

Regular Meeting of Mayor and Council April 5, 2007

PRESENT: Mayor DeIorio, Councilmembers Badillo, Harms, Matarante, Rubilla, Dinardo and Yakubov; CFO Ken Blum; Borough Attorney Bill Lane

ABSENT: None

Mayor DeIorio called the meeting to order at 7:30 p.m. and said it is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been recorded as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, C.172. (NJAC 17:27).

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

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

Mayor DeIorio asked for a moment silence for Borough resident Bob McGillis and his family, as well as other residents that have passed away during the past few weeks.

COMMUNICATIONS AND PETITIONS

None

REPORTS OF DEPARTMENTS

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

- Construction Department for February 2007
- Municipal Court for January 2007
- DPW Report for March 2007
- Treasurer's Report for February 28, 2007
- Planning Board 2006 Annual Report
- Police Chief Report for March 2007

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting: February 15, 2007
- Regular Meeting: March 1, 2007

PAYMENT OF BILLS

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

Current Fund	\$214,344.17
Federal State and Grants	2,872.50
General Capital	1,865.00
Sewer Utility Operating	65,995.75
Recreation Trust Account	<u>105.00</u>
Total	\$285,182.42

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

Mayor DeIorio announced that during public portion this evening Dr. Feinman who represents Union Hospital will be updating the Governing Body on the issue of the closure of Union Hospital. Along with him will be Assemblyman Munoz from the 21st Legislative District who is also a physician at University Hospital; both of them will speak on this issue. He said there are several petitions to present to him requesting the State to consider keeping Union Hospital open.

Mayor DeIorio welcomed home Corporal Joseph Meola of the U.S Marines. He is a local resident who is home from Iraq to get married, and we recognize his return home and congratulate him on his marriage.

CERTIFICATES/PROCLAMATIONS

Proclamations

- May Day for Relay
- Autism Awareness Month
- National Day of Prayer
- Child Abuse Prevention Month
- Click It or Ticket Mobilization

Certificates

- Youth Art Month
- Maria DelRio
- Suzanne Kinloch
- Linda Hahn

PUBLIC COMMENT

Councilman Harms moved at 8:30 p.m. to open the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Mayor DeIorio invited Assemblyman Munoz and Dr. Feinman to the front to discuss the closure of Union Hospital.

Dr. Feinman thanked everyone for listening to the situation facing Union Hospital. He said historically the hospital has been around for at least 60 plus years and was a major training program for osteopathic physicians, and family medicine, etc. Over the course of the last 12 years since it has been taken over by the Saint Barnabas medical system, the financial situation has deteriorated significantly and we are now in a situation where the hospital is in danger of closing. The implication to that is that this community along with surrounding communities are really in jeopardy. He said presently there are negotiations going on with Trinitas Hospital and the face of Union Hospital will change in the sense there will not be any sub-acute care beds. There will be an effort to keep the emergency room open on a 24/7 basis however, if someone has a serious problem requiring hospitalization, then they will be transferred to other hospitals depending upon the one they want to go to. He said what that does is jeopardizes someone's health and it might even become a life threatening situation. He said if Union has a 3 hour emergency wait, the surrounding hospitals could have about a 6 hour emergency wait. Not only are you transporting a patient twice, there is also the jeopardy of not being able to administer acute care medicine for a heart attack or stroke. He said the concern at Union is not only the lost jobs, but that surrounding businesses will also be affected by the changing face of Union Hospital. He said the current plans at Trinitas are not bad plans. They will keep the surgi center. They are going to bring in long-term care facilities, sleep centers and wound care, in that regard the hospital will stay open. He said our communities are going to lose a severe loss of critical care. There won't be intensive care units, or specialty surgeries such as neurosurgery and the operating rooms will not be available. He said in the event of an emergency such as 911, we will sorely miss that particular hospital. Dr. Feinman said Union Hospital has all the FEMA plans and HAZMAT ready to go. He said if the care they need is unable to be done there, they will have to be transported to a facility that will provide that service.

Councilman Matarante asked how they would be transported to another facility if you did not come in an ambulance.

Dr. Feinman said that the EMS from the facility that you are being transported to would be on call to pick you up. However, we cannot be sure of that given the pressure that is going to be put on the health care and delivery system.

Councilman Matarante said some of these situations are time critical.

Assemblyman Eric Munoz said Union is caught in the middle of this situation and there is no question that there are places for community hospitals, and if they close the communities do suffer. He said that for example if someone is having a heart attack, you would probably have a problem in that after awhile the ambulance services will learn that if they go to Union they will then have to go somewhere else. It will also be difficult to deliver emergency services and said it will have a negative impact on the communities.

Mayor DeIorio said that when someone is having a heart attack time, will be critical. He said that we have a local volunteer First Aid Squad and this will put a strain on our municipal budget because they will have to transport them to Overlook Hospital.

Councilman Badillo said that someone may be taken to Union Hospital which would not cost them anything because they are volunteers, but then it will cost them because they will have to be transported elsewhere by a paid service.

Mayor DeIorio asked when a hospital closes do they have to do a general public hearing?

Dr. Feinman said there are two hearings, but is not sure if the hospital did submit for the State to look into closing. He said at his last medical staff meeting that they voted to have it remain for at least three months so other plans could be formulated. He said the best case scenario is that the State gets involved with taking over the hospital and helping it to maintain the sub-acute care situation. He said to those of us in this community, there is really going to be a problem.

Assemblyman Munoz said there is whole procedure in the State and both sides will come and present their cases.

Councilman Rubilla asked that even if Trinitas executes a deal, that they don't necessarily want it as a sub-acute care facility. He said if Trinitas does decide to acquire it, how do we impose our conditions that this hospital remains as a sub-acute facility.

Assemblyman Munoz said that the best influence on this situation is that the patients that come from this community are insured patients.

Councilman Badillo said he has heard from residents regarding the Barnabas System and that it has taken the lucrative procedures out of Union and taken them to other hospitals, because of this Union Hospital is not making money.

Dr. Feinman said they had a wound care center, alcohol/detox centers and sleep centers which were all taken by the parent corporation and moved to an out-patient surgical facility across from the main hospital in Livingston. He said there was a joint venture that was going to be attempted to establish surgi centers at Union Hospital, but it has been taken away and not allowed. He said that every possible means of being profitable was pulled away from Union Hospital. Dr. Feinman said that Saint Barnabas had two expensive scanning machines that Union Hospital could have used to enhance what we are doing. He said that anything we requested was refused because administration would not provide the basic machinery for them; anything that was tried to keep the hospital afloat was met with resistance.

Councilman Badillo asked what everyone in this area can do to let the State legislators know and what can they do to stop this.

Assemblyman Munoz said that Americans like high tech medicine and we pay for it which will not change. He said you could lobby and go to the State Health Commissioner and try to get this changed. He said you will not fundamentally change the whole payment system in America that basically doesn't pay for preventive care.

Councilman Badillo said that inmates in prison receive better health care than the average resident; there is something really wrong with this.

Dr. Feinman said it is very important and that we need a lot of support from the communities in the area. He said we are in an election year and in one sense that will be very helpful. We need to let our voices be known particularly to the Governor and Commissioners of Health. He said we have hospital volunteers going out every Saturday to stores in the area handing out literature showing what the impact would be.

Mayor DeIorio said the hospital has the support of the representatives of the 21st District. He said we must contact the Governor's Office and the State Health Commissioners; they are the two that we must focus on because they can institute change. Assemblyman Munoz is on the Assembly Health Committee and they have talked to Dr. Conaway who is the chair of that committee. He said public awareness is very important in this situation.

Assemblyman Munoz said if there is bi-partisan support we will have more clout, and if we all get together we may be able to do something.

Mayor DeIorio said there were petitions circulated that we would like to present to Dr. Feinman. He said Mr. Magiera has helped in this public awareness campaign. We would also like to keep a letter writing campaign going as well to inform the residents of what is going on. We are here 100% behind you in this effort and we are here to help.

Councilman Badillo said there are petitions available to sign on the front counter in the Borough Clerk's Office in Borough Hall. Mayor DeIorio said that the petition can be scanned and put on-line. He also asked for an internet contact so we can get additional information and it can be emailed.

Councilman Yakubov asked what the timeframe of this situation is so we can act on it as soon as possible.

Dr. Feinman said it is something that is moving pretty quickly. We are looking at a couple of months, so we have to move quickly with this within the next couple of weeks. It is something that cannot be delayed. Unfortunately the CEO of the hospital said everything was fine a couple of months ago and then a few weeks later all of this happened. He said if you are losing a large amount of money every month, then there is something wrong with that. In closing, Dr. Feinman thanked everyone for listening and for their support.

Catherine Tross, Union Hospital Nurse, said that if Trinitas acquires Union Hospital they will want those medical dollars to be spent at their hospital. She said that they will want the patients to go to Trinitas because they have acquired them. She said that Elizabeth is a city that at one time had three hospitals and now they have only one hospital and will now have all of us. She said her concern is will they be able to handle all of that and the impact of only having one hospital.

