

Regular Meeting of Mayor and Council October 19, 2006

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

ABSENT: Councilman Badillo and Councilman Zeglarski

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 by law.

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

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

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

COMMUNICATIONS & PETITIONS

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

- Letter from the Rotary Club of Roselle-Roselle Park requesting permission to hang a banner at Michael Mauri Park announcing their pancake breakfast at the Community United Methodist Church on December 2, 2006 from 8:00 a.m. to 1:00 p.m.

CERTIFICATES/PROCLAMATIONS

Certificates:

- Ford World

Proclamations:

- National Arts and Humanities Month

REPORT & RECOMMENDATIONS OF MAYOR

- Said he was proud to have participated in the award of the Kids Recreation Trust Grant Program sponsored by the County of Union Board of Chosen Freeholders. He said the Borough received a check for \$69,151.00 to go towards funding our Pop Warner equipment and expansion project, recreation equipment and to secure handicap assessable playground equipment. He said one part of the program allows for scholarships for needy families to participate in various programs. He thanked the Freeholder Board for

allowing Roselle Park to participate in the program and noted that Roselle Park did very well.

- Received information from the Traffic Department regarding the on going efforts to calm traffic down on E. Lincoln Avenue. He said he spoke with Christine Delarosa who brought the problem to the attention of the Governing Body and informed her that delineators would be installed along E. Lincoln Avenue to again help slow down traffic in that area.
- He said he received a request for lighting to be installed in front of 818 Willis Place closest to Sumner Avenue.
- Congratulated the Roselle Park Pop Warner Cheerleading Squad for winning several rewards. He said they will soon be going to Trenton and hopefully Florida. He thanked them for their outstanding efforts and for winning those awards.
- He congratulated the Roselle Park Marching Band who won first place at Giant Stadium and are currently ranking first in their division.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Harms:

- Requested that the Borough Clerk call the Union County Mosquito Control to the Hawthorne Basin and to stop at 230 Hawthorne Street. He said the resident has a very large mosquito and feels it should be tested for the West Niles Virus.
- He asked if there was an update on the Faitoute Avenue Bridge. Mayor DeIorio said he contacted Congressman Ferguson's Office and they assured him they would investigate the situation.
- He asked the Borough Clerk if she received a response from Waste Management regarding Bridge Street. He said he is still receiving complaints of them backing up at 4:30 a.m. and disturbing the residents. He said the Borough has an Ordinance and if Waste Management does not abide they should be fined every time they go there. Borough Clerk Doreen Cali said she would contact the Police Department to see if any summonses have been issued. She stated that she contacted Waste Management 3 times and they temporarily stop but restart again. She said she emailed the Police Chief and Traffic Safety Officer and told them to begin issuing the summonses. Councilman Harms said Waste Management cannot just do whatever they want. He noted that Walsh Harms and Colline Brothers share that dumpster and should also be held liable.

Councilman Matarante:

- Reported that as part of the Joint Sewer settlement being reached something will be going out to the CFO's regarding money from the settlement being used to lower fees. He said Joint Sewer is getting their Code Generating Facility up and running and they estimate that there will be a 36 million dollar savings to the authority over 20 years.
- He said he received information from the Police Department regarding speeding on E. Lincoln Avenue. He reported that roadway stripping has been put down along with additional speed limit signs and that the reflectivity of those signs have been upgraded.

He said traffic counts were done but those results are still not available. He also stated that increased patrols are being done as part of a joint effort with the County. He said in the final notice there is a letter that was sent to the Assistant County Engineer reflecting the Borough's desire to add 4 way traffic stop signs at the intersections of Walnut, Sheridan, Hemlock and E. Lincoln.

Councilman Rubilla:

- Stated that 6 months ago he reported on his contact with the Department of Transportation regarding clean up and upgrading of railroad trestles in Roselle Park. He said he anticipates it being a tedious process but that it will get done.

Councilman Dinardo:

- Reported that the Borough's first Town Wide Garage Sale was successful and he looked forward to doing it again next year.
- Said he attended an EPA Meeting with the Mayor regarding the ball fields and hoped that the State DEP could move it along so the kids will soon have a nice field to play on.
- He thanked the Freeholder Board for the grant that was received for the Kids Recreation Grant Fund. He said the Borough will be receiving a contract and half the money will be sent. He said the other half of the money will be received after the work is complete.

