

Borough of Roselle Park Regular Meeting of February 20, 2008

| Attendee Name | Organization | Title | Status | Arrived |
|-----------------------|-------------------------|------------|--------|---------|
| Ricky Badillo | Borough of Roselle Park | Councilman | P | 7:30 PM |
| Rick Matarante | Borough of Roselle Park | Councilman | P | 7:30 PM |
| Larry Dinardo | Borough of Roselle Park | Councilman | P | 7:30 PM |
| Michael Yakubov | Borough of Roselle Park | Councilman | P | 7:30 PM |
| Larissa Chen-Hoerning | Borough of Roselle Park | Councilman | P | 7:30 PM |
| Modesto Miranda | Borough of Roselle Park | Councilman | P | 7:30 PM |
| Joseph DeLorio | Borough of Roselle Park | Mayor | P | 7:30 PM |

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

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, 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 Cali read a short prayer followed by the Pledge of Allegiance.

COMMUNICATIONS

Councilman Badillo moved the following communication; seconded by Councilman Yakubov.

- Letter from Church of the Assumption announcing their annual St. Anthony's Feast on June 5th from 6:00 to 10:00 pm, June 6th from 6:00 to 11:00 pm and June 7th and 8th from 4:00 to 10:00 pm. They are also requesting permission to close West Clay Avenue between Faitoute Avenue and Roosevelt Street on the above dates and times.

CERTIFICATES/PROCLAMATIONS

Certificates

- First Aid Service Award
- Cub Pack Pinewood Derby Winners

Proclamations

- Youth Art Month

RESOLUTIONS

Councilman Badillo moved the following resolution; seconded by Councilman Yakubov.

RESOLUTION NO. 86-08

BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park hereby appoint Anthony Scalea to the position of Lieutenant effective February 21, 2008 at the current annual salary of \$92,495.40.

| ✓ Vote Record – Resolution 86-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Mayor DeIorio conducted the swearing in of Anthony Scalea to the position of Lieutenant in the Police Department.

Lieutenant Scalea said he is looking forward to helping Chief Morrison achieve the future goals of the Police Department. He thanked his family for their love and support.

Police Chief Morrison congratulated Lieutenant Scalea on his appointment. He is a true professional; delighted to have him on board.

The following resolutions, listed on consent agenda, were offered by Councilman Badillo; seconded by Councilman Yakubov.

RESOLUTION NO. 81-08

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector hereby authorize the Treasurer to issue a check in the amount of \$622.97 payable to Bernard Sabin for redemption of TSC#2-07 on Block 207 Lot 4 (otherwise known as 111 Bridge Street, Roselle Park, NJ) and assessed in the name of DLJ Mortgage Capital, Inc. as follows:

| | |
|------------------------------|--------------|
| CERTIFICATE AMOUNT | 212.37 |
| 2% FLAT PENALTY | 4.25 |
| INTEREST @ 18% FROM 10/10/07 | |
| TO MEETING DATE 1/17/08 | 13.80 |
| RECORDING FEE | 40.00 |
| SEARCH FEE | 12.00 |
| SUBSEQUENT TAXES PD | 321.58 |
| INT ON ABOVE FROM | |
| 10/22/07-2/20/08 | <u>18.97</u> |
| | 622.97 |

| ✓ Vote Record – Resolution 81-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 82-08

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey that the contract for the Faitoute Firehouse was constructed by Altec Building Systems in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The Contractor having supplied a 25% Guarantee Bond for a period of two (2) years from January 16, 2008. The said construction is hereby accepted and final payment in the amount of Fifteen Thousand Eight Hundred Seventy Nine Dollars and Twenty Cents (\$15,879.20) is hereby approved.

| ✓ Vote Record – Resolution 82-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 84-08

GRANT AGREEMENT BETWEEN THE BOROUGH OF ROSELLE PARK, Grantee
AND THE STATE OF NEW JERSEY BY AND FOR
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
GRANT IDENTIFIER: WQ05-558

WHEREAS, the Mayor and Council of the Borough of Roselle Park desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately \$10,207.00 to fund the following project:

Municipal Stormwater Regulation Program

NOW THEREFORE BE IT RESOLVED that Mayor Joseph DeIorio or the successor to the office of Mayor is authorized to (a) make application for such a grant, (b) if awarded, to execute a grant agreement with the State and (c) to execute any amendments thereto which do not increase the Grantee's obligations.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

| ✓ Vote Record – Resolution 84-08 | | | | | |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 85-08

WHEREAS, the Borough of Roselle Park wishes to secure the professional services of an engineer for the surveying, design, permitting, preparation of contract documents and construction management for the project 2008 Street Resurfacing of Hazel Street, Larch Street and Willow Avenue in accordance with their agreement for said services and,

WHEREAS, such services are exempt for the requirement for bidding under N.J.S.A. 40A:11-5(1)(a)(I); now, therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Mayor and Council be and is hereby authorized to enter into an agreement with Neglia Engineering Associates in the amount not to exceed \$29,000.00 for Hazel Street, \$23,000.00 for Larch Street and \$49,000.00 for Willow Avenue for a total amount not to exceed \$101,000.00.

| | <u>Hazel Street</u> | <u>Larch St.</u> | <u>Willow Avenue</u> |
|-------------------------|---------------------|--------------------|----------------------|
| Survey | \$ 7,947.76 | \$ 6,303.44 | \$13,428.80 |
| Plans/Specifications | \$ 6,678.64 | \$ 5,296.77 | \$11,284.59 |
| Permit | \$ 913.00 | \$ 724.22 | \$ 1,542.78 |
| Bidding | \$ 1,860.60 | \$ 1,475.63 | \$ 3,143.77 |
| Construction Management | <u>\$11,600.00</u> | <u>\$ 9,199.94</u> | <u>\$19,600.06</u> |
| TOTAL | \$29,000.00 | \$23,000.00 | \$49,000.00 |

RESOLVED, that the Borough Clerk shall publish notice of this resolution according to law.