Ken Chapman, Holly Drive, Roselle, said because of the First Aid Squad getting his wife to Union Hospital so quickly, he still has her with him five years later.

Mayor DeIorio thanked everyone for coming out in support of Union Hospital and will keep everyone updated and provide whatever assistance that they can. He also thanked Dr. Feinman and Assemblyman Munoz for coming in and speaking.

Jacob Magiera: 612 Sheridan Avenue

- He echoed the complaints regarding the closure of Union Hospital.
- He asked that the Mayor remind the residents about Property Tax Reimbursement.
- He asked if the lights under the parkway bridge on Market Street in Kenilworth were checked.

Councilman Harms said he checked with Public Service and they do not mount anything to the bridges.

Councilman Rubilla said that the New Jersey Parkway Authority did that many years ago.

Councilman Matarante said that in his report, which just came in today, he has information from PSE & G regarding lighting.

- He said that because of the large loss of money perhaps an audit should be done on St. Barnabas.
- He read an article from the Star Ledger regarding property tax reform.
- He thanked Councilman Matarante for introducing that Mayor and Council take a \$1,000 a year pay cut this year.

Linda Hahn, 40 E. Sumner Avenue

- She thanked everyone for her recognition and receiving a certificate.
- She said that the school play “West Side Story” was a big success and thanked everyone for their support. She said that Mayor DeIorio, Councilman Matarante and Councilman Badillo were in it as well and they did a great job.

Barbara McGrath, 28 E. Lincoln Avenue

- She asked about a flyer that she found by her mailbox written by Bob Zeglarski and wanted to know if what it said was true. It stated that last year the budget was not done until August.

Mayor DeIorio said the perception of that piece is that the Governing Body waited too long to do the budget. He said the facts not presented in that piece were the reason the budget was not adopted until August is that the Governing Body requested extraordinary aid for additional property tax relief from the State of the New Jersey. One of the provisions in that application is that you cannot adopt the budget until the State says yes or no to your application. He said last year the State was in a battle between passing their budget, which they did not pass until July. The Department of Community Affairs several weeks after that decided on who got money and who did not. He said if the Governing Body made the decision of what is implied we would have lost \$100,000 in property tax relief. He said that implication would have lost money for Roselle Park. He said by doing the responsible thing and waiting for the application, we got \$100,000 and got the property tax rate to drop a couple of points.

Councilman Badillo said if we did what Mr. Zeglarski wanted us to do the taxpayers would have paid at least three more points in property tax.

- Ms. McGrath said that the piece also said that someone retired and got \$31,000 and it was in addition to an original \$70,000. Also that the Police Chief has an SUV and they were wondering how much money he will get when he retires.

Mayor DeIorio said that is another play on words. He said several years ago we had five Department Heads that had worked for the Borough 20 years at that time. He said the intent was with no disrespect, to give them an incentive to retire. He said because of being here for many years they work at a higher rate and a higher payment into the pension plan. He said three of them left, our Borough Clerk who retired, Chief Financial Officer, and our Borough Engineer. He said in the meantime the Engineer went from a full time position to a part time position where there are no health benefits paid so we saved money there. He said we took the position that each Department Head would have a separate contract so we decided to change that. He said we have to reduce our health premiums by instituting co-pays, reduce the retirement benefits. Mayor DeIorio also said the new CFO contract was signed with a reduction in retirement benefits, also with a co-pay to health insurance something we have never had before. He said we started with non-union non-contractual employees and they carried it over to Department Heads. We are now negotiating with our Police. He said the new DPW contract has a co-pay provision and an increase in the number of years you have to retire. He said the only two Department Heads left are Superintendent of Public Works Frank Wirzbicki and Police Chief Warren Wielgus. Mayor DeIorio said when those two individuals leave; we will do two separate contracts continuing the trend as a savings to the taxpayer.

Councilman Badillo said the new CFO will have to work 25 years before he is afforded health benefits. He said the payments to the Department Heads have been made over two or three years so there won't be such a great tax impact.

Mayor DeIorio said we are now going to our unions to institute reductions and co-pays.

Ms. McGrath said she thought it was very important to find out if this information was true.

Joseph Fonte; 456 Amsterdam Avenue

- He said he was there to speak regarding conduct that he found objectionable during the public portion of the Council Meeting held on March 15, 2007. He found it objectionable that a Councilman take it upon himself to let the resident's public statement thereby effectively putting words in the mouths of those choosing to address this Council. When a resident addresses this Council, he or she intends for his or her message to be heard. Residents expect that members of this Council will refrain from putting words in their mouths. He said at the last Council meeting a resident publicly stated that Councilmembers have missed numerous budget meetings. A simple response from these Councilmembers probably would have sufficed. He said one particular Councilman did not give a simple explanation; instead he proceeded to amend the resident's public statement. He asked that the

Council not be so bold as to tell the audience what a resident really means when he addresses the Council. He said residents mean exactly what they say; putting words in their mouths by Council is unprofessional and may dissuade them from addressing the Council in the future. He said he found it objectionable that a Councilmember resorts to name calling when addressing the public comments made in reference to his decisions or actions. Councilmembers should defend their actions and decisions, and he would be concerned if they did not. He said referring to residents as shameful or any other derogatory term is unacceptable. He said residents must also be courteous, but Council must understand that holding Councilmen accountable for statements, decisions or actions does not constitute a lack of courtesy. Council works for the residents and they have every right to question what we are paying you to do. Finally, he found it objectionable that at times residents are forced to shout during the public statement because Councilmen choose to interrupt public statements made by them. It is understandable for emotions to rise, but escalation into a shouting match is avoidable if Council does not speak until a resident asks for a response or until they complete their statement. Residents have a limited time to speak and Council must respect that. Mr. Fonte said residents are lucky to have a town that allows them to speak at meetings, but sometimes we wonder how genuinely this Council wants to listen to them. He said instead of getting defensive, just honestly answer questions and concerns; serving the public is not easy but lashing out at the public will make it more difficult.

Councilman Matarante asked what resident he was speaking about.

Mr. Fonte said at the last meeting it was when Mr. Zeglarski addressed the Council and after his comments were made he was called shameful.

Councilman Matarante said to be fair, there was name calling from the other side as well.

Mr. Fonte said name calling is not acceptable from anywhere. He said he just made a general statement, and this is not the first time something like this has happened.

Councilman Rubilla asked if Mr. Fonte has had anyone sign a petition for him to run as a political candidate in the upcoming election, and Mr. Fonte answered yes, but his speaking here today has nothing to do with politics.

Councilman Rubilla said that he attended many budget meetings, as well as Mr. Fonte, and he was given every opportunity to speak and felt that everyone got along well without conflicts. He mentioned the Zeglarski issue and the flyer that Mrs. McGrath questioned, there were things not mentioned in it that would have made it more realistic. He said it was written by a political party which everyone should know. He said that Mr. Fonte is a political candidate that has every right to speak and he is stating the facts as he sees them.

Councilman Matarante thanked Mr. Fonte for his comments.

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

REPORT AND RECOMMENDATIONS OF MAYOR

- Mayor DeIorio reminded the senior citizens of the Borough that they may apply for many senior citizen property relief programs that the State of New Jersey provides. He said that there are still a number of senior citizens that still do not participate. He said there is money that can help with the relief of property taxes, and if they are not sure what program they are eligible for, please call the Clerk's Office, Finance Office or the Casano Center. The seniors can get up to \$1,200 in help from the State of New Jersey.
- A reminder that the Board of Education Elections are April 17th and the polls will be open from 2:00 p.m. to 9:00 p.m. He said it is very important that everyone comes out to vote.
- Mayor DeIorio congratulated the cast, support staff, teachers and everyone involved with the play West Side Story for the wonderful opportunity to get involved. He said it is such a tremendous effort on all parts to put on such a terrific production. He said two of the four nights were sold out and the students had a great time. He said we are looking for assistance to help renovate the auditorium and we will be letting the public know about that as the details are worked out. Mayor DeIorio said this production showed how different groups can work together and put on such a wonderful production that we can all be proud of.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Dinardo

- He said for the last three weeks we have been attending budget meetings and worked together well.
- He thanked Suzanne Kinloch and Maria DelRio for their efforts in the fight against cancer.
- He asked if there could be a better way to inform the public of the Bulky Waste pickup.
- He said he is also opposed to the closing of Union Hospital. He has a petition in his home that he is getting signatures on and he will forward them to the proper party.

Councilman Badillo

- He wished everyone participating in all the High School spring sports good luck and that the baseball team is 3-0.
- He thanked the High School for having the privilege of being part of the play.
- He said there will be many events taking place at the Casano Center on the following dates in April: April 10th tax help, April 12th bus trip to Atlantic City, April 25th the Cherry Blossom tour of Branch Brook Park. If anyone is interested please call the Casano Center at 908-245-0666.
- He said the President of the Little League is getting closer with a deal with Union Little League to use their fields. One will be on Lehigh Avenue with the concession stand and we will be able to use it for our annual tournament. He thanked Joe

Petrosky and Debbie Schaffer and other league officials who have done a great job to make provisions for our little leaguers.

