

Regular Meeting of Mayor and Council June 21, 2007

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

ABSENT: Councilman Matarante

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.

COMMUNICATIONS AND PETITIONS

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

- Request from the residents of the 200 block of Sherman Avenue to hold a “Block Party” on Saturday, September 15, 2007 from 12:00 Noon until 6:00 p.m., with a rain date of Sunday, September 16th.

REPORT AND RECOMMENDATIONS OF MAYOR

- Mayor DeIorio said he has received several calls regarding the bulk waste program. He said this year in order to provide a stable budget that provides services to our residents and at the same time stabilizes our tax rate; the Governing Body decided that it would be in the best interest of trying to save tax dollars to reduce the number of pickups for 2007 from 6 to 3. He said this year we have already had three and one additional one in response to the recent flood. Mayor DeIorio said in implementing that particular cut, the Borough saved approximately \$80,000 in costs. He said the program will not be continued in its entirety. When the budget process is started in 2008, we will reconsider implementing the bulk waste program the way it was in the past.
- He said calls were also received regarding the parking meter situation and the implementation of the sales tax on municipal parking meters. The way the law is currently written the municipal parking lots that have a centralized meter, those meter monies are taxed at the sales tax rate of 7%; and the single post meters are not taxed.
- He said a bill was presented to the Senate and the Assembly today and said that the State may pass the budget early this year. He said the bill numbers are S2269 and

2289. Senator Buono from Middlesex County introduced the bill and said it would cover certain exclusions from sales tax, mostly dealing with health club benefits, but also includes a provision to rescind the portion of the sales tax associated with centralized municipal parking meters. He said there is rumor that the Governor will veto such a measure, but there may be some possibility that the sales tax on parking meters may be excluded once again.
- He said many of the bills are fast tracked and will receive quick action in the Assembly and the Senate. He said bill S1810 will clarify the penalties for unauthorized parking in a handicapped parking space even when it's not posted. He said at times there are handicapped parking spaces designated, but there is no sign and in the current law if the sign is not clearly identified, the enforcement of that is impossible. He said this potential law will change that, and it is expected to pass both houses and be passed by the Governor.
 - He said another bill A4116 that would establish qualifications for a Zoning Enforcement Officer, making it somewhat of a certified position. He said in the past we have had a Zoning Officer to meet the qualifications of state law and this will add additional qualifications and tax dollars to provide education requirements.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Yakubov

- He said many residents have contacted the Police Department, Councilman Dinardo and he regarding the Neighborhood Watch Program, wanting to be part of the effort to continue to make Roselle Park a safe place to live. He said the first meeting is scheduled for July 17th at 7:00 p.m. in Borough Hall and encouraged everyone to attend.
- He reported that Valley Road has many issues including railroad ties, hazardous water buildup drainage issues that are affecting residents in the apartment complex. He has made many attempts to call the railroad and to call the County, but they have not been responsive. He said he has called Robert Sherr, Director of the Union County Board of Health.
- He acknowledged the Police Department for a great job in becoming more aware of speeding on the streets, especially in the Fifth Ward. He said they have put up new signs to slow down the traffic and they are aware of the issue. Councilman Yakubov said although the police are patrolling more, he encouraged them to give more attention to the Fifth Ward, especially on the main streets.
- He said at the last meeting he requested the Mayor and the Police Chief to do a safety walk to see areas that might be of danger, which you may not notice when driving. He said he has scheduled Friday, June 29th and hoped that the Mayor will be available to accompany him.
- He spoke with Mr. Alexander Balaban, Clean Communities Coordinator, and asked him to provide him with a day when he and other volunteers can help clean Roselle Park.

- He said he attended a dinner where the Governor and the Attorney General spoke. They both hit on key points regarding the budget and the safety and economic development of our community and other local towns.

Mayor DeIorio said at the Department Head Meeting, Carl Pluchino, Code Enforcement Officer had brought the railroad ties on Valley Road to Council's attention. He told him that Roselle had a similar situation with railroad ties and the toxicity of creosote that is in them and Roselle has been very successful in the public awareness of this problem.

