

Regular Meeting of Mayor and Council September 20, 2007

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

ABSENT: Councilman Dinardo (entered meeting at 8:45 p.m.)

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

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

- Request from Associates in Podiatry to rent one parking space in the Charles Street Municipal Lot for the yearly cost of \$280.

REPORT AND RECOMMENDATIONS OF MAYOR

- He thanked all the residents for volunteering and all the guest speakers that attended the September 11th Memorial.
- He met with a representative from the Department of Transportation because we had submitted a request to them to participate in a program that affords the Borough the opportunity to have professional planners to sketch over the center divider on Westfield Avenue. He said it is a new program that is available and based on the information we received from our professional planners, they are very interested in providing us with some professional services as well as some areas to secure funding for the center divider. He said one of their requests was to get some public input so we are waiting for a date from them to conduct a public discussion about what they would like to see along Westfield Avenue. He said from there we will be able to move ahead with some professional advice for the improvements of the divider.

REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Yakubov

- He and Councilman Dinardo are planning on setting up another Neighborhood Watch Meeting prior to Halloween for some safety tips for children and parents. He said the date will be either Friday, October 19th or Saturday, October 20th in the Council Chambers.
- He said work has been done in the grove area by the High School and he is pleased with that effort being continued.
- He said a month ago a garbage container was placed on Larch Street by the 7-11 and it has drastically reduced the amount of garbage being dumped between the 7-11 and the High School.
- He said TelVue is now up and running and more programs will be added; if anyone has questions, please contact Borough Hall.
- He said they have been talking with Kean University to see if they are willing to set up a program to work with the children in Roselle Park.

Councilman Rubilla

- He attended the Meeting of the Joint Sewer Essex and Union County Wastewater Treatment. He said there was a closed session matter on the agenda that the Joint Meeting had assessed a fine to a polluter and was indicted by the Essex Grand Jury on other matters.
- He spoke to a few merchants in town regarding an article in the Star Ledger. He said in the article it said Chestnut Street would be closed between Grant Avenue and Westfield Avenue in late October, early November. He said he met with the Borough Clerk and the officials from the Union County Department of Engineering and they explained what the project really entailed. He was told the merchants had no idea of this happening, but he did find out they did have prior knowledge. He said the closure will be from Westfield Avenue to Williams Street to replace a culvert that is collapsing. He said this project is being done at the request of business people that complained about flooding and this will alleviate that problem. He said pedestrian traffic will be permitted at all times and the County will be providing temporary signs notifying traffic that the businesses are open and they are accessible. Councilman Rubilla said both municipal lots will be open during all construction. He said a detour plan has been established by the Roselle Park Police Department. He said it might be 7-14 days of some partial closure, but Chestnut Street will be open for business.

Mayor DeIorio said he suggested to the Borough Clerk that a letter be sent to the businesses to reaffirm our conversations with the County. He said it is a County project and it has been a longstanding issue with flooding.

Councilman Matarante

- He said he has three matters for Closed Session.

- He said the Acker Park Committee met the previous Thursday to come up with some recommendations of what they would like to see at the park. He said they met for several hours and came up with a plan. He said some areas discussed were the asphalt, which is currently the basketball court, new fencing around the park, new drainage within the park, and security lighting. He said they discussed mostly security and infrastructure issues within the park. He said they did a great job and thanked the members of the committee: Dorothy Bachison, Josephine Terchek, Brian Kingsley, Susan Windell and Maria Del Rio. He said this will help us to get the grant application together and see what kind of finances we will be able to receive. He said they asked it be put in priority order so that if we don't get enough money for everything on the list, we know what the most important issues are.
- He said the Public Safety Committee met today and addressed a couple of grievances and we will be reviewing some additional information.
- He said two of the Closed Session items are contractual and one is potential litigation. The contractual issues are pertaining to the PBA Contract and the other is regarding the current Boys and Girls Contract. He said the potential litigation pertains to the Great Northern Grass Contract.

