

Regular Meeting of Mayor and Council August 16, 2007

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

ABSENT: Councilman Badillo

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

- Request from residents of the 500 block of Sherman Avenue to hold a “Block Party” on Saturday, September 8, 2007 from 12:00 Noon until 10:00 p.m.
- Request from residents of the 400 block of Spruce Street to hold a “Celebration” on Sunday, August 19, 2007 for two of the Roselle Park Little League Teams.
- Request from residents of the 400 block of Bender Avenue to hold a “Block Party” on Saturday, September 1, 2007 from 12:00 Noon until 10:00 p.m., with a rain date of Sunday, September 2nd.
- Request from residents of the 600 block of Ashwood Avenue to hold a “Block Party” on Saturday, September 1, 2007 from 10:00 a.m. until 10:00 p.m., with a rain date of Sunday, September 2nd.
- Request from residents of the 400 block of Spruce Street to hold a “Block Party” on Sunday, September 2, 2007 from 3:00 p.m. until 8:00 p.m.

Mayor DeIorio brought up the issued of various neighborhoods holding multiple block parties in a short period of time.

Councilman Matarante recommended that they discuss this situation and come up with some suggestions for next season. He said they could also pass this to the Public Safety Committee for their input and guidelines for us to follow.

Councilman Harms agreed that it would be a good idea to discuss it and come up with some type of guidelines for next year.

REPORT AND RECOMMENDATIONS OF MAYOR

- Mayor DeIorio reminded everyone that on August 22nd the Borough of Roselle Park will be conducting an update to our redevelopment and new directions plans and he encouraged all residents to attend. It will take place in Borough Hall at 7:00 p.m. and we will update the residents on the downtown area and answer any questions they may have. He said one of the owners of Solar do Minho will be at that meeting to talk to the public about their new banquet facilities.
- He said he would now like to address Resolution #194-07. He said we have been moving forward with our Special Improvement District and tonight we are adopting resolutions for elected members of the Special Improvement Board. He said an election was held according to an ordinance that was in place several years and the business owners in that district had the opportunity to elect their own representatives.

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

RESOLUTION NO. 194-07

WHEREAS, Ordinance Number 2159 created a Special Improvement District (SID) within the Borough of Roselle Park and established a District Management Corporation; and

WHEREAS, said Ordinance states an initial election be held to select six members of the Board of Trustees who are one or both of the following: owners of real estate located in the SID, or owners of a retail or service establishment located within the SID, or Officer, Principal or Director of a Corporation or Entity, which operates a retail or service establishment within the SID; and

WHEREAS, election ballots were mailed out on July 16, 2007 to the business owners in the downtown district and returned by July 31st, at which time these votes were tallied by the Borough Clerk's Office for the election of six Board of Trustee members, now therefore

BE IT RESOLVED that the following individuals are hereby appointed as members of the Board of Trustees for the Roselle Park Special Improvement District, for a three year term expiring on August 15, 2010 or as long as they are an owner of real estate or operator of a retail or service establishment within the Special Improvement District, whichever is shortest.

Nicola Cristofaro	Costa's Restaurant
Vincent Raimondi	Park Karate for Kids
Michael Melango	Melo Contractors, Inc.
Carole Cascio	Hair Garden Haircutters
Fanya Gonta	Valley National Bank
Mike Pasqua	Hercky Pasqua Herman Advertising

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

Mayor DeIorio asked the elected members to come forward for the swearing in ceremony and presentation of their Certificates of Election.

CERTIFICATES AND PETITIONS

Mayor DeIorio discussed the growing number of block parties in Roselle Park and how they are a wonderful way to provide the opportunity for neighbors to get to know one another. He made a presentation to Carol Gedman celebrating the ten years of block parties on Hemlock Street and continuing the community spirit of Roselle Park.

Councilman Matarante said that the block parties on Hemlock Street are wonderfully organized and a lot of fun.

Mayor DeIorio made a presentation to Paul and Irene Endler in honor of their 50th wedding anniversary. Mr. Endler is the Tax Assessor in Roselle Park and is part of Roselle Park history.