Councilman Rubilla

- He attended the Joint Sewer Meeting of Essex and Union Counties and they have elected Councilwoman Leventhal of Maplewood as the new Vice Chair. He said it was also brought to their attention because of the recent storm we had a few months ago, that Roselle Park was targeted as having one of the highest number of spikes in their measurement of overflow water at the treatment plant. He said that the Chief Engineer, Mr. Bonocorso has advised him to ask the residents for those that plan on putting in sump pumps not to tie them into the sanitary sewer. He said the joint meeting wastewater was beyond its capacity for the first time in its history.
- He said the Borough Clerk, the representative from Conrail and he drove through Roselle Park to check the bridges. He said a letter has been received stating that it is not their policy to paint the bridges. He said that he and the Borough Clerk found it unconscionable that Conrail runs their trains through our community and will not bother to maintain them; that is something that we can't overlook. He said they will allow us to paint them at our expense if we wanted to put welcome to Roselle Park, but we are not looking to shoulder the taxpayers with any more tax points. Councilman Rubilla said he would like to have a meeting with the Municipal Services Committee to decide if there is an alternative method that we can take.

Councilman Harms

- He said he would like to recognize Maria DelRio at the next Council Meeting. He said that Maria is the Chairperson for the Union County Relay for Life; she brought the event to Roselle Park which is great.
- He said that several months ago we stopped the company doing the tree work for Public Service around the electric lines and a week and a half ago an email was sent to Rich Dwyer asking him to stop his people from ruining our trees and doing a butchered job. He said that his elderly neighbor was picking up trees and branches along the tracks and when they cut the branches, they let them fall everywhere. Councilman Harms said he had to clean his backyard twice and there is still a branch hanging that he is unable to reach. He said some people have pools in their backyards, which were full of leaves that could damage the pool and filter. Councilman Harms said they do not notify anyone living in that area that they are going to work in their backyards without permission. Councilman Harms said he would like the Borough Attorney to forward a letter to them and also to the Board of Public Utilities. He said we understand that they have the right to maintain the wires,

but do not have the right to go into peoples' backyards, make a mess and break things; this must be stopped. Councilman Harms asked Mr. Lane if the Police Department has the authority to stop them from working.

Mr. Lane said if they have a right of easement, they can utilize that easement to do what they have to do. He said it is difficult to believe that they drive into an individual's backyard and he can look into that more carefully. He said many times they have the rights of easements, which is part of the title search.

- Councilman Harms said he is aware of the easement and them being able to maintain the wires. They don't have the right to drop something on property that we pay taxes on. He said our personal belongings are there and do not have the right to pull their trucks in the driveways to use the buckets to get to the trees.

Mr. Lane said even if they utilize their easement and they damage other people's property, then they are subject to liability. He said an easement is just a right and they also have to follow all the other laws. He said if a limb is left hanging and falls and injures someone, then they are held responsible for that. Mr. Lane said they should clean up and return the land that they used to its original state.

- Councilman Harms said they should not cut limbs along the tracks and let them fall on other vegetation; this attracts rodents to nest in the area. He said there are also trees that they have cut along the street that are cut only on the street side causing the tree to lean toward the resident's home, creating a liability for the town; if that tree falls then the municipality has to pay. He said Public Service has hired an incompetent company to come in to do this work, it is not acceptable and something must be done.

Mr. Lane asked Councilman Harms to contact him to discuss the situation. He said if Public Service were to go out there and cut a tree in a negligent fashion creating an imbalance that ultimately results in that tree falling onto a house, they can be held responsible. Generally the homeowner would apply to their homeowner's policy, the homeowner's carrier would pay for the damage and they would subrogate against whoever they have to. He said maybe all that it needs is that the utility be informed of what they are inappropriately doing and indicate that we would hold them responsible for these circumstances. He said whether they have done a good or bad job is difficult to determine. Mr. Lane said that pictures should be taken of the most egregious examples.

- Councilman Harms requested that the Municipal Services Committee look at the ordinance for parking vehicles in side yards and grassy areas. He said there are several vehicles on corner properties that are parking disabled vehicles, which is wrong. He said there is an ordinance for disabled vehicles, but these people have them with no tarp, no registration and no plates.
- He congratulated the Mayor on passing his test and becoming a Certified Municipal Finance Officer.

