

Borough of Roselle Park Regular Meeting of December 18, 2008

Attendee Name	Organization	Title	Status	Arrived
Ricky Badillo	Borough of Roselle Park	Councilman	P	7:40 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	Councilwoman	P	8:03 PM
Modesto Miranda	Borough of Roselle Park	Councilman	P	7:30 PM
Joseph DeIorio	Borough of Roselle Park	Mayor	P	7:30 PM

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 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.

COMMUNICATIONS

- Letter of retirement from Dennis Byrne effective April 1, 2009.

Councilman Matarante moved to accept the letter of retirement from Dennis Byrne effective April 1, 2009; seconded by Councilman Miranda, all members present voting Aye.

Mayor DeIorio congratulated Mr. Byrne on his retirement and they will recognize him at a future meeting.

REPORT AND RECOMMENDATIONS OF MAYOR

- Reminded everyone that on December 24th the Borough will be sponsoring a Christmas Eve bistro holiday event at the Casano Community Center. If there are any families that may have fallen on hard times or are alone, please come to the Community Center on December 24th. Dinner will be served at 4:30 p.m. and the event will continue until 6:00 p.m. Karen Intile at the Community Center can be contacted at 245-0666 for invitations.
- Asked everyone to stay tuned to TV34 for any snow restrictions. The Office of Emergency Management, in coordination with the TV34 staff, will post notices in case of emergencies.

CERTIFICATES

- Lyman Thompson, Jr.

Mayor DeIorio said Mr. Thompson was the Grand Marshall at the Christmas Parade this year because of his commitment to Roselle Park.

Mayor DeIorio said at the last meeting there was a question from a resident regarding smoke detectors and would like the Construction Official to respond to the question at this time.

Mr. Jerry Eger, Construction Code Official, said this situation has occurred around the State. There is a company from Utah that is blanketing the State putting smoke alarm systems in with no permits. According to the Uniform Construction Code in the State of New Jersey, he is required by law to issue fines to the company doing the work without permits and the homeowner. He has been in touch with the Department of Community Affairs in Trenton and it is still a major issue. The homeowner will not be required to pay the fines. Without inspections, we do not know what is happening and if they are not installed properly, it is a life safety issue. The Construction Department received a stack of permit application from this alarm company in Utah and it is taking place throughout the State. The DCA has instructed us to issue violations to get the attention of the company in Utah. Homeowners are calling the company and asking them why they are being fined for the work the company did. The fine print on the contract says the homeowner is responsible for permits. When the alarms are hard wired, then they require a permit. If the homeowner is not sure if a permit is required, please call the Construction Office.

- Mayor DeIorio said at the Planning Board Meeting the plan review and change of use was discussed.
- This was something that was implemented in 2008 to expedite businesses to move into Roselle Park.
- Originally there was a process where if there was a simple change of use that applicant would have to come before the Planning Board and spend money for the application and plans, and it would be a change from one accepted business to another.
- They would also have to wait one month to receive approval and then wait for a resolution the following month from the Planning Board.
- The change of use has streamlined this process so it ends up in the Construction Department to grant the approval.

Mr. Eger said each township has different zoning districts such as commercial or industrial. According to the International Building Codes, we have a different set of use groups that triggered different requirements; some are more stringent than others.

- Mayor DeIorio said since May there were about twenty waivers that allowed businesses to move into Roselle Park.
- The turnaround is now a couple of weeks.

Mr. Eger said if no major work is being done in the unit itself, then they will just need a certificate of occupancy as long as everything is up to code. If it should require more parking such as a sit down restaurant, then it will have to go before the Planning Board.

- Mayor DeIorio said there was a recommendation by the Planning Board to implement a \$50 fee for the waiver application; at this time there is no fee for the waiver for a change of use.
- This will be considered at the meeting in January if the Governing Body wishes to do so.
- There was the issue of the property taxes in Union County brought up by a resident at the last meeting.
- There was an article in the Star Ledger where the County Board of Taxation had provided a list of all municipalities and their relative taxes.
- Roselle Park was rated #3 when it came to the five year increase.
- Figures like this can sometimes not tell the whole picture.
- For example Winfield taxes for a 5 year increase went up 44%, however in whole numbers they are the smallest.
- Roselle Park's average taxes out of Union County were \$7,745.00.
- Municipal services were also discussed in the newspaper article.
- There was also a question regarding the PILOT program and the settlement agreement regarding the Romerovski and Roselle Park negotiations.
- Mr. Blum has put together some details.
- There was also a question as to whether Roselle Park should ask the developer to pay for taxes versus a PILOT program.
- Outright if the Borough wishes to renegotiate, the developer has indicated through our attorney that the settlement will be off and the Borough will go through litigation.