REPORTS OF DEPARTMENTS

- Municipal Court for September 2006
- Construction Department for September 2006
- Tax Collector's Report for September 2006

Borough Attorney – Bill Lane:

- Reported that the appeal filed by East Coast Sanitation against the Borough was initially at the trial level dismissed, that dismissal was appealed by East Coast and the appellate division affirmed it.
- On Monday the Roselle Park Planning Board heard the matters of sub-division involving Valley Road, Jerome Street and Acker Park. He said all three were granted and they can start moving in the direction of perfecting the sub-divisions and offer them for auction.
- He said there were pavers and cement in the front of the Boys and Girls Club which still has not been corrected. He said it is his understanding that the electrical work was done and the Borough was having people look at it to do the masonry work but before the masonry work could be completed it was discovered that the electrical work that was done was not affective and the water was still coming in. He took it on his own initiative to suspend the work because they will have to go back in and correct the problem. He said as soon as that electrical box and the water penetration has been corrected the concrete and pavers will be corrected.

Borough Clerk – Doreen Cali:

- Reported that the memorandum, analysis and preliminary draft of the Borough’s new Code Book is available and has been forwarded to the Borough Attorney. She said all comments and recommendations are in the report and she will be giving all Councilmembers a copy of the book or if they prefer she will pass it along individually for their comments. She said it is pretty intense and there is one copy where all corrections have to be made in red. She said all Department Heads have to get a copy so they can look at her comments and recommendations for changes in their respective departments. Mayor DeIorio asked if it was available via email where they can review it on the computer and make changes on a separate document. Mrs. Cali said she would check and Councilman Harms said if they could not do that he would prefer to have a separate copy.
- She said she had one personnel matter to discuss in closed session regarding whether Council would prefer issuing comp time or payment. Mayor DeIorio said if this is discussing a particular situation Council should wait until that employee is riced and have it addressed here. He said if it is a policy decision it cannot be discussed in closed session unless it is a negotiated item in a Union Contract.

PAYMENT OF BILLS

The following routine bills listed on a consent agenda were offered by Councilman Rubilla and seconded by Councilman Harms, all members voting Aye, said motion was adopted.

Current Fund	\$1,846,220.57
Federal State and Grants	12,865.94
General Capital	72,092.98
Sewer Utility Operating	131,147.94
Recreation Trust Account	2,112.00
Other Trust	9,514.76
Animal Control Trust	7,753.24
Hud Trust Account	1,634.76
Public Assistance II Fund	3,982.00
Tax Collector’s Premium Account	<u>23,000.00</u>
Total Bill List:	\$2,110,324.19

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

ORDINANCE NO. 2188

An Ordinance (#2188) entitled, “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”, 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 #2188; seconded by Councilman Matarante and adopted.

Jacob Magiera, 612 Sheridan Avenue, asked if the Borough had any school bus stops in Roselle Park. Borough Attorney Bill Lane said no the Board of Education has never identified any specific school bus stop. He said to whatever extent it does not exist now but may exist in the future it will be effective as to those bus stops. Mr. Magiera asked if wherever a bus stops to bring a child home be considered a bus stop and Mr. Lane said no. Mr. Magiera said he does support this ordinance but read in the paper that the State is opposing some of it. Mayor DeIorio said a court case is being presented to prevent these types of ordinances around the State from being passed. He said in lieu of a final decision he felt Council should still move ahead with this.

Mayor DeIorio thanked the members of the Governing Body especially Councilman Badillo for bringing this issue forth. He said this is a piece of legislation that will take effect for any new sex offender that falls under Megan’s Law. He said anyone currently living in the community cannot be forced to move but it goes along way with the other municipalities across the State to better protect our children.

There being no one else wishing to speak, Councilman Rubilla moved to close the public hearing on Ordinance #2188; seconded by Councilman Matarante and adopted.

Councilman Rubilla moved that Ordinance #2188 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Matarante, all members present voting Aye, said ordinance was adopted.

ORDINANCE NO. 2189

An Ordinance (#2189) entitled, “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”, 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 #2189; seconded by Councilman Harms and adopted.

There being no one wishing to speak, Councilman Rubilla moved to close the hearing on Ordinance #2189; seconded by Councilman Harms and adopted.

Councilman Rubilla moved that Ordinance #2189 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms, all members present voting Aye, said ordinance was adopted.

Introduction

ORDINANCE NO. 2190

AN ORDINANCE AMENDING CHAPTER 159 OF THE CODE
OF THE BOROUGH OF ROSELLE PARK REGARDING
PEACE AND GOOD ORDER

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 159 of the Borough Code is hereby amended as follows:

§ 159-1. Prohibitions.