Mayor DeIorio suggested that they bring in the President of the Union Little League to recognize his efforts in helping us in our time of need.

- Councilman Badillo commended the Finance Chairman Councilman Matarante for arranging all the meeting dates with Chief Financial Officer Ken Blum, Borough Clerk Doreen Cali and all the Councilmembers.

Mayor DeIorio said in two to three weeks the ERM Associates will be installing the testing wells and they have been in contact with Joe Petrosky, the League President. He said they may need some help in identifying underground piping and asked that the Borough Engineer assist them.

- Councilman Badillo said he appreciates all the efforts being made so our children have our positive programming.
- He said the Westbrook Stream Improvement is in its final design stages and the DEP is involved. He said anytime that they get involved it is not an easy process.

Councilman Harms

- He commented on the school play and how everyone got together to put on such a fantastic show. He complimented Councilman Matarante's daughter on her performance in the play and also complimented the Councilmembers that participated as well.
- He thanked Councilman Matarante on the great job that he did with the budget.
- He said at a budget meeting there were two things that were observed. He said one was the use of our police vehicles out on paid jobs, and we are now working on an ordinance to recoup the monies for that. He said it was also noticed that residents are not recycling and he asked that they please recycle; it saves us money in the respect that we don't pay the tonnage.

Mayor DeIorio said he has had couple of email conversations with the Superintendent of Schools and Borough Clerk Ms. Cali to provide recycling in the schools.

- Councilman Harms said last year he introduced an ordinance for road opening permits which began in October, and as of this date we have brought \$7,800 in revenue. He said in the first three months of 2007 we have brought into the Borough \$4,200 in revenue.

Councilman Matarante

- He said that the play was very good and asked that certificates be given to the kids who participated because it is all about the kids. He thanked everyone that was involved and it was a phenomenal production. He said the play had a message and it was about embracing diversity. He said the best part of the play was at the cast party,

it was mentioned by the Music Director how there were kids from all backgrounds who came together and had a play, but may not have been friends before the play and became friends after the play.

- He said that today they received a proposal from PSE&G and we have to go back and have a conversation with them. Their proposal right now is to put two new lights and replace an old light on Locust by 7-11 and the train station parking lot. He said they would have liked more on Chestnut St. Right now the light is on the corner of E. Lincoln and Chestnut Street; however, it is facing toward Westfield Avenue which does not do us any good. He said we want them to put a little more on Chestnut Street and face the light toward the overpass. He said this is a first draft proposal and based on their proposal it is about \$80 a month for the usage of the lights.
- He said that Samantha Weinberger who is not here this evening, had art work that was chosen as being outstanding. He asked that she be recognized individually.
- He said the budget was introduced Tuesday and there is a public hearing scheduled for May 3rd. He said one of the reasons it was introduced Tuesday was because we wanted to again apply for the extraordinary aid. He said we were happy and surprised last year with the grant of \$100,000 and we didn't want to take the chance that we would not receive that again. He said the deadline for the application was on Wednesday, so we had a Special Meeting on Tuesday to introduce the budget. Once that was done the application was hand carried to Trenton and it is possible that we may run into the same situation that we had last year. He said we now have to wait to receive Trenton's decision; we are not going to introduce early and lose an opportunity to get another grant.
- He said there are several resolutions this evening and there were some tough decisions that had to be made. There are nine resolutions regarding elimination of some programs and positions. Due to some budget changes and laws, we had a lot of work cut for us. He said we started at an increase of 51 points and a point is worth \$6.50 to a house assessed at \$65,000. He said we worked diligently and got it down over 33 points and he wanted to thank everyone. There were 15 meetings this year and there was a lot of good dialogue and many of the suggestions were taken into consideration. He said we have increased the surplus that we used this year, also increased the sale of municipal assets by over \$100,000 and for example we cut the DPW budget close to \$30,000. He said that the dollars that we could control, we cut from what was appropriated last year. Councilman Matarante encouraged everyone to come out on May 3rd and give their opinions.

Mayor DeIorio said the budget will be on the internet and is available for public review. He said the tax point increase for this year is 18.27 points, which amounts to on an average assessed home \$118.78. He said we are hoping that we do get extraordinary aid this year, if we do get money from the State it will be used to offset tax increases.

- Councilman Matarante said they had to expend precious resources in an effort to investigate the situation of gangs in the town. There is an article in the newspaper talking about 100 gang members living in town and causing havoc. He said we since had the Prosecutor's Office working diligently and we have confirmed that there are three gang members currently living in Roselle Park and to the best of his knowledge any of the crimes that they have committed have occurred here. He wants all the

residents to know that we are not ignoring the fact that there are members living here, but it is not 100 or more, we cannot kick them out of the town. As soon as they break the law, the Police Department will be there to take care of it.

Councilman Rubilla

- He commended Suzanne Kinloch and Maria DelRio for their selfless service to the public regarding cancer awareness...
- He said he is glad that Dr. Feinman and Assemblyman Munoz are here this evening because we need Union Hospital awareness. He said there are many residents in the town that work in that facility and if there is a way that we can make Trinitas or any other hospital that wants to acquire them, force them to become a sub acute care facility, if we don't do that we are in big trouble. He said that he would help with that if he can.
- He said regarding the painting of the bridge, we have found that it is Conrail, but they have not yet responded to him. He said that Senator Tom Kean, Assemblymen Munoz and Brannick have drafted a letter and sent it to Conrail in late March demanding a meeting.

Councilman Yakubov

- He said he attended the Boys and Girls Club Recognition Award Dinner in Scotch Plains and some youths from the High School and Middle School were recognized. He said he would like to have them here at the next Council Meeting to recognize them for their achievements. He said under the guidance of Joe DeMaio, who supervises the Boys and Girls Club; our youth is excelling in Roselle Park.
- He distributed the Best Neighbor Competition Award forms and he is doing this competition to enlighten the Roselle Park Community and have them recognized to others.
- He is working closely with the Police Department and Councilman Dinardo on the Neighborhood Watch Program. We are trying to revitalize it in Roselle Park. He said it is necessary for the community, especially in light of the gang problem. We will be giving out more information pertaining to this.
- He said he would like to comment on statements made at the last meeting. He said he does not like when statements are made fact and are misleading to the public. It was said that I made a very large deal over the missing of budget meetings over the campaign, and I had stated I missed four and the truth is that I missed two out of fifteen that we had because of personal family obligations. He said he has made every effort to ask questions and participate in the budget process. He encouraged everyone to watch Channel 34 because it provides a lot of information.

Mayor DeIorio thanked everyone for their participating in the budget process and said everyone worked together very well.

REPORTS OF DEPARTMENTS

Borough Engineer-Nick Villano

- He reported that some of the projects that they have been entrusted to do are beginning to take place; beginning with the Chester Avenue Reconstruction, and the Elm Street and Lincoln Avenue drainage problem. He said the design is finalized and a set of plans and specifications have been given to the Borough Clerk and we will be accepting bids on April 12th at 10:00 a.m.
- He said that the Madison Avenue Reconstruction has been finalized and it was sent to the DOT and typically there is a two week period before we can put it out for bid.
- He said the Westbrook Stream Improvements has taken a little longer, but part of the wall fell so we had to do some additional surveying. He said they are working on it and will have the plans and permits ready for submission.

Councilman Badillo said when our former Engineer worked on this, he was in contact with the DEP and they termed this a minor application, and will that any way expedite the work on it.

Mr. Villano said they will meet with the DEP when we present the application to see if it can be minimized, and we will do our best to get it done as quickly as possible.

Councilman Badillo said we have been trying to get this formulated since 2005 and completed so the residents don't have to worry about walls collapsing.

- Mr. Villani said they have met with the First Aid Squad and they are sizing the generator for that facility. He said they are estimating a 25KV which is a little larger than what is there now.
- He said we are waiting on a decision to move forward with the Lincoln Avenue Train Station Enhancement Project.
- He said regarding the Stormwater Management Plan, we have contacted the Union County Engineer and the former Engineer to see where the project sits. He said they received a letter with several comments that we need to address and forward to the County.
- He said he met with DPW Superintendent Frank Wirzbicki regarding the Union Avenue Storm Sewer Repair Project and the project will have to be expanded, but there are limited funds and they will meet again.
- He said that regarding the Fire Station Bathroom Renovations that one of the affiliate architects will help because it is more of an architectural type of project.

Borough Attorney- Bill Lane

- He said we are currently working on an ordinance to establish fees for the use of police equipment and that is on the agenda this evening.

Borough Clerk – Doreen Cali

- She has submitted her report to the Governing Body.

Councilman Matarante asked that Ms. Cali give a status report for the Fourth of July. Ms. Cali said she will have a report for the next Council meeting.

Councilman Badillo said for the record the Public Safety Committee held a grievance hearing today that was presented by one of the Sergeants, however, the Police Department did not show up for the hearing.