Mr. Blum said the PILOT program is payment in lieu of taxes instead of being assessed. There is an agreement that is approved through the County and the State; 95% going to the State and 5% going to the County. If there were an assessed value, there would be the County share, County open space share, Board of Education Share and the municipality share. Based on 2007-2008 taxes, in 2007 the Romerovski properties paid \$182,414.70 and in 2008 \$191,997.00. Based on information by the Tax Assessor, in 2007 the estimated taxes for the new project would have been \$849,438.00. \$116,203.12 would go to the County, County open space would be \$5,266.52, the Board of Education would get \$474,241.24, and the municipality would get \$253,727.13. According the meeting with Elizabeth MacKenzie the estimated PILOT is \$584,000. The Borough share would be \$554,800 and the County would be \$29,200. Looking at the municipal share only if it were assessed for taxes, the Borough would wind up with \$253,000 whereas with the PILOT program it would be more than double. Other factors to be considered with the project are police personnel; with our current population of 13,281 people we need one police officer for every 390 residents.

- Mayor DeIorio said he has asked the Borough Departments for any hypothetical issues that may take place.
- We will have to provide sanitation services to the new development.

- As to whether we would have to incur additional police costs would depend on what occurs at the site based on population figures.

Mr. Blum said there could be a possibility that we may have to add two additional police officers, but that this time it is only speculation. That would cost the Borough a little over \$171,000 at the 2009 rates. Garbage could go over \$200,000 and recycling over \$120,000, there is definitely anticipated costs for the garbage. If we have to hire two more police officers, the total costs could be well over one half a million dollars. Also, we must think about the Library at its assessed value, the mandatory appropriation per State statute would increase around \$10,000.

- Mayor DeIorio said this information will be posted on the Borough website for comparison of what we would receive and the services that would have to be provided.

Mr. Blum said also if at the assessed value, there is always the reality of tax appeals; currently we are losing our tax appeals to the apartments. This could be another cost factor for the municipality.

- Mayor DeIorio said we have discussed the issues of property re-evaluation.

Ms. Cali said she spoke to Middletown who is now in the process of doing a re-evaluation and the Assessor said besides going out for bid and just appraising the houses, there are certain things that must go into the specs; such as the company would guarantee against any appeal on a State or County level for 3 years. The more clauses that are put in, the higher the bid price would be. With 35 or 36 line items it could be well into \$300,000.

Mr. Blum said Montclair did one and it cost them \$1,065,000.00 and Fairfield was a little over \$400,000. The other would be a deferred charge in the municipal budget and is payable over 5 years. Notes would be issued in the first year and paid off in the remaining five years. It is not yet known what the tax levy cap of 4% which is outside the appropriation cap of 2-1/2%.

Ms. Cali said Joe Valenti from State Division of Local Government Services called her back today and gave the statute number to reference and offered any assistance to us in going out for bidding.

- Mayor DeIorio said they also looked at the issue of school children and asked the Superintendent to supply information; there was also an analysis done regarding how many students come from the multiple units. In total there were 93 children out of the 1,700 apartment house units.
- Janice Talley is here from H2M and she is the planner that is providing service to the Borough with its Redevelopment Plan and Fair Share Housing Plan.
- There are two resolutions on the agenda this evening for consideration.