**BOROUGH OF ROSELLE PARK
NOTICE OF AWARD**

1. NAME: Neglia Engineering,
Lyndhurst, New Jersey
2. NATURE: For the surveying, design, permitting,
preparation of contract documents and
construction management for the project
2008 Street Resurfacing of Hazel Street,
Larch Street and Willow Avenue
3. DURATION: Until December 31, 2008 or until successor
is appointed.
4. COMPENSATION: Hazel Street not to exceed \$29,000.
Larch Street/Willow Avenue not to exceed
\$72,000.

| ✓ Vote Record – Resolution 85-08 | | | | | |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 87-08

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park in the County of Union that upon recommendation of the Roselle Park Police Department, permission be and is hereby granted for the disposal of an inoperable 2000 Ford Crown Victoria that is unserviceable and of no value by the Roselle Park.

| ✓ Vote Record – Resolution 87-08 | | | | | |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 88-08

WHEREAS, pursuant to N.J.S.A. 40A; 14-155 Officer Owen Iungerman of the Roselle Park Police Department has retained the services of attorney Albert Stender, Esq. to represent his interests in a disciplinary matter, now therefore

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

1. The Borough hereby approves the retention by Officer Owen Iungerman of Albert Stender, Esq. to defend him pursuant to N.J.S.A. 40A:14-155 at the rate of \$175.00 per hour.
2. The total fee shall not exceed \$560.00

| ✓ Vote Record – Resolution 88-08 | | | | | |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 89-08

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey that the request for permission to hang a banner on Chestnut Street from, June 6, 2008 thru July 7, 2008, to announce the “Roselle Park Annual 4th of July Celebration” be and is hereby granted.

| ✓ Vote Record – Resolution 89-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Councilman Badillo moved the follow resolution; seconded by Councilwoman Chen-Hoerning.

RESOLUTION NO. 83-08

WHEREAS, the Governing Body of Roselle Park Borough filed a declaratory relief action in Court seeking approval of its Housing Element and Fair Share Plan on June 18, 2007; and

WHEREAS, the Court entered an Order Granting Temporary Immunity on November 5, 2007 to protect Roselle Park Borough from Mount Laurel lawsuits while the Court reviews Roselle Park Borough’s Housing Element and Fair Share Plan; and

WHEREAS, Roselle Park Borough is currently in the process of drafting its Third Round Housing Element and Fair Share Plan which it will submit to the Court or to COAH for approval; and

WHEREAS, Roselle Park Borough’s Fair Share Plan promotes an affordable housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301, et. seq.) and COAH’s Third Round Substantive Rules (N.J.A.C. 5:94-1, et. seq.); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq., Roselle Park Borough is required to appoint a Municipal Housing Liaison for the administration of Roselle Park Borough’s affordable housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 et. seq.; and

WHEREAS, Roselle Park Borough has amended Chapter II Article 2-19 to provide for the appointment of a Municipal Housing Liaison to administer Roselle Park Borough’s affordable housing program.

NOW THEREFORE BE IT RESOLVED, by the Governing Body of Roselle Park, Borough in the County of Union, and the State of New Jersey that effective immediately Doreen Cali is hereby appointed by the Governing Body of Roselle Park Borough as the Municipal Housing Liaison for the administration of the affordable housing program, pursuant to and in accordance with Chapter II Article 2-19 of Roselle Park Borough’s Code at the minimum current annual salary of \$6,000.00.

Councilman Dinardo asked why they can’t request to be shielded from the Mt. Laurel obligations until the lawsuit is over; this way we won’t need a liaison at this time.

Mayor DeIorio said irrespective of what happens at that site, we still have Mt. Laurel obligations to meet in compliance with our Fair Share Housing Plan. He would agree if we did not have those obligations.

Borough Attorney Blake Johnstone said they are continuous obligations throughout the town, not only for the Romerovski property; it would be appropriate at this time to have someone monitoring it.

Borough Clerk Cali said there are issues now pending and she is presently working on issues not related to the Romerovski site. One example is senior housing and the perspective handicapped housing. There has to be a contact person and it is ongoing.

Mr. Johnstone said COAH obligations will continue as long as it exists; the obligations continue to change as time goes on.

| ✓ Vote Record – Resolution 83-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Councilman Badillo moved the following resolution; seconded by Councilman Yakubov.

RESOLUTION NO. 90-08

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Borough Clerk be and is hereby authorized to advertise for the position of part-time Custodian for the Casano Community Center.

Ms. Cali said the person who is now doing it cannot continue, so it was requested a new person be hired; now the DPW is supplementing with one of their staff.

| ✓ Vote Record – Resolution 90-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Councilman Badillo moved the following resolution; seconded by Councilman Yakubov.

RESOLUTION NO. 91-08

BE IT RESOLVED, that the following individuals be appointed as Roselle Park Recreation Referees for the 2008 season at a salary set by Borough Ordinance:

- Gabriel Garcia 417 Park Place, Roselle Park
- Victor Felipe 62 West Sumner Avenue, Roselle Park
- Cesar Plazas 480 Markthaler Place, Roselle Park

| ✓ Vote Record – Resolution 91-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Councilman Badillo moved the following resolution, seconded by Councilman Matarante.

RESOLUTION NO. 92-08

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Resolution 251-07 be and is hereby amended to include the duties and responsibilities of Emergency Management Coordinator and increasing the annual salary an additional \$4,000 effective January 1, 2008.

Mayor DeIorio said this resolution was discussed in closed session.

Councilman Matarante said this is adding the stipend for the Emergency Management Coordinator to his salary, which was discussed at the last Council Meeting.

Mayor DeIorio said it was discussed in closed session because it is a personnel issue and a determination of the pension.

| ✓ Vote Record – Resolution 92-08 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Passage of Ordinances

Introduction

ORDINANCE NO. 2239

**AN ORDINANCE AMENDING CHAPTER II, SECTION 2-68.1,
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING FEES FOR DOCUMENTS AND SERVICES**

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

SECTION 1: Section 2-68.1 of Chapter II of the Code of the Borough of Roselle Park is hereby amended as follows:

2-68 FEES FOR DOCUMENTS AND SERVICES.

2-68.1 Office of the Municipal Clerk.*

a. The Municipal Clerk, as the Custodian of Government Records for Documents, may, in accordance with N.J.S.A. 47:1A-1 et seq., appoint a Deputy Custodian of Government Records for Documents Pertaining to Police Department matters.

b. The following fees shall be charged for making copies of any documents for which no other charge has been established by ordinance:

1. 1-10 pages: \$0.75 per page.
2. 11-20 pages: \$0.50 per page.
3. 21 pages and over: \$0.25 per page.

c. Nothing in this section shall be construed as requiring the municipality to furnish copies of any privileged documents or other documents which are not deemed public information in accordance with N.J.S.A. 47:1-A et seq.

d. There shall be no charge for items listed on the current monthly agenda and/or special meeting agenda of the Mayor and Council of the Borough of Roselle Park.

e. The fees to be charged by the Borough officials or departments designated hereunder shall be as follows:

| <u>Item</u> | <u>Fee</u> |
|----------------------------|------------|
| Street maps of the Borough | \$0.25 |
| Zoning Map | \$1.00 |
| Certifications, per page | \$2.00 |

(1980 Code § 133-3A-E)

f. Whenever the nature, format, manner of collation or volume of a government record embodied in the form of printed matter to be inspected, examined or copied is such that the record cannot be reproduced by ordinary document copying equipment in ordinary business size, and, in the discretionary judgment of the custodian, an extraordinary expenditure of time and effort is required to accommodate the request whether the request is for inspection and examination or for copying, a fee of fifty (\$50.00) dollars per hour shall be imposed based upon the amount of time required to produce the document for production. If copying is requested, the fee provided for in Section 1 shall also be charged.

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

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

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

Councilman Badillo moved that Ordinance #2239 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 6, 2008; seconded by Councilman Yakubov.

| ✓ Vote Record – Ordinance #2239 | | Yes/Aye | No/Nay | Abstain | Absent |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2240

AN ORDINANCE TO PROHIBIT ILLICIT CONNECTIONS TO THE
MUNICIPAL STORM SEWER SYSTEM IN THE BOROUGH OF
ROSELLE PARK, UNION COUNTY, NEW JERSEY

SECTION I. Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Roselle Park, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

a. Domestic sewage – waste and wastewater from humans or household operations.

b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Roselle Park unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJG0153982). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

c. Industrial waste – non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. § 1317(a), (b), or (c)).

d. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by [insert name of municipality] or other public body, and is designed and used for collecting and conveying stormwater.

e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

f. Non-contact cooling water – water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product

(other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

g. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

h. Process wastewater – any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Roselle Park any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION IV. Enforcement:

This ordinance shall be enforced by the Borough of Roselle Park Police Department and Construction Official.

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Councilman Badillo moved that Ordinance #2240 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 6, 2008; seconded by Councilman Yakubov.

| ✓ Vote Record – Ordinance #2240 | | Yes/Aye | No/Nay | Abstain | Absent |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Adopted | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2241

AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-40.1, OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGULATING THE MOVEMENT AND PARKING OF TRAFFIC ON MUNICIPAL PROPERTY AND/OR PUBLIC STREETS

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

SECTION 1: Section 7-40.1 of Chapter VII of the Code of the Borough of Roselle Park is hereby amended as follows:

7-40.1 Regulation for the Movement and Parking of Motor Vehicle Traffic on Municipal Property and/or Public Streets.

In accordance with the provisions of N.J.S.A. 39:4-197, the following Municipal property shall have the movement of traffic controlled by the type of regulation indicated. No person shall operate, or park a vehicle in violation of the regulations indicated. (Ord. No. 1184 § 2-6; Ord. No. 1260; Ord. No. 1320; Ord. No. 1526; Ord. No. 1564; Ord. No. 1685; Ord. No. 1752; Ord. No. 1776; Ord. No. 2053).

No person shall park a vehicle at any time except in a designated area and between the painted white lines and all vehicles shall be properly identified.