Shall be amended to include section:

- L: 1. Operate or permit the use or operation of any mechanically powered saws, drills, sanders, grinders and tools, including similar devices outdoors in residential areas:
- (a) between the hours of dusk and 7:00 a.m., the following day. This paragraph shall not apply to the use of domestic devices in cases of emergency in the interest of public health.
 - (b) Saturday, Sunday and holidays from 8:00 a.m. prevailing time until dusk.

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

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

Introduced: October 19, 2006

Adopted:

Attest: _____
Borough Clerk

Mayor

Councilman Rubilla moved that Ordinance #2190 be adopted on first reading and advertised as prescribed by law for second reading hearing on November 2, 2006; seconded by Councilman Harms, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2191

AN ORDINANCE AMENDING CHAPTER 128-115 OF THE CODE
OF THE BOROUGH OF ROSELLE PARK REGARDING FENCES

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 128 of the Borough Code is hereby amended as follows:

§ 128-115.A Shall be amended as follows:

A. No fence or wall shall be erected without first obtaining a permit from the office of the Construction Code Office and paying a fee of:

- (1) \$20.00 on estimated costs of fence and construction of up to \$500.00
- (2) \$25.00 on estimated costs of fence and construction of more than \$500.00 but less than \$1,000.00
- (3) \$30.00 on estimated costs of fence and construction of more than \$1,000.00 but less than \$2,000.00
- (4) \$40.00 on estimated costs of fence and construction over \$2,000.00

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

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

Councilman Rubilla moved that Ordinance #2191 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on November 2, 2006; seconded by Councilman Harms, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2192

AN ORDINANCE AMENDING CHAPTER 133-3 OF THE CODE
OF THE BOROUGH OF ROSELLE PARK REGARDING FEES FOR DOCUMENTS

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 133-3.E. Police Department Fees of the Borough Code is hereby amended as follows:

§ 133-3.E Police Department shall be amended as follows:

Motor vehicle accident reports
(Amended 11-15-2004 by Ord. No. 2142)

Copies of motor vehicle accident reports picked up in person are charged according to OPRA¹ guidelines

1 to 10 pages	\$0.75
11 to 25 pages	\$0.50

26 pages and over \$0.25

¹ Editor’s Note: See N.J.S.A. 47:1A-1 et seq.

Photographs	Cost of Reproduction
Cassette/VHS/DVD/CD	\$ 5.00
Letters of good conduct	\$10.00
Researching police archives for reports, documents or other records	\$50.00

Fingerprint records for compliance with various ordinances, laws and employment application.

Each fingerprint card, payable by cash, certified check, cashiers Check or money order to the Borough of Roselle Park	\$ 4.00
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Submission fees for processing Firearms ID Cards, handgun purchase permits and handgun purchase permits and handgun carrying permits. Only certified check, cashiers check or money order payable to Division of State Police - SBI will be accepted.	As currently Set by the Division of State Police -SBI and FBI
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Discovery requests	\$3.00 fee 1 st page and \$1.00 additional pages
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All ordinances and parts of ordinances inconsistent with the terms hereof are hereby repealed to the extent of such inconsistency.

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

Councilman Rubilla moved that Ordinance #2192 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on November 2, 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; seconded by Councilman Harms, all members present voting Aye, said resolutions were adopted.

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.

RESOLUTION NO. 155-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of David A. Maas as part-time Acting Residential Tenancy Inspector for the Borough of Roselle Park, effective October 8, 2006, be and is hereby accepted.

RESOLUTION NO. 156-06

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

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

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

RESOLUTION NO. 159-06

WHEREAS, the State, through the Division of Purchasing and Property, awarded a Long Term Care Insurance Plan Contract for State employees to Prudential Insurance company of America (hereinafter "Prudential") on May 4, 2001 (hereinafter "the Contract"); and

WHEREAS, N.J.S.A. 52:18-11.2, provides that the State Treasurer shall negotiate and arrange for a long term care insurance plan to employees and retirees of any local public employer contracting unit adopting a resolution offering its employees and retirees the opportunity to participate, at their own cost; and

WHEREAS, the Contract has been amended to permit participation by eligible active and retired employees of any local contracting unit adopting a resolution offering its employees and retirees the opportunity to participate in the Contract;

NOW, THEREFORE, BE IT RESOLVED:

1. The Borough of Roselle Park hereby offers the Long-Term Care Insurance Plan that is the subject of the Contract to its employees and retirees.
2. We understand that submission of a certified copy of this resolution to the Division of Pensions and Benefits ("the Division") is a prerequisite to any of our employees and retirees applying to enroll in the Plan options and benefits offered under the Contract.
3. We understand that following its receipt of a certified copy of this resolution, the Division will advise Prudential that our employees and retirees are eligible to apply to Prudential for enrollment in the Plan options and benefits offered under the Contract.
4. We acknowledge that we will cooperate with Prudential in making the opportunity for our employees and retirees to apply to Prudential for enrollment in the plan options and benefits offered under the Contract.
5. We understand that an employee or retiree eligible to participate in the plan options and benefits offered under the Contract shall pay the entire cost associated therewith.
6. We understand that an enrolled employee may elect to have a deduction made from his or her salary for the payment of premiums due Prudential under the Contract.