Councilman Badillo

- He congratulated the Mayor on becoming a CFO.
- He congratulated the students that are graduating from Roselle Park High School.
- He said on Wednesday they had a conference call with ERM regarding the ball fields. He said the first round of testing is done and they met with the Little League officials today to bring them up to date. He said the Borough Clerk is contacting the DEP so we can have a public session.

Ms. Cali said we asked for the 5th of July and they asked for another date because of vacations.

- Councilman Badillo said when we get the date; he will ask the Little League Officials to bring the mailing list so that a letter can be sent to the parents associated with the Little League.
- He said there were many participants in the townwide garage sale. He said that some of them asked if next year it could be better advertised.

Ms. Cali said there will be much more advertisement and a banner announcing it next year.

- Councilman Badillo said the County has removed the big tree stumps on Chestnut and Locust Streets and replaced the sidewalks.
- He thanked Josh Medrano for donating his services as Security Officer at the Relay for Life.

Councilman Dinardo

- He spoke about the town-wide garage sale and asked that it be better advertised next year.

Councilman Badillo said he was asked by some residents if we could relax the ordinance pertaining to posting signs for that particular weekend.

Mayor DeIorio said the signs on electrical poles are state regulated and that may already be something in the statute. He said he received some complaints about the signs that were out and why we weren't enforcing that.

- Councilman Dinardo said the first meeting of the Neighborhood Watch Program will be on July 17th in the Council Chambers. He has invited Brinks Security and they will put out a display.
- He attended a Library Board Meeting and he was asked to mention they now have their movie license and are allowed to show movies. There will be a Harry Potter marathon on July 19th from 2:00 p.m. to midnight, and at midnight the Mayor will hand out free Harry Potter books.
- He also mentioned the summer reading program and registration started on June 11th.

CERTIFICATES/PROCLAMATIONS

Certificate:

- Mark Samolewicz

Mayor DeIorio presented Mr. Samolewicz with the “Good Neighbor Award”.

Mayor DeIorio announced that the Fourth of July festivities this year will be a fireworks celebration and daylong activities. He said the day will start at 12:00 noon with various types of entertainment for children. He said this year we have added other events including a treasure hunt, horseshoe tournaments, scavenger hunt, sack races, egg toss and we will also have a bicycle safety and rodeo. Mayor DeIorio said there will be a limbo contest and live entertainment throughout the day. He said all of this was possible through donations from various sponsors and all the information is located on our website, as well as a flyer, which you can obtain from the Casano Community Center, Library, Youth Center or Borough Hall.

REPORTS OF DEPARTMENTS

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

- Administrative Assistant Report for May, 2007
- Treasurer’s Report for May, 2007

MOTION BILLS & PAYROLLS NOT BE READ

MOTION BILLS AND PAYROLLS BE PASSED FOR PAYMENT

Councilman Harms moved that bills and payrolls not be read and passed for payment, seconded by Councilman Rubilla, all members present voting Aye, said motion was adopted

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.

Jacob Magiera, 612 Sheridan Avenue

- He spoke about Public Service cutting down all trees on W. Colfax Avenue in 1990 for the installation of high tension wires. He said it was an estimated cost of \$125,000 and the last time the man from Public Service was here, all he gave us was three trees and \$1,000.
- He congratulated the Mayor on his certification as Chief Financial Officer.
- He said in reference to sales tax on parking meters, it is better to lose the 7% if we are making \$1,000 a year. He said the money saved on the parking meters could be used for bulk garbage pickup.

- He asked for an update on spraying storm catch basins for mosquito control to prevent West Nile Virus.

Councilman Harms said the County sprays and he will check on that. He said he does not know if they have a particular schedule.

- Mr. Magiera said that yesterday, Mae's Place Floral Shop had a display of the Fifth Grade children's art work.

Mayor DeIorio said another landmark event in Roselle Park is that Hexacon Corporation celebrated its 75th anniversary of being in the town and Council will recognize them at the next Council Meeting.

- Mr. Magiera asked when Leberco is going to do something about their property.

Mayor DeIorio said we have been very strict about the enforcements of the condition of the building and we hope that because of that, they will move ahead to develop that property.