Ms. Janice Talley

- The purpose of Resolution #292-08 is to stay within the process of maintaining certification you need to endorse the plan. In this case because it is involving a lawsuit, it states that you agree with the plan, approve it and will submit the plan to COAH, the court and the special master for their review and approval.
- Once you get an approval from the Judge and COAH, you will have to go through the courts for a certified plan. This is a very important item to obtain because it maintains protection to the Borough from additional lawsuits.
- The Planning Board adopted the plan on Monday night and it addressed the Borough's affordable housing obligations from 2004 which is when the new regulations became effective to 2018, so this is a 14 year plan.
- Over the 14 year period, COAH indicated that you have a rehabilitation possibility of 96 units; you have to come up with a plan to provide for the rehabilitation of 96 units within the Borough.
- Another component is the gross share component and we had to calculate what the growth share component is. It is the affordable housing obligation created by growth that has taken place since January 1, 2004 until today and anticipated growth that will take place from today until 2018. COAH has changed the regulations, the rehabilitation obligation is new and the growth share requirements have increased.
- Before the obligation it was one affordable housing unit per every 8 market rate residential units, and it is now one affordable housing unit for every 4 market rate units.
- The affordable housing obligation by commercial development has also increased. In the previously adopted plan, the obligation was one unit for every twenty five jobs created. COAH changed the regulations and it is now one affordable unit for every sixteen jobs created.
- The plan indicates that the growth share obligation is seventy nine units; that number comes from anticipated redevelopment of the Romerovski site, anticipated development in other areas that are identified in the plan.
- All of these projects are put into the projection and anticipated that they will occur.
- They have also looked at the certificates of occupancy that have been issued and the trend for demolition and effect those are replacement units and the net effect is you are not increasing your housing to any great extent.
- For the purposes of this plan, they factored that into the Borough's growth.
- There will be 43 units provided through redevelopment and that includes 37 units on the Romerovski site and 6 units from anticipated development on the train station site, there are credits for group homes that currently exist in the Borough and credit for the anticipated development of the Catholic Charities project.
- That will be a 100% affordable senior citizen project, but you can only take credit for a certain number of the age restricted units; the growth share can only be addressed by age restricted units up to 25% of your total growth share.
- The Borough will get 19 credits for this round from the Catholic Charities project; that totals 66. Also the Borough is also eligible for bonus credits and will receive 19 of them for a total of 85 units. The obligation is 79 so you have more than addressed in your growth share obligation.

- Another component is the rehabilitation obligations and that would be something that the plan calls to address your rehabilitation obligation through the redevelopment fee ordinance and participation in the Union County Housing Rehabilitation Program.
- Right now that program is not structured to meet COAH requirements. They are working toward changing their requirements so their program can address COAH's requirements.
- The second resolution is the draft spending plan and right now the Borough does not have a development fee ordinance. COAH requires that in order for the Borough to collect development fees for affordable housing, the Borough needs a spending plan.
- COAH has a model structure available on their website and requires municipalities to use; the statute requires certain fees set aside.
- First project the next 10 years how much funding will be collected and a certain percentage of that must be allocated for affordability assistance.
- Based on the building permits that are issued each year approximately \$250,000 could be collected. If that is collected that would require \$76,000 allocated for an affordability assistance program which is state mandated.
- A portion can also be used for administration and for programs.
- The third resolution is the intent to bond which will address any potential shortfall in funding.
- Recommended doing a structural condition survey, which is conducted by the Building Official.

Mayor DeIorio said if they went ahead with the senior housing, and after all grant monies are received, if the Borough falls short, then this resolution would apply.

Mayor DeIorio said there are two ordinances this evening regarding the Redevelopment Plan which will be postponed until next year. They must be amended to comply with any agreements.

- Ms. Talley said a draft of the Redevelopment Plan was prepared.
- There is an issue about the wording in the plan that was introduced.
- Some of the changes will not affect the concept plan, but to be on the safe side and to have all the parties in agreement of the plan, it should be introduced and adopted next year.
- It is not only the plan, but also the ordinance.

Councilman Dinardo asked if postponing this ordinance would affect the December 31st date of getting the plan in.

- Ms. Talley said the most important part is the housing plan; it includes the Romerovski Redevelopment Plan and the affordable units.
- It will not affect the housing plan.

Mayor DeIorio said all towns in New Jersey have to submit their plans by December 31st.

PUBLIC COMMENT

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

Bob Zeglarski, 521 Chester Avenue

- Spoke about the PILOT program relative to the Romerovski property.
- If the Borough chose to collect taxes, it could be more that four million dollars more in income than with the PILOT program over a 20 year period.
- Mr. Endler stated the PILOT would last 30 years.

Mayor DeIorio asked if he factored in tax appeals and Mr. Zeglarski said he did not.

Mr. Blum said monies for a PILOT would not be put in a trust fund; trust funds have to be established by resolution and State approval. PILOT payments would go into the current fund and revenues. The 4% levy CAP would still be in affect.

- Mr. Zeglarski asked if spending could be increased if the Governing Body chose to do that and Mayor DeIorio said we could give that money back to the taxpayer.

Mayor DeIorio said when a PILOT program is agreed upon by any town, there must be a public hearing to provide the public to come before the Governing Body and ask questions on the use of those funds. The PILOT program will prevent tax appeals.

- Mr. Zeglarski also spoke about the re-evaluation.
- There has been no public input regarding PILOT or taxes; we are going with the PILOT whether the public likes it or not.
- The developer will threaten us with a lawsuit; that shows he knows more about what we will be saving in taxes by going with the PILOT program.