A. Metered Parking Spaces In Designated Municipal Lots and/or Public Streets

Upon parking a vehicle in a designated parking space, the operator shall immediately deposit or cause to be deposited in the parking meter or the parking lot computerized metering system the fee required for the desired time for the space occupied by their vehicle.

B. The fee for all parking meters (individual and computerized) for parking lots 1 and 2 as described below and on all public streets shall be \$.25 for each thirty (30) minute period of time.

C. Municipal Parking Lot #1

1. Location – Municipal Parking Lot 1 is located between the east side entrance on the easterly side of Chestnut Street (CR 627) and on the south and west by William Street.

2. Maximum Time Limits – The time limit for Municipal Lot #1 is as follows:

| <u>Parking Stalls</u> | <u>Hours of Enforcement</u> | <u>Maximum Time Limit</u> |
|-----------------------|---------------------------------------|---------------------------|
| 1 through 29 | 8am to 6pm Monday through Saturday | 1 Hour |
| 30 through 49 | “ | 3 Hours |
| 50 through 68 | “ | “ |
| 69 through 113 | “ | “ |
| 101 through 58 | “ | 8 Hours |
| 69 through 100 | “ | “ |

3. *Snow Removal Parking Prohibited.* Whenever snow has fallen and the accumulation is such that it covers the street, an emergency shall exist and no vehicle shall be parked in the Municipal Parking Lot No. 1.

D. Municipal Parking Lot #2

1. Location – Municipal Parking Lot #2 is located on Chestnut Street between Charles Street and East Grant Avenue.

2. Maximum Time Limits – The time limit for Municipal Lot #2 is as follows:

| <u>Parking Stalls</u> | <u>Hours of Enforcement</u> | <u>Maximum Time Limit</u> |
|-----------------------|--|---------------------------|
| 1 through 43 | 8:00 a.m. to 6:00 p.m. Monday through Saturday | 12 hours |
| 54 through 60 | “ | “ |
| 44 through 50 | Reserved for the use of employees and volunteers working at the Casano Community Center. Vehicles in the | |

designated stalls must display a permit card issued by the Mayor and Council through the office of the Administrative Assistant.

3. *Snow Removal Parking Prohibited.* Whenever snow has fallen and the accumulation is such that it covers the street, an emergency shall exist and no vehicle shall be parked in the Municipal Parking Lot No. 2.
4. *Establishment of Preferential Parking for Senior Citizens in Lot No. 2.*
 - a. Authorization. The Mayor and Council finds that it is appropriate to designate parking by permits in Borough Lot No. 2 to Senior Citizens over the age of sixty (60).

b. Issuance of Permits.

(1) Issuing authority, the Borough Clerk, shall issue permits for preferential parking for automobiles owned and operated by Senior Citizen residents of the Borough of Roselle Park over the age of sixty (60) in Borough Parking Lot No. 2. Applicants for such permits shall be required to present proof of residency by a valid New Jersey Drivers License and Motor Vehicle Registration.

(2) Fees. There will be no fee charged for Senior Citizen Parking Permits for Borough Lot No. 2.

(3) Duration of Permits. Permits issued pursuant to this section shall remain in effect from August 1 to July 31 of the year following the date of issuance or fraction thereof, as long as the applicant continues to reside in the Borough of Roselle Park. Renewals for permits shall be applied for and issued during the month of July preceding the period for which a renewal is sought. Each renewal shall be subject to the same conditions and restrictions as any new application.

c. Prohibitions.

(1) It shall be unlawful for any person to sell, rent, transfer or lease, or cause to be sold, rented, transferred or leased, for any value or consideration or no value or consideration any preferential parking permit. Upon conviction for a violation of this subsection, all preferential permits issued to a Senior Citizen shall be void and shall be returned to the Borough Clerk's office.

(2) It shall be unlawful for any person to buy or otherwise acquire for value, or otherwise use any preferential parking permit, except as provided for in this section.

d. Penalty for Violation. The penalty for violation of this chapter shall be a fine not exceeding one thousand (\$1,000.00) dollars or imprisonment for a period of ninety (90) days, or both, and revocation of the parking permit privilege.

e. Preferential Parking Zone Established.

Preferential Parking Zones: Locations and restrictions. The following is a designated preferential parking zone, provided space is available:

| | | |
|-------------------|---|---|
| Borough Lot No. 2 | East Grant Avenue and Chestnut Street (CR 627) | 9:00 a.m. to 6:00 p.m., Monday to Friday |
|-------------------|---|---|

(Ord. No. 1772)

Property

- E. Municipal Parking Lot Number 3
Chestnut Street (CR 627) and Lincoln Avenue

a. *Time Limited Parking*

| <i>Name of Street</i> | <i>Time Limit</i> | <i>Hours</i> | <i>Location</i> |
|--|-------------------|---|---|
| Roselle Park Borough Parking Lot No. 3 | 6 hours | 8:00 a.m. to 6:00 p.m. Monday – Saturday | On the south side of West Webster Avenue approximately 550 feet to 800 feet west of Locust Street (CR 619) |

b. *Snow Removal Parking Prohibited.* Whenever snow has fallen and the accumulation is such that it covers the street, an emergency shall exist and no vehicle shall be parked in the Municipal Parking Lot No. 3 at Chestnut Street (CR 627) and Lincoln Avenue.

Property

F. Municipal Parking Lot Number 4.

a. *Location.* Located west of 110 East Westfield Avenue (Route NJ 28) Municipal Building.

b. *Parking of Unauthorized Vehicles is Prohibited.*

1. No person shall park any vehicle in the Municipal Lot No. 4 unless they are doing business with the Borough of Roselle Park or are employees of the Borough.

2. Overnight parking is strictly prohibited except for Borough employees.

| <i>Area</i> | <i>Hours</i> | <i>Location</i> |
|-------------|----------------------------|-------------------------------|
| Entire | 24 hours, 7 days a week | 100-106 East Westfield Avenue |

3. Violation. Any person who violates this section will subject their vehicle to be towed at the owner's expense.

Property

G. West Webster Avenue Commuter Parking Lot (Municipal Lot No. 5)

a. *Centralized Meter Established in Municipal Lot Number 5.*

1. Upon placing a vehicle in a numbered parking space, the operator shall immediately deposit or cause to be deposited in the parking lot metering system the posted fee required for the numbered space occupied by their vehicle.

2. In accordance with this section the following parking area is hereby designated as a metered zone:

(a) West Webster Avenue Commuter Parking Lot, Municipal Parking Lot No. 5, located on the south side of West Webster Avenue, adjacent to the D.P.W. Yard.

3. The following fee is hereby established, effective April 1, 2002:

(a) West Webster Avenue Commuter Parking Lot (Municipal Lot No. 5)

(1) All parking stalls shall have a fee of two (\$2.00) dollars per day.

4. Metered parking shall be in effect between the hours of 5:00 a.m. and 6:00 p.m. from Monday through Friday, specifically excepting Saturdays, Sundays and legal holidays. (Ord. No. 2069)

Property

H. Roselle Park Library Parking Lot.

a. *Restricted Use Parking.* Parking in the Roselle Park library parking lot is restricted to persons having library business. No other person shall be permitted to park in this parking lot. (Ord. No. 1412)

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

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

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

Councilman Badillo moved that Ordinance #2241 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 6, 2008; seconded by Councilman Yakubov.

| ✓ Vote Record – Ordinance #2241 | | | | | |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Second Reading and Public Hearing

ORDINANCE NO. 2235

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION, STATE OF NEW JERSEY TO PROVIDE FOR THE COLLECTION OF MOUNT LAUREL DEVELOPMENT FEES IN ACCORDANCE WITH THE REGULATIONS OF THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING.

Councilman Badillo moved that the public hearing on Ordinance #2235; seconded by Councilman Matarante and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked that he explain this ordinance.

Mayor DeIorio said this ordinance continues our obligation to the New Jersey Council on Affordable Housing. It sets up development fees, which go into a trust fund for the purpose of performing rehabilitations for homes that qualify under the Council on Affordable Housing Fair Share obligation.

Robert Zeglarski, 521 Chester Avenue

- Asked if the ordinance pertains to condemnation.

- A separate entity for the collection of the fees.
- Is this part of the Redevelopment Plan.

Mayor DeIorio said the fees would go into a trust fund for affordable housing or rehabilitations that meet under the COAH requirements.

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

Councilman Badillo moved that Ordinance #2235 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Yakubov.

ORDINANCE NO. 2238

AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-7, OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING REGULATION FOR THE MOVEMENT OF TRAFFIC

Councilman Badillo moved to open the public hearing on Ordinance #2238; seconded by Councilman Yakubov and adopted.

There being no one else wishing to speak, Councilman Badillo moved to close the public hearing; seconded by Councilwoman Chen-Hoerning and adopted.

Councilman Badillo moved that Ordinance #2238 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Yakubov.

PUBLIC COMMENT

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

Jacob Magiera, 612 Sheridan Avenue

- Congratulated the First Aid Squad, the Boy Scouts and Lieutenant Scalea.
- Complaint regarding snowplowing.
- Mentioned the cost of employing firemen.
- Roselle has 32 paid firemen at 2.5 million dollars.
- Referred to article in Star Ledger regarding closings for state holidays.
- Referred to an incident on E. Lincoln Avenue.
- Commended our Police Department, the County Police, Union Police and K9 patrol.
- Read from the Union County Air Traffic and Noise Advisory.
- Inquired about the budget meetings.
- Asked for update on Borough asset inventory.

Robert Zeglarski, 521 Chester Avenue

- Inquired about a report from Joint Meeting of Essex and Union County Sewage Authority.
- Asked why some Councilmembers are seeing agenda items at the meeting.

Ms. Cali said there are items that are time sensitive and need to be addressed.

- Mr. Zeglarski asked if the redevelopment has a separate taxing group.

Mr. Latini said he does not think so.

Ms. Cali said in a Special Improvement District, taxes are separate.

- Mr. Zeglarski asked if a new attorney would be hired for the rest of the redevelopment, as opposed to the COAH attorney.

Councilman Badillo said we do not know where the litigation will go at this point.

Ms. Cali said they allotted \$2,500 for Mr. Mazaretti, the redevelopment expert.

- Mr. Zeglarski asked who has assisted professionally in the redevelopment mediation and Councilman Badillo said Mr. Surenian.
- Asked if the report by the Judge will be shared with Councilmembers, and Ms. Cali said Council has been copied. If it is a court document, then it is available through the OPRA request through the Borough or the County.

Mr. Johnstone said it is an opinion outlined by the Judge based upon the motions that were made at the time; it has now been modified as a result of the mediation. There will be an open public meeting on April 16th when the developer will come in with his plan and present it to Council and the public; to date, no one has seen what the developer wants to do. A copy of the document can be obtained from the County Court. There are two difficult things going on at the same time, the Judge believes we should be moving forward with COAH obligations, as well as the lawsuit that has been filed. There are two choices: the first to allow the applicant to come in with no plans; the second to make the recommendation go forward with condemnation. You can control the condemnation and the other you have little control, which is negotiations. A problem in these negotiations is the developer has been difficult and specified what they want to build. This ordinance gives the Borough the option of condemnation.

- Mr. Zeglarski asked if the public has any say in this.

Mr. Johnstone replied yes they do; he is unable to give more information regarding this at this time. He said if the mediation is not successful, they can either accept and mediate, or choose condemnation.

Carl Hokanson, 318 Hemlock Street

- Asked if the developer will be in with a detailed plan.

Mr. Johnstone requested the developer give as much detail as possible.

- Mr. Hokanson asked if the meeting will be televised.

Mr. Johnstone said yes, it is a public meeting; the Council, Planning Board and the mediator will be at the meeting. Right now there is a gag order in place and we cannot discuss this with the newspapers. Anything received in advance will be on the town website, so there can be advance notice for the public.

- Mr. Hokanson asked if the sketch is available through OPRA, and Ms. Cali said yes.

Michael Peterson, 45 E. Colfax Avenue

- Asked if the Judge is making decisions for the Borough without the developer presenting any plans.

Mr. Johnstone said the lawsuit has been filed and based upon the lawsuit and documentation submitted; the Judge made a ruling on November 5th. The town now has to move forward with the choices they have; one she indicated was we have the option to have this done by eminent domain.

- Mr. Peterson said is this ruling specific to the developer and Mr. Johnstone said it is at this point.

Councilman Badillo said basically the Judge indicated with absent condemnation we will have to accept this developers proposal.

- Mr. Peterson asked if there was anything in writing in the negotiations and Mr. Johnstone said no.
- Borough negotiated in good faith without any commitments or a contract.

Councilman Badillo said they were working together, then Avalon Bay signed a contract and we were hit with the lawsuit. We made no concessions and all our rights are still in place, absent condemnation. By voting it in, we are preserving our right.

- Mr. Peterson said it is \$200,000 and \$300,000 of legal fees, which causes a burden on the taxpayers. Should we go ahead with condemnation, how does that impact the taxpayers.

Councilman Badillo said the Governing Body has been demanding a public hearing of the plan, the builder refused. It is premature at this point to say we will condemn, we are only

preserving the right. During redevelopment laws we are able to collect some of these fees back from the potential builders.

- Mr. Peterson asked will they come up with a concrete plan on April 16th.

Mr. Johnstone said they were told the more information they come with, the better it will be for the public to understand; the burden is on them to produce information. In the event the mediation is not successful, it is anticipated the town will move on to condemnation, once they have a better idea of the cost to the town.

Nannette Derillo, 408 Chester Avenue

- Asked what the operation consists of in the Romerovksi building, and asked if any chemical are used.

Councilman Badillo said they work with rags and sell them. The Fire Department does walk through inspections to make sure they are in compliance.

Councilman Dinardo said according to OSHA, they must have a Right to Know Book on site, which would indicate what they use.

Glen Marczewski, 622 Sherman Avenue

- When did gag order go into effect.
- Feels Avalon Bay got information from someone.
- Thanked Jason Jett on article in newspaper.
- Is Romerovski a landmark site.
- What would it cost for this to be a referendum item.

Ms. Cali said for a special election, it cost up to \$35,000.

- Mr. Marczewski mentioned speeding on E. Lincoln Avenue.
- Thanked DPW for repairing a hole in street.
- Firemen receiving part time pay.
- Town trucks being taken out of town.

Greg Kinloch, 336 Sheridan Avenue

- Commented on putting a referendum on the ballot and would it cost the same amount at a primary election.

Councilman Matarante said they do not know if June would be too far away for that to take place.

- Mr. Kinloch commented the Mayor stated the public should not say anything to give ammunition to the developer. Councilman Badillo said the public should speak. We have two options: either condemnation or go with the developer.

Mr. Johnstone said the landowner has always had that right, and is using it by accepting an offer by the builder who is financing this. Assuming the ordinance is passed, there will be two choices: mediation or allowing the option of condemnation. During the time this is going on, the town has the opportunity to evaluate and assess the value of the property by experts. Then the town will decide if they want to condemn the property and pay for it. If that happens, they can call in other builders and get their evaluation and give them the opportunity to evaluate the property, purchase it and develop it.

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

ORDINANCES – Second Reading and Public Hearing (Continued)

ORDINANCE NO. 2236

AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7 FOR THE ROMEROVSKI SITE LOCATED IN THE BOROUGH OF ROSELLE PARK

Councilman Matarante moved to open the public hearing on Ordinance #2236; seconded by Councilman Yakubov and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked this ordinance be explained.

Councilman Badillo said this ordinance reserves the right of eminent domain.

Mr. Johnstone said there is a Redevelopment Plan in place. One of the things not included in that plan was the right of condemnation. Because the discussions were not successful, a lawsuit was filed and the court made the decision on November 5th, gives us the right to negotiate with the builder or prepare the opportunity for condemnation. It must be in the Redevelopment Plan for the town to do that.