Police Chief – Warren Wielgus

- He said that Councilman Matarante elaborated on putting the gang situation in Roselle Park to rest. He said he received a call from a mother worrying about her 12 year old child going out because of the gang presence in Roselle Park. He said it took about a week to go against the erroneous report that former Councilman Zeglarski received, but it was erroneous about 100 gang members living in this town. Chief Wielgus said the most up to date information on gangs come from the Union County Crime/Gang Unit, which is headed by the Union County Prosecutor's Office. He said he had two members of the Prosecutor's Office, the Prosecutor, and was in contact with the Chief of Detectives. He said he was also in contact with the Superintendent of the State Police.

Mayor DeIorio said originally the Star Ledger issued an erroneous report based on erroneous information.

Chief Wielgus said there was a telephone survey run by the State Police and they supposedly spoke to a Detective in our Department. He said it was a Detective from another Police Department assigned to the Gang Task Force. He said he has a sworn statement from the detective that they supposedly spoke to saying that he had never given the figures that he had. Chief Wielgus said how this information got to Mr. Zeglarski is amazing because when he found this report he contacted the Superintendent of the State Police and tried to get a copy of Roselle's report to see if there was a possible mix up. He said he had the Chief of Police in Roselle contact the Superintendent of the State Police to authorize the release of the report to him. Chief Wielgus does not know how Mr. Zeglarski got a copy of this report.

Mayor DeIorio said that the State Police issued the report through an OPRA request.

Chief Wielgus does not know if that would be covered under an OPRA request, but obviously it was.

Mayor DeIorio said that the information that was obtained was found to be incorrect.

Chief Wielgus said all of our gang information is given to the Union County Prosecutor's Office Crime Intel Unit, which the whole County is involved in and it now covers part of Essex County. He said we actually have pictures of the residents of Roselle Park that supposedly are

gang members and when we first received them there were six and then three were eliminated because two were out of town residents and one is in jail until 2009.

Councilman Badillo asked about the OPRA request and is stating that Robert Zeglarski is the one who asked for this request.

Mayor DeIorio said at this point he did get it from the State Police, but that is irrelevant.

Councilman Badillo asked if there were any other requests made, and Chief Wielgus said that was the only one that he received.

Mayor DeIorio said the State Police was contacted with the information.

Chief Wielgus said he spoke to the Superintendent and he had his Crime Intelligence Unit get a copy of the corrected report and right now analysts have it and are incorporating it into their system. He said that there will be a 2007 report generated by someone coming to the Police Department and not done by telephone.

Mayor DeIorio asked what the Police Department has done regarding gangs over the years.

Police Chief Wielgus said that there are two members in the Union County Task Force and the reason for that is because one is the Juvenile Officer to be sure there are no problems in the schools and the other is a Hispanic Officer. He said they have attended different seminars and are present in the schools. He said we also have a gang expert speaking to the students on gang awareness. He said that if we had a gang problem here you would not be able to see a corner or a store with some type of gang related marking on it. Also, he said if we had the number of gang members that were reported in the newspaper, we would have so many problems we would not be able to handle them.

Mayor DeIorio asked if it would be definitely visible and Chief Wielgus said definitely. They would mark their territories so every rival gang would know that and not come into their territory. Chief Wielgus said he heard about this report regarding what he said at a Council meeting, but he never saw that report.

Mayor DeIorio said that a reporter forwarded the report to him and that is how we were able to dispute that the report was erroneous.

Chief Wielgus said if people are going to do reporting or Council people are going to go on their own for fact, let them at least investigate them thoroughly before they are brought to the public because that is a scare tactic.

Mayor DeIorio said to review, you have information that you have used for a few years and you have determined from the Prosecutor's Office, who lives in the town.

Chief Wielgus said it is not illegal to belong to a gang and it is not illegal for a gang member to live in this town.

Mayor DeIorio said we take this so seriously in Roselle Park with everyone working together. Since 2001 we have involved the Union County Gang Task Force and our efforts have shown in the numbers.

Chief Wielgus said that in three years, there were four possible gang related incidents and there were no Roselle Park victims and a gang member from Roselle Park was arrested.

Mayor DeIorio said no matter where it is, our Police Department is doing its job, the schools are doing their job and if the public wants information we are more than happy to provide it.

Councilman Matarante asked if the Police Department prepared a press release with the correct information, and Chief Wielgus said yes it was in the Star Ledger.

Mayor DeIorio said some information was also given to the Leader, and is available to the public.

Chief Wielgus said they have contacted the FBI and Immigration and Customs, and they will be sending experts to also assess Roselle Park.

Councilman Badillo said we have proven over and over again that this problem does not exist in Roselle Park. He said the individuals who continue to portray that it does, are hurting our efforts. He said we are trying to redevelop this town and this misinformation is not helping our cause. Councilman Badillo said we have gone to great lengths to get this town going into the right direction and these individuals are hurting our community. He said who would want to invest into a town that is gang infested and also property values are being affected. He said it was all done with misinformation and is being done for political reasons. He said this is a great community; we have great families who volunteer and work hard to provide positive programming for everyone in this community. Councilman Badillo said they are also causing a racial divide among Hispanics. The perception from that article is that if you are Hispanic you belong to a gang. He said it is time for the residents of this town to tell this new group who are trying to destroy and divide this town that we do not want any part of it.

Mayor DeIorio said we have taken this issue very seriously. The correct information is out there, and we have never denied any fact that we have not been working toward this project and we are doing our job.

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

ORDINANCE NO. 2203

AN ORDINANCE TO AMEND ORDINANCE NO. 1637
CHAPTER 75, SECTION 3, OF THE CODE OF THE BOROUGH OF ROSELLE
PARK SETTING LICENSE FEES FOR LIQUOR ESTABLISHMENTS
WITHIN THE BOROUGH OF ROSELLE PARK

Councilman Harms moved to open the public hearing on Ordinance #2203; seconded by Councilman Badillo and adopted.

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

Councilman Harms moved that Ordinance #2203 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo and adopted.

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

ORDINANCE NO. 2204

AN ORDINANCE AMENDING CHAPTER 128 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING LAND USE

Councilman Harms moved to open the public hearing on Ordinance #2204; seconded by Councilman Badillo and adopted.

Jacob Magiera, 612 Sheridan Avenue referred to the section of the ordinance pertaining to temporary trailers and asked what type of trailers.

Councilman Harms said it is referring to the pods. You are able to get a permit for a three month period and then can get another one for an extended three month period.

Mr. Magiera said that there are other trailers that are being used for storage that are not pods. Councilman Harms said they are being addressed by Code Enforcement to be removed and they are illegal.

Councilman Badillo said our Code Enforcement Officer has issued several summonses and one of the options for the businesses is to go for a variance.

Mayor DeIorio said if a business or a resident wishes to put a trailer on their property permanently, they would have to go before the Zoning Board for a variance and they would make the determination.

Mr. Lane said that paragraph A pertains to an emergency situation and paragraph B pertains to the pods and neither of those can go beyond six months.

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

Councilman Harms moved that Ordinance #2204 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo and adopted.

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

Introduction

ORDINANCE NO. 2205

AN ORDINANCE AMENDING CHAPTER 60, SECTIONS 60-2, AND 60-3 OF
THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING SALARIES
FOR SCHOOL CROSSING GUARDS FOR THE BOROUGH OF ROSELLE PARK
FOR 2006, 2007 AND 2008

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

SECTION I. Section 60-2 is amended to read as follows: "The school crossing guards governed by the school crossing guards agreement with the Borough of Roselle Park shall be entitled to a daily salary as hereinafter set forth effective on the date indicated:"

Classification

School Crossing Guard or Alternate when serving in the capacity of a School Crossing Guard.

Effective 1/1/2006

Effective 1/1/2007

Effective 1/1/2008

\$48.93/day

\$50.77/day

\$52.68/day

SECTION II. Section 60-3 is amended to read as follows: "The salaries and wages herein fixed shall be effective January 1, 2006 or as otherwise provided in this ordinance."

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

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

Councilman Harms moved that Ordinance #2205 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on April 19, 2007; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2206

AN ORDINANCE AMENDING CHAPTER 100, SECTION 100.1A
OF THE CODE REGARDING INCREASING FEE FOR DOG LICENSING

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

SECTION 1. §100-1.A License Required; Fee; Definition of the Code of the Borough of Roselle Park is hereby amended as follows:

- A. Every person who owns, harbors, keeps or possesses one (1) or more dogs within the Borough of Roselle Park, which dog or dogs have attained the age of seven (7) months or which possess a set of permanent teeth, shall procure from the Borough Clerk a license and official metal registration tag for each dog so owned, kept or harbored and shall pay therefore the sum of fifteen dollars (\$15) for each license and also the sum of one dollar (\$1) for each registration tag to be paid and collected as hereinafter provided. In addition, the Borough Clerk shall collect twenty cents (\$0.20) for each dog licensed to be remitted to the New Jersey Department of Health for the Pilot Clinic Fund as required by P.L. 1983 c. 181, and three dollars (\$3) for any dog of

reproductive age which has not had its reproductive capacity permanently altered through sterilization as required by P.L. 1983 c. 172.