REPORT AND RECOMMENDATIONS OF MAYOR – (Continued)

- He thanked everyone for attending the meeting for the renovations to Acker Park, which was well attended.

REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Yakubov

- He met with Officer Antonucci and talked about slowing down traffic in the Fifth Ward. Officer Antonucci has provided him with “Drive 25 Keep Kids Alive” signs. Anyone can call the Borough Clerk’s Office and he will personally deliver it to your home.
- He said there was a good turnout for “National Night Out” and the Police Department acted in a very professional manner.
- He has received calls about trees that need to be trimmed and we do have a person to do the trimming. He asked that residents call the DPW to have a Borough tree trimmed.
- He said the residents have not been satisfied with the outside contractors that come in and trim the trees and do not clean up the debris.

Councilman Rubilla

- He attended the Acker Park meeting and it was well attended.
- He said Carl Pluchino, our Code Enforcement Officer, has made some aggressive attempts against Conrail to clean our bridges and they need to clean some other areas that we did not know Conrail owned. He said there will be a joint meeting on Wednesday, August 29th and we will do a driveby through the town.

Councilman Matarante

- He attended the Acker Park meeting and there were a lot of opinions and good ideas put forth. He said some of the ideas were conflicting and asked if a committee could be formed and let them bring some ideas in a more organized format. He said as an example some people wanted more trees for shade and some people thought it may be a problem.

Mayor DeIorio suggested that the drawing be revised to incorporate some of their suggestions and then bring the individuals together to view the new plan.

- Councilman Matarante said the Public Safety Committee meeting was held and he wanted the Historical Society to attend because the Pagnetti's had come to a Council Meeting inquiring about what is being stored in the OEM building. He had Detective Cocca come to the meeting to tell us what equipment is stored in the building. We now have a plan that was presented and we are going forward with, and he is going to need most of that space. He said we now have four ideas on the table and each of us are going to pursue and see which will be the best. He said one was renovating the Casano Center with the possibility of purchasing property making it larger with some senior housing, a larger center and a home for the Historical Society. He said another idea was to put up a prefab building in the location. He said that Detective Cocca said there is a possibility that FEMA may have more trailers that we may be able to obtain. He said perhaps the Library, with some changes, would be willing to house the Historical Society.

Mayor DeIorio said there may be options to obtain funding from a Historical Grant Fund.

- Councilman Matarante said he met with head of the Fire Prevention Bureau and the recommendation was for some fire inspectors to conduct inspections. He said we are looking for three inspectors to complete the rest of the year.

Mayor DeIorio said Mr. Blum should be familiar with this.

Councilman Matarante said Mr. Blum was at the meeting and heard what is happening.

Mayor DeIorio asked that the options and costs be put in writing so that Council can look at them and have a finalization at our first meeting in September.

- Councilman Matarante asked that a meeting be scheduled to talk about the capital end of things. He said he would like it to take place late August or the early part of September.

Mayor DeIorio said they can tentatively schedule it after the redevelopment meeting on August 22nd and if the meeting runs too long, then we can reschedule it. He said as a backup date, can we reschedule it for September 6th.

Councilman Harms

- No report.

Councilman Dinardo

- He asked about the flooding on the 200 block of Sherman Avenue and asked if that can be addressed.
- He asked if the hole can be filled on Grant Avenue and asked if the DPW can take care of that.
- He said he brought up plans for Acker Park to the Freeholders. He said he would like to keep the park as a “kid” park.

REPORTS OF DEPARTMENTS

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

- Code Enforcement for July 2007
- Tax Collector Report for May and June 2007
- Municipal Court Report for July 2007
- Casano Community Center Report for July 13th through August 9, 2007
- Treasurer’s Report for July 31, 2007

Borough Attorney – Bill Lane

- He said we have proposed ordinances involving the recognition and regulation of solar panels throughout the Borough. He encouraged Mayor and Council to look at that and to make any suggestions to him and then we can make a finalization of that ordinance. He said there is a similar ordinance involving the regulation of apartments in the basements and cellars throughout the Borough. He said the ordinance as proposed does not prohibit the rec room development of a basement but it does limit, regulate and prohibit the establishment of living quarters in the basement. He said he is open to any changes to that as well and if that is acceptable to Mayor and Council we can finalize that also.
- He said there was another municipality graffiti ordinance that he looked at. He does not know what the Governing Body’s position is with regard to that. He said he would like to put some teeth into the regulations against graffiti and any violations collected be put in a trust to use for the clean up of any graffiti in the Borough.