- Mr. Magiera said he watched the Cranford Town Council Meeting and there were only two commissioners receiving health benefits and as of June 30th they will no longer receive them. He said the Cranford Mayor and Commissioner as of March 26th have taken a 50% cut in pay from \$4,000 to \$2,000 per year.
- He asked if storm sewer money is available under the Resource Development Act from Senator Lautenberg's Office and Cranford received that money.

Mayor DeIorio said that probably is a result of what is happening along the Nomahegan Park area where there are major flooding problems.

Councilman Badillo said there is nothing that we can do about storm sewers until Roselle upgrades theirs up to the line of Roselle Park; you cannot impact a community downstream.

- Mr. Magiera asked if Ms. Cali could look into that because there is 15 billion dollars in storm sewer money available from the Federal Government.
- He congratulated Councilman Dinardo regarding the town-wide garage sale.
- He asked for an update on the Acker Park twin slide.

Councilman Harms said that the DPW Superintendent got a price of approximately \$3,700 to move the apparatus at this time and they are looking for another area to put it in with the suggestion of neighborhood residents.

- Mr. Magiera said it is a State law that all homes and businesses but be visibly numbered.

Linda Greer, 821 Elm Street

- She said she was disappointed in the town-wide garage sale this year. She said she received a notice about this through the High School. She said that she registered and was told that maps would be distributed and assumed that the Borough would take care of the advertising. She said she was concerned when she spoke to others in the Borough and they were not aware of the sale. She said she checked the newspaper the week before the sale and did not see advertisements. She said she put signs up on that day and then the Code Enforcement Officer came by and told her to remove the signs; she was very upset and closed up her sale. She asked why this was not advertised and then paid the Code Enforcement Officer overtime for being called out on a Saturday. Mrs. Greer said there are still signs up on Locust Street and Galloping Hill Road. In closing, she congratulated the graduating class of Roselle Park High School Class of 2007.

Mayor DeIorio said he received calls regarding the signs being posted; the Code Enforcement Officer does not receive additional overtime costs for going out after hours.

Mark Tucci, 620 Chestnut Street

- He said that since the last storm his cable wire was down and an electrical wire was hanging low and a truck came by and ripped them wire down. He said the company claimed that they fixed the wires and pulled them as tight as they could; then yesterday a truck came by and pulled a wire down again. Mr. Tucci said he has lived there since 1972 and has never had a problem with any wires going down; now this has happened 3 times in the last month. He said there should not be a long haul truck coming down the center of Chestnut Street and asked if that could be checked out by the County.

Mayor DeIorio said we have just received notice that Union County will be paving Chestnut Street the week of July 7th.

- Mr. Tucci asked if when the town puts out bids for various services such as garbage, recycling and grass are there stipulations put in as to times that it can be picked up. He said that sometimes they pick up anywhere between 4:15 and 5:00 a.m.

Mayor DeIorio said that they do and they should not be picking up that early.

- Mr. Tucci asked when they empty the cans, where are they supposed to leave them because he has found the empty recycling cans left in his driveway. He said that the people picking up the grass turn the cans upside down and leave them in the street curbside and blocking the parking. Mr. Tucci also said that when a glass bottle is dropped out of the back of the truck, is there something in the contract that states it must be swept up.

Councilman Harms said yes it does.

Mayor DeIorio said in order to enforce something in the contract, there has to be documentation, either a phone call to the DPW or after hours to the Police Department or leave a message at another Borough Office.

Councilman Badillo said the recycling drivers are very good because they will stop at the DPW and ask if there are complaints. He said if Frank Wirzbicki receives complaints, he will have them go back to pick it up.

Glenn Marczewski, 622 Sherman Avenue

- He congratulated the Mayor on becoming a CFO and also the Roselle Park High School graduating class of 2007.
- He said he attended the Board of Education meeting on June 12th and asked why it wasn't broadcast on TV 34.

Mayor DeIorio said he was not aware of it, but would address it with Keith Heyman.