Mayor DeIorio said members of the public have asked about the PILOT program and there were suggestions from the public regarding that issue. We are responding to the public about the options.

Glenn Marczewski, 622 Sherman Avenue

- Asked how many children are allowed per apartment.

Ms. Talley said COAH only gives the amount of bedrooms that are required.

Mayor DeIorio said COAH does not address how many children are allowed in the affordable units.

Ms. Talley said tenants coming into the affordable units must supply income eligibility and household composition to insure they are going to an appropriately sized unit. In a four

person household, they have to be in a two bedroom unit; it is a very strict process. The size of the units would be developed at the site plan review, which would be at a future date.

Leona Suffert, 22 E. Westfield Avenue

- The downtown looks very lovely for the holidays.
- It is comforting to know the Casano Center has been opened to shelter people when necessary.
- Ms. Intile should be thanked for coming out in the middle of the night to open the Center two times in a matter of two weeks.
- Invited everyone to the Casano Center to view the art that is displayed there.

Saul Qersdyn, 152 Berwyn Street

- Asked if the Borough decided to go with taxes instead of PILOT, would the lawsuit continue.

Mayor DeIorio said that through the Attorney, the developer said the settlement agreement would be off and the lawsuit would continue. The reason why the Borough wanted to develop that property was to allow the public an opportunity to make the decision if that would meet the community's needs, as well as the developer's needs.

- Mr. Qersdyn asked what the continuing lawsuit would be.

Mayor DeIorio said there would not be a settlement agreement and the settlement agreement brings closure to the lawsuit. The day we were to introduce the Fair Share Housing Plan, that night prior to that meeting we were presented with the lawsuit.

Ms. Talley said the applicant initiated the lawsuit because the Borough did not address their fair share housing obligation, that they then were entitled to greater density on that property. When that occurs they go before a judge who in turn orders the Borough to begin mediation negotiations and that occurred over the past year. We are now trying to put together the pieces of the settlement agreement, one of which is the housing plan. It is a special master, who is a planner that hears all of these pieces.

Councilman Badillo said we did not sue them; they sued us to get more density on that property. If we were to let AvalonBay do whatever they want, everything goes away. The Borough had to counter sue them to keep them from putting in as many units as they wanted and to give the town a say in what was coming. If residents want us to stop, then AvalonBay will be able to do whatever they want; the majority of residents in the town wanted input.

Mayor DeIorio said nothing can be settled without the public's input.

- Mr. Qersdyn said if police costs and other costs were increased that may eat up the PILOT amount, so there would be money left to lower taxes.
- Asked if taxes are going to being paid while construction is going on.

Mayor DeIorio said if we go with straight taxes, the municipal portion is ½ as much as the PILOT amount.

- Mr. Qersdyn asked if there is any information on how many bedrooms each of the units will have.

Mayor DeIorio said he will have those numbers at a future time.

- Mr. Qersdyn asked if the Borough could look at other towns that have AvalonBay properties.
- Asked if it can be looked into as to whether AvalonBay has filed tax appeals in other towns.

Councilman Dinardo said he asked that in the past and AvalonBay said they never asked for a tax appeal.

- Mr. Qersdyn said that PILOT is based on revenue, and could fluctuate with the market.

Mayor DeIorio said as rents go up and gross revenues go up, so does the PILOT payment.

- Mr. Qersdyn said now the market is bad and AvalonBay has been downgraded.

Mayor DeIorio said if we said for the first year don't charge rent, they would still have to pay property taxes. Because it is a multiple dwelling unit, the income that they would not generate can be used as a total loss for the whole building. When anyone goes for a property tax appeal, they use a profit and loss as a determination whether or not they should be granted an appeal.

- Mr. Qersdyn asked if one parcel could be looked into as PILOT and one parcel as taxes; that should be looked into.

Jacob Magiera, 612 Sheridan Avenue

- Asked Mayor DeIorio to read and sign the letter from the New Jersey League Municipalities to the FAA regarding the aviation noise in Union County municipalities. Mayor DeIorio said the letter has been signed by all Union County Mayors and will be sent to the FAA, United States Senators, Congressmen and Assembly members.
- Asked if the PILOT and taxes can be renegotiated.
- The COAH deadline is December 31st but we can continue negotiations after the first of the year; who will be the negotiating team.

Mayor DeIorio said the committee will consist of himself, Councilmen Badillo and Dinardo, legal representatives and Ms. Cali.

- Mr. Magiera said the residents want to know about PILOT versus taxes.
- Asked about the town picking up the garbage for AvalonBay.
- In Freehold, AvalonBay charged their tenants \$15 a month for trash pickup.