RESOLUTION NO. 160-06

WHEREAS, Resolution No. 146-04 adopted a policy for the prevention of alcohol misuse and prohibited drug use in transit operation (New Jersey Transit, Inc.'s Compliance Oversight Program);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Rama Jiandani of One Woodbridge Center, Jewelry Exchange Building, Suite 605, Woodbridge, New Jersey be and is hereby appointed as a Certified Substance Abuse Professional "SAP" practicing in New Jersey as per the guidelines of the above Program.

RESOLUTION NO. 161-06

WHEREAS, the New Jersey Legislature passed P.L. 2006, c.44, which was signed into law by Governor Corzine (the "New Sales Tax Law"); and

WHEREAS, the New Sales Tax Law modified the New Jersey sales and use tax to, among other actions, extend the base of the sales tax to include new services; and

WHEREAS, as a result of the New Sales Tax Law local units such as the Borough of Roselle Park are for the first time required to collect sales tax and remit the proceeds to the State; and

WHEREAS, the New Sales Tax Law for the first time requires local units such as the Borough of Roselle Park that provide services such as municipal parking and access to and use of fitness, athletic and sporting properties, facilities or organizations, to be subject to the provision of the New Jersey sales and use tax; and

WHEREAS, the New Sales Tax Law directly affects the Borough of Roselle Park and its residents, including requiring the collection by Roselle Park and its officials of a 7% sales tax for previously exempt services such as: commuter parking permits at the local train station and all other municipal parking lots; etc.; and

WHEREAS, the New Jersey Department of Community Affairs, Division of Local Government Services on September 28, 2006, issued Local Finance Notice 2006-16 which states in part:

"The Division of Taxation recognizes that the [New Sales Tax Law] may disrupt some local practices, particularly those where equipment does not permit making of change or has fixed amount payment systems. This may cause some local units to either raise their parking rates to collect the tax; temporarily absorb the tax in the fee being charged; or if circumstances allow, reduce the amount of time purchased by the fixed amount to offset the tax. Local units must make their own decisions on how to handle these situations in context of their facilities, equipment, and practices. Regardless, the tax must be collected starting October 1, 2006."

WHEREAS, the New Sales Tax Law, will, in fact:

1. Disrupt local practices;
2. Place an additional unnecessary burden on municipalities, and thereby on their residents;

3. Create an ill-advised process whereby a municipality must create new mechanisms, at additional cost to its residents, to collect sales tax on behalf of the State; and
4. Further interfere with a municipality's limited ability to lower property taxes for its residents;

WHEREAS, it is the steadfast and earnest opinion of the Governing Body of the Borough of Roselle Park that the new far-reaching provisions of the New Jersey sales and use tax that have been imposed by the State through enactment of the New Sales Tax Law are arbitrary, discriminatory and capricious with respect to municipalities and thereby to their residents, and that the burden of collecting sales tax on behalf of the State should not have been expanded to require municipalities for the first time to do so; and

WHEREAS, municipalities and their residents should not have to bear any higher burden of cost and taxation given the overwhelming stress that the New Jersey real property taxes, in addition to the previously existing sales and use taxes, currently present to the citizens of Roselle Park and citizens throughout the State.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Roselle Park, that we vehemently oppose the far-reaching provisions of the New Sales Tax Law, P.L. 2006, c.44, and issue this resolution in condemnation thereof; and

BE IT FURTHER RESOLVED, that we strongly urge our State Legislators immediately to revoke the New Sales Tax Law, or without delay to enact legislation amending the New Sales Tax Law to exempt municipalities from any requirements to collect sales tax, and to remove any related categories such as municipal parking and public health, fitness, athletic and sporting properties and facilities from the list of services subject to the New Jersey sales and use tax; and

BE IT FURTHER RESOLVED, that we urge other municipalities in New Jersey to adopt similar resolutions opposing P.L. 2006, c.44, in particular those provisions which adversely affect and unfairly burden New Jersey municipalities; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Jon Corzine, Senator Thomas Kean, Assemblymen Eric Munoz and Jon Bramnick, New Jersey State League of Municipalities, and all Union County Municipal Clerks.

RESOLUTION NO. 162-06

WHEREAS, the Governing Body of the Borough of Roselle Park and the Borough of Roselle have agreed to apply for *SHARE* (Sharing Available Resources Efficiently) assistance through the State of New Jersey *SHARE* Program in the amount of \$200,000 to assist with the implementation of a new shared service; and,

WHEREAS, the Borough of Roselle Park has agreed to be the lead agency in this endeavor; and

WHEREAS, the Governing Body of the Borough of Roselle Park is acknowledging and accepting the responsibility of acting as applicant for this grant on behalf of the Borough of Roselle

WHEREAS, the State of New Jersey has made *SHARE* assistance available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our communities through the sharing of a Joint Border Patrol that would be beneficial to both local units; and

WHEREAS, the Borough of Roselle Park agrees to execute an Interlocal Services Agreement in order to implement the Joint Border Patrol.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roselle Park that the Borough of Roselle Park does hereby join with the Borough of Roselle in applying for a grant for the purpose of implementing Joint Border Patrol

Councilman Rubilla moved Resolution No. 157-06; seconded by Councilman Harms, all members present voting Aye, said resolution was adopted.

Mayor DeIorio said he was honored to be with members of the Family Alliance Against Abuse & Neglect. He said about 5 years ago a group of parents called the Legislative Office in need of help for the developmentally disabled and met with the assemblymen at a committee meeting. He said many of the institutions that are suppose to be helping the developmentally disabled are not and many allow the abuse and neglect to continue. He said because of a lack of a response to a medical emergency Danielle Gruskowski who was a fine young lady in her thirties who unfortunately passed away. He said many parents do not realize they are not alone and that there is a support group to help their efforts.

Marge Griscti stated that Roselle Park was only the second municipality in the State of New Jersey to formally recognize the disabled, including the needs of senior citizens, for legislation to protect their health, safety and welfare. She said enforcement for such legislation is needed and thanked the Mayor and Council for their support.

RESOLUTION NO. 157-06

WHEREAS, the Governing Body of the Borough of Roselle Park recognizes that legislation is needed to set forth minimum safety standards for disabled individuals to promote their health, safety and welfare; and

WHEREAS, Diane Gruskowski, Margaret Griscti and Robin Turner of The Family Alliance are working with Assemblyman Eric Munoz and other Legislators on legislation requiring more stringent safety standards and better training of those who work with the handicapped and the enforcement of such safety and training standards; and

WHEREAS, the Governing Body of the Borough of Roselle Park fully supports any and all efforts to improve the health, welfare and safety of handicapped individuals.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Roselle Park, that it fully supports any and all efforts to improve the health, welfare and safety of disabled individuals and hereby strongly encourages that the Legislature of the State of New Jersey make every effort to promulgate such legislation within the State of New Jersey; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be certified and forwarded to Governor Jon S. Corzine, Assembly Speaker Joseph J. Roberts, Jr., Senator Thomas Kean, Assemblyman Eric Munoz and Assemblyman Jon Bramnick.

Councilman Rubilla moved Resolution No. 158-06; seconded by Councilman Harm, all members present voting Aye, said resolution was adopted.

Chuck Latini from Heyer and Gruel Associates spoke on the redevelopment study which has been approved by the Planning Board. He said the study area contains land that can be more productively used to contribute to the safety, health and welfare of the community. He said the report is on file in the Borough Clerk's Office. Mayor DeIorio thanked him and his firm for their efforts and assistance with the public outreach sessions. He said a public follow up meeting will be held on November 9th, at 7:00 p.m., in Council Chambers. He said several displays of the commercial district along Chestnut Street and Westfield Avenue are available for viewing at the Library, Casano Community Center, Town Hall and Youth Center.

RESOLUTION NO. 158-06

WHEREAS, in response to resolutions adopted by the Borough Council on April 20, 2006, the Planning Board of the Borough of Roselle Park, pursuant to N.J.S.A. A:12A, the Local Redevelopment and Housing Law ("LRHL") undertook an investigation to determine whether the properties known as:

Romerovski: Blocks 213, Lot 1 and Block 314, Lot 1 as delineated on the tax map, qualify as an "Area in Need of Redevelopment", and

WHEREAS, the Planning Board had a study of each of the above described areas prepared by Heyer, Gruel & Associates, 63 Church Street, New Brunswick, NJ which resulted in reports entitled "Romerovski Site Redevelopment Study" as part of its process after notice and, by resolution adopted September 18, 2006 made the following findings to the Borough Council:

1. Based upon an analysis of existing land use, physical characteristics and accessibility using tax records, public information and visual inspections meet the "d" "e" and "h" criteria as established in Section 5 of the LRHL;

2. The redevelopment process can help the Borough facilitate redevelopment of the site.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Roselle Park, Union County, New Jersey, does hereby determine that the areas hereinabove set forth are areas in need of redevelopment and looks forward to the creation of a Redevelopment Plan that specifically addresses the issues contained in the aforementioned Study.