- Mr. Marczewski said that meeting should be rescheduled because they talked about bicycle helmets. He said he inquired at that meeting why does it take 31 years to get new text books and he was answered by the Superintendent that it would take another 5 years to get all the text books changed. He asked why it takes so long because it is supposed to be better education for our students. He also asked who sets the budget for that.

Mayor DeIorio said the budget for the school is put together by the School Board and voted on by the public.

- Mr. Marczewski said that some people pay \$14,000 in taxes, but have 6 acres of land. He said his property is 26 x 100 and he is paying \$7,000.

Mayor DeIorio said there are 5,200 housing units which include apartments and homes as well as businesses. He said there are about 3,500 homes and about 1,100 apartment housing units and the majority of the housing units are single lot homes.

- Mr. Marczewski said that meeting was never broadcast although the dates were on TV; he called the school and the Superintendent. He said he did hear from Mr. Florio who said there was a problem from the broadcast area.

Mayor DeIorio said he will address it with Mr. Heyman and notify him when it will be broadcast.

- Mr. Marczewski said that between Sherman Avenue and E. Lincoln Avenue when utility companies cut down trees they leave them lying in the crosswalks. He said they also leave some branches with nothing on them.
- He said he checked with three different school districts regarding helmets and there is a website which is www.prorider.com.

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

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

ORDINANCE NO. 2212

AN ORDINANCE AMENDING ORDINANCE 1184, "PROHIBITION PARKING; PROHIBITION STOPPING OR STANDING AND TIME LIMIT PARKING" OF THE ORDINANCES OF THE BOROUGH OF ROSELLE PARK

Councilman Harms moved to open the public hearing on Ordinance #2212; seconded by Councilman Badillo and adopted.

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

Councilman Harms moved that Ordinance #2212 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. 2213

AN ORDINANCE AMENDING CHAPTER 135 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING LIVERY, LIMOUSINES/SHUTTLE BUS

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter 135 of the Borough Code is hereby amended in its entirety as follows:

SECTION I.

§135-1 Definitions. As used in this chapter, the following terms will have the meanings indicated:

DRIVER – Any individual, regardless of status, who drives a licensee's limousine or shuttle bus for the purposes of carrying passenger(s) for hire.

LIMOUSINE – Any motor vehicle used in the business of carrying passengers for hire to provide prearranged passenger transportation at a fare on a dedicated, non-scheduled charter basis, that is not conducted on a regular route, with a seating capacity of not more than 14 passengers (not including the driver). Nothing in this chapter shall be construed to include taxicabs or buses, employed solely in transporting school children or teachers or autobuses which

are subject to the jurisdiction of the Department of Transportation, or interstate autobuses, regulated by the federal or state government.

LIVERY SERVICE – The business of carrying passengers for hire by limousine or shuttle bus.

PERSON – Any individual, corporation, partnership, proprietorship, limited liability company, association or joint stock company, their lessees, trustees, assigns or receivers appointed by any court competent jurisdiction.

SHUTTLE BUS – Any motor vehicle used in the business of carrying passengers for hire to provide a prearranged passenger transportation at a fare on a dedicated, non-scheduled chartered basis, that is not conducted on a regular route, with a seating capacity of no less than fifteen (15) no more than twenty-four (24) passengers (not including the driver). Nothing in this chapter shall be construed to include taxicabs or buses, employed solely in transporting school children or teachers or autobuses which are subject to the jurisdiction of the Department of Transportation, or interstate autobuses, regulated by the federal or state government.

STREET – Includes any street, avenue, park, parkway, highway or other public place.

§135-2 License requirements. No person shall carry on the business of transporting passengers for hire in limousines or shuttle buses in the Borough without first obtaining a livery license.

§135-3 Application for License. Each application for a livery license required by §135-2 shall be filed with the Borough Clerk, accompanied by the fee prescribed in §135-6 of this Article.

§135-4 Issuance of license.

