

## Borough of Roselle Park Regular Meeting of January 15, 2009

| <b>Attendee Name</b>  | <b>Organization</b>     | <b>Title</b> | <b>Status</b> | <b>Arrived</b> |
|-----------------------|-------------------------|--------------|---------------|----------------|
| 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             | 7:30 PM        |
| Modesto Miranda       | Borough of Roselle Park | Councilman   | P             | 7:30 PM        |
| Carl Hokanson         | 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.

### REPORT AND RECOMMENDATIONS OF MAYOR

- Attended a workshop sponsored by the NJ League of Municipalities to discuss the newly implemented CAP law on property taxes and CAP law on appropriations on municipal expenditures; they also discussed the user friendly budget.
- They discussed the proposed pension legislation which at this time would only allow municipalities to budget for half of the amount that would be obligated to the municipality, which goes across the board throughout the State.
- One of the dangers of such a piece of legislation is that municipalities could try to catch up and that would create deficits in the State's pension fund.
- We are heading in the same direction with the legislation that is being considered now and he is opposed to it.
- If the legislation passes as currently written, municipalities could have the opportunity to either pay ½ of the required amount for the public pension system or put a portion of that aside up to 100% into a separate fund.
- We have to present our budget to the State for a waiver and if we can't make the CAP obligations from the property tax CAP, they would ask us if we take advantage of the pension discount.
- If we do not take advantage of that, they would deny us the waiver and it would cost us much more in the end.
- The State will not accept any municipal budgets until they figure out what they are going to do with the pension law.

- Asked about extraordinary aid and it was brought to everyone's attention there will be cuts in the political discretionary type of aid such as extraordinary aid. It is unknown at this point whether there will be extraordinary aid depending on not only the Governor's proposal, but the legislative review of his budget.
- If the extraordinary aid program does exist and we do apply, we have to keep in mind that no budgets will be adopted and accepted by the State until extraordinary aid figures or applications are decided upon. We may be in a situation where we will have to delay the adoption of our budget to well after June. In that case, we will be issuing estimated tax bills.
- Found the user friendly budget the State is proposing very interesting. There is a draft form they are working with now. Thinks it will make things more confusing for residents across the State. There is a mode they are following which is located on the web.

## REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

### Councilman Dinardo

- Regarding the pension issue, it is something that could be deferred and a future administration would have to pay back.
- Expressed his condolences on the passing of Marilyn Padulsky; she will be missed.
- Looks forward to working on all the new committees this year.
- Has been appointed to the Union County Planning Board.

### Councilman Miranda

- The Casano Center is scheduling a Super Bowl Party on Sunday, February 1<sup>st</sup>. It starts at 6:00 p.m. and is \$10 per person.

### Councilman Yakubov

- Regarding the pension issue, he asked if it is possible for the Borough to put together a resolution opposing this legislation and send it to the Governor and our legislators.
- Attended the Joint Sewer Reorganization Meeting and they also discussed some old business from the previous year.
- They also discussed a report about the sewer junction in Millburn; they wanted to see what was holding the waterflow. One of the dilemmas is there are 11 different municipalities that are involved in the Joint Sewer Committee that meets in Maplewood; sometimes they do studies to make sure that waterflow is properly going through. A study was done in Millburn that affected four other municipalities and they wanted to see because of the 11 different towns involved who would be paying for that.
- Dates have been set for the Community Watch Program and the first meeting will be on January 21<sup>st</sup> and will be held at the Casano Community Center from 7:00 p.m. to

- 9:00 p.m. They will be discussing different ways that fraud can be used against residents of our community and surrounding communities.
- Has one item for Closed Session regarding the DPW and Superintendent contracts.

### Councilman Matarante

- At the end of last year Council discussed recognizing the cheerleaders and wanted to remind the Clerk to make sure they come in.
- Asked for an update on the solar energy project.

Ms. Cali said Corbin Solutions was here and toured the Borough with Ben Cosentino. They visited every building and field to look at all possibilities for solar panels. They have determined that four of the buildings are good candidates; the First Aid Squad, the Firehouse next to it, the Faltoute Firehouse and the Firehouse on Chestnut Street. They will have a report within three weeks as to the energy that we will generate and the cost.

- Councilman Matarante asked if there has been any movement on the traffic light cameras.

Ms. Cali said she has not received anything and will check with the Police Chief.

- Councilman Matarante asked Ms. Cali to contact the Athletic Director to find out all the Fall sports award winners; all County and all State so they can also be recognized.

### Councilwoman Chen-Hoerning

- The Finance Committee will be meeting soon to talk about the budget meetings.
- Met with the Borough Engineer and some residents of Larch Street regarding some water pooling issues they have been having.
- Suggestions were made which they will try and hopefully will relieve the problem.
- Attended the Planning Board Meeting on Monday.
- Council has received the request for Janice Talley to help with the re-examination of the Master Plan.