Mayor DeIorio said that case law mandates the Borough has to pay the costs either for reimbursement to the multiple dwellings or provide the direct service. Disposal costs would be estimated about \$240,000 and recycling up to \$120,000. When a multiple dwelling comes into the town, we pay trash costs whether it is through property taxes or a PILOT program. If straight taxes are charged, the Mayor and Council would lose money because of the sanitation costs versus the actual costs we would receive in taxes. We are trying to have additional dollars come in because the PILOT amount would be more than what we would receive in State taxes.

- Mr. Magiera said in 2007 and 2008 it cost the Borough approximately \$320,000 in tax appeals.
- A property re-evaluation would cost the Borough about \$350,000 or \$400,000.
- If it takes AvalonBay 2-1/2 years to build the project, in that period of time we can have a property assessment re-evaluation.
- If AvalonBay is a gated community, why would they need police.

Mayor DeIorio said irrespective of security, there may be a domestic call or any other problems that don't fall under security.

- Mr. Magiera referred to Resolution #291-08, the retirement terms for Frank Wirzbicki asking why there is no dollar figure.

Mayor DeIorio said the total amount to Mr. Wirzbicki would be \$44,132.62; ½ will be paid in 2009 and ½ in 2010.

Mayor DeIorio said we now have separate contract agreements for all department heads; we have moved away from terminal leave for department heads. If there is accrued vacation or sick time by contract, it must be paid per contract.

- Mr. Magiera asked who documents the sick days and Mayor DeIorio said every person working for the Borough has a personnel jacket housed in the Tax and Finance Office. The Municipal Clerk accumulates that information, so that it is documented and verified.
- Knows Ms. Cali has done that and asked if prior Clerks have done that and Mayor DeIorio said that was not part of their job responsibilities.
- Visited the Mayor of Summit and outside his office he has a frame with all military people from the community.

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

RESOLUTIONS

Councilman Badillo moved the following; seconded by Councilman Dinardo.

RESOLUTION NO. 292-08

WHEREAS, the Planning Board of the Borough of Roselle Park, County of Union, State of New Jersey, adopted an amended Housing Element and Fair Share Plan on December 15, 2008; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the amended Housing Element and Fair Share Plan is attached pursuant to N.J.A.C. 5:96-2.2(a)2; and

WHEREAS, the amended Housing Plan Element and Fair Share Plan addresses the Borough’s Cycle I, II, and III affordable housing obligations in accordance with N.J.A.C. 5:97-1.1 et seq.,

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Roselle Park, County of Union, State of New Jersey, hereby endorses the amended Housing Element and Fair Share Plan as adopted by the Borough of Roselle Park Planning Board; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Roselle Park, pursuant to the provisions of N.J.S.A. 52:27D-301 et. seq. hereby authorizes its professionals to immediately file the amended Housing Element and Fair Share Plan with the Court and submit same to the Council on Affordable Housing (COAH); and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Roselle Park hereby authorizes its professionals to take any and all actions reasonable and necessary to secure a Judgment of Compliance and Repose from the Court; and

BE IT FURTHER RESOLVED that the Governing Body of the Borough of Roselle Park hereby reserves its rights to rescind endorsement of the amended Housing Element and Fair Share Plan in the event that a settlement agreement between the Borough and Roselle Park VP, LLC is not executed; and

BE IT FURTHER RESOLVED that, upon seeking its Judgment of Compliance and Repose, all known interested parties and owners of sites in the amended Housing Element and Fair Share Plan shall receive notice of the Borough’s intent; and

BE IT FURTHER RESOLVED that that notice of the Borough’s application for judicial approval of its amended Housing Element and Fair Share Plan shall be published in a newspaper of regional circulation and the Borough shall otherwise provide all the notice the Court deems appropriate concerning the date the Court sets for a hearing on the whether the amended Housing Element and Fair Share Plan satisfies the Borough’s affordable housing responsibilities under applicable laws. Said notice shall give the public sufficient time to review the Borough’s amended Housing Element and Fair Share Plan and offer any comments that the individual or entity may deem appropriate.

✓ Vote Record – Resolution 292-08		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"/>

Councilman Badillo moved the following; seconded by Councilman Dinardo.

RESOLUTION NO. 293-08

WHEREAS, the Borough of Roselle Park received approval from the Court on October 17, 2008 of its affordable housing development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that may include funds collected from development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or other funds collected in connection with the Borough's affordable housing program;

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH or the Court prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and
8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by COAH or the Court
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Roselle Park has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Roselle Park, County of Union requests that the Court review and approve Roselle Park's draft spending plan.

✓ Vote Record – Resolution 293-08		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"/>
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	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"/>

Councilman Badillo moved the following; seconded by Councilman Dinardo.

RESOLUTION NO. 294-08

WHEREAS, pursuant to the substantive regulations of the New Jersey Council On Affordable Housing (COAH), certain portions of the Borough's amended Housing Plan Element and Fair Share Plan as adopted by the Roselle Park Borough Planning Board on December 15, 2008 and endorsed by the Governing Body of the Township of Roselle Park on December 18, 2008 may require a financial commitment by the Borough; and

WHEREAS, N.J.A.C. 5:97-6.7(d)6 requires a municipality to resolve to address any shortfall in the funding of its affordable housing programs as set forth in the Spending Plan and the Fair Share Plan, including its willingness to incur bonded indebtedness, if necessary, to provide the funds required for the timely implementation of the Fair Share Plan;

NOW THEREFORE BE IT RESOLVED, by the Governing Body of the Borough of Roselle Park, in the County of Union, New Jersey, as follows:

1. To the degree that the funds required for the implementation of the Borough's Fair Share Plan, as will be more particularly set forth in the Borough's approved Spending Plan, are not available at the time they are needed from all available affordable housing funding sources, the Borough will provide the funding needed to cover any shortfall through appropriations in the Borough's annual budget, bonding, or any other legal means, with the understanding that any future affordable housing funding which becomes available may be used to reimburse the Township for the costs incurred.

✓ Vote Record – Resolution 294-08		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"/>

Mayor DeIorio extended the invitation for Councilman-Elect Hokanson to sit on the dais if present in the Council Chambers.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Dinardo

- Attended the Library Board Meeting.
- Wished everyone a healthy and happy holiday.

Councilman Yakubov

- Met with Councilman Miranda to drive around town to discuss certain areas, one being Aldene School.
- He wanted to show him where a crosswalk might be needed from the sidewalk of Aldene School to front entrance of the playground.
- Does not know if that may require another Crossing Guard.

Councilman Badillo said in the past we have stayed away from trying to put crosswalks in the middle of streets. We created the drop off zone so children wouldn't run across the streets. There are now two crosswalks, one on either side of the block and also the drop off zone. By putting the crosswalk in the middle, we would be creating another hazard.

Mayor DeIorio suggested they let the Police Department do the research and supply the committee with information. It is very important if a decision like that is going to be made, we need all the facts to avoid any legal action in the future.

- Councilman Yakubov said he would like that followed up.
- They also looked into one way streets and do not enter streets.
- They noticed in some areas the signs may be facing improperly.
- Attended a press conference in Trenton with Councilwoman Chen-Hoerning regarding State contract negotiations.
- Congratulated and thanked Frank Wirzbicki for his service to the Borough and for all his other accomplishments, he will be missed.
- Wished all a happy holiday.

Councilman Badillo

- Congratulated the midget cheerleaders who came in second place nationally in Florida and would like them acknowledged at a future meeting.
- Attended the Tree Lighting Ceremony and the Christmas Parade.
- Attended the Rotary Club Breakfast, supporting the Rotary Club and the Boy Scouts.
- Attended breakfast with Santa Claus that supported Project Graduation.
- Thanked Frank Wirzbicki and congratulated him on his retirement.
- Attended the Anthony Signorello Dinner and those funds support our wrestling program.
- Wished everyone a happy holiday.

Councilman Matarante

- Congratulated Frank Wirzbicki on his retirement and thanked him for his hard work and dedication to the Borough.
- There has been an ongoing effort to transition Borough buildings to solar energy.
- On January 13th at 10:00 a.m. there will be a vendor coming in to meet with the Borough Clerk to go over proposals for costs to see if it is feasible for the Borough.
- Wished everyone a happy holiday.

Councilman Miranda

- Extended his wishes to Frank Wirzbicki on his retirement.
- Thanked everyone that participated in the Tree Lighting Ceremony and the Christmas Parade.
- Has one matter for closed session.
- Wished everyone a happy holiday.

Councilwoman Chen-Hoerning

- Attended the Union County Mayor's Meeting.
- Spoke about the PILOT program in Cranford.
- Attended all the holiday events.
- Congratulated Frank Wirzbicki on his retirement.
- Asked about the status of the Chairman of the Planning Board.
- Attended the press conference in Trenton.
- Spoke about the "do not enter" and "one way" signs in the Borough.
- Mentioned the area Warren Avenue and Filbert Street.
- One issue is the limited number of poles.
- Brought up the issue of considering the lawn sign ordinance.
- Wished everyone a happy holiday.

Mayor DeIorio said we will look at that and it is a bi-partisan effort.

REPORTS OF DEPARTMENTS

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

- Administrative Report for November 7, 2008 through December 3, 2008
- Treasurer's Report for November 30, 2008
- Police Chief's Report for December 2008

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

Councilman Badillo moved to approve the following minutes; seconded by Councilman Dinardo.

✓ Vote Record – Minutes Acceptance of December 4, 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"/>
<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"/>

MOTION BILLS & PAYROLLS BE NOT READ
MOTION BILLS AND PAYROLLS BE PASSED FOR PAYMENT

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

PASSAGE OF ORDINANCES

Ms. Cali said Ordinance No. 2254 will be postponed to the first meeting in January because it needs to be reintroduced. The newspaper did not include Ordinance No. 2256 for advertisement, so it will also be introduced in January.

SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 2255

AN ORDINANCE AMENDING CHAPTER 60, SECTIONS 60-2, AND 60-3 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING SALARIES FOR SCHOOL CROSSING GUARDS FOR THE BOROUGH OF ROSELLE PARK FOR 2009, 2010 AND 2011

Councilman Badillo moved to open the public hearing on Ordinance #2255; seconded by Councilman Yakubov and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked if the ordinance includes walkie talkies for the Crossing Guards.
- An issue was brought up at the last meeting about three children attacking another child.

Mayor DeIorio said the contract we are adopting with the ordinance does not include the walkie talkies. Any purchases of equipment or signs is not part of negotiations, it is a request of the Crossing Guards to the Traffic Safety Officer and Police Department.

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

Councilman Badillo moved that Ordinance #2255 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Yakubov and adopted.

✓ Vote Record – Ordinance #2255					
		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"/>

RESOLUTIONS

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

RESOLUTION NO. 283-08

WHEREAS, the following properties have been granted a Veteran Deduction for the year 2008 per the Tax Assessor in the amount of \$250.00.

BE IT FURTHER RESOLVED, that the Collector is hereby authorized to issue a check in the amount of \$250.00 on the following properties:

<u>Block/Lot</u>	<u>Address</u>	<u>Name</u>	<u>Amount</u>
309/12	126 Roosevelt St.	Roberto Reyes & Amber Ann Ash	\$250.00
423/13	536 Laurel Ave	Dorothy P. Corson	\$250.00

✓ Vote Record – Resolution 283-08					
		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"/>

RESOLUTION NO. 284-08

WHEREAS, the following properties have been granted a Senior Citizens Deduction for the year 2008 per the Tax Assessor in the amount of \$250.00; and

BE IT FURTHER RESOLVED, that the Collector is hereby authorized to issue a check in the amount of \$250.00 on the following properties:

<u>Block/Lot</u>	<u>Address</u>	<u>Name</u>	<u>Amount</u>
114/9	514 Pinewood Ave.	Ben & Cecellia Malaspina	\$250.00
1107/7	117 Pershing Ave.	Margret Spilotras	\$250.00
1003/2	607 Sheridan Ave.	Jose & Maria L. Miguez	\$250.00

107/16	622 Maplewood Ave.	Domenico & Antoinetta Manginelli	\$250.00
105/5	625 Beechwood Ave.	Volz, Lisa & Vivian Volz	\$250.00
114/8	520 Pinewood Ave.	Carney, William I & Concetta B	\$250.00
1012/22	312 Sherman Ave.	Rizzo, Guiseppe & Ondina	\$250.00
107/5	621 Oakwood Ave.	Du, Zai-Qing & Xu, Guilan	\$250.00
902/2	205 Walnut St.	Michael & Carmen A. Pineiro	\$250.00

✓ Vote Record – Resolution 284-08					
		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. 285-08

BE IT RESOLVED the Collector of Taxes hereby authorizes the Treasurer to cancel small credit Real Estate tax balances for the year 2008 on the following properties:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
204/6	605 Westfield Ave W.	- .01
206/5	534 Webster Ave. W	- 1.52
208/6	425 Amsterdam Ave.	- 1.41
512/37	163 Grant Ave. W.	- 2.43
701/15	44 Sumner Ave. E.	- .01
715/8	637 Spruce St.	- .16
906/27	142 Avon St.	- 4.82
1006/20	428 Sheridan Ave.	-2.32
1107/21	110 Sherman Ave.	-6.76
1111/22	204 Galloping Hill Rd.	-3.06