- A. Each application for any license set forth in §135-2 shall be referred to the Chief of Police, who shall investigate the applicant and make his recommendation with respect to the granting or rejection of the application.
- B. The Borough Clerk may not issue any livery license until the application had been approved by the Borough Council, after favorable recommendation by the Chief of Police.
- C. No livery license shall be issued until and unless the applicant has complied with the provisions of N.J.S.A. 48:16-1 et seq. and N.J.S.A. 48:22.3 et seq., with respect to proof of insurance and delivery of power of attorney.
- D. Upon the filing of the required insurance policy or bond, and the approval by the Mayor & Council with the approval of the Chief of Police, the Borough Clerk shall issue a limousine license, in duplicate, showing that the owner of the limousine has complied with the terms and provisions of N.J.S.A. 48:16-1 et seq. and N.J.S.A. 22.3 et seq. The license shall be in the form prescribed by N.J.S.A. 48:16-6.

§135-5 Term of license. All licenses issued pursuant to the provisions of this article shall expire on December 31 next after the date of issuance.

§135-6 Fees.

- A. Licensed vehicle.
 - (1) The fee for each vehicle licensed as a limousine shall be \$50.00.
 - (2) The fee for each vehicle licensed as a shuttle bus shall be \$50.00.

§135-7 Application for license.

- A. Each application for a livery driver's license required by §135-2 shall be submitted to the Borough Clerk of forms provided by the Borough.
- B. Each application shall be accompanied by:

- (1) Affidavits of two reputable persons who have known the applicant and have observed his character for more than a year.
- (2) Two identification photograph, size one inch by one inch, of the head and shoulders of the applicant.
- (3) The following information for all drivers:
 - (a) Name
 - (b) Address
 - (c) Social Security Number
 - (d) Driver's License (enclose photocopy)
 - (e) Telephone Number
 - (f) E-mail address
- (4) Authorization/waiver permitting the Police Department to verify the motor vehicle and criminal records signed by the applicant and all of its drivers.

§135-8 Qualification of applicants. All livery licensees, applicants for license and drivers for any licensee shall meet the following qualifications:

- A. Not less than 21 years of age.
- B. Of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble or any other disease or deformity of body or mind which might render him unfit for the safe operation of a limousine.
- C. Of good moral character.
- D. Able to read and write the English language.
- E. Clean in dress and person.
- F. Not addicted to the use of intoxicating liquors, habit forming narcotics or other drugs.
- G. Not had his or her driver's license revoked by New Jersey or any other State in the preceding ten (10) years.
- H. Is not charged with more than nine (9) motor vehicle points under the Division of Motor Vehicles/Motor Vehicle Commission, motor vehicle point system.
- I. Complied with N.J.S.A. 48:16-1 et seq. and N.J.S.A. 48:22.3 et seq.

§135.9 Investigations.

- A. The Borough Clerk may not issue any livery license unless and until the applicant shall first be investigated, the granting of the application has been recommended by the Chief of Police, and approved by the Mayor and Council, and the appropriate license fee prescribed by §135-5 has been received.
- B. As part of the investigation referred to in Subsection A, the applicant and its driver shall be fingerprinted and photographed by the Police Department.

§135-10 Renewal of license.

- A. Each application for a livery license renewal shall be submitted to the Borough Clerk on forms provided by the Borough.
- B. Applications for renewal of limousine licenses are subject to provisions of §135-8 A through I.

§135-11 Limit on Licenses Issued.

- A. There shall be no more than 20 limousine licenses issued or in effect at one time.
- B. There shall be no more than 3 shuttle bus licenses issued or in effect at one time.

§135-12 Violations and Penalties; Revocation.

- A. Any person or persons, firms, corporations or other organizations found to be in violation of any of the provisions of this Chapter shall, upon conviction thereof in Municipal Court and in addition to the penalties provided by N.J.S.A. 48:16-11, pay a fine not exceeding five hundred dollars (\$500) or imprisonment for a term not exceeding ninety (90) days, or both. Each day a violation of this Chapter continues shall constitute a separate offense.
- B. In addition to such penalties as aforesaid, every license granted in pursuance to this Article may be revoked by the Borough Clerk upon evidence of failure to comply with any provision of N.J.S.A. 48:16-13 et seq.

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

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

Councilman Harms moved that Ordinance #2213 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on July 5, 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. 150-07

BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park, that based on the Engineer's recommendation that the Grass Collection Service bids be rejected based on insufficient funds and the contractor's bid amount exceeding the amount budgeted.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to readvertise for bids.

RESOLUTION NO. 151-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that Jacob Davis be and is hereby appointed to the Part Time Position Civilian Court Officer effective June 25, 2007 at the hourly rate of \$12.86 pending pre employment processing.

RESOLUTION NO. 152-07

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2007; and

WHEREAS, the following applicants have complied with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be

promulgated by the State Commissioner of Alcoholic Beverage Control applicable, thereto, now therefore

BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2008, to the following as approved by the License Committee:

PLENARY RETAIL CONSUMPTION LICENSES - \$1,270.00

- (2015-33-002-005) Cascio's Taverne II, Inc., t/a Cascio's Tavern II, 400 Seaton Avenue
- (2015-33-004-004) 600 Westfield Avenue, Inc., t/a Sun Tavern, 600 West Westfield Avenue
- (2015-33-005-002) Frenchy's Bar & Grill, Inc., t/a Frenchy's Bar & Grill, 545 West Westfield Avenue
- (2015-33-006-010) Almsea, Inc., t/a Domani's, 230 West Westfield Avenue
- (2015-33-008-004) LaCatena Restaurant, Inc., t/a LaCatena Restaurant, 386 East Westfield Avenue
- (2015-33-009-011) Sports Section, Inc., t/a Mulligan's Pub, 117 Chestnut Street
- (2015-33-010-006) Ocean Castle, Inc., t/a Ristorante Michelangelo, 9 West Westfield Avenue
- (2015-33-012-004) Solar Do Minho II, Inc., t/a Solar Do Minho Steak House II, 147 West Westfield Avenue
- (2015-33-015-002) Imedio, Inc., t/a Mona Lisa Restaurant
- (2015-33-016-007) Spilanga Food, Inc., t/a Costa's Ristorante & Pizzeria, 120 Chestnut Street

PLENARY RETAIL DISTRIBUTION LICENSES - \$847.00

- (2015-44-001-007) R & K Corp., t/a Andy's Twin Borough Liquors, 596 Chestnut Street
- (2015-44-003-002) Charles Francis DiStefano, t/a DiStefano's Liquors, 117 West Colfax Avenue
- (2015-44-013-008) David McAdam, Inc., t/a Roselle Park Liquors, 137-145 Chestnut Street

CLUB LICENSES - \$132.00

- (2015-31-018-001) West End Community Center, 205 West Clay Avenue

RESOLUTION NO. 153-07

WHEREAS, the Borough of Roselle Park no longer has use for the attached unclaimed automobiles, therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public sale at a date within 60 calendar days. The auction will be advertised in the following media, Union Leader and Star Ledger and Borough of Roselle Park Web Site.

This sale shall be in accordance with the provisions of The Abandoned and Unclaimed Motor Vehicle Law, R.S. 39: 10A-1.

1. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
2. Said property is being sold "as is".
3. All prospective purchasers are put on notice to personally inspect the property.
4. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk. If the purchaser fails to take title and possession within ten (10) days of the date of purchase, the Governing Body of the Borough of Roselle Park may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to

- take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
5. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further costs, expense, damage, claim against or liability upon the Borough.
 6. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids
 7. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

RESOLUTION NO. 154-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that Sandra Capaldo be and is hereby promoted to Position of Control Person in the Construction Department effective July 1, 2007 at the annual salary of \$34,500.

RESOLUTION NO. 155-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that Nora Boisselle be and is hereby appointed to Position of Clerk in the Construction Department effective June 25, 2007 at the annual salary of \$25,000 pending pre employment processing.

RESOLUTION NO. 156-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that resolution RE79-07 awarding a professional service contract of Jeffrey R. Surenian, Esquire as Special Counsel be and is hereby increased in an amount of \$70,000 not to exceed a total of \$80,000.

RESOLUTION NO. 157-07

WHEREAS, Al Costanzo of AKC Computer Services Corporation, has submitted a proposal to handle the day to day Internet and computer problems faced by Roselle Park Employees; now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park, that:

1. Al Costanzo of AKC Computer Services Corporation be and hereby is authorized to proceed as a point of contact for all computer related problems and issues on behalf of the Borough of Roselle Park consistent with the terms and conditions of the attached agreement in the amount not to exceed \$1,650.00 for a period not to exceed six months.