Ms. Cali said she emailed Janice for a quote of the cost to do it.

Mayor DeIorio said the re-examination is like an update and if we were to retain the consultant to do the Master Plan, you would spend about \$50,000. If it is done in-house, then the cost would be less.

- Councilwoman Chen-Hoerning said the Planning Board has instituted the waiver for people that have to come in front of the Planning Board and asked if they have to pass a resolution for the \$50 fee.

Mayor DeIorio said the ordinance includes the fee for that and if Council wishes that can be introduced in February.

- Councilwoman Chen-Hoerning brought up the amendment to the ordinance which relates to the recording of public meetings in the Borough. Asked they clarify the language, that when it is two members of the public that may bring in recording devices for each meeting; as it says there may be two recording devices. At the last Planning Board Meeting there was a resident who wanted record the meeting and there were already two recording devices, but those two devices were Planning Board Chairman and the Planning Board Clerk which does not seem to be in the spirit of allowing the public to record the meeting. She asked that the Council consider that change as well. She understood that was the intent of allowing the recordings when the ordinance was created.
- Wanted to express concern with the desire of the Planning Board Chair to not have the meetings videotaped, it is not clear whether it is just him or the entire Board who feels this way.
- At a meeting in December the Chair was the only one who left the meeting because of the videotaping and she does not know what the feelings of the other board members are.
- She understands there are residents who are interested and are not able to come to the meetings.
- We can offer them the opportunity to watch them on television, and does not see why that is a problem.
- She spoke with him briefly after the meeting the other day about it, and does not think there is any mal-intent, she just does not understand why there is such resistance to have the meetings videotaped.

Mayor DeIorio said he was at the meeting and it did not affect him one way or the other. It is not just one individual that has a strong opinion about this, there are members on other committees that have a fear a being taped; he tries to encourage them. You must respect the other individual's opinion whether you agree with it or not.

- Councilwoman Chen-Hoerning said if the public does have the right to videotape it, then to resist it is not in the state of transparency.

Mayor DeIorio said if the individual does not want to be taped and chooses to leave, that is their individual choice. We just have to be aware there are people on various committees that do not feel comfortable with it and just respect their opinions for it.

- Councilwoman Chen-Hoerning said if the Chairman is going to excuse himself from every meeting that does not make for a very smooth running meeting.

Mayor DeIorio said with all due respect, we should not speak on behalf of people and what they said and their right to say it. If anyone has difficulty with the situation, they either stay or leave. If they leave, then the by-law requirement if the member misses and "x" amount of meetings without a reason, they can be asked to leave the committee. If there is no Chairman, there is a Vice Chairman and if the Chairman is not there for whatever reason, the Vice Chairman takes over the meeting.

- Councilwoman Chen-Hoerning said the residents tried to find out from him after the meeting what happened and he refused to say. She is not suggesting that anything is being hidden; he should just say for the record he does not want to be on camera.

Mayor DeIorio said to be careful of making an innuendo of someone doing something illegal.

- Councilwoman Chen-Hoerning said she is not doing that. The ordinance reads that what happens is perfectly legal and she is not suggesting that. It just gives a bad appearance.

Mayor DeIorio said that was just one member, the other members stayed for the meeting. It is unfair for the other members to be lumped into that situation.

- Councilwoman Chen-Hoerning attended the Red Cross Ready presentation at the Casano Center. It was suggested the presentation be done again where people are already gathered and perhaps it could be done before a Council Meeting.
- Spoke with Karen at the Casano Center about the Holiday House Decorating in December.

#### Councilman Hokanson

- Thanked the Mayor for his information on the Budget.
- Met with Mr. Blum and is looking forward to working with Mayor and Council.
- We will be scheduling dates for the budget meetings.
- Reported that so far there are 238 dogs licensed for 2009 and there are 506 that still have to be licensed. There are 71 cats renewed and 117 that still have to be licensed. He suggested all cats and dogs be licensed before the end of January or summonses will be issued.
- Spoke to Ms. Cali regarding animal traps; an agreement will be worked out that on weekends and nights he can be contacted.

Mayor DeIorio said so that is properly documented, it should run by the Police Department or the Humane Society.

- Councilman Hokanson said the Borough Clerk has a form to be filled out by the resident and he meant that if a person has a problem with an animal on the weekend, that person will not be able to contact the Borough Clerk until Monday morning.

Mayor DeIorio said if he is not available than the Police should be just in case of a problem. He is just cautioning that it is properly documented whether the call comes through the Police Department so we know it was documented.