Mayor DeIorio said essentially our ordinance is good and contains all the basics and the penalties. He said what he likes about the other ordinance is that it creates a trust fund and allows the fines collected to be used for other graffiti measures. He said we would probably have to get permission from the Department of Community Affairs.

Councilman Harms said these two ordinances are on for the Municipal Services Committee in September and he is not sure about the one pertaining to apartments.

Mr. Lane said the other ordinance addressed sleeping quarters; whereas this is more of a Zoning Ordinance when one creates an illegal use in the basement. He said it also provides that the landlord would have to incur the relocation of the tenant. He said the tenant may not be aware the apartment was illegal and then finds out it is.

Mr. Lane said he is preparing a technical correction ordinance with regard to Ordinance #2188. He said in the text of the ordinance that was passed, there was a typographical error in the fact that the word not was inserted in the grandfather section and it must be corrected so it can be enforceable.

Mr. Lane said he has two items for discussion in Closed Session, the first is an anticipated litigation regarding Guarriello and Dec and also a recent superior court order filed against the Borough and the Board of Adjustment.

PUBLIC COMMENT

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

Jacob Magiera, 612 Sheridan Avenue

- He asked about the 5 people that are out on disability and asked if they are being paid a salary.
- He asked if we are paying into their pensions.

Mr. Blum said they are not being paid their salaries by the Borough. He said regarding the pension the Borough pays in one yearly amount and they have to contribute to that.

- Mr. Magiera asked what the savings is for the five people that are out.

Mayor DeIorio said because of the cut in the work force with people being out we have the remaining employees working overtime to take care of what must be done after working hours.

- Mr. Magiera asked what the SLAP people do for the Borough.
- He attended the Union Hospital meeting pertaining the opposing of Union Hospital and it was well attended.
- He asked if the Borough received a discount for the fireworks.
- He asked about the vegetation overgrowth near the railroad in Acker Park. He is concerned with the vegetation carrying ticks causing Lyme disease.
- He asked for an update on the Jerome Street properties that are for sale.
- He asked about the pigeon droppings under the railroad bridge on Chestnut Street.
- He asked about the parking meters.

Mayor DeIorio said the Code Enforcement Officer and a Police Officer went to each meter and addressed any meter that needed to be emptied, batteries or other repairs. He said

those with the error messages have been identified to the company that repairs those types of meters.

- Mr. Magiera asked if the decorative light poles are going to be painted a glossy black.
- He asked about the base of the parking meter stands and the metal shavings that were never cleaned up.
- He asked about the Police Chief and where has he been.
- He asked when the old Tavern in the Park will be opened.
- He said there is no explanation on budget amendments, which is Resolution 191-07. He asked what is going to be amended.

Mr. Blum said that resolution is amending the budget by adding in grants and some capital projects. He said a copy will be advertised in the Union Leader on August 23rd and it is also available in the Clerk's Office.

- Mr. Magiera said regarding the Historical Society that the FEMA trailers should not be used because they are full of formaldehyde, which can cause illness. He said an addition could be put on to the Library, this way if children are studying something about the Borough they are right there in the Library.

Vincent DiCecco, 330 Seaton Avenue

- He asked what it costs the taxpayers to put an ordinance in place.

Ms. Cali said the only cost is to advertise it.

Mayor DeIorio said if it is an ordinance such as the graffiti ordinance then it is only the cost to advertise, if it is a bond ordinance or financing a project then there is a cost to the Bond Council. He said most of the ordinances are done by the Clerk's Office through committee or the Borough Attorney.

- Mr. DiCecco asked about Ordinance #2214 and asked for a definition of unconfined wildlife.