SECTION 2. If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4. This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Councilman Harms moved that Ordinance #2206 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on April 19, 2007; seconded by Councilman Yakubov, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2207

AN ORDINANCE AMENDING CHAPTER 75, OF THE CODE OF THE
BOROUGH OF ROSELLE PARK
REGARDING ALCOHOLIC BEVERAGE CONTROL

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

SECTION 1: Paragraph A of Chapter 75 of the Code of the Borough of Roselle Park is hereby amended as follows:

ALCOHOLIC BEVERAGE CONTROL

§75-1 Statutory Authority; Purpose

This chapter is enacted to regulate the sale and transportation of alcoholic beverages in the Borough of Roselle Park in accordance with the provisions of an Act of Legislature of the State of New Jersey entitled "An Act Concerning Alcoholic Beverages" (Chapter 436 of the Laws of 1933), its supplements and amendments, and also comprising N.J.S.A. 33:1-1 et seq., and in accordance with the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

§75-2 Issuing Authority

All licenses required by this chapter shall be issued by the Mayor and Borough Council which shall also administer the provisions of this chapter. The issuance of all licenses shall be reported to the Director of the Division of Alcoholic Beverage Control.

§75-3 Classes and Licensing Fees

A. The classes of licenses to be issued by the Borough are hereby fixed as follows:

<u>Class</u>	<u>License Fees</u>
(1) Plenary Retail Consumption License	\$1,270.00
(2) Plenary Retail Distribution License	847.00
(3) Club License	132.00
(4) Warm Beer	50.00

§75-4 Number of Licenses Limited

a. No plenary retail consumption license shall be issued in the Borough of Roselle Park unless and until the combined total number of such licenses existing in the Borough is fewer than one (1) for each three thousand (3,000) of its population as shown by the last Federal census.

b. No new plenary retail distribution license shall be issued in the Borough of Roselle Park unless and until the number of such licenses existing in the Borough is fewer than one (1) for each seven thousand five hundred (7,500) of its population as shown by the last Federal census.

c. Provisions of this section shall not apply to the renewal of licenses which are issued and outstanding, nor shall the provisions apply to the transfer of such licenses nor to the renewal of licenses so transferred.

§75-5 License Required

No person shall sell or distribute alcoholic beverages within the Borough of Roselle Park without having obtained a license in accordance with the Act referred to in section 75 and the provisions of this chapter, except in those cases provided by law where the licenses in question are issued by the Director of the State Division of Alcoholic Beverage Control.

§75-6 Definitions

For the purpose of this chapter, words and phrases herein shall have the same meanings as in N.J.S.A. 33:1-1 et seq., and the rules and regulations of the Director of the Division of Alcoholic Beverage Control.

§75-7 Licenses

§75-7.1 Laws Applicable

All applications for licenses or special permits and all licenses issued and all proceedings under this chapter shall be in accordance with the Act, rules and regulations referred to in Section 6-1, and all other applicable laws of the State of New Jersey or the United States.

§75-7.2 Application for License

All applications for licenses shall be set forth, in full, answers to questions prescribed by the aforesaid Act and by the rules and regulations of the State Director, and shall include declarations called for by these provisions.

§75-7.3 Prerequisites to Issuance of Licenses

No license shall be issued except after written application presented by the proposed licensee, upon forms approved by the Governing Body and inspection and investigation by the Alcoholic Beverage Control Investigation and Enforcement Unit, and after conformity with publication of notice and otherwise, as required by the Act and this chapter.

§75-8 Plenary Retail Consumption License

The holder of a plenary retail consumption license shall be entitled, subject to rules and regulations, to sell for consumption on the licensed premises any alcoholic beverage by the glass or other open receptacle, and also to sell all alcoholic beverages in original containers for consumption off the licensed premises. Such license shall not permit the sale of alcoholic beverages in or upon any premises in which a grocery, delicatessen, drugstore or other mercantile business is carried on, except the keeping of a hotel or restaurant or the sale of cigars and cigarettes at retail, as an accommodation to patrons, or the retail sale of nonalcoholic beverages as necessary beverages to alcoholic beverages.

§75-9 Plenary Retail Distribution License

The holder of a plenary retail distribution license shall be entitled, subject to rules and regulations, to sell any alcoholic beverage for consumption off the licensed premises, but only in original containers.

§75-10 Club License

a. The holder of a club license shall be entitled, subject to rules and regulations, to sell, only to bona fide club members and their guests, alcoholic beverages intended for immediate consumption on the licensed premises.

b. Club licenses limited; hotels and motels excepted.

1. Club licenses shall be issued only to such corporations, associations and organizations as are operated for benevolent, charitable, fraternal, social, religious, recreational, athletic or similar purposes and not for private gain, and such licenses shall be subject to the qualifications, conditions and restrictions imposed by the State Commissioner of Alcoholic Beverage Control; provided, however, that no license shall be granted hereafter unless and until the number of such li-licenses issued and outstanding shall be less than twelve (12), except as hereinafter set forth.

2. Nothing contained in paragraph b, 1 above shall prevent the issuance in the Borough of Roselle Park of a new license to a person who operates a hotel or motel containing at least one hundred (100) sleeping rooms or who may hereafter construct and establish a new hotel or motel containing at least one hundred (100) sleeping rooms; provided, however, that the renewal or transfer of such a license must be renewed for or transferred to a hotel or motel containing at least one hundred (100) sleeping rooms.

c. Each application for a club license shall set forth the names and addresses of all officers, trustees, directors or other governing officials, together with the names and addresses of all the members of the applying club, corporation or association.

d. When the number of club licenses issued and out-standing shall be less than twelve (12), except as provided in paragraph b, 2 above, additional licenses may be granted, but only such numbers that the number of club licenses issued and outstanding shall not exceed twelve (12).

§75-11 Issuance of Licenses to Only Qualified Applicants

No license shall be issued to any person, firm, corporation, group or partnership not fully qualified under the provisions of the Act and the rules and regulations

§75-12 Transfer of License

a. No plenary retail consumption license shall be transferred to another premises or granted to a premises within a distance of four hundred (400) feet from an existing licensed premises covered by a plenary retail consumption license, unless (1) the owner(s) of the existing plenary retail consumption license waives enforcement of this provision; (2) the plenary retail consumption license will apply to premises used as a restaurant serving alcoholic beverages as defined in N.J.S.A. 33:1-1t; and (3) the Borough Council waives the four hundred (400) foot distance provision after providing interested parties with an opportunity to be heard.

b. No plenary retail distribution license shall be transferred to another premises or granted to a premises within a distance of four hundred (400) feet from an existing licensed premises covered by a plenary retail distribution license.

c. The provisions of paragraph a. and b. of this subsection shall not apply to the renewal of licenses which are issued and outstanding, nor to the renewal of such licenses hereafter transferred to another person, provided that the place of business or premises shall remain the same as set forth in the license issued and outstanding.

d. The provisions of paragraph a. and b. of this subsection shall not apply to the first transfer of any such license to another premises, provided that the premises to which the business is transferred shall be within six hundred (600) feet to be measured in the normal way that a pedestrian would properly walk from the nearest entrance of the premises to the nearest entrance of the premises sought to be licensed.

§75-13 Regulation of Licenses

Hours of Sale; Weekdays

No licensee shall sell, serve or deliver or allow, or permit the sale, service or delivery of any alcoholic beverage or permit the consumption of any alcoholic beverage on a licensed premises on weekdays between 2:00 a.m. and 6:00 a.m. of the following weekday morning.

The above mentioned hours shall be construed to mean Eastern Standard Time or Eastern Daylight Savings Time, whichever time shall be in effect within the Borough of Roselle Park.

Sundays

No licensee shall sell, serve, deliver or allow, or permit the sale, service and delivery or consumption of any alcoholic beverage on a Sunday between the hours of 2:00 a.m. and 12:00 noon.

New Year's Day

No licensee shall sell, serve, deliver or allow, or permit the sale, service or delivery of any alcoholic beverage or allow the consumption of any alcoholic beverage upon the licensed premises between the hours of 4:00 a.m. and 6:00 a.m. on New Year's Day when it falls on a weekday, or between the hours of 4:00 a.m. and 12:00 noon when New Year's Day falls on a Sunday.

Sales Prohibited Certain Hours on Day Following Election Day

No licensee shall sell, serve, deliver or allow, or permit the sale, service or delivery of any alcoholic beverage or allow the consumption of any alcoholic beverage upon the licensed premises on the day following Primary Election Day or General Election Day, between the hours of 4:00 a.m. and 6:00 a.m.

§75-14 Service in Back Rooms- Private Areas

No person shall be served in any back room or side room which is not open to the use of the public generally, except that in hotels guests may be served in their rooms or in private or public dining rooms, and provided also that this prohibition shall not apply to club licenses.