- Councilman Hokanson distributed to Council a brochure on Information Technology regarding new microphones.
- Offered his condolences to the Padulsky Family.

## REPORTS OF DEPARTMENTS

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

- Municipal Court Report for November 2008
- DPW Report for December 2008
- Construction Code Enforcement Report for December 2008
- Municipal Court Report for December 2008
- Administrative Assistant Report for December 4, 2008 through January 9, 2009

## MOTION BILLS & PAYROLLS BE NOT READ

## MOTION BILLS AND PAYROLLS BE PASSED FOR PAYMENT

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

## ORDINANCES

### INTRODUCTION

### ORDINANCE NO. 2257

#### AN ORDINANCE AMENDING ARTICLE XXIII, SECTION 40-2302 OF THE CODE OF THE BOROUGH OF ROSELLE PARK FOR PERMITTED USES

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Article XXIII, Section 40-2302(B)(1) of the Borough Code is hereby amended as follows:

#### SECTION 1: 40-2302 PERMITTED USES

- B. (1) Storage of materials, stock or inventory shall not be permitted in any window display area ordinarily exposed to public view. All screening of windows shall be maintained in a clean and attractive manner.

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 Yakubov moved that Ordinance #2257 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on February 5, 2009; seconded by Councilman Miranda.

| ✓ Vote Record – Ordinance #2257     |                    | 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"/> |
|                                     | 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"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | DeIorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**ORDINANCE NO. 2258**

**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**

WHEREAS, by Resolution adopted April 20, 2006, the Borough Council of the Borough of Roselle Park (“Council”) directed and authorized the Planning Board to conduct a preliminary investigation and a public hearing to determine whether an area commonly known as “The Romerovski Site,” and designated as Block 213, Lots 1, & Block 314, Lot 1) on the Official Tax Map of the Borough of Roselle Park is an area in need of redevelopment according to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”); and

WHEREAS, after due notice and a hearing, the Planning Board, by Resolution adopted September 18, 2006, recommended to the Borough Council that the Romerovski Site be declared an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, after receipt of the Planning Board’s resolution, the Council, by Resolution 158-06, designated the Romerovski Site as an area in need of redevelopment pursuant to the Redevelopment Law for reasons stated therein; and

WHEREAS, pursuant to the Redevelopment Law, a redevelopment project must be undertaken pursuant to a “redevelopment plan” adopted by ordinance; and

WHEREAS, the Borough’s consulting planner prepared for the Council a proposed redevelopment plan entitled “Romerovski Site Redevelopment Plan” (“Proposed Plan”) dated February 2007; and

WHEREAS, on February 15, 2007, the Borough Council introduced Ordinance 2201 entitled “An Ordinance Adopting A Redevelopment Plan Pursuant To N.J.S.A. 40A:12A-7 For The Romerovski Site Located In The Borough Of Roselle Park”; and

WHEREAS, on February 15, 2007, the Borough Council reviewed the Redevelopment Plan attached to Ordinance 2201 and concluded that the Plan met the statutory requirements of N.J.S.A. 40A:12A-1 et seq., and was designed to effectuate the Borough’s Master Plan as it pertains to the Romerovski Site; and

WHEREAS, on March 1, 2007, Ordinance #2201 was adopted on second reading and advertised as prescribed by law; and

WHEREAS, on June 18, 2007, the Borough Planning Board adopted and the Borough Council endorsed a Housing Element and Fair Share Plan; and

WHEREAS, it was subsequently discovered that specific provisions of the Borough’s adopted and endorsed Housing Element and Fair Share Plan were somewhat inconsistent with certain provisions of the Borough’s adopted Redevelopment Plan; and

WHEREAS, it was the Borough's intention to bring its Master Plan, Housing Element and Fair Share Plan, and Redevelopment Plan into consistency with one another; and

WHEREAS, on October 4, 2007, the Borough Council adopted Ordinance #2217 on second reading and advertised same as prescribed by law, thereby removing the specific language in the initial Romerovski Redevelopment Plan which limited the tenure of ownership; and

WHEREAS, on February 20, 2008 the Borough Council adopted Ordinance #2236 on second reading and advertised same as prescribed by law, thereby removing the specific language in the initial Romerovski Redevelopment Plan which limited the tenure of ownership; and

WHEREAS, accordingly, the governing body has participated in mediation sessions with the plaintiff and, at the same time, the Council on Affordable Housing has made major modifications to its affordable housing regulations, and, as a result, the Borough has instructed its professionals to draft an Amended Redevelopment Plan which reflects these changes; and

WHEREAS, nothing herein should be construed as a waiver or abandonment of the rights of the Borough under applicable law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Roselle Park as follows:

SECTION 1. Council hereby adopts the attached Amended Redevelopment Plan dated January 14, 2009 and prepared by H2M Associates Inc. for the Romerovski Site (Block 213, Lots 1, & Block 314, Lot 1) pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-1 et. seq. A copy of the amended Redevelopment Plan shall be maintained in the offices of the Borough Clerk.