✓ Vote Record – Resolution 285-08					
		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. 286-08

BE IT RESOLVED the Collector of Taxes hereby authorizes the Treasurer to cancel small Real Estate tax balances for the year 2008 on the following properties:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
108/7	629 Maplewood Ave.	5.51
207/38	408 Amsterdam Ave.	6.74
208/16	460 Maplewood Ave.	8.63
304/8	435 Roosevelt Ave.	6.54

401/1.09 condo	3A W. Roselle Ave	2.52
401.01/1.10 condo	3B W. Roselle Ave.	2.63
401.01/1.12 condo	3D W. Roselle Ave.	2.52
401.01/ 2.17 condo	9A W. Roselle Ave.	2.13
401.01/9.04 condo	35D W. Roselle Ave.	2.52
420/14	614 Filbert St.	5.79
602/21	214 Locust St.	3.27
603/32	127 Warren Ave,	3.57
905/40	231 Westfield Ave. E.	8.69
1003/12	419 Lincoln Ave. E.	7.59

✓ Vote Record – Resolution 286-08					
		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"/>

RESOLUTION NO. 287-08

WHEREAS, the following property has a tax overpayment, now therefore
 BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized to refund tax overpayment in the amount of \$1691.79 payable to Janet Rodriguez for the year 2008 3rd quarter on Block 906/Lot 9 (otherwise known as 133 Berwyn Street, Roselle Park, NJ 07204) and assessed in the name of Janet Rodriguez.

✓ Vote Record – Resolution 287-08					
		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"/>

RESOLUTION NO. 288-08

WHEREAS, the following property has a tax overpayment, now therefore
 BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized to refund tax overpayment in the amount of \$1,541.19 payable to Rocco DiPaola, Attorney for the year 2008 4th quarter on Block 1102/Lot 7 (otherwise known as 221 Sherman Ave., Roselle Park, NJ 07204) and assessed in the name of Christopher Longo. This was due to a sale. Original owner was Nicholas Afflito. Money to be refunded to attorney to distribute to rightful party.

✓ Vote Record – Resolution 288-08					
		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. 289-08

WHEREAS, the following property has a tax overpayment, now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized to refund tax overpayment in the amount of \$1,807.12 payable to Surety Lender Services, LLC for the year 2008 4th quarter on Block 906/Lot 11 (otherwise known as 139 Berwyn St., Roselle Park, NJ 07204) and assessed in the name of Dominick T. & Magdelana A. Zangari. Money to be distributed to rightful owner.

✓ Vote Record – Resolution 289-08					
		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. 290-08

WHEREAS, the following property has a tax overpayment, now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized to refund tax overpayment in the amount of \$1,377.17 payable to Leroy L & Adele & Alison Nilla for the year 2008 4th quarter on Block 305/Lot 12 (otherwise known as 316 Seaton Ave., Roselle Park, NJ 07204) and assessed in the name of Leroy L & Adele & Alison Nilla.

✓ Vote Record – Resolution 290-08					
		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. 291-08

WHEREAS, Frank Wirzbicki, Superintendent of the Department of Public Works has notified the Borough of Roselle Park that he will be retiring effective December 31, 2008 after thirty-two years of service to the Borough; and

WHEREAS, as Superintendent of the Department of Public Works, Frank Wirzbicki is entitled to certain compensation upon retirement as indicated in the Borough of Roselle Park

Department Head Agreement as adopted in April 1998 which includes terminal leave, accumulated sick, personal and vacation days; and

WHEREAS, it has been agreed by the Mayor and Council of the Borough of Roselle Park and Frank Wirzbicki, Superintendent that the above compensation will be paid as follows:

One-half to be paid in January, 2009

One-half to be paid in January, 2010

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Chief Financial Officer is hereby directed to pay Frank Wirzbicki, Superintendent, the entitled compensation due upon retirement at the above schedule.

<input checked="" type="checkbox"/> Vote Record – Resolution 291-08		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"/>

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

Mayor DeIorio appointed Edward Parin, 434 Henry Street, Roselle Park as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Lorraine Company.

Mayor DeIorio appointed Nicholas Genovese, 426 Hemlock Street, Roselle Park as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Lorraine Company.

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

- Litigation – Cosentino vs. Roselle Park
- Potential Litigation – Department of Public Works contractual issues

INTERRUPT REGULAR ORDER OF BUSINESS

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

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

- Litigation – Cosentino vs. Roselle Park
- Potential Litigation – Department of Public Works contractual issues

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

Attest:

Borough Clerk