Carl Hokanson, 318 Hemlock Street

- Asked if the Borough must pass an ordinance each time it wants to condemn.

Councilman Badillo said it is an individual process. We are reserving the rights of the Borough and the residents to make sure this property is utilized in the proper fashion under the redevelopment.

- Mr. Hokanson brought up the issue of contamination of that site, which may cost us more money.

Councilman Badillo said you are jumping ahead; this only reserves our right to condemn.

- Mr. Hokanson said with all the property not being utilized in that area now, we don't want to wind up spending millions of dollars on that site.
- If someone wanted to bid on it now, are we locked into Avalon Bay.

Mr. Johnstone said the Borough has no control of this property; it is the landowner. This is giving the town options of what they can do. Before any decisions are made, the people in town will hear what the choices are.

- Mr. Hokanson said if this ordinance is passed, is it a tool Council can use.

Mr. Johnstone said in the event they go through mediation and come to an agreement and the public does not like it; by that point, the Borough will have enough information in terms of the other option.

Councilman Badillo said there have been several contractors interested in the site. If another developer comes in and we condemn, we can get that money back.

Glen Marzewski, 621 Sherman Avenue

- If this goes into a larger lawsuit, how many times can the lawyers postpone the court dates.

Mr. Johnstone said the mediator controls the process. The court allows the mediator to be in control and determine the timeline. There will be a minimum of four meetings with the mediator after the public meeting. If more are necessary, she will recommend that to the court. All date changes are done through the court.

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

Councilman Matarante moved that Ordinance #2236 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo

Councilman Dinardo said this is a hard decision to make; he was not involved in any meetings with Mr. Braunstein. This is going to be an expensive legal battle with Avalon Bay. The only ones benefiting from this are the attorneys and hopes this is resolved as soon as possible. They are a very large developer with unlimited resources.

Councilman Badillo said all Councilmembers have been updated on all issues that take place.

Councilwoman Chen-Hoerning said in the Redevelopment Plan there are three possibilities: give up the right to condemn, saying nothing at all or reserve the right to condemn. Why do we need to explicitly say we reserve the right to condemn.

Mr. Johnstone said in the Redevelopment Plan, you have to notify all parties as to what your options are in a public way by passing the proper ordinance.

Councilwoman Chen-Hoerning said we do not know what the other side is thinking and the public will make their voices heard.

Councilman Badillo said we are requesting a copy of the plan at least a week in advance, but does not think that will happen.

Councilwoman Chen-Hoerning asked officially how the public will have their voice be heard.

Councilman Badillo said Avalon Bay will give their presentation and the master will be here to mediate. After the presentation, anyone can come to ask questions.

Mr. Johnstone said the developer will give their plan and witnesses; then audience and board members can ask questions. After all questions are asked, if time, comments will be allowed by the public. According to her letter, the mediator is anticipating a question and answer period.

Councilwoman Chen-Hoerning said if we vote yes, it will cost a lot of money. If we vote no, the problems are obvious and we have no option to pursue; it will be a difficult decision.

Councilman Matarante said in one way you are given a flexible option for something else down the road. If we vote no, there are no options. A vote yes, allows the option to continue; if the people do not want us to go forward, we will not.

Mr. Johnstone said the property next door was a cost to the town. In this case, we would purchase the property and then bring in other interested builders; then resell it to them to recoup the costs in time; you will not be keeping the property.

Ms. Cali said there were many redevelopers interested in the beginning of this.

Councilman Yakubov said it is important to understand we have spent a lot on legal fees. The presentation on April 16th may be very good. He suggested after the presentation is done, he would like to know what the impact would be on the schools. He would like to see a Roselle Park study of the increase in children, the impact on public services and a traffic study, etc. This would better determine the impact of the cost if we allow them to build those apartments on that site.

| ✓ Vote Record – Ordinance #2241 | | Yes/Aye | No/Nay | Abstain | Absent |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2237

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING ROSELLE PARK BOROUGH'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

Councilman Matarante moved to open the public hearing on Ordinance 2237; seconded by Councilman Dinardo and adopted

Jacob Magiera, 612 Sheridan Avenue

- Asked that Ordinance #2237 be explained.

Mr. Johnstone said in order to comply with the Affordable Housing and the COAH obligations, you have to create a position for a liaison between the public administering the Borough's Affordable Housing Program pursuant to the Fair Housing Act. We are complying with this act with the recommendation of the attorneys involved in this case. This person will be the focal point to do the necessary paper work to see we are in compliance.

- Mr. Magiera asked who will be appointed.

Councilman Badillo said Ms. Cali has volunteered.

There being no one else wishing to speak, Councilman Matarante moved to close the public hearing; seconded by Councilman Chen-Hoerning and adopted.

Councilman Matarante moved that Ordinance #2237 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Yakubov.

Councilwoman Chen-Hoerning said because they passed the resolution before the ordinance, and if the ordinance does not pass, what would happen.

Councilman Badillo said we would have to rescind the resolution and we would not be in compliance with the Mt. Laurel Act.

| ✓ Vote Record – Ordinance #2237 | | | | | |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

Councilman Matarante moved to approve the following minutes; seconded by Councilman Yakubov.

| ✓ Vote Record – Minutes Acceptance of January 2, 2008 | | | | | |
|---|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | Badillo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | Matarante | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Defeated | Dinardo | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Tabled | Yakubov | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Miranda | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

REPORTS OF DEPARTMENTS

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

- Administrative Assistant Report for 1/11/08 through 2/7/08
- Treasurer’s Report for January 2008

MOTION BILLS & PAYROLLS NOT BE READ

MOTION BILLS AND PAYROLLS BE PASSED FOR PAYMENT

Councilman Matarante moved that bills and payrolls not be read and passed for payment; seconded by Councilman Yakubov, all members voting Aye, said motion was adopted.