SECTION 2. The amended Redevelopment Plan shall supersede applicable provisions of the Zoning Ordinance of the Borough of Roselle Park. In all situations where zoning issues are not specifically addressed by the amended Redevelopment Plan, the Zoning Ordinances of the Borough shall remain in full force and effect.

SECTION 3. Pursuant to N.J.S.A. 40A:12A-7(c), the Zoning Map is hereby amended consistent with Section 1 above, so as to indicate that the amended Redevelopment Plan applies to the redevelopment area depicted in the attached amended Redevelopment Plan.

SECTION 4. Said amendment to the Redevelopment Plan is subject to the complete settlement of the litigation known as Roselle Park VP LLC. vs. Borough of Roselle Park. If complete settlement is not reached then the amended Redevelopment Plan reverts back to the Redevelopment Plan as outlined in Ordinance #2236 dated February 20, 2008.

SECTION 5. If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion hereof.

SECTION 6. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

SECTION 7. This Ordinance shall take effect immediately upon adoption and publication according to law, and upon filing with the Union County Planning Board.

Councilman Yakubov moved that Ordinance #2258 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on February 19, 2009; seconded by Councilman Miranda.



| ✓ Vote Record – Ordinance #2258     |                    | 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"/> |
|                                     | 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"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | DeIorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2259

AN ORDINANCE AMENDING ARTICLE VIII, SECTION 2-70  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
FOR RULES AND REGULATIONS

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Article VIII, Section 2-70.2 of the Borough Code is hereby amended as follows:

SECTION 1:

2-70.2 Still Photography and Videotaping at Public Meetings

a. *Equipment and Personnel.*

1. Not more than two (2) recording devices, operated by no more than one member of the public each, shall be permitted at any public meeting of any public body, including but not limited to the Borough Council.

c. *Notice*

1. Notice shall be given to the Borough Clerk and any secretary of any public body prior to the close of business of the day of the meeting for which an individual is seeking permission to record the public meeting and, if the meeting occurs on a day when municipal offices are closed, prior to close of business on the last business day preceding the meeting for which permission is sought.

d. *Location of Equipment and Personnel.*

1. Recording device(s) shall be placed in an inconspicuous location of the meeting room designated by any public body, including but not limited to the Borough Council. The area(s) shall provide a generally clear view of the proceedings by the recording device. The person recording the public meeting shall not move about the meeting room while the public meeting is being held.

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 Yakubov moved that Ordinance #2259 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on February 5, 2009; seconded by Councilman Miranda.

Councilwoman Chen-Hoerning asked that Council consider the additional amendment she mentioned earlier regarding two recording devices at public meetings.

Mr. Johnstone said it is on a first come, first serve basis; the first two people that come in and make the request are the ones who get it for that meeting.

Councilman Yakubov moved to accept the amendment to Ordinance #2259; seconded by Councilman Miranda.

| ✓ Vote Record – Amendment - Ordinance #2259 |                    |                                     |                          |                          |                          |
|---|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    | 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"/> |
|   | 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"/> |
|   | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | DeIorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Councilman Yakubov moved that Ordinance #2259 be adopted as amended on first reading and advertised as prescribed by law for second reading and public hearing on February 5, 2009; second by Councilman Miranda.

| ✓ Vote Record – Amendment - Ordinance #2259 |                    |                                     |                          |                          |                          |
|---|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    | 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"/> |
|   | 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"/> |
|   | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | DeIorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2260

AN ORDINANCE AMENDING ARTICLE IV, SECTION 4-10, PEDDLERS, CANVASSERS AND TRANSIENT MERCHANTS, OF THE CODE OF THE BOROUGH OF ROSELLE PARK FOR RULES AND REGULATIONS

WHEREAS, the Borough of Roselle Park was named as a Defendant in the Federal District suit entitled, New Jersey Environmental Federation (NJEF) v. Borough of Roselle Park, Civil Action No. 08-3687; and

WHEREAS, the parties (i.e., Plaintiff and Defendant) has settled this matter on mutually agreeable terms and conditions; and

WHEREAS, as part and parcel of the settlement, the Borough of Roselle Park agreed to amend Article IV, Section 4-10 as follows:

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park that Article IV, Section 4-10 is amended as follows:

SECTION 1:

4-10 Solicitors and Canvassers.

a. Permit Required. No person, except as otherwise provided in this subsection, shall engage in commercial sales or solicitation of any kind, including solicitation for contractual agreements or donations, from house to house in the Borough without having received a permit and without having first deposited a letter from the individual partnership or corporation for which he or she purports to work, authorizing the applicant to act as a representative.

b. Application for Permit. Prior to the issuance of the permit required herein, the applicant shall present his request in writing to the Chief of Police or other officer in charge of Police Headquarters giving the following information:

1. Name;
2. Specific address for the past three (3) years;
3. Date and place of birth and citizenship;
4. Marital status;
5. Arrest or conviction at any time of any crime or disorderly conduct, or of any municipal ordinance or regulation;
6. Name and addresses of employers for the past three (3) years and respective dates of employment;
7. Identification and location of the sponsor of the project for which this permit is sought.

c. Investigation; Issuance of Permit; Fee. The Chief of Police or Officer in charge of the Police Headquarters shall receive and file the application together with two (2) current photographs of the applicant to be one inch by one inch (1" x 1") in size, to be furnished by the applicant. The application shall be investigated by the Chief of Police, or such other officer delegated by him, or the Officer in charge of the headquarters. If the investigation indicates that the applicant has truthfully submitted the information and has never been convicted of a criminal offense, (and is not subject to any outstanding criminal warrants or indictments) relating to fraud, deception, theft or assault, and that he is selling or soliciting for a project free from fraud, a permit shall be issued, under the signature of the Chief of Police or the Officer in charge of Police Headquarters. The permit shall expire one (1) year from the date of the application and the fee shall be the sum of twenty-five (\$25.00) dollars per annum. No permit shall be issued until the fees are paid.

d. Exhibiting Permit. Each permit shall display its expiration date, and copy of the permittee's photograph shall be attached to the permit. The permittee shall carry said permit and shall exhibit the permit to any officer or resident of the Borough of Roselle Park upon request. To the extent possible, the permittee shall advise the Police Department weekly of the specific location and/or locations he or she intends to canvas. The person giving this information shall do so by providing to the Police Department his or her name, permit number, name of organization, if any, and specific location and/or locations he or she or others shall canvas. Every permit shall be returned to the Officer in charge at Police Headquarters at the end of each day of canvassing and shall be redelivered on such day that such permit is to be used by the person so soliciting or canvassing. The Police Department shall require a five (\$5.00) dollar deposit upon issuance of the badge, which deposit shall be returned at the time the badge is turned in at the conclusion of the canvassing period. Any person who shall fail to abide by the provisions of this section and shall fail to forthwith deposit the permit after concluding his canvassing and soliciting for the day and who shall fail to give a justifiable excuse, in addition to other penalties herein provided, will forfeit his right to solicit or canvass in the Borough for a period of one (1) year thereafter.

e. Hours of Operation; Conduct. After issuance of the permit, canvassing and soliciting may be carried out during the effective period of the permit between the hours of 9:00 a.m. and 5:00 p.m., except Sundays. The permittee shall be courteous to all persons in canvassing and shall not importune or annoy any of the inhabitants of the Borough and shall conduct himself in a lawful manner.

f. Exceptions.

1. This subsection shall not apply to employees of any public utility which is subject to the regulation of the Board of Public Utilities of the State of New Jersey; provided, however, that such employee shall display the identification badge or card issued by his employer and provided he shall not canvass or solicit between 8:00 p.m. and 8:00 a.m.

2. Nonprofit Organizations.

(a) This subsection shall not apply to members or representatives of any church, or social, civic, political, fraternal, or philanthropic nonprofit organization which may engage in its activities between the hours of 9:00 a.m. to 9:00 p.m.

g. Limitations

1. The Borough may establish a non-solicitation list of all residents and property owners who have notified the Borough that they do not authorize any person or entity to solicit or canvas at their residence or property. Such list shall be limited to the addresses where solicitation or canvassing is not authorized and shall be made available by the Borough Clerk to anyone seeking to solicit or canvass in the Borough. The Tax Assessor, shall, upon being advised of a transfer of ownership of a residential premises, notify the Borough Clerk of said conveyance whereupon the Borough Clerk shall remove the premises so transferred from the non-solicitation list.