PUBLIC COMMENT

Councilman Rubilla moved, at 8:33 p.m., to reopen the public comment portion of the meeting for the second time; seconded by Councilman Harms and adopted.

Maria Delrio, 138 E. Colfax Avenue, addressed:

- Requested that Councilman Zeglarski draft a letter to her with his responses to several questions regarding his attendance at budget meetings and the various people he spoke to and gathered information from. She wanted to know who those people are and what their credentials were.
- Her 12 year old son attended a meeting at Borough Hall last night and was very upset by a comment Councilman Zeglarski made about gangs. She said her son

has never seen gang activity and asked if developers would be interested in a town infested with gangs.

- She asked the Mayor if the crime rate has gone down 39% and Mayor DeIorio said yes it has since 1996.
- She asked what the procedures and guidelines were for getting new businesses in town. She asked why after 3 years they have not come forward with the people they say are interested in the property next to the movie theatre.

Ray Arocha, 715 Walnut Street, addressed:

- Said he also had questions for Councilman Zeglarski and requested a letter explaining his answers. He said a few weeks ago he filled out an OPRA form requesting information on Mr. Hokanson and his employment with the Borough. He questioned what was done that his retirement was required. Mayor DeIorio said there is a confidentiality agreement that prohibits himself and other members of Council from commenting on that. He suggested that Mr. Arocha address his questions to Mr. Hokanson.

Jacob Magiera, 612 Sheridan Avenue, addressed:

- Said Mr. Latini's firm was hired for \$40,000.00 to do all the work and asked if there would be anymore payment to them. Mayor DeIorio said if there is any additional work beyond the \$40,000.00 the Governing Body must pass another resolution.
- At the last meeting Chief Wielgus made a comment when he said the Prime Minister of Japan was taking a 30% cut in pay and the Chief said he gets paid 6 million dollars a year. Mr. Magiera said he called the Japanese Consulate and the Prime Minister of Japan receives \$200,000.00 less the 30% he is taking in pay which gives him \$140,000.00 a year.
- Asked for an update on the hazardous condition at the Faitoute railroad overpass. He said in 1989 because of a hazardous condition of ballast falling he had that road closed. He suggested closing that road saying it would not affect traffic that much.
- Said parking meter revenue for 2005 was \$13,666.79 and asked how long the parking meters were going to be covered. He asked if the revenue received from World of Liquors and the Board of Education who lease parking spaces from the Borough be taxed 7% by the State. He suggested shared services with the Board of Education rather than charging them rent. Mayor DeIorio asked Mr. Magiera if he would consider contacting the Governor's Office asking them to reconsider the sales tax on municipal parking meters.
- Asked how many people questioned the Mayor about the senior citizen property tax freeze and their qualifications. Mayor DeIorio said the program to reach out to the senior citizens and inform them about the homestead rebate and senior citizen property tax freeze was very well received and he guessed that approximately 50 or more of those seniors called to see if they qualified. He said some seniors did not receive checks due to forms not being filled out

properly or whatever reason but they did benefit by the additional work that was done to get the money for them.

- The Police Chief said that the speed limit on County Roads are 35 miles an hour and unless by ordinance the Borough cannot reduce the speed limit on a County Road. He said the speed limit on our County Roads are 25 miles an hour and asked if anyone has done any research to check our ordinance that stated the Borough could go back to 25. Mayor DeIorio said he had a discussion with Traffic Safety Office Mike Antonucci regarding the E. Lincoln Avenue site and the County of Union is researching the appropriateness of a municipality requesting stop signs without the approval of the County as well as speed limits.
- Asked for an update on pedestrian yield signs on Chestnut Street and other County Roads and if the Borough asked for any County money. Mayor DeIorio said he called Freeholder Mirabella to ask if there was any additional money and said he was waiting for a call back.
- Asked when Council was going to have a retraining program on the Sunshine Law. Borough Attorney Bill Lane said he has sent two emails mentioning dates but they have not zeroed in on a date because some of the Councilmembers can make it in the morning but not in the evening and visa versa. Mayor DeIorio said some of Council is going to attend the League of Municipalities Conference where it is much cheaper.
- Mr. Magiera mentioned a 30% cut in pay, 30% cut in pension and a 30% co-pay for benefits for all elected officials, appointed officials and bureaucrats.

Michael Peterson, 45 E. Colfax Avenue, addressed:

- Thanked everyone for attending the debate last night and felt that everyone benefited by it.
- Asked Mayor DeIorio about the OPRA request Mr. Arocha spoke about and said if the Borough is prohibited from discussing it by a confidentiality agreement wouldn't that also be the case with Mr. Hokanson. Mayor DeIorio said that would be Mr. Hokanson's choice. Mr. Peterson said he wanted to clarify that was a mutual agreement and Mr. Hokanson could be held liable.
- He stated that there was no doubt that Roselle Park was a safe community and that was one of the reasons he moved here.
- Asked the Mayor about his press release which specifically mentioned Roselle when he was proposing joint patrols. He said it was his understating that Roselle had declined Chief Wielgus' effort for a joint patrol and asked if they rescinded their decision. Mayor DeIorio said there was no mistake he met with the Mayor and Police Chief of Roselle along with Chief Wielgus to discuss the proposal. He said the Mayor of Roselle was very excited and supported it 100%. He said when the Mayor of Roselle presented it to his Governing Body they declined his request due to the issue of cost. He said the program they are currently discussing requests money from the State of New Jersey through a shared services agreement.
- Mr. Peterson said he had no evidence of any gang activity in Roselle Park but in an application filled out by the Roselle Park Police Department for a State report it states that yes there is gang activity in Roselle Park. He said he was concerned because

Elizabeth does have gang activity and they boarder Roselle Park so it is very easy for it to flow over.

Donna Zeglarski, 521 Chester Avenue, addressed:

- Said as a teacher for 30 years she would like Council to look at a different aspect of the gang issue from the view point of an elementary school teacher. She said there have been documented cases of students that she has had by students that have been influenced by older people in gangs that work in fast food establishments and try to encourage them to become part of their group.

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

- Referred to a discussion earlier that the Borough Clerk brought up about compensatory time and if it meant an employee who gets a salary and works extra time. He asked how comp time would come about and who gets it. Borough Attorney Bill Lane said he was not familiar with the individual or the topic raised by the clerk but he believed his observation was correct. Mr. Zeglarski asked if the Borough had a policy in that regard. Mayor DeIorio said it is not much different from when Mr. Zeglarski was Mayor. He said there are ordinances that are passed and dictate who receives compensatory time and who does not. He said contractual employees in the bargaining units have compensatory time dictated through those signed agreements. He said Department Heads do not receive compensatory time. Mr. Zeglarski asked if they get time off equal to the amount of time they worked or would they get time and a half. Mayor DeIorio said that depends on the employee. Borough Clerk Doreen Cali said this was not a serious issue she just asked because she was new to the Borough and she was not sure what the Borough policy was. She said she questioned the policy due to the number of hours involved.
- Asked about a presentation done a few months ago by Honeywell. He said they were interested in the Borough becoming involved in something called a performance contract. He asked if it included equipment or was just an energy conservation contract. He asked why the Borough would get involved with leasing arrangements over a 15 year period and what would the benefit be. Mayor DeIorio said capital purchases can be made depending of the life expectancy of those purchases. He said the Borough could consider purchasing those items through their capital budget outright, purchase through a bond issue or securing short term notes or look at what Honeywell had to offer as far as their lease purchase program and the rates that they charged. Mr. Zeglarski asked how their lease rates compared to the interest rates and Mayor DeIorio said they were competitive.

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

Mayor DeIorio said Jeanne Decker was the Budget Finance Director for this budget cycle and he asked her to attend tonight's meeting to answer questions that were presented by the public.

Mrs. Decker said surplus in the Municipal Budget can only be used as revenue and cannot be used in any other form. She said her primary concern with surplus is that the Borough maintains long term fiscal integrity with their surplus. She said you do not want to overuse the amount of surplus that is available and jeopardize future years on availability of that same surplus due to overuse. She said surplus is generated and regenerated every year through various sources. She said one of the sources is all the revenue listed in the budget and the Division of Local Government allows you to anticipate revenue based on prior years collection and you cannot anticipate more unless you have documentation of a change in fees or rates. She said it has been the practice and has been the practice of most municipalities to anticipate the revenues for alcohol licenses, construction code fees, interest on delinquent taxes things that are listed specifically in the budget. She said the difference between what you have anticipated to collect and what you do collect whether it is a surplus or a deficit affects your year end surplus. She said also the amount of taxes collected you cannot anticipate a tax collection rate beyond what you have collected the prior year. She said if you collect more than you anticipated that also goes into surplus. She said one of her concerns is to make sure that the surplus you use this year can safely and comfortably regenerate itself. She said the surplus over the last 10 or 15 years has gradually increased but the Council has also gradually increased the amount that they have appropriated in the budget accordingly and still leaving a safe amount of surplus to function. She said you are spending that additional surplus to get you through January and February until you start collecting taxes again. Mayor DeIorio asked about the suggestion that Council uses more surplus. Mrs. Decker said she had given a list to all members of Council surplus positions for the last several years and what from that surplus the Council had indicated to use as revenue. She said Council's primary motivation is to prepare a budget that will enable the municipality to continue to operate at the smallest impact to the taxpayer. She said her job is to look not only at the current year but on what the impact of Council's actions will be next year and the year after that. She said you want to be able to keep that use of surplus at a constant level so the taxpayers can always be comfortable to know that last year if there was a \$1,000,220.00 in the budget this year there is \$1,000,220.00. She said you do not want decrease that availability and that's what this budget has done. Mayor DeIorio asked her about the reserve for uncollected taxes. Mrs. Decker said that is something not really understood by the general public. She said the municipality is the collecting agency for not only the municipal budget but the county budget and the school budget. She said there is a monthly schedule that is prepared for the total amount due to the school board divided by twelve those payments are made to the Board of Education on a monthly basis and the same is true for the county. She said the Borough does not collect 100% of the taxes they are the collecting agency. She said in order to accomplish that there is an appropriation in the municipal budget reserve for uncollected taxes and Council has to create that appropriation to raise that money. She said eventually the Borough does collect 100% of the taxes but it does not always happen by December 31st of that current year and there is a formula given to Finance Officers to calculate that appropriation for reserve. She said they take the amount of the 3 budgets calculate it reduce that by the amount of revenue that the Borough is receiving so they know specially the amounts due for taxation for the 3 entities. She said they can only anticipate collecting an amount not to exceed the amount collected in taxes in the last fiscal year. She said that calculation then generates a specific dollar amount which equates to the reserve for uncollected taxes. She said the calculation and the formula for that reserve appropriation is determined by the State. Mayor DeIorio said Councilman Zeglarski said he has proposed a plan that would cut \$500,000.00 in fat from the municipal budget and asked Jeanne if

she could respond to that. Mrs. Decker said she found that unbelievable and if that is the case she wished he would have shared that with the Councilmembers or with her during the budget process. She said she has been working with the Roselle Park Municipal Budget for 25 years and there is nothing that could be cut unless you want to eliminate the Department of Public Works, remove the Library or cut 20% of the Police Department. She said \$500,000.00 is tremendous amount of appropriations to cut and she would love to hear the specifics but she did read it on the website. Mrs. Decker said she wished he had attended the budget discussions and put it on the table because it may be a misunderstanding on his part as to how the budget is prepared and what goes into it. Mayor DeIorio asked her to explain extraordinary aid is determined and how they were successful. Mrs. Decker said they must have a lucky star because the number of municipalities that apply for discretionary aid has increased every single year and the pool of available money for discretionary or extraordinary aid has decreased every year. She said every year that Roselle Park could they have applied saying that the application specifically asks for statistics as to when you filed your audit report, financial aid report, supplemental debt statement, what was your municipal tax rate 2004 and 2005, what was the property levy for the school board, the county for comparison for 3 years, what is the average assessed valuation. She said all of those are statistics and it is not creative writing but is specifics. She said you tell what increases you have had and what you have done to try and monitor and lessen the tax impact such as shared services. Mayor DeIorio said he has learned that if a municipality uses a tremendous amount of surplus and that surplus diminishes and taxes go up it can have an effect on the Borough's bond rating. Mrs. Decker said that was correct. She said when the Borough goes out for a bond issue there is a disclosure statement that is put out to all of the financial institutions that may choose to bid on the bond issue and in that they project everything about Roselle Park. She said what they are looking for is long range financial stability and integrity. She said the bond rating being reduced would create the financial market to not offer as good of rate for bond issues so the cost for debt would go up. Mrs. Decker said Council was very supportive of going along with her recommendations and she felt the budget was very tight, lean and a fiscally prudent budget that leaves the Borough in decent financial shape yet still maintains services. Mayor DeIorio thanked her for attending and offering the public that information. Mrs. Decker said she would be interested to hear what Councilman Zeglarski's recommendations were.

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

MOTION:

Mayor DeIorio:

- Motion appointing Kevin Magliaro, 2877 Willard Place, Union as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Lorraine Engine Company #1.

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

Attest:

Borough Clerk