Mayor DeIorio said that is a sample ordinance done by the State and we have to comply with their regulations.

- Mr. DiCecco asked who will enforce an ordinance that has no explanation.

Mayor DeIorio said the ordinance is within the guidelines of the Department of Environmental Protection and we have to implement those regulations. He said the ordinance may not be as explicit as it should be, but gives the DEP the opportunity to get involved.

Mr. Lane said a pet is confined and other animals such as deer, rabbits, etc. are unconfined.

- Mr. DiCecco said he did contact the Board of Health, but by the time they got there the pigeons have already been fed and are gone.

Mr. Lane said this ordinance, which was declared public policy by the DEP, prohibits the feeding of birds and pigeons.

Mayor DeIorio said had we not passed this Ordinance, the Borough would have been fined. He said a letter will be sent to the DEP asking them to define the word “unconfined”.

- Mr. DiCecco asked about getting ratables into the Borough to try to relief the tax burden.

Glen Marczewski, 622 Sherman Avenue

- He attended the Acker Park Playground meeting and it was very interesting.
- He asked how many kids that started problems in that area were Roselle Park residents.
- He asked when they come from another town and begin fights, why can't they be removed.

Mr. Lane said you can remove anyone when they do any activity that constitutes a crime. You cannot remove someone solely because they are not a Roselle Park resident.

Mayor DeIorio said the older children can go to the Youth Center to play basketball or it was suggested we could ask the schools to participate and organize basketball for Roselle Park residents.

- Mr. Marczewski read newspaper articles pertaining to incidents occurring in the High School. He said he felt a lot of the problems are caused because the kids have no place to go.

Mayor DeIorio said these problems occur with children that are not involved in sports and this can happen for many reasons.

- Mr. Marczewski asked when the ball fields will be fixed so they can be used again.

Mayor DeIorio said they recently had a meeting and currently the area is approved by the State for grant funds for funding the investigation for the soil testing of that sight and the report came back from the consultant and were submitted to the DEP. He said they reviewed it and want additional testing, but they will accept some type of remediation. He said because of the complaint made several years ago we must comply with the DEP.

Bob Kluge, 217 Bender Avenue

- He said there is an international sign pertaining to litter that has been released to the public domain. He distributed a sample of what might be useful for the Borough.
- He also suggested a slogan to be use “Pitch in for Roselle Park”.

Don Geissler, 715 Larch Street

- He brought up the issue of the Hawthorne retention basin.

Councilman Rubilla said it is being addressed and will be done in short order.

Councilman Harms said he also received a call from a resident and he spoke to the DPW Superintendent and as soon as it dries out, the grass will be removed. He said we also called the Union County Mosquito Control and they will be out to spray.

There being no one wishing to speak, Councilman Harms moved to close the public hearing; seconded by Councilman Rubilla, all members present voting Aye, said motion was adopted.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Special Meetings: June 18, 2007; June 28, 2007 and July 12, 2007
- Regular Meeting: July 19, 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.

RESOLUTIONS

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

RESOLUTION NO. 189-07

WHEREAS, application has been made for a person-to-person transfer of Retail Consumption Liquor License No. 2015-33-010-006 previously issued to Ocean Castle, Inc, 9 Westfield Avenue, Roselle Park, NJ, and

WHEREAS, application has been made to the Mayor and Council of the Borough of Roselle Park for a person-to-person transfer of the said license, which would transfer same from the existing license to Arturo LLC., t/a Arturo's Ristorante & Bar, and

WHEREAS, the proposed transfer has been properly advertised, a police investigation has been completed, all state and local ABC regulations having been complied with and all fees having been paid; and

WHEREAS, the applicant has disclosed and the Borough of Roselle Park has reviewed the source of all funds used in the purchase of the aforesaid license and business and all additional financing obtained in connection with said licensed business; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that approval is hereby granted to allow the transfer from Ocean Castle, Inc, to Arturo LLC. t/a Arturo's Ristorante & Bar, effective August 17, 2007.

RESOLUTION NO. 190-07

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 \$4,000.00.