2. A Borough resident or property owner may post a no-soliciting sign on its property.

h. Violations and Penalties. Any person violating this subsection shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

(1980 Code §§ 162-10–162-16; New Jersey)

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 Yakubov moved that Ordinance #2260 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on February 5, 2009; seconded by Councilman Miranda.

| ✓ Vote Record – Ordinance #2260     |                    | 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"/> |
|                                     | 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"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | DeIorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**RESOLUTIONS**

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

**RESOLUTION NO. 31-09**

WHEREAS, the Collector hereby authorizes the Treasurer to issue a check in the amount of \$6,456.00 refunding taxes for the year 2007 and 2008 on Block 606/Lot 39 (otherwise known as 161-165 Westfield Ave., West, Roselle Park, NJ 07204) and assessed in the name of Horla Associates per State Court Judgment Appeal as follows:

| <u>Year</u> | <u>Original Assessment</u> | <u>New Assessment</u> | <u>Reduction/Rate</u> = | <u>Refund</u> |
|-------------|----------------------------|-----------------------|-------------------------|---------------|
| 2007        | 410,000                    | 390,000               | 20,000 10.394           | 2078.80       |
| 2008        | 410,000                    | 370,000               | 40,000 10.940           | 4376.00       |

BE IT FURTHER RESOLVED to adjust 1<sup>st</sup> and 2<sup>nd</sup> quarter taxes for the year 2009 as follows:

|                         | <u>Original Quarter Payment</u> | <u>New Quarter Payment</u> |
|-------------------------|---------------------------------|----------------------------|
| 1 <sup>st</sup> quarter | 11,213.50                       | 10,119.50                  |
| 2 <sup>nd</sup> quarter | 11,213.50                       | 10,119.50                  |

Check to be made payable to Michael I. Schneck trustee for Horla Associates.

| <b>✓ Vote Record – Resolution 31-09</b> |                    |                                     |                          |                          |                          |
|---|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|   |                    | <b>Yes/Aye</b>                      | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
| <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"/> |
|   | 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"/> |
|   | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Delorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

**RESOLUTION NO. 33-09**

RESOLVED, that the following individuals be appointed as Basketball Referees for the 2009 season in the Recreation Department of the Borough of Roselle Park at a salary set by Borough Ordinance:

- Liridona Gocaj, 613 Sherman Avenue, Roselle Park
- Ashley Gomes, 221 Locust Street, Roselle Park
- Jessica Johns, 520 Jerome Street, Roselle Park
- Gabrielle Clauer, 128 Butler Avenue, Roselle Park
- James Calabrese, 60 West Grant Avenue, Roselle Park

| <b>✓ Vote Record – Resolution #33-09</b> |                    |                                     |                          |                          |                          |
|--|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|  |                    | <b>Yes/Aye</b>                      | <b>No/Nay</b>            | <b>Abstain</b>           | <b>Absent</b>            |
| <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"/> |
|  | 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"/> |
|  | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|  | Delorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 34-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Sandy Smith as Clerk in the Roselle Park Construction Department, effective January 23, 2009, be and is hereby accepted.

| ✓ Vote Record – Resolution #34-09   |                    |                                     |                          |                          |                          |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |                    | 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"/> |
|                                     | 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"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | DeIorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 35-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Genevieve Kelly as Dispatcher in the Roselle Park Police Department, effective January 4, 2009, be and is hereby accepted.

| ✓ Vote Record – Resolution #35-09   |                    |                                     |                          |                          |                          |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
|                                     |                    | 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"/> |
|                                     | 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"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | DeIorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTION NO. 36-09

WHEREAS, the President directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for federal, state, local and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond and recover from domestic incidents, regardless of cause, size or complexity; and

WHEREAS, the collective input and guidance from all federal, state, local and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS; and

WHEREAS, on September 8, 2004, Tom Ridge the then head of Homeland Security wrote the Governors of the states outlining the FY 2005, 2006 and 2007 objectives, requesting each of the states and local governments to become compliant with NIMS to qualify for additional preparedness funding for FY 2006 and to set forth same in applications for preparedness funding grants; and

WHEREAS, it is necessary and desirable that all federal, state, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management; and

WHEREAS, to facilitate the most efficient and effective incident management it is critical that federal, state, local and tribal organizations utilize standardized terminology,

standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters; and

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State’s ability to utilize funding to enhance local and state agency readiness, maintain first responder safety and streamline incident management processes; and

WHEREAS, the incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roselle Park that it hereby formally adopts the National Incident Management System (NIMS) as Union County’s Incident Management System; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute any and all documents to further the objectives of the NIMS as outlined in the September 8, 2004 correspondence of Tom Ridge to the Governors; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Ben Laganga, OEM Director and Robert Barry, County Counsel.

| ✓ Vote Record – Resolution #36-09   |                    | 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"/> |
|                                     | 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"/> |
|                                     | Hokanson           | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     | Delorio            | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

**RESOLUTION NO. 32-09**

WHEREAS, N.J.S.A. 40A:9-133 requires the appointment of a Municipal Clerk; and

WHEREAS, pursuant to N.J.S.A. 40A:9-133.2, Doreen Cali, RMC, certification number C1117 is qualified to be re-appointed as Municipal Clerk, which position in the Borough of Roselle Park is known as Borough Clerk; and

WHEREAS, pursuant to N.J.S.A. 40A:9-133.6, the re-appointment of an incumbent Municipal Clerk within sixty days of the expiration of the prior term is considered a re-appointment for the purposes of tenure; and

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

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. Doreen Cali be and she is hereby re-appointed Borough Clerk of the Borough of Roselle Park. Said appointment is subject to the terms and conditions set forth in the

attached agreement between the Borough and Doreen Cali.

3. The Mayor be and he is hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution, including the execution of the attached Agreement.
4. The Borough Clerk shall publish notice of this action as required by law.
5. This Resolution shall be effective immediately.

Councilwoman Chen-Hoerning asked if the agreement between the Borough and Ms. Cali would be attached to the resolution.

Ms. Cali said it would be attached to the resolution, but she can give the Councilwoman a copy if she would like one.

Mayor DeIorio said the Clerk can make copies for the Governing Body.

Councilwoman Chen-Hoerning asked that tenure be explained.

Mayor DeIorio said there is a statutory requirement for positions of Municipal Clerk or similar positions such as CFO or Tax Assessor.

Ms. Cali said there are certain positions that are statutory; after you complete a certain amount of years in office then you receive tenure. In this case, the Borough Clerk is a three year appointment by statute, during the second appointment they would have completed five years in the same position and received tenure.

Councilman Hokanson asked about insurance and pension for Department Heads.

Ms. Cali said right now she pays 10% toward medical insurance and as far as retirement she would have to be here fifteen years and reach the age of 65; which is the language from the Clerical Contract. The language in the Contract is that if you reach 15 years of employment and you reach the age of 65, the Borough pays the difference.

Mr. Blum said it is the language in the Clerical Contract, when you reach the age of 65 and you are retired then Medicare becomes your primary insurance and this would be considered secondary insurance.

Councilman Hokanson said some of the other departments have benefits for life. If a Department Head starts at 25, they can retire after 25 years and could get benefits longer off the job then when on the job.

Mr. Blum said under PERS, if you retire under the age of 55, you get penalized; presently there are three different tiers.



| ✓ Vote Record – Resolution #32-09   |                    |               |                                     |                                     |                          |
|-------------------------------------|--------------------|---------------|-------------------------------------|-------------------------------------|--------------------------|
|                                     |                    | Yes/Aye       | No/Nay                              | Abstain                             | Absent                   |
| <input checked="" type="checkbox"/> | Adopted            | Matarante     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/>            | Adopted as Amended | Dinardo       | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Defeated           | Yakubov       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| <input type="checkbox"/>            | Tabled             | Chen-Hoerning | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Withdrawn          | Miranda       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
|                                     |                    | Hokanson      | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|                                     |                    | DeIorio       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |

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

RESOLUTION NO. 37-09

BE IT RESOLVED that Nicholas D. Vaughan, 41 E. Street, Port Reading, N.J. 07064, is hereby appointed to the permanent position of Patrolman, in the Roselle Park Police Department effective January 21, 2009.

Councilman Dinardo congratulated the patrolman for making his probationary period and hopes he has a long career with the Police Department.

| ✓ Vote Record – Resolution #37-09   |                    |               |                                     |                          |                          |
|-------------------------------------|--------------------|---------------|-------------------------------------|--------------------------|--------------------------|
|                                     |                    | Yes/Aye       | No/Nay                              | Abstain                  | Absent                   |
| <input checked="" type="checkbox"/> | Adopted            | Matarante     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Adopted as Amended | Dinardo       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Defeated           | Yakubov       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Tabled             | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/>            | Withdrawn          | Miranda       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |                    | Hokanson      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|                                     |                    | DeIorio       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |

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

RESOLUTION NO. 38-09

WHEREAS, the Mayor and Council of the Borough of Roselle Park desires to further the public interest by accepting a Fire Act Grant in the amount of \$350,000 with a matching share in the amount of \$17,500.00.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council hereby accept the above grant and authorize Mayor Joseph DeIorio and/or the Borough Clerk to execute any and all required documents.

Councilman Dinardo asked if the \$17,500 is matching the \$350,000.