RESOLUTION NO. 158-07

WHEREAS, the Borough of Roselle Park wishes to purchase computers for the Finance Administration Office from an authorized vendor under the State of New Jersey Cooperative Purchasing System 1-NJCP; and

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

WHEREAS, CDW Government, Inc., Vernon Hills, Illinois has been awarded State Contract Number A67176/T1785 for Microcomputers; Rugged Computers, Options and Services; and

WHEREAS, the actual cost of the computers is expected not to exceed \$23,975.00; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that CDW Government, Inc. be awarded a contract for the purchase of computers.

RESOLUTION NO. 159-07

WHEREAS, the Borough of Roselle Park wishes to purchase computer servers for the Finance Administration Office from an authorized vendor under the State of New Jersey Cooperative Purchasing System 1-NJCP; and

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

WHEREAS, Dell Marketing, LP, Pittsburgh, Pennsylvania has been awarded State Contract Number A81247-T0483 for Minicomputer, Microcomputer, Workstation and Associated Products; and

WHEREAS, the actual cost of the computers is expected not to exceed \$10,946.92; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Dell Marketing, LP be awarded a contract for the purchase of computer servers.

RESOLUTION NO. 160-07

WHEREAS, the Borough of Roselle Park applied for a Community Development Block Grant (CDBG) for the Reconstruction of Meadow Street in the amount of \$120,000.00; and

WHEREAS, the Borough of Roselle Park has determined that the project is complete and that a balance remains on the account of which the grant has expired;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Roselle Park as follows:

1. That Chief Financial Officer be and is hereby directed to take all necessary steps to cancel the appropriation balance of \$11,681.89 on account # 04-2150-55-07230-832 for the balance of the grant not needed.
2. That the Chief Financial Officer be and is hereby directed to take all necessary steps to cancel the CDBG Grant Receivable amount of \$11,681.89.

RESOLUTION NO. 161-07

WHEREAS, the Borough of Roselle Park applied for a Community Development Block Grant (CDBG) for the Reconstruction of Chester Avenue in the amount of \$152,000.00; and

WHEREAS, the Borough of Roselle Park has determined that the grant award was only for \$144,505.00;

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Roselle Park as follows:

1. That Chief Financial Officer be and is hereby directed to take all necessary steps to cancel the appropriation balance of \$7,495.00 on account # 04-2150-55-21840-602 for the difference of the grant award.
2. That the Chief Financial Officer be and is hereby directed to take all necessary steps to cancel the CDBG Grant Receivable amount of \$7,495.00.

RESOLUTION NO. 162-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the current contract with Great Northern Recycling for Grass Clippings be and is hereby extended for a period not to exceed 120 days.

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

RESOLUTION NO. 163-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the services of Heyer, Gruel & Associates be and is hereby authorized in the amount not to exceed \$5,000 in the matter of Roselle Park LLC vs. the Borough of Roselle Park.

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

RESOLUTION NO. 164-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the disposal of a 1980 Chevy van Vin#CGM35A4109852 to be used by the Borough of Roselle Park Fire department in a training drill be and is hereby authorized.

RESOLUTION NO. 165-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that a contract in the amount of \$135,525.00 be and is awarded to M/A Com, ProComm Systems, Inc. 823 Uniontown road, Phillipsburg, NJ 08865 for a new dispatch communications center under New Jersey State Contract No.A53753

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

Mayor DeIorio said at the last meeting there was a question pertaining to the fixed asset report of what is and is not insured. He said the research was done through the Finance and Clerk's Offices and it was determined that the fixed asset report does not go to the insurance company for insurance purpose. He said each year the Clerk's Office submits a list of vehicles and VIN numbers that are insured and are on the Borough's premises. He said the fixed asset report will be reviewed with all of our departments and be updated.

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

- Roselle Park vs. Ssesco, Inc.

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Yakubov moved to resume the regular order of business, seconded by Councilman Dinardo and adopted.

Mayor DeIorio said during Closed Session, Council discussed the following matter:

- Roselle Park vs. Ssesco, Inc.

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

Attest:

Borough Clerk