REPORTS OF DEPARTMENTS

Nick Villano – Borough Engineer

- Madison Avenue Reconstruction is completed; there was a reduction in the contract. The closing documents have been given to the Borough Clerk. Once the bills are paid, the information will be sent to the DEP; there will be a 25% reimbursement to the Borough.
- Westbrook Stream Improvements has been approved by the DEP and would like to put the plans and specifications out for bid.
- Webster Avenue Sanitary Sewer Replacement is complete and would like to schedule a bid date.
- First Aid Squad Emergency Generator has been ordered. When it is delivered, it will be installed.

- Ordinance for the Stormwater Management has been passed and the Borough is in compliance; the information will be forwarded to the County.
- Reconstruction Meeting was held for the Union Avenue Storm Sewer Repair on February 1st. The contract has been authorized and they will move forward with the project.
- 237 Sherman Avenue Contract has been awarded and they should begin within the next week. He has notified the homeowner.
- Awarded the project for the Chestnut Street Crosswalks to Statewide Striping. Met with Union County Engineer and they still have to complete the paving before this project is done.
- Survey portion for the East Clay Avenue Resurfacing has been completed and they are moving into the design phase.
- There is a Bond Ordinance for the Reconstruction of Various Streets. He has presented a proposal to start the resurfacing portion. He owes proposals for the E. Grant Avenue Sewer Repair and the second phase of the Union Avenue Restoration.

Councilman Dinardo

- Attended the Neighborhood Watch Meeting, and they are still looking for more people.
- Attended the Library Board Meeting; one issue with some lighting outside of the building.

Councilman Yakubov

- There were heating issues in Webster Gardens; the Health Department was contacted. They have decided to make some changes in the temperature. Councilman Badillo has agreed to amend the temperature from 68 degrees to 70 degrees.
- Gave the DPW a punch list for work that needs to be done addressed regarding sewer cleanup, potholes, etc. They addressed these issues and have done an excellent job on the cleanup of Grove Street.
- Police are doing an excellent job in monitoring speeding and answering calls in the Fifth Ward.
- Had a meeting regarding the initiative “Roselle Park Goes Green”. Councilwoman Chen-Hoerning also gave ideas. Have a Clean Communities Program, and suggested a Green Communities Program.

Councilman Badillo

- Thanked the First Aid Squad for their dedication to the town and the volunteer work that they do.
- Had calls for tree trimming from the 300 block of Hemlock Street; thanked the DPW for their response.
- Councilman Matarante and he attended the State Team Wrestling Finals in Toms River and congratulated them.

- Door needs to be replaced at the Firehouse on Laurel Avenue; will have them call Councilman Miranda.
- Thanked Councilman Yakubov on his participation in amending the ordinance pertaining to heat.
- Thanked Frank Wirzbicki and the DPW for the great work at the last snowstorm.
- Thanked Denise Urban and the Girl Scouts for the pancake breakfast and the blood drive at the High School.

Councilman Matarante

- Budget Meetings on Tuesday, February 26th and Thursday, February 28th in the Conference Room.
- March 6th at 6:00 p.m. Redflex will give their full presentation to Council and give an overview to the public at the Council Meeting.
- Project Graduation is having a fundraiser on Friday night at Applebee's Restaurant on Route 22 in Union; 10% of bill will go to Project Graduation.
- One item for Closed Session regarding personnel; adding an individual to the Office of Emergency Management.

Councilman Miranda

- Met with Frank Wirzbicki in reference to repair issues to the Firehouses on Chestnut Street and Sherman Avenue; they are being addressed.
- Received an email Lieutenant McCaffery in reference to painting and spackling in the Police Department hallways.
- Duct system in the Police Department needs cleaning and we have to get an estimate from an outside contractor.
- Lighting at the Youth Center has been repaired.

Councilwoman Chen-Hoerning

- Blood drive and the pancake breakfast were very successful; congratulated the Girl Scouts for organizing these events.
- Attended the First Aid Installation Dinner; and expressed her gratitude and appreciation to the First Aid Squad for their work.
- Received calls from residents interested in participating to spruce up the town.
- Union County Board of Freeholders has a program where they are donating a tree to every school for Arbor Day.
- Encouraged everyone to go to the Library; there are many interesting programs.

Council President Badillo read the Closed Session resolution and said Council would be discussing the following matters:

- Personnel Matter – Emergency Management
- Ongoing Litigation – Romerovski Site

INTERRUPT REGULAR ORDER OF BUSINESS

Councilman Matarante moved to interrupt the regular order of business for a Closed Session meeting; seconded by Councilman Yakubov and adopted.

RESUME REGULAR ORDER OF BUSINESS

Councilman Matarante moved to resume the regular order of business; seconded by Councilman Dinardo and adopted.

Council President Badillo said that during Closed Session, Council discussed the following matters:

- Personnel Matter – Emergency Management
- Ongoing Litigation – Romerovski Site

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

Attest:

Borough Clerk