§75-15 Location of Premises Restricted

No license shall be issued for the sale of alcoholic beverages within two hundred (200) feet of any church or public school or private schoolhouse not conducted for pecuniary profit, except to manufacturers, wholesalers, hotels, clubs and fraternal organizations which own or are actually in possession of the licensed premises at the time of the effectiveness of the aforesaid act, the two hundred (200) feet to be measured in the normal way that a pedestrian would properly walk from the nearest entrance of the church or school to the nearest entrance of the premises sought to be licensed; provided, however, that this prohibition may be waived at the issuance or renewal of such license by the duly authorized Governing Body or authority of such school or church, and such waiver shall be effective until the date of the next renewal of the license by the duly authorized Governing Body; and provided also that this prohibition shall not apply to the renewal of the license where no such school or church was located within the prohibited distance of the licensed premises at the time of the issuance of the license, or as otherwise excepted by the provisions of the Act.

§75-16 Procurement of Illicit Beverage

Any person, except an officer or other person authorized by and acting pursuant to instructions from such officer, so doing in the course of and for the purpose of enforcing said act, who shall knowingly purchase, receive or procure any illicit beverage, on conviction thereof shall be subject to a fine of not less than ten (\$500.00) dollars and not more than one hundred (\$1000.00) dollars or imprisonment for not less than two (2) days and not more than ten (10) days, or by both such fine and imprisonment, in the discretion of the court.

§75-17 Access of Light and View from Exterior

All premises in which alcoholic beverages shall be sold or otherwise dispensed, excepting guest rooms in hotels and private dining rooms in hotels and restaurants and those which hold club licenses, shall have reasonable access of light from the public street, and such premises shall be deemed to have reasonable access of light when a normal-sized adult can, on inspection from the exterior, view the interior of the licensed premises.

§75-18 Closing Provisions

a. During the hours sales of alcoholic beverages are prohibited, all licensed premises except those for which plenary retail distribution licenses are issued and on which other mercantile business is conducted, and those for which plenary retail consumption licenses are issued and on which a bona fide restaurant is conducted, shall be closed.

b. The hours above referred to shall be the time officially in effect in the Borough of Roselle Park.

§75-19 Sales to Certain Persons-Minors

No licensee or employee of a licensee shall sell, serve or deliver, directly or indirectly, any alcoholic beverages to any intoxicated person or person under the legal age, or permit the consumption of alcoholic beverages on any licensed premises by any of the above-named persons.

§75-20 Minors on licensed premises

It shall be unlawful for any minor to enter any licensed premises for any purpose unless accompanied by his parent or by some person who is not a minor.

Unlawful to Enter Premises to Purchase Alcoholic Beverages

It shall be unlawful in the Borough of Roselle Park for any person under the legal age for purchasing alcoholic beverages to enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or having served or delivered to him or her any alcoholic beverage.

Unlawful to Have Others Purchase for Them

It shall be unlawful in the Borough of Roselle Park for any person under the legal age to purchase or attempt to purchase, or to have another person purchase for him or her, any alcoholic beverage in the Borough of Roselle Park

Proof of Age

It shall be the duty of any licensee or any of his employees, if in doubt as to the age of any person desiring to purchase alcoholic beverages, to ascertain, by reasonable means, the age of such person before selling, serving or delivering alcoholic beverages to such person.

Misrepresenting Age

It shall be unlawful in the Borough of Roselle Park for any person under the legal age to misrepresent or misstate his or her age for the purpose of inducing a licensee or any of his employees to sell, serve or deliver any alcoholic beverage to him or her.

§75-21 Violations and Penalties

It shall be unlawful for:

a. A person under the legal age for purchasing alcoholic beverages to enter any premises licensed for the retail sale of alcoholic beverages for the purpose of purchasing, or having served or delivered to him or her, any alcoholic beverage; or

b. A person under the legal age for purchasing alcoholic beverages to consume any alcoholic beverage on premises licensed for the retail sale of alcoholic beverages, or to purchase, attempt to purchase or have another purchase for him any alcoholic beverage; or

c. Any person to enter any premises licensed for retail sale of alcoholic beverages for the purpose of purchasing, or to purchase alcoholic beverages, for another person who does not because of his age have right to purchase and consume alcoholic beverages.

Any person who shall violate any of the provisions of this subsection shall be deemed and adjudged to be a disorderly person, and upon conviction thereof, shall be punished by a fine of not less than five hundred (\$500.00) dollars. In addition, the Court shall suspend the person's license to operate a motor vehicle for six (6) months or prohibit the person from obtaining a license to operate a motor vehicle in this State for six (6) months beginning on the date he becomes eligible to obtain a license or on the date of conviction, whichever is later. In addition

to the general penalty prescribed for an offense, the Court may require any person under the legal age who violates this Act to participate in an alcohol education or treatment program authorized by the Department of Health for a period not to exceed the maximum period of confinement prescribed by law for the offense for which the individual has been convicted. (N.J.S.A. 33:1-81)
§75-22 Enforcement

The Investigation Division of the Roselle Park Police Department is hereby designated as the Alcoholic Beverage Control Investigation and Enforcement Unit and is hereby authorized and empowered to investigate, inspect, search or examine any licensed premises as may be necessary for the Alcoholic Beverage Control Laws, and rules and regulations promulgated thereunder.

§75-23 Identification Card Required for Licensee and Agents, Bartenders, Waiters and Waitresses and Other Employees

a. Every licensee holding a plenary retail consumption license or a plenary retail distribution license, and the agents, bartenders, waiters, waitresses, barmaids, or other employees of the licensee, shall make application to the Alcoholic Beverage Control Investigation and Enforcement Unit for an identification card, which card shall be issued only upon completion of the application form provided by the Alcoholic Beverage Control Investigation and Enforcement Unit. The application shall require complete answers in writing as to the identity, character, general experience and other pertinent information with regard to the licensee, his agent, bartender, waiter or other employees.

b. The provisions of paragraph a. shall not apply to any person, whether designated as an employee, independent contractor or otherwise, whose sole function on the licensed premises is to provide entertainment for the patrons.

§75-24 Fingerprinting and Photograph; Fees

Upon notification by the Alcoholic Beverage Control Investigation and Enforcement Unit to the licensee, agent, bartender, waiter, waitress, barmaid and/or other employee that his application has been approved, that individual shall report immediately to the Roselle Park Police Department and permit the Police Department to take an impression of the thumb and fingertips of both hands. At the time of taking of the fingerprints, the individual shall also permit the Police Department to take a photograph of the individual which photograph shall be attached to an identification card, which shall be issued to the individual and shall be on file on the licensed premises where he is employed so that it can be exhibited on demand at any time. Such identification card shall expire one (1) year from the date of issuing, at which time new photographs shall be taken and an updated identification card issued to the licensee, agent, bartender, waiter and/or other employee. Each individual shall be required to pay a fee of ten (\$25.00) dollars per year for each identification card. In the event at the discretion of the Alcoholic Beverage Control Investigation and Enforcement Unit the licensee, agent, bartender, waiter, waitress, barmaid or other employee shall physically change in appearance so that identification card photograph no longer depicts their appearance, the licensee, agent, bartender, waiter, waitress, barmaid or other employee shall be required to have a new photograph taken for which the cardholder shall pay a fee of five (\$5.00) dollars. Notwithstanding the above, nothing in this ordinance is to be interpreted as increasing the civil or criminal liability of the Borough or any of its agencies as a result of the above described _____ procedure.

§75-25 Compliance by Licensee Holding a Club License

Every licensee holding a club license shall be required to have its president and bar manager comply with the provisions of subsections § 75-21 and § 75-22. Further, any club licensee shall notify the Alcoholic Beverage Control Investigation and Enforcement Unit as to any change in the individuals serving in the capacity as president and/or bar manager.

§75-26 Employee to Conform to Requirements

No licensee shall engage or employ any agent, bartender, waiter or other employee in connection with the business of the licensee until and unless such person shall have conformed to the requirements of this chapter.

§75-27 Revocation of License

a. Any license issued under this chapter may be suspended or revoked for violation of any of the provisions of this chapter or any provision of any applicable Statute or any of the rules or regulations of the State Director of the Division of Alcoholic Beverage Control.

b. Proceedings for suspension or revocation shall be in accordance with the provisions of N.J.S.A. 33:1-31 by service of a five (5)-day notice of charges preferred against the licensee and affording a reasonable opportunity for hearing and such suspension or revocation shall carry the penalties and prohibitions provided for in said act.

c. Suspension or revocation of a license shall be in addition to any other penalty which may be imposed for a violation of this chapter.

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Councilman Harms moved that Ordinance #2207 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on April 19, 2007; seconded by Councilman Yakubov, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2208

AN ORDINANCE ESTABLISHING GUIDELINES, RULES AND REGULATIONS FOR PHOTOGRAPHING, VIDEOTAPING OR RECORDING PUBLIC MEETINGS AND THE ESTABLISHMENT OF PENALTIES FOR THE VIOLATION OF SAME

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey by this Ordinance do hereby establish the following guidelines for photographing, videotaping or recording public meetings:

SECTION 1.