RESOLUTION NO. 191-07

Budget Amendment

RESOLUTION NO. 193-07

WHEREAS, freight trains will be allowed to transport unidentifiable, unrestricted and unspecified cargo through the Borough of Roselle Park and other Union County towns, without any impact studies having been done; and

WHEREAS, the M&E Railway is, by ten-year contract with only five years remaining, both the lessee of the Right of Way and the restorer of the rails. The 10.5 million dollars vouchered to the M&E for use of the "restoration" services does not include any third party, or even in-house, investigative testing of three major areas: ballasts, vibration, and the environment; and

WHEREAS, there has been no empirical study with regard to ballast/crosstie stress testing. The increased axle load on the rail bed from petroleum tanker cars has not been tested for either the bearing capacity of the rail bed or other load transfer characteristics; and

WHEREAS, the residents of Roselle Park, directly affected by the reactivation of this freight line, deserve the protection of the State, County and Municipality, because Federal law indemnifies and protects the railway from being sued, no matter the loss of life, nor the extent of damage; and

WHEREAS, Roselle Park must not become a "Graniteville, South Carolina" or "Minot, North Dakota" type of tragedy waiting to happen, because the density of population would make even a minor accident catastrophic; and

WHEREAS, there is no data which contra indicates the negative impact on the safety, environment, and quality of life in our community; and

WHEREAS, it is appropriate to study the costs, benefits and safety of the SIRR short-line freight railroad expansion before any more State taxpayer' money is spent on the process;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Roselle Park request of the Governor of the State of New Jersey, and the Commissioner of the Department of Transportation, that the funding of the rehabilitation of the Staten Island Railroad be halted immediately; and

BE IT FURTHER RESOLVED, that any further funding be suspended unless and until the necessary and sufficient studies of ballasts, vibration, and environmental impacts have been performed, producing verifiable data for the public record; and

BE IT FURTHER RESOLVED, that corrective measures suggested by each study's verifiable data be implemented immediately, including the removal of debris, discarded rails, discarded creosote ties and mounds of coarse stone.

RESOLUTION NO. 195-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the purchase order for Fatima Construction in the amount of \$16,560.00 be and is hereby cancelled.

RESOLUTION NO. 196-07

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorized the grant application to the New Jersey Department of Transportation for the improvements to Valley Road between W. Webster and W. Westfield Avenue and Roosevelt Street between W. Webster and W. Lincoln.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute the agreement between the Borough of Roselle Park and the State of New Jersey.

Councilman Harms moved the following resolution, seconded by Councilman Yakubov.

Councilman Dinardo asked what this is exactly.

Mayor DeIorio said this is pertaining to the arbitration process regarding the Police contract.

RESOLUTION NO. 192-07

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, hereby authorize a contract between the Borough of Roselle Park and Thomas A. Banker for the provision of management consulting services in the amount not to exceed \$12,000.

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

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

Mayor DeIorio appointed Michael Davitt, 365 Wayne Terrace, Union New Jersey as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Lorraine Hose Company.

All members present voting Aye, said appointment was confirmed.

Mayor DeIorio appointed Thomas J. Sheehan, III, 135 Warren Avenue and Nicholas Gribbin, 138 Warren as members of the Roselle Park Fire Department Fire Patrol, effective immediately.

All members present voting Aye, said appointment was confirmed.

Mayor DeIorio appointed Anita Szary as a delegate to the Union County Noise and Advisory Board for a two year term.

All members present voting Aye, said appointment was confirmed.

Councilman Harms made a motion that a Raffle License be granted to the Sherman School PTA for an Off-Premise Raffle to be held on October 4, 2007, seconded by Councilman Rubilla.

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

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

- Complaint filed in the Superior Court of New Jersey against the Board of Adjustment
- Litigation – Guarriello & Dec Associates

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

RESUME REGULAR ORDER OF BUSINESS

Councilman Harms moved to resume the regular order of business, seconded by Councilman Matarante and adopted.

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

- Complaint filed in the Superior Court of New Jersey against the Board of Adjustment
- Litigation – Guarriello & Dec Associates

ADJOURNMENT

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

Attest:

Borough Clerk