Councilman Loren Harms

- He said the Municipal Services Committee met on September 10th and they went over solar panels. He said the panels are put on the roof and makes electricity for the home. He said it was a lengthy discussion and thanked Mickey Weslock who brought this to our attention. He said it is on tonight's agenda for adoption.
- He said we also discussed the ordinance in the B-2 zone allowing insurance agencies and brokerages.

Councilman Badillo

- He said the construction of the bathrooms at the Faitoute Firehouse is under renovation. He said when that is completed, it will add handicapped accessible bathroom in that building.
- He said he spoke to DPW Superintendent Frank Wirzbicki and he assured him that the bike path will be cleaned.
- He said he would like to meet with the residents from Sherman Avenue pertaining to the flood issue in that area.
- He said we have a Dad's Club in town and they are very involved in kid's programming and scholarships. He said they meet the third Wednesday of each month at Frenchy's Tavern Banquet Room.
- He asked for a Little League update regarding the fields.
- He said Councilman Yakubov asked for his assistance regarding the train track situation on Valley Road. He said he called Al Faella and he has called him back twice and has assured him that the County DPW is scheduled to clean up the area.

Mayor DeIorio said he appreciates the County maintaining the property along the rail line, but it is M & E that is contractually obligated to clean that up. He said we should not be

paying taxpayer dollars to do something an outside company is contractually obligated to do. He said Code Enforcement should be fining them.

Councilman Yakubov said he called M & E Railroad and was told that even though it is their property, they will not do anything because the County has placed a restraint on them to be able to clean up that area. He said he will try to reach out to them again to see if M & E will clean up the area.

REPORTS OF DEPARTMENTS

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

- Treasurer's Report for August, 2007

Borough Attorney – Bill Lane

- He said there a couple of ordinances on the agenda tonight regarding the solar panels and an additional use permitted in the B-2 zones adding insurance agencies. He said there is an ordinance restricting illegal apartments and the penalties to be assigned to landlords that rent illegal apartments.
- He said he has been asked to amend the graffiti ordinance to create a trust fund that the Borough will maintain and use the proceeds of that to clean up the graffiti.
- He said at the last Municipal Service Meeting they discussed the potential of an ordinance permitting and regulating outside dining. He said in researching this there are many municipalities that have this and it has worked well. He said the most obvious problem is the interference of the pedestrian right of way and the cleanliness problem. He said most municipalities will permit such dining if an application is made and reviewed by the Police Department. He said then there will be a license issued of a sufficient amount to support the cleaning of the sidewalk when required.
- He said there are two matters for closed session which involved litigation matters. The first is the matter of Guarriello & Dec vs. the Borough of Roselle Park and a notice of tort claim, which is the preface to a litigation matter involving Monica Montoya.

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 Badillo, all members present voting Aye, said motion was adopted.

PASSAGE OF ORDINANCES

Introduction

ORDINANCE NO. 2218

ORDINANCE AMENDING CHAPTER 128, ARTICLE XV SECTION 65 OF THE
CODE OF THE BOROUGH OF ROSELLE PARK REGARDING LAND USE

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter 128, Article XV, Section 128-65 “Regulations Applicable to All Districts” of the Borough Code is hereby amended to add the following:

SECTION I. § 128-65 – H. Illegal Apartments.

1. Any person, whether family member or other, who utilizes or allows the use of the basement or floor below-grade area of a residence, whether multiple dwelling or not, as sleeping quarters or as a dwelling space, must comply with the International Mechanical Residential and Building Codes and N.J.A.C. Title 5:10-22.1 and N.J.A.C. Title 5:70 which refers specifically to basements, cellars and dwelling units made applicable N.J.S.A. 55.13A-6C and A-7.

2. Failure to comply with the standards will constitute an illegal apartment as defined by the aforesated Code and ordinances the provisions of which remain in effect.

3. Any landlord found to be in violation of this ordinance, wherein it has been determined that there exists an illegal apartment or the premises is found to violate any portion of this ordinance, shall pay a fine of \$1,500 for the first offense. [Amended 3-28-2006] A fine of \$2,500 for the second and subsequent offense.

4. In the event the occupant of an illegal apartment is required to relocate from the premises which are the subject of a notice of illegal apartment and/or eviction pursuant to N.J.S.A. 2A:18-61 et seq. and/or the Zoning Ordinance and Code of the Borough, said person is so considered a displaced person and entitled to relocation assistance.

5. For a first offense, the landlord, person or entity shall be responsible for any relocation costs borne by the Borough or by the tenant in accordance with the provisions of N.J.S.A. 2A:18-61.1g, together with any security deposit and a pro rata portion of the tenant’s rent which may have been paid in advance.

6. In addition to the above subsection, the landlord shall pay an additional fine in an amount equal to six times the monthly rental of the displaced person; said fine to be paid to the Borough of Roselle Park and to be deposited in revolving relocation assistance fund.

7. In addition to the fine outlined in Paragraph 3 above, any landlord, person, firm or entity that violates any portion of this Ordinance shall be assessed an additional fine equal to the cost incurred by the Board of Education of the Borough of Roselle Park regarding any student/resident of the illegal apartment who attended the public schools within the Borough of Roselle Park for a period not to exceed three years prior to the determination by the Court of said violation. Said fine shall be recovered by the Borough of Roselle Park by summary proceedings pursuant to the Penalty Enforcement Law N.J.S.A. 2A:58-10 through 2A:58-12. Said proceedings shall be commenced by the Borough of Roselle Park’s Municipal Court for enforcement of the penalty provided herein.

8. It shall be the duty of the Police Department and Construction Code Official to coordinate their efforts in this regard. Any violations found by the proper representatives of the Police Department shall be immediately forwarded to the Construction Official (not more than 24 hours from said noted violation), and the Police Department representatives designated by the Chief of Police shall assist the Construction Official and/or his representatives in obtaining legal entrance into said premises in order to effectuate the enforcement of this section.

SECTION 2. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. If any portion of this Ordinance shall be deemed to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect at the time and in the manner prescribed by law.

Councilman Harms moved that Ordinance #2218 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 4, 2007, seconded by Councilman Badillo; all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2219

AN ORDINANCE AMENDING ARTICLE XXVII, SECTION 128-114, MISCELLANEOUS, TO PERMIT AND REGULATE ELECTRIC SOLAR ENERGY PANELS

WHEREAS, there is a public need to recognize and regulate electric solar energy systems as an alternate source of energy; and

WHEREAS, in recent years, technology has allowed electric solar energy to become economically feasible; and

WHEREAS, there is a need to recognize, allow and regulate electric solar energy systems as an alternate source of energy; and

WHEREAS, the Mayor and Council deem that allowing, recognizing and regulating electric solar energy systems is in the interest of the public good.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Article XXVII, Section 128-114 of the Borough Code is hereby amended to add the following:

SECTION I. Electric Solar Energy Systems

1. Definitions.

a. Electrical Solar Energy Systems will be defined as an energy system, which converts solar energy into a usable electrical energy for residential, commercial, industrial, professional and public use.

b. Electrical Solar panels will be defined as a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy via an electrical solar energy system as defined above.

2. Electrical solar energy systems and electrical solar energy panels shall be permitted in all zones throughout the Borough of Roselle Park on the following conditions:

a. Roof mounted systems on the principal building shall be no more than six inches higher than the finished roof on which it is mounted and parallel with the roof on which it is mounted. Under no circumstances shall any part of the system extend beyond the edge of the roof.

b. All solar energy commercial operations are prohibited as a principal use on any site. Electrical solar energy produced on a lot shall be consumed entirely upon that lot by the occupants of the principal structure.

- c. Construction and installation of an electrical solar energy system shall be subject to the Uniform Construction Code.
 - d. All plans for an electrical solar energy system shall be submitted and approved by the Construction Code Official for compliance and structural sufficiency prior to installation.
 - e. All other solar energy panels/systems (including but not limited to hot water systems) are expressly prohibited.
3. Penalties. Any person who violates any provision of this ordinance shall be subject to the following penalties:
- a. First offense – No less than \$100, no more than \$500.00.
 - b. Second and subsequent offense – No less than \$500, no more than \$1000.00.
 - c. Order requiring the removal of the system or structure.

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

SECTION III - SEVERABILITY

In the event that any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by the Court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of the section, subsection, paragraph, subdivision or clause of the Ordinance.

SECTION IV. This Ordinance shall take effect at a time in a manner prescribed by law.

Councilman Harms moved that Ordinance #2219 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 4, 2007, seconded by Councilman Badillo; all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2220

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$1,815,219 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$1,433,000 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1: The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Roselle Park, New Jersey (the “Borough”) as a general improvement. For the said Improvements there is hereby appropriated the amount of \$1,815,219, such sum includes the sum of (a) \$175,000 expected to be received from the New Jersey Department of Transportation in connection with the improvement described in Section 3(a)(ii) , (b) \$120,000 expected to be received from a Union County Development Block Grant in connection with the improvement described in Section 3(a)(ii), \$11,000 expected to be received from a Union County Development Block Grant in connection with the improvement described in Section 3(a)(iv), and (c) \$76,219 as the down

payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A, Municipalities and Counties of the Revised Statutes of New Jersey (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

SECTION 2: In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,433,000 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$1,433,000 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

SECTION 3: The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each improvement are as follows:

<u>Purpose</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Average Period of Usefulness</u>
(i) Purchase of equipment and capital items for various departments including but not limited to (a) thermal imaging camera, turnout gear, helmets, pagers, radios, batteries, firefighter hoods, masks, gloves, bottles, hose and HVAC Unit for the Fire Department; (b) fingerprint scanner, computer equipment and parking meters for the Police Department; (c) electronic key/door system for the First Aid Squad; (d) various equipment for TV - 34 - video recorder, monitors, and computer software; (e) bird netting under certain bridges, snow plow and signs for the Department of Public Works; (f) carpeting, computers and improvements for library; (g) computer equipment for various departments; (h) computer software for fire prevention programs, (i) computer software for finance department and (j) radios, cots and supplies for first responders, generators and trailer for Office of Emergency Management.	\$227,719	\$215,850	5 years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
(ii) Reconstruction of various streets, including but not limited to reconstruction of East Clay Avenue from Galloping Hill Road to Spruce Street, reconstruction of Larch Street from West Roselle Avenue to West Colfax Avenue, reconstruction of Willow Avenue from West Colfax Avenue to West Webster Avenue, reconstruction of Hazel Street from West Colfax Avenue to West Roselle Avenue, East Grant Avenue Sewer Repair Phase II, Union Road Storm Sewer Repair Phase II, West Brook Stream - Retaining Wall, including all work and materials necessary thereof or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the Office of the Clerk.	1,414,000	1,062,900	20 years
(iii) Various sewer improvements.	100,000	95,000	40 years
(iv) Various improvements to Borough property consisting of 911 Memorial, improvements to public address system, Casano Center improvements, including all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on the file in the Office of the Clerk.	48,500	35,500	15 years
(v) Sidewalk and curb reconstruction at various locations in the Borough.	25,000	23,750	10 years
TOTAL:	\$1,815,219	\$1,433,000	

(a) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,433,000.

(b) The estimated cost of the Improvements is \$1,815,219, which amount represents the appropriation made by the Borough.

SECTION 4: All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5: The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

SECTION 6: The following additional matters are hereby determined, declared, recited and stated:

(a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 18.77 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,433,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7: Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct

payment of the cost of said Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

SECTION 8: The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9: This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,433,000.

SECTION 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Councilman Harms moved that Ordinance #2220 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 4, 2007, seconded by Councilman Yakubov; all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2221

AN ORDINANCE TO AMEND §128-93 IN ARTICLE XXII (PERMITTED
USES IN THE B-2 CENTRAL BUSINESS DISTRICT) IN CHAPTER 128
(LAND USE) OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO
PERMIT INSURANCE AGENCIES AND BROKERAGE IN THE B-2
ZONING DISTRICT

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey that Borough Ordinance XXV, Section 128-110 is hereby amended to add the following:

SECTION 1. §128-93 (Permitted Uses) in Article XXII (B-2 Central Business District) in Chapter 128 (Land Use) of the Code of the Borough of Roselle Park is hereby amended to read as follows:

§128-93. Permitted Uses.

- A. A building or premises may be used only for the following purposes.
- (1) No change
 - (2) No change
 - (3) No change
 - (4) No change
 - (5) No change
 - (6) No change
 - (7) No change
 - (8) No change
 - (9) No change

- (10) No change
- (11) Insurance Agencies and Brokerage – NAICS 5242
- B. No change
- C. No change
- D. No change
- E. No change

SECTION 2. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

SECTION 3. If any portion of this Ordinance shall be deemed to be invalid, such determination shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. This ordinance shall take effect at the time and in the manner prescribed by law.

Councilman Harms moved that Ordinance #2221 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 4, 2007, seconded by Councilman Badillo; all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2222

AN ORDINANCE AMENDING ORDINANCE 2098 AND 2116
FIXING THE SALARIES OF CERTAIN EMPLOYEES
OF THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION
STATE OF NEW JERSEY, FOR THE YEARS 2006, 2007, 2008 AND 2009

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

SECTION I. The following named employees governed by the Clerical Employees Agreement with the Borough of Roselle Park shall be entitled to an annual salary or salary rate as hereinafter set forth opposite each respective classification:

<u>POSITION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
Clerk, Police Records/ Senior	\$ 23,113.00	\$39,690.00
Clerk, Police Records/ Junior	21,022.00	35,585.00
Clerk, Police Payroll	26,000.00	31,583.00
Clerk, Stenographer	21,834.00	38,322.00
Clerk, Purchasing	24,390.00	45,165.00
Bookkeeper	25,667.00	48,342.00
Clerk, Account/ Senior	23,113.00	39,690.00
Clerk, Account/ Sewer Utility	21,022.00	37,041.00
Clerk, Construction	25,345.00	39,690.00
Code Enforcement Officer	21,486.00	34,145.00
Clerk	21,486.00	34,215.00

SECTION II. The salaries and wages herein fixed shall be effective January 1, 2006.

SECTION III. 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 officer or employee.

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

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

Councilman Harms moved that Ordinance #2222 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 4, 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. 202-07

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, in the County of Union, hereby authorizes the termination of Nora Boisselle as Clerk in the Construction Department of the Borough of Roselle Park, effective September 11, 2007.

RESOLUTION NO. 203-07

WHEREAS, the Borough of Roselle Park desires to amend the 2007 Capital Budget of said municipality by inserting thereon the items therein shown in such budget for:

Purchase of Equipment and capital items for various departments including but not limited to (a) thermal imaging camera, turnout gear, helmets, pagers, radios, batteries, firefighter hoods, masks, gloves, bottles, hose and HVAC Unit for the Fire Department; (b) fingerprint scanner, computer equipment and parking meters for the Police Department; (c) electronic key/door system for the First Aid Squad; (d) various equipment for TV – 34 – video recorder, monitors, and computer software; (e) bird netting under certain bridges, snow plow and signs for the Department of Public Works; (f) carpeting, computers and improvements for library; (g) computer equipment for various departments; (h) computer software for fire prevention programs; (i) computer software for finance department and (j) radios, cots and supplies for first responders, generators and trailer for Office of Emergency Management.

Reconstruction of various streets, including but not limited to reconstruction of East Clay Avenue from Galloping Hill Road to Spruce Street, reconstruction of Larch Street from West Roselle Avenue to West Colfax Avenue, reconstruction of Willow Avenue from West Colfax Avenue to West Webster Avenue, reconstruction of Hazel Street from West Colfax Avenue to West Roselle Avenue, East Grant Avenue Sewer Repair Phase II, Union Road Storm Sewer Repair Phase II, West Brook Stream – Retaining Wall, including all work and materials necessary thereof or incidental thereto, all as shown on and in accordance with the plans and specifications thereon on file in the Office of the Clerk.

Various sewer improvements.

Various improvements to Borough property consisting of 911 Memorial, improvements to public address system, Casano Center improvements, including all work and materials necessary therefore or incidental thereto, all as shown on and in accordance with the plans and specifications therefore on the file in the Office of the Clerk.

Sidewalk and curb reconstruction at various locations in the Borough.

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

AMENDMENT
CAPITAL BUDGET OF THE
BOROUGH OF ROSELLE PARK
COUNTY OF UNION, NEW JERSEY

PROJECTS SCHEDULE FOR 2007

METHOD OF FINANCING

<u>PROJECT</u>	<u>ESTIMATED COSTS</u>	<u>BONDS OR NOTES AUTHORIZED</u>	<u>CAPITAL IMPROVEMENT FUND</u>	<u>GRANTS</u>
Purchase of Equipment and capital items				
For Various Departments as stated above	\$ 227,719.00	\$ 215,850.00	\$ 11,869.00	
Reconstruction of Various Streets as				
Stated above	\$ 1,414,000.00	\$ 1,062,900.00	\$ 56,100.00	\$ 295,000.00
Various Sewer Improvements	\$ 100,000.00	\$ 95,000.00	\$ 5,000.00	
Various Improvements to Borough				
Property as stated above	\$ 48,500.00	\$ 35,500.00	\$ 2,000.00	\$ 11,000.00
Sidewalk and curb reconstruction	\$ 25,000.00	\$ 23,750.00	\$ 1,250.00	
TOTAL	<u>\$1,815,219.00</u>	<u>\$1,433,000.00</u>	<u>\$76,219.00</u>	<u>\$306,000.00</u>

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the office of the Director of Local Government Services.

RESOLUTION NO. 204-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the change order in the amount of 4,665.00 to Environmental Resources Management be and is approved.

RESOLUTION NO. 205-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that James Smith, Dennis Sisnety and Michael Arocho be appointed to the position of inspector for the Fire Prevention Bureau effective October 1, 2007 at the annual salary of \$1,265.37 per inspector.

RESOLUTION NO. 207-07

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 \$12,000 not to exceed a total of \$92,000.

Councilman Harms moved the following resolution, seconded by Councilman Matarante,

RESOLUTION NO. 206-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Paul Morrison be appointed to the position of Acting Chief of Police effective September 21, 2007 at the annual salary of \$100,000.00.

Councilman Matarante said we have been notified that Police Chief Warren Wielgus will be out for a period of time and Paul Morrison will serve as Acting Chief of Police until his return. He thanked him for accepting this position.

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

Mayor DeIorio performed the swearing in of Paul Morrison as Acting Chief of Police of the Borough of Roselle Park.

Mayor DeIorio said the Governing Body is very pleased about Lt. Morrison moving up to the position as Acting Police Chief. He said unfortunately our current Chief is out on a health issue and the Borough needs someone to run our Department. He said we are very confident this man will accomplish all tasks that face the Department and will lead the Police Department in the right direction.

Acting Chief Morrison thanked the Governing Body for their confidence in him and giving him the position. He said he looks forward to serving the Department and the community and will perform his duties to the best of his ability.

Councilman Matarante said it is an honor to name Paul Morrison as Acting Chief and he is a good manager, is an excellent Police Officer and knows the community. He said during this time of Chief Wielgus' illness this will be a benefit to the Borough.

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 congratulated the Mayor on his new position as a Chief Financial Officer.
- He asked the Mayor to clarify the property tax freeze and the maximum to qualify.
- He asked about an update on the Police Chief and Captain Tucci's position as Captain.
- He asked about Solar do Minho and asked about its opening in September.
- He asked about Resolution 207-07.
- He asked if there is an update on being a party to the lawsuit with the NJ Coalition Against Air Noise opposing the flight changes of the FAA.
- He asked about the pigeon droppings under the bridge on Locust Street between Westfield Avenue and First Avenue.
- He said at a past meeting he was asked to identify all signs in the town that are blocked by trees and he identified 30 signs.
- He gave his report for the Union County Air Noise Advisory Board. He said there were 16 municipalities represented at that meeting and they were very favorable that their municipalities would be a party to the lawsuit against the FAA.
- He said on September 11th Senator Kean addressed the residents in Roselle Park regarding the services that were held. He said he also attended the Union County Air Noise Advisory Board meeting.
- He asked about the budget amendment. He said that somewhere in the budget you can come up for money for bulk pickup.

Glen Marczewski, 622 Sherman Avenue

- He thanked the DPW Superintendent Frank Wirzbicki and his workers for the work done on the trees on Sherman Avenue.
- He asked if there will be a Bulk Waste pickup in 2008.
- He asked if the Councilman received an annual salary.
- He asked about the procedure for leaf pickup.
- He asked why the bills are not read at the meeting.

Mayor DeIorio said the CFO prepares a bill list and it is available for the public to review.

- He asked why nothing is done by the Board of Health regarding pigeons unless they see them themselves.

Ralph Arnezzio, 415 E. Westfield Avenue

- He asked about a handicapped parking spot at his apartment building. He said is willing to pay for it if necessary.

Mayor DeIorio said he will ask our new Acting Police Chief to review the area.

Al Costanzo, 22 E. Grant Avenue

- He is here tonight to talk about the problems with the Post Office and the lack of service we have been receiving. He said the Postmaster decided to remove the staff from our Post Office and there is now only one person running the Post Office. He suggested that residents write to complain or they can call 1-800-275-8777. He said he has waited long periods of time in line at the Post Office. He requested that the Governing Body write to the United States Postmaster to help resolve this problem. He said the Post Office is a service that must be provided by the town. He said he talked to several offices regarding this problem. He said the address for the Postmaster General is Jack Potter, 475 Lefante Plaza, Washington, DC 20260-10010. He said this is a very serious problem that must be resolved.

Mayor DeIorio said this Governing Body can put together a statement to the Postmaster in Washington, DC that we have some strong concerns and complaints.

Councilman Badillo suggested they contact Congressman Mike Ferguson and have him involved in this.

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

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

- Litigation – Guarriello and Dec vs. the Borough of Roselle Park
- Litigation – Monica Montoya vs. the Borough of Roselle Park
- Negotiations – PBA Contract
- Contract – Boys and Girls Club
- Potential Litigation – Great Northern Grass Contract

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Harms moved at 8:55 p.m. to interrupt the regular order of business for a closed session meeting; seconded by Councilman Badillo and adopted.

RESUME REGULAR ORDER OF BUSINESS

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

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

- Litigation – Guarriello and Dec vs. the Borough of Roselle Park
- Litigation – Monica Montoya vs. the Borough of Roselle Park
- Negotiations – PBA Contract
- Contract – Boys and Girls Club
- Potential Litigation – Great Northern Grass Contract

There being no one else wishing to speak, Councilman Harms moved to adjourn; seconded by Councilman Badillo and adopted.

Attest:

Borough Clerk