§ -1. Definitions. As used in this article, the following terms shall have the meaning indicated:

MUNICIPAL FACILITY -- Any building owned or leased by the Borough of Roselle Park in which official municipal business is conducted.

PUBLIC MEETING -- Any gathering, whether corporal or by means of communication equipment, which is attended by or open to all members of a public body, held with the intent, on the part of the members of the body present, to discuss or act as a unit upon the specific public business of that body.

§ -2. Still photography and videotaping at public meetings.

- A. Equipment and personnel.
 - (1) Not more than two portable videotape electronic cameras, operated by no more than one person each, shall be permitted at any public meeting of the Borough Counsel.
 - (2) Not more than two still photographers utilizing not more than two lenses for each camera and related equipment for print purposes shall be permitted at any public meeting of the Borough Counsel.
- B. Sound and light criteria.
 - (1) Only videotape cameras and audio equipment used in conjunction with the video camera which does not produce distracting sound or light shall be employed to cover public meetings of the Borough Counsel. No artificial lighting device of any kind shall be employed in connection with the use of videotape cameras.
 - (2) Only still camera equipment which does not produce distracting sound or light shall be employed to cover public meetings of the Borough Counsel.
 - (3) It shall be the affirmative duty of the individual seeking to videotape a public meeting to demonstrate to the Mayor or his designee adequately in advance of any public hearing that the equipment sought to be utilized meets the sound and light criteria enumerated herein. A failure to obtain advance approval for the equipment prior to each public meeting shall preclude its use at any such meeting.
- C. Notice.
 - (1) Notice shall be given to the Borough Clerk prior to the close of business of the day the meeting for which an individual is seeking permission to videotape or photograph the public meeting and, if the meeting occurs on a day when municipal offices are closed, prior to close of business on the last business day preceding the meeting for which permission is sought.
 - (2) Permission to videotape or photograph the public meeting shall be granted on a first come, first serve basis subject to compliance with the provisions contained in these guidelines.
- D. Location of equipment and personnel.
 - (1) Videotape camera(s) shall be placed in an inconspicuous location of the meeting room designated by the Borough Counsel. The area(s) shall provide a generally clear view of the proceedings by the camera. The person videotaping the public meeting shall not move about the meeting room while the public meeting is being held.
 - (2) Still camera photographers shall be positioned in an inconspicuous location of the meeting room designated by the Borough Counsel. Still camera photographers shall assume fixed positions within the designated areas, and once the photographers are positioned such photographers shall not be permitted to move about in any way as to attract attention through further movement. Still photographers shall not be permitted to move about in order to photograph the public meeting.
- E. Videotape and related audio equipment and still camera equipment shall not be placed in or removed from the meeting room except prior to commencement and after adjournment of the public meeting or during a recess.

§ -3. Audiotape recording of public meetings.

In addition to photography and videotape recording of public meetings an individual may tape record a public meeting subject to the restrictions of § -4 and with the following conditions:

- A. Notice shall be given to the Borough Clerk prior to the close of business of the day the meeting for which an individual is seeking permission to videotape or photograph the public meeting and, if the meeting occurs on a day when municipal offices are closed, prior to close of business on the last business day preceding the meeting for which permission is sought.
- B. The recording device shall be unobtrusive, limited to the size category commonly known as hand-held, mini-cassette or standard portable cassette. It shall be placed in an appropriate position and may not be moved in any way as to attract attention.
- C. The recording device shall not produce distracting sound, either from the equipment or its operation. The tape may not be rewound or played back while the meeting is in session.
- D. The Mayor may order that tape recording cease at any time he/she determines that the equipment or its operator is interfering with the proceedings.

§ - 4. Prohibitions.

- A. Meetings or portions of meetings which are permitted by law to be closed to the public shall not be videotaped, photographed or audio taped.
- B. To protect the attorney-client privilege, there shall be no audio pickup of conferences which occur at a public meeting or in a public facility between the Borough Attorney or special counsel and any member of the Borough Counsel, the Borough Clerk or any officer or employee of the township.
- C. No recording, whether audio or video, may be used to represent an official transcript in any manner and/or for any purpose.

§ -5. Ceremonial proceedings.

Permission for all still photography, videotaping and audiotape recording of ceremonial proceedings involving the Borough Counsel occurring during a public meeting or otherwise must first be obtained from the Borough Counsel but will be granted routinely subject to compliance with the foregoing guidelines where applicable.

§ -6.

- A. Except as otherwise provided herein with regard to public meetings, no photographs may be taken or audio/videotape recordings made within a public facility of any person, place or event relating to the administration and/or conduct of official municipal business.
- B. No limitations are placed on the taking of photographs or video/audiotape recording on the grounds or environs of the municipal facility or within a municipal facility of persons, places or events which have no relation to, do not arise from and/or are in no way connected with the administration and/or conduct of official municipal business.

§ -7. Coverage of proceedings in Municipal Court.

Still and television camera and audio coverage of proceedings in the Municipal Court are governed by the Supreme Court guidelines.

§ -8. Violations and penalties.

- A. For any violation of the within, upon conviction, the penalty shall be a fine of not less than \$100.00 or more than \$1,000.00 or imprisonment in the County Jail for a term of not exceeding ninety (90) days, or for a period of community service not exceeding ninety (90) days, or such combination of punishments as a municipal judge, in his or her discretion deems appropriate or just.
- B. Separate violations. Each and every day in which a violation of any provision of this article exists shall constitute a separate violation.
- C. Application. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a minimal

penalty or no penalty at all, may be appropriate for a particular case or violation, except in those instances where state law mandates a minimum penalty to be imposed.

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Councilman Harms moved that Ordinance #2208 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on April 19, 2007; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

Councilman Yakubov asked about digital recording being included in the ordinance.

Mr. Lane said if the intention is to include digital recording he will insert that in the ordinance whenever that appears, and introduce it with the amendment.

Councilman Yakubov moved to amend Ordinance #2208 to state in more detail that we regulate all types of recording technology including digital, seconded by Councilman Harms, all members present voting Aye said motion was adopted.

ORDINANCE NO. 2209

Mayor DeIorio said Ordinance #2209 has been pulled and postponed until the next meeting.

ORDINANCE NO. 2210

AN ORDINANCE FIXINING THE SALARY OF THE CONTROL PERSON IN THE ROSELLE PARK BUILDING DEPARTMENT

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

SECTION I. The following named employee shall be entitled to an annual salary or salary rate as hereinafter set forth:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Control Person in the Building Department	20,000.00	\$41,000.00

SECTION II. The salaries and wages fixed pursuant to the above shall be payable in twenty-six (26) equal installments or in such installments as may hereinafter be determined by resolution of the Governing Body. Said salaries shall be in lieu of all fees which may be collected by said employee.

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

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

Councilman Harms moved that Ordinance #2210 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on April 19, 2007; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

RESOLUTIONS

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

RESOLUTION NO. 91-07

WHEREAS, the Borough of Roselle Park has applied for and has been awarded a grant in the amount of \$158,522.00 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the Remedial Investigation along with Report Preparation of the Youth Baseball Field Complex property;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roselle Park that the above referenced grant is hereby accepted and the (Mayor, Administrator, etc.) is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Roselle Park; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

RESOLUTION NO. 92-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that the Extension of Conditional Lease with the Roselle Park Board of Education and the Borough of Roselle Park dated December 30, 2004, is hereby extended for the calendar year 2007 on the same terms and conditions as in the original Lease at an annual rate in the amount of \$1,500.00.

RESOLUTION NO. 93-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that the Extension of Conditional Lease with World of Liquors and the Borough of Roselle Park dated December 30, 2004, is hereby extended for the calendar year 2007 on the same terms and conditions as in the original Lease at an amended annual rate in the amount of \$4,408.40.

RESOLUTION NO. 94-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that upon the recommendation of the Chief Financial Officer, effective April 30, 2007 the Shuttle Bus Program be an is hereby terminated.

RESOLUTION NO. 95-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that upon the recommendation of the Chief Financial Officer, effective April 30, 2007 the position of Shuttle Bus Coordinator be and is hereby eliminated.

RESOLUTION NO. 96-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that upon the recommendation of the Chief Financial Officer, effective April 30, 2007 the position of Shuttle Bus Driver held by Tina Petersen be and is hereby eliminated.

RESOLUTION NO. 97-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that upon the recommendation of the Chief Financial Officer, effective April 30, 2007 the position of Shuttle Bus Driver held by Irene Tavernaris be and is hereby eliminated.

RESOLUTION NO. 98-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that upon the recommendation of the Chief Financial Officer, effective April 30, 2007 the position of Parking Enforcement Officer held by Joseph Iungerman, Jr. be and is hereby eliminated.

RESOLUTION NO. 99-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that upon the recommendation of the Chief Financial Officer, effective April 30, 2007 the position of Emergency Management Deputy Coordinator held by Joseph Signorello be and is hereby eliminated.

RESOLUTION NO. 100-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that upon the recommendation of the Chief Financial Officer, effective April 30, 2007 the position of Emergency Management Deputy Coordinator held by Owen W. Iungerman be and is hereby eliminated.