Mr. Blum said it would be a 5% match on the \$350,000 which would be the amount of \$17,500.

| ✓ Vote Record – Resolution #38-09           |               | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Matarante     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Dinardo       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated           | Yakubov       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled             | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn          | Miranda       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Hokanson      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | DeIorio       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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

RESOLUTION NO. 39-09

BE IT RESOLVED that Lisa Benson is hereby appointed to the position of Sewer Utility Clerk effective February 1, 2009 at the annual salary of \$35,000.

| ✓ Vote Record – Resolution #39-09           |               | Yes/Aye                             | No/Nay                   | Abstain                  | Absent                   |
|---|---------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> Adopted | Matarante     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Adopted as Amended | Dinardo       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Defeated           | Yakubov       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Tabled             | Chen-Hoerning | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> Withdrawn          | Miranda       | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | Hokanson      | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|   | DeIorio       | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

Mayor DeIorio appointed Christopher Baylock, 105 E. Westfield Avenue, Roselle Park, as a member of the Roselle Park Fire Department effective immediately to be assigned to the Central Ladder Company.

PUBLIC COMMENT

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

Jacob Magiera, 612 Sheridan Avenue

- Residents should be notified and be aware about telephone scams; he received one today.
- The Roselle Park Concerned Citizens Meeting was well attended in spite of the weather; it was very informative regarding the PILOT program or just taxes.
- Referred to Resolution #31-09.
- The Chairman of the Planning Board is a disappointment. He asked that his comments be put on record for transparency.
- He asked the Chairman why he left the prior meeting and why he did not want to have the meetings videotaped and he received no response.
- Last year he said it would cost \$1,440.00 to videotape Planning and Zoning Meetings.

- Mr. Saul Qersdyn was taping the meeting on Monday night for free.
- At the December 18<sup>th</sup> meeting Michael Peterson said to cut garbage pickup to one day per week. He said that in 1989, and 1990 he also requested that.
- Suggested the business section be cut from six days to three days in the winter.
- Glass pickup every other week during the summer and have two bulk pick ups per year if the money is available.
- Mentioned recycling banks, it is a good savings to the taxpayers.
- Reported on the Union County Air Traffic Advisory Board.
- Asked that Ordinance #2258 be explained.

Mayor DeIorio said many of the changes made to this ordinance are a result of the ongoing litigation.

Ms. Cali said the changes to the Redevelopment Plan are issues that are a result of some of the negotiations with AvalonBay and to be compliant with the Council on Affordable Housing. Anything that is included in the ordinance is already a public document and has been discussed at the meetings. Janice Talley will be there for the second reading of the ordinance and for the public hearing. There will be a discussion and explanation in detail of any changes that were made.

- Mr. Magiera said he asks these questions for the residents.

Councilman Matarante suggested that if and when ordinances and resolutions are amended; the amended portions be highlighted.

Bob Zeglarski, 521 Chester Avenue

- Asked about the clerical benefits.
- Spoke about videotaping public meetings.
- Passed out paperwork regarding the PILOT program to the Governing Body.
- Spoke about the payment in lieu of taxes.
- Spoke about the taxes paid by AvalonBay.
- Mentioned the CAP law.

Andrew Casais, 166 Berwyn Street

- The Gordon Street Bridge will be affected when the development takes place on the Romerovski site and asked if it will be closed.

Mayor DeIorio said the only way it can be determined if it will be closed or not would be the way the construction is going to take place; the tunnel not going to be used.

Councilman Hokanson said the tunnel won't be used; it will probably either be boarded or cemented on both ends.

- Mr. Casais asked if traffic over the bridge will be discussed with other towns.

Saul Qersdyn, 150 Berwyn Street

- Asked about the videotaping of the public meetings.

Borough Attorney Johnstone said the change which was made was for the public. He said he did not change anything other than to make it clear that two individuals could record, because case law clearly indicates they have the right to videotape the meetings. They want to make sure it is clear so there was no ambiguity that regardless of what board you are, if a member of the public wants to come and videotape they have the ability to do so. If the members decide to do so technically, they are members of the public themselves. The clear intent of the Mayor and Council is for people other than Board members to do so. Once the Planning Board is aware of the desire of the Borough Council, whatever opposition there is would be dealt with in a different fashion.

Patrick Jones, 5B Sheridan Avenue

- Spoke about the potholes on Sheridan Avenue.
- Nothing has happened in that area.
- It is a small street and it gets a lot of traffic.
- It is not cleaned when there are snow storms.
- When it rains the water pools and there is no place to park.
- Asked if there could be permit parking put in place.

Councilman Dinardo said he will check on it.

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

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

- Contractual Negotiations – Borough of Roselle Park and Mr. Ben Cosentino
- Litigation – Roselle Park LLC versus the Borough of Roselle Park

INTERRUPT REGULAR ORDER OF BUSINESS

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

RESUME REGULAR ORDER OF BUSINESS

Councilman Yakubov moved to resume the regular order of business; seconded by Councilman Miranda and adopted.

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

- Contractual Negotiations – Borough of Roselle Park and Mr. Ben Cosentino
- Litigation – Roselle Park LLC versus the Borough of Roselle Park

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

Attest:

Borough Clerk