have, repeatedly, proved to be unworkable and in need of amendment in times of fiscal stress; and

WHEREAS, the latest amendments to the cap law were enacted in 2004 as part of Governor McGreevey's FAIR Plan, which was supposed to provide short term property tax relief and produce long term property tax reform, the cap amendments being a part of the short term relief component; and



WHEREAS, those 2004 amendments drastically lowered the cap, eliminated important exceptions to the cap and severely limited the use of ‘cap banking,’ which is crucial to municipal intermediate range budgetary planning; and

WHEREAS, despite the recommendations of the Governor’s Blue Ribbon Property Tax Convention Task Force and despite the energetic efforts of a core of concerned and committed legislators and the outspoken support of a large and growing coalition of citizens’ public interest groups, the Legislature has, to date, failed to advance the cause of property tax reform, continuing decades of inattention to a problem that a majority of our fellow citizens consistently identify as their greatest public policy concern; and

WHEREAS, instead, State policy makers have consistently under-funded, cut and eliminated crucial municipal property tax relief programs, thereby exacerbating the property tax crisis and making it increasingly difficult for municipal budget makers to meet the needs and honor the wishes of local property taxpayers and to deal with current fiscal stresses over which they have no control; and

WHEREAS, in recognition of these serious issues, legislation has been introduced to provide appropriate flexibility to help local budget makers better meet citizen needs for high quality public programs and services; and

WHEREAS, in order to do so, the bills (A-3444/S-2183) would: first, make permanent the temporary cap exception for costs of domestic security preparedness and responses to incidents and threats to domestic security; second, make permanent the temporary cap exception for liability insurance, workers’ compensation insurance and employee group insurance; and finally, provide an exception from the county and municipal local budget cap for appropriations for the costs of goods and services, including wage and salary increases that are required under contracts entered into prior to July 7,2004, the effective date of P.L. 2004, c.74, the statute that reduced the local budget cap limits to the lesser of 2.5% or the consumer price index; and

WHEREAS, while extremely beneficial for rational effective budgetary planning, the ‘cap banking’ problems created by the 2004 amendments will pose lasting and growing problems for municipalities trying to prepare for unanticipated exigencies and immanent needs; now, therefore

BE IT RESOLVED, that the Governing Body of the Borough of Roselle Park does fully support and urge swift and favorable action on A-3444/S-2183; and

BE IT FURTHER RESOLVED, that we do respectfully request an amendment to the bill to restore ‘cap banking’ to its previous status, as it existed prior to the 2004 amendments; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our State Legislative Delegation and to the New Jersey League of Municipalities.

#### MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL MOTION

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

- Motion authorizing the Court Administrator to advertise on the Judiciary’s email system for a part-time employee to fill the Violation Clerk’s vacancy.

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

- Mr. Mike Frisch, Electrical Sub-Code Official, regarding payment for his services.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Rubilla moved, at 9:40 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Badillo and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Harms moved to resume the regular order of business; seconded by Councilman Rubilla and 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