RESOLUTION NO. 101-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that the bulk waste agreement between the City of Rahway and the Borough of Roselle Park be and is hereby terminated effective June 30, 2007.

RESOLUTION NO. 102-07

WHEREAS, Pursuant to the authority provided by the Municipal Interlocal Services Act, NJSA 40:8A-1, et seq., the Borough of Roselle Park deems it to be in the public interest to enter

into Interlocal Services Agreements with the County of Middlesex, Middlesex County College and other Municipalities within and without Middlesex County, for the purpose of providing certain centralized computer services as well as other services for libraries.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Borough Clerk are authorized and directed to execute and attest, respectively, on behalf of the Borough of Roselle Park Veterans Memorial Library, Interlocal Services Agreements for operating a centralized computer service system and related services for the libraries of Middlesex County, Middlesex County College and other Municipalities including the Borough of Roselle Park Veterans Memorial Library, in form substantially similar to agreements with the county of Middlesex and the Libraries of Middlesex Automation Consortium appended hereto.

RESOLUTION NO. 103-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that Jerry Eger be and is hereby appointed to the position of Construction Official/Building Sub Code Official effective April 28, 2007 at the annual salary of \$24,000.00 as per the attached agreement.

RESOLUTION NO. 104-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that the agreement between the County of Union, Office of the Union County Sheriff and the Borough of Roselle Park for the Sheriff's Labor Assistance Program for 2007 be and is hereby renewed in the amount of \$39,828.40.

RESOLUTION NO. 105-07

WHEREAS, the Borough of Roselle Park Police Department wishes to apply for The "Click it or Ticket" 2007 Enforcement Grant" from the New Jersey Division of Highway Traffic Safety; and

WHEREAS, the State is prepared to offer the Borough of Roselle Park a grant, in the amount of \$4,000.00 and;

WHEREAS, the grant will pay for Police Officers to work overtime to enforce laws effecting the safety and welfare of the streets of the Borough of Roselle Park and to educate and encourage the public on the benefits of safety belt and child passenger safety seat restraint use;

NOW, THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize application for the Grant from the State of New Jersey and authorize the execution of the Grant Application.

RESOLUTION NO. 106-07

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to enter into Cooperative Pricing Agreements: and

WHEREAS, the county of Union, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of work, materials and supplies; and

WHEREAS, the Borough of Roselle Park, County of Union, State of New Jersey, desires to participate in the Cooperative Pricing System;

NOW, THEREFORE BE IT RESOLVED by the Mayor and council of the Borough of Roselle Park, County of Union, State of New Jersey, as follows:

Pursuant to the provisions of N.J.S.A. 40a:11-11 (5), the Mayor of the Borough of Roselle Park is hereby authorized to enter into the two (2) month extension of the Cooperative Pricing Agreement with the Lead Agency for the purchase of Commercial Natural Gas from:

Vendor: Woodruff Energy
73 Water Street
PO Box 777
Brigeton, NJ 08302-0499

Pricing: \$1.70/per Decathem for two (2) months

The Lead Agency entering into contracts on behalf of the Borough of Roselle Park shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

RESOLUTION NO. 107-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that pursuant to the provisions of Ordinances 2194 the annual 2006, 2007, 2008 salaries of certain officials and employees of the Borough of Roselle Park hereinafter named, be and are hereby fixed in the following amounts set forth opposite each name respectively, and salaries to be retroactive to January 1, 2006 unless an alternative effective date is specified herein:

TITLE	EFFECTIVE 01/01/06	EFFECTIVE 01/0/07	EFFECTIVE 01/01/08
DISPATCHERS (0-6 MONTHS)	27,341.46	28,298.42	29,288.87
DISPATCHERS (6-12 MONTHS)	29,050.31	30,067.07	31,119.42
DISPATCHERS (12-24 MONTHS)	30,759.15	31,835.72	32,949.97
DISPATCHERS (24 MONTHS AND UP)	31,898.38	33,014.83	34,170.35

RESOLUTION NO. 108-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that the Emergency plan between the Casano Center and Senior Spirit as recommended by the Borough of Roselle Park Office of Emergency Management Coordinator be and is hereby approved.

RESOLUTION NO. 109-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that due to reasons of economy and efficiency and upon the recommendation of the Chief Financial Officer, the contract between the Borough of Roselle Park and Strategic Solutions be and is hereby terminated effective June 30, 2007.

Councilman Harms moved the following resolution, seconded by Councilman Dinardo and adopted.

RESOLUTION NO. 90-07

WHEREAS, the Mayor and Council of the Borough of Roselle Park desires to put up for sale the certain property known as Block 205, Lot 26.02, 122 Jerome Street and Block 205, Lot 26.01, 124 Jerome Street, on the Tax Maps of the Borough of Roselle Park; and

WHEREAS, N.J.S.A. 40A:12-13 permits a municipality to sell municipally owned property which is not need for public purposes; and

WHEREAS, the Mayor and Council of the Borough of Roselle Park that the following parcel of Borough owned property be placed for public sale on April 24, 2007 at 10:30 a.m. prevailing time, at a minimum price as indicated:

Properties: A- Block 205 Lot 26.02 (approx. 5,000 sq. ft. more or less)

Minimum Price \$200,000.00

B- Block 205 Lot 26.01 (approx. 5,000 sq. ft. more or less)

Minimum Price \$200,000.00

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Roselle Park reserves the right to reject all bids where the highest bid is not accepted; and the sale shall be subject to the following terms and conditions:

1. The minimum sale price shall be as indicated above.
2. The highest bidder shall enter into a contract of sale within 15 days of the award pursuant to the terms of this notice in the form available for review at the Borough Clerk's office.
3. The sale shall be subject to such state of facts as an accurate survey may disclose, easements and restrictions of record, if any, and the survey may disclose, easements and restrictions of record, if any, and the zoning ordinance, provided said easements, restrictions of record, if any, and the zoning ordinance, do not render title unmarketable. Said property is to be sold in an "as is" condition with each bidder required to make such inspection as he deems appropriate prior to submission of his bid. Said sale is subject to all of the terms and conditions contained in the minor subdivision granted by the Planning Board of the Borough of Roselle Park on October 16, 2006 and memorialized by said Planning Board on November 20, 2006 and all of the conditions contained in the Deed dated December 21, 2006 and recorded in the Office of the Union County Clerk on January 26, 2007.
4. A deposit of 10% of the minimum price shall be required of all bidders. Said deposit shall be in the form of a cashier's check or certified check which shall be made payable to the Borough of Roselle Park and shall be submitted to the Borough Clerk prior to the commencement of actual bidding.
5. The balance of the purchase price shall be paid in cash or by certified or cashier's check on delivery of the deed at the closing, which shall take place, within sixty (60) days of the date of the acceptance of the bid of the successful bidder by the Mayor and Council of the Borough of Roselle Park. Said time shall be of the essence of the Contract and upon failure of the purchaser to take title within the time stipulated, the Mayor and Council may declare the deposit forfeited, retain said deposit as liquidated damages and may sell the property or pursue such further legal and equitable remedies as it may have.
6. If title to said land shall prove to be unmarketable, the liability of the Borough of Roselle Park shall be limited to the return to the purchaser of the amount of his deposit and the transaction shall be deemed terminated.

7. Said premises shall be conveyed to the purchaser by bargain and sale deed, with covenants against grantors' acts.
8. The purchaser shall pay the realty transfer fee and shall be responsible for all closing including title search, survey, title insurance, seller's legal fees, etc. and for the cost of the publications of this Notice of Sale.
9. The Mayor and Council of the Borough of Roselle Park reserve the right to reject all bids where the highest bid is not accepted. Such acceptance or rejection shall occur not later than the second regular meeting of the Mayor and Council following the date of the receipt of the bids.

BE IT FURTHER RESOLVED that the Borough Clerk is authorized and directed to place an advertisement, in the form attached, in a newspaper circulating in the Borough for two insertions at least one week for two consecutive weeks with the last publication to be no earlier than April 17, 2007; and

BE IT FURTHER RESOLVED that said property is sold in an "as is" condition and each bidder is required to make such inspection as he deems appropriate prior to submitting his bid.

Roll called, Councilman Badillo abstaining, all other members present voting Aye, said resolution was adopted.

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

Councilman Matarante moved to approve going forward with the new street lights on Locust Street and one on East Lincoln Avenue; seconded by Councilman Harms and adopted.

Councilman Harms asked that Ordinance No. 2209 be put on the agenda for the Municipal Services Meeting.

Mayor DeIorio said under the advice of our Planners, Heyer Gruel & Associates, in an effort to continue our Fair Share Housing Plan, they have advised that they request to appoint an ADHOC Mount Laurel Fair Share Housing COAH Committee. He said the appointments of these individuals are: two members from the Zoning Board, two members from the Planning Board, the Mayor and the Planners.

There being no further business to come before the meeting, Councilman Harms moved at 10:50 p.m. to adjourn; seconded by Councilman Badillo and adopted.

Attest:

Borough Clerk