

## Borough of Roselle Park Regular Meeting of March 5, 2009

Attendee Name	Organization	Title	Status	Arrived
Rick Matarante	Borough of Roselle Park	Councilman	P	8:56 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 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.

Borough Clerk Cali read a short prayer followed by the Pledge of Allegiance.

Mayor DeIorio invited Third Grade Brownie Troop #134 with the assistance of Girl Scout Cadet Troop #548 to the front to make a presentation about recycling. The presentation consisted of suggestions on how recycling can help the community and the world and that more recycling bins should be placed in various locations throughout the Borough. Mayor DeIorio said new recycling cans have been ordered and will be placed throughout the town. He thanked all of the girls and commended them on their courage to come to the meeting to make the presentation.

Mayor DeIorio said each of the girls that were present this evening and the other girls in the troop can come to the Clerk's Office to get a recycling can.

### CERTIFICATES AND PROCLAMATIONS

#### CERTIFICATES

- Fire Department Service Awards
- Free Throw Winners/Knights of Columbus
- Nick Florio

#### COMMUNICATIONS

Councilman Yakubov moved the following communication; seconded by Councilman Dinardo, all members present voting Aye.

- Request from the Community United Methodist Church to use the gazebo at Michael Mauri Park for their Easter Service on Sunday, April 12, 2009 at 7:00 a.m.

Councilman Yakubov moved the following communication; seconded by Councilman Miranda, all members present voting Aye.

- Letter of retirement from Cris Tucci as Police Captain, effective March 31, 2009 after 25 years of service.

Councilman Yakubov moved the following communication; seconded by Councilman Dinardo, all members present voting Aye.

- Request from the Unity in the Community Committee to hang a banner over Chestnut Street from April 1 through April 21, 2009 near the gazebo area to encourage all residents to vote in the upcoming Board of Education Elections.

## REPORTS OF DEPARTMENTS

### Joseph Signorello – Fire Chief

- There have been numerous meetings of the truck committee regarding the new rescue truck and the specifications should be ready by Monday or Tuesday of next week.
- There was a training course on defensive driving, which was part of the grant.
- CPR training was done.
- Commissioner Miranda and he took a tour of the firehouses and are working on a few issues with them.
- New officer training is going well.
- There must be an aggressive schedule for the grant, which is for one year.
- The ladder had a major problem and was out of service for nine days.

Mayor DeIorio said the second reading of the ordinance for the funding of the vehicle was scheduled for this evening.

### Paul Morrison – Police Chief

- Attended a meeting at the County on February 11<sup>th</sup> regarding the Reverse 911 System.
- A County Reverse 911 System is being offered to all towns in Union County. If we choose to join the only charge is when we utilize the system.
- If the County puts a countywide alert for some type of an emergency, it will incorporate all counties with that plan.

Mayor DeIorio said if we have a message to go out and the County retains the list, who do we call to make it work; Chief Morrison said it is all done internally. We would go on a site on the computer and the message would go out; the company has no involvement in messages that go out.

Mr. Blum said it is for Police and Emergency Management situations.

Chief Morrison said messages can be sent to any size area that you want and would be charge accordingly.

Mayor DeIorio asked about the charge and Chief Morrison said it is 12 cents per call; town wide would be \$700-\$800.

Councilman Yakubov said last year the Police Department did a program where officers in plain clothes tried crossing the street and if the vehicle did not stop, they would be given a summons. The program worked well on Chestnut Street and had a lot of good feedback.

Councilman Yakubov asked if there has been any progress regarding the red light cameras. Roselle Park and Linden were the two towns selected to receive it.

Chief Morrison said they are still discussing how this would be budgeted.

Chief Morrison said they have issued many cellphone summonses.

Councilwoman Chen-Hoerning said regarding the Reverse 911, residents can go on the website [UCfirstalert.org](http://UCfirstalert.org) and add additional telephone numbers such as cell phones to the list.

Councilwoman Chen-Hoerning asked if there is a major situation in Roselle Park, is there a place that people can go; Chief Morrison said they would use the schools and we have utilized the Casano Center.

Chief Morrison said they do have a formalized plan in place, which is updated yearly.

#### Ben Cosentino – Superintendent of Public Works

- Sweeper has been out this month.
- Tree crew has been working every day elevating the trees on Chestnut and the parking lot on Westfield Avenue.
- Crews were out cleaning on the February 3<sup>rd</sup> snowstorm.
- Trash is being picked up and there is a crew out every day picking up branches and debris.
- They are starting stump grindings where trees have been removed.
- They are filling potholes.

Councilman Yakubov said if a resident calls and has an issue with a tree, how does the list work.

Mr. Cosentino said if there is a tree in front of their home that needs trimming, they can call the office and Terry will make out a work requisition and have the tree man look at it. If there is an emergency situation, it will be addressed; if it is not, it is put at the bottom of the list in that ward.

Councilman Hokanson thanked the residents on Grant Avenue near the brook that returned his call, they were very thankful for the signs that went up.

#### Mike Costa – Special Improvement District Update

- They have had ten meetings over the past year in an effort to establish a dialogue between local business people and the landlords in the Special Improvement District.
- Ms. Intile has prepared a list of what transpired at the meetings and distributed them to the Governing Body.
- They have been able to familiarize themselves with the problems and complaints downtown.
- They have had Chief Morrison in to address the problems.
- They had Mr. Cosentino in to address their issues.
- Had the Downtown Revitalization Committee in and was very helpful in letting us know what is taking place in Cranford.
- They recently did an informal survey of businesses on the Westfield Avenue corridor and along Chestnut Street.
- There are about two dozen properties that are empty or in transition.
- Due to the economy, it may take a long time to do that.
- There are two properties in the downtown that can impact the town for years to come.
- The members of the committee are business people.
- They are looking to hire a consultant to help with downtown revitalization.
- Cranford Committee suggested that prior to coming up with a consultant, we entertain Downtown New Jersey; it is an organization that provides business assistance to municipalities.
- They have been all over the State in a wide variety of environments.
- They come in with a 3 to 5 person team for a day and assess the town's situation and then provide a report; the cost for the service is about \$2,500.
- At this time, this is a good way to go.

Mayor DeIorio thanked the members of the committee for their work and so far they have been very good reaching out to everyone affected. Mr. Blum and he had spoken awhile ago and there is an existing grant that can be used for planning downtown development. Part of our New Directions Plan called for focus of our downtown community and business in general. One idea was to have an Office of Economic Development. Mayor DeIorio said he would like Council to consider it.

Councilman Yakubov said once the locations are identified, we could also look into seeing what type of businesses we would like to see in Roselle Park.

#### Doreen Cali – Borough Clerk

- Announced we are out to bid for bulk waste pickup and the new garbage specs will be ready by Friday and out for bid also.

### Ken Blum – Chief Financial Officer

- Said they have been working on the budget and the next meeting will be on March 7<sup>th</sup> at 9:00 a.m. in the Conference Room.
- They are anxiously awaiting the Governor's speech on March 10<sup>th</sup> regarding State Aid.
- The State has extended the due date for the Extraordinary Aid applications to April 1<sup>st</sup>.

### Tom Solfaro – Borough Engineer

- His office has been working preparing plans and specs for 6-8 roads.
- They will be out for bid in the next several weeks.
- Regarding the E. Grant Sanitary Sewer Project, they have submitted plans, specifications, design documents, planner reports and financial applications for the deadline which was March 2<sup>nd</sup>.
- Roselle Park is a candidate for it at the State level and they are waiting for their response.

Councilman Hokanson asked about the status of the West Brook Stream Project.

- Mr. Solfaro said the plans have been designed, approved and submitted to the State; there are some easement issues.
- If the residents do not step forward, then the next thing would be to condemn them.

Councilman Hokanson asked if there is a way they can talk to the residents and Mr. Solfaro said that is a good idea.

Mayor DeIorio said to invite the residents in again and give them an update and put out a map of the area and indicate the easements.

### Blake Johnstone – Borough Attorney

- Have only a couple of Closed Session items for this evening.

### REPORTS OF DEPARTMENTS

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

- DPW Report for February 2009
- Construction Code Enforcement Report for February 2009
- Police Chief's Report for February 2009
- Fire Chief's Report for February 2009

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting of January 15, 2009

<input checked="" type="checkbox"/> <b>Vote Record – Minutes Acceptance of January 15, 2009</b>		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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"/>

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 present voting Aye, said motion was adopted.

PUBLIC COMMENT

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

Jacob Magiera, 612 Sheridan Avenue

- Congratulated the Girl Scouts, Fire Department and Nick Florio on their accomplishments.
- Asked the Mayor to read a document pertaining to the Senior Citizen Program income limits.
- Said presently there are only 137 seniors receiving the \$250 deduction.
- It should be included with the Homestead Rebate and the Property Tax Freeze.
- It is Homestead Rebate time and Property Tax Freeze time.

Mayor DeIorio said senior citizens at this point should have received their Property Tax Relief information to fill out. If they have not received it, they can contact the Tax Office or their Legislative Office. The Tax Office is 908-245-0819 and 908-918-0414 is the Legislative Office.

- Mr. Magiera referred to Resolution #71-09 to be explained.

Ms. Cali said that is for Domani’s Restaurant; there is an impact license, which means the business is not open right now.

- Mr. Magiera said the Roselle Park Concerned Citizens Meeting was held on February 21<sup>st</sup> and was well attended.
- The consensus is they are seeking taxes, which would go from 12 ½ % to 15%.
- Last meeting they discussed chain link fences and it was mentioned about cutting through the chain link with cutters; it is easier to cut through chain link than the decorative fence.
- Asked what material the decorative fences are made of.

Mayor DeIorio said it is made of aluminum and steel.

Glen Marczewski, 622 Sherman Avenue

- Spoke about having permits for the clothing bins.

Ricky Badillo, 836 Galloping Hill Road

- At the last meeting he asked a question to Councilman Dinardo and Councilwoman Chen-Hoerning.
- It was not a personal question; it was a question on a vote that was taken.
- Has been a member of the community since 1982.
- Has the right to question elected officials.
- Many residents are afraid to come and speak for fear of being attacked.
- Asked for an apology from the Democratic Chair for threatening him at the last meeting.
- He is very passionate about the community and will not be bullied.
- Asked Councilwoman Chen-Hoerning why she pulled the resolution at the last meeting for the Dispatcher.

Gregory Kinloch, 336 Sheridan Avenue

- He is the Democratic Chair.
- Several things have taken place over the last couple of weeks.
- He is sorry for the retaliation, but not apologetic.
- There is something wrong with the Council.
- Councilwoman Chen-Hoerning did not receive back up on appointments until the last minute.
- She voted no because she did not know who the people were.
- He commended the Councilwoman on her composure and is doing an excellent job.

Mayor DeIorio said he did not know this issue and asked Mr. Kinloch how many times in the twelve years he was on Council did he receive a description of each appointment.

Mr. Kinloch said he was involved in Roselle Park and knew people at the time.

Mayor DeIorio said Mr. Kinloch has his own opinion and this has nothing to do with the Borough Clerk. As a mentor to the Councilwoman, he could have told her to call the Mayor to find out what was going on.

Joe Accardi, 155 E. Clay Avenue

- Has expressed his opinion about the negotiations with AvalonBay.
- Has also expressed his opinion about the downtown redevelopment.
- There have been several meetings with the Concerned Citizens of Roselle Park.
- Everyone that has attended those meetings now has an understanding of where each member of the Concerned Citizens Committee stands on AvalonBay.
- They are hoping Council will get a little more than the 10% PILOT program.
- Also had concerns about several properties that are up for sale, such as the Chevrolet property.
- There was a question as to whether doing something would put ratables there.
- The recommendation was they concentrate as a community on the parking lot off of Chestnut Street by Sullivan Chevrolet.
- Our town does not have a sense of identity that other towns have because we do not have a focal point; visually and emotionally.
- He recommended before the property is sold that something that would add value to the town be looked into; his thought would be a park.
- The schematic in the New Directions Plan shows a water fountain and walking area in that parking lot area and recommended they pursue something along those lines.
- The Union County Park Advisory Board has offered to take it up with the Freeholder Board and they would be the one to entertain our request for County funding.
- Roselle Park is the only community in Union County that does not have a County Park in it or abutting it.
- He is going to provide a letter to the Union County Park Advisory Board for them to present to the Freeholders Board.
- Asking for a consensus from Council to make sure he is doing the right thing as a private citizen.

Mayor DeIorio asked if he is speaking about the parcel of land that is to the left of the building, that use to be where people would drop someone off at the old train station.

- Mr. Accardi said that is where he is talking about.

Mayor DeIorio said at the Concerned Citizens Meeting a couple of weeks ago, they spoke about what is the best type of development to have in the community. Whenever you have residential development, the Borough will be exposed to more services. It is our goal to encourage more business development because business development requires fewer services from the Borough. For example there will not be any children going into the school system. If the Freeholders are willing to entertain it, it is worth looking in to.



- Mr. Accardi said this would not include the whole parcel because we need the ratable, which would come from the area where the building is now.

Councilman Yakubov said he is concerned if we create open space in that area and a business comes, in the zoning should be checked to see that they have enough parking available.

- Mr. Accardi said that always was two separate lots that are zoned as two separate lots.

Councilman Dinardo asked if the owners of that property would be willing to cut off an area for the County to purchase.

- Mr. Accardi said this is all very preliminary. Right now Roselle Park is not gaining anything from the property; the taxes have not been coming and eventually he may be looking for cash flow.

Councilman Matarante suggested they go forward with it to get an idea of what we are talking about. Then we can make a better and permanent decision once we have a little more information.

Councilwoman Chen-Hoerning agreed with the idea.

Councilman Miranda also agreed with the idea.

- Mr. Accardi said he will forward a letter to the Union County Parks Advisory Board requesting they go forward with the Freeholder Board and the possibility of doing this.

Mayor DeLorio said if they need it, the Clerk can draft a letter of confirmation to substantiate our discussion.

Councilman Matarante asked Mr. Accardi to make periodic updates to Council regarding this.

Andrew Casalis, 166 Berwyn Street

- What we saw tonight was politics ruining the system again; it is seen in Washington and has spread here.

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

REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

### Councilman Hokanson

- Letter was sent to the Union County Board of Freeholders requesting the status on the County Animal Shelter.
- Spoke to the County and they are waiting for State approval on the property to use for the facility.
- There are 622 dogs and 128 cat licensed.
- There are 163 unlicensed pets.

Mayor DeIorio suggested at the last meeting that a second warning is given to give pet owners another opportunity. At this point, we know who have not licensed their pets and we can send out violation notices.

- Councilman Hokanson commented on the resignation of Mrs. Commerato from the Community Center Committee.
- There are a lot of recyclables being thrown in the municipal garbage cans on Chestnut Street. The brownies did a wonderful job bringing it to our attention.

### Councilwoman Chen-Hoerning

- Contacted by a resident regarding the out of service railroad tracks on W. Colfax Avenue.

Mayor DeIorio said that was from a line that at one time was to be reactivated. At this time from his knowledge there is no intention to reactivate that line. The County can be contacted because they have the rights of that property right now. Because the County has rights over that area, they would be the first to be contacted.

- Councilwoman Chen-Hoerning spoke about the appointments on Reorganization Day.
- Every once in a while, a resident contacts her about participating in the town.

Mayor DeIorio said if she knows of anyone interested in getting involved, to let him know.

### Councilman Matarante

- Apologized for being late, he was attending a school fundraiser.
- Agreed with Andrew Casalis regarding politics; everyone on the dais has nothing but the best interest of Roselle Park in their hearts.
- We are trying to conduct business and there should be decorum from everyone throughout business.
- Reminded everyone about the High School play Pippin, which will take place on March 26<sup>th</sup>, 27<sup>th</sup>, 28<sup>th</sup> at 7:00 p.m. and March 29<sup>th</sup> s at 2:00 p.m.
- Congratulated Anthony Casselli, Region 3 High School Wrestling Champion, Russell Benner, Region 3 Runner Up and Dennis Carroll, Region 3 Runner Up. They will be

- representing Roselle Park at the High School State Wrestling Championship in Atlantic City.
- The girls basketball team played today in a State tournament basketball game and congratulated them on a successful season.
  - In response to Councilman Hokanson, they had spoken about putting recycle bins by the garbage cans; it is an excellent point that was brought up.
  - Has a couple of items for Closed Session, one involving contract negotiations regarding promotional criteria for the Police Department and a personnel issue with a Police Officer.

#### Councilman Yakubov

- Saturday, March 28<sup>th</sup> at 9:30 a.m. there will a community cleanup at Lamonaco-Perry Park, Aldene Playground and Loreti Park. If anyone would like to volunteer, please meet at 9:15 a.m. at the Lamonaco-Perry Park on Laurel Avenue or contact the Borough Clerk.
- Saturday, March 28<sup>th</sup> at 10:30 a.m. there will be a Community Watch Meeting.
- Karen Intile and he gave out the “Welcome to Roselle Park” packets to 10 new residents.
- Asked about the poles that have the wires which are hanging from the poles in the Borough.

#### Councilman Miranda

- Commented on the resignation of Gloria Commerato.
- Asked about the auction of municipal vehicles.

Councilman Matarante said they are former police cars.

- Councilman Miranda said the United Community Methodist Church is taking donations for their garage sale that will be held on March 20<sup>th</sup> from 9:00 a.m. to 5:00 p.m. and March 21<sup>st</sup> from 9:00 a.m. to 1:00 p.m. Items may be dropped off at the Church on Chestnut Street from 9:00 a.m. to 1:00 p.m. Monday through Friday or call 908-245-2237.
- The Mothers Center will be holding their 25<sup>th</sup> Anniversary Sale on March 20 & 21 at the Casano Community Center. It will feature gently used children’s spring and summer clothes, children’s toys, videos, books, sports equipment, bikes, and strollers, etc. If anyone is interested, they can call 908-561-1751.
- Residents can drop off non-perishable food items for the Casano Center’s food pantry. He also asked the Clerk to put a bin in the hallway of the municipal building for donations.
- Reminded the residents the Casano Community Center sponsors a bus trip to the Showboat in Atlantic City the first Thursday of every month.

## Councilman Dinardo

- Thanked the Red Cross for their presentation.
- Thanked the Girl Scouts and their leaders for their interest in recycling.
- Attended a First Aid Squad Meeting.
- Asked about the memorial that is to be put on the side of the building.

Mayor DeIorio said that is the Kelly/Kaulfers Park and there have been some budgetary requests for that in the past. He asked where they wanted the garden placed.

- Councilman Dinardo wished Paul Endler a speedy recovery.

## PASSAGE OF ORDINANCES

### SECOND READING AND PUBLIC HEARING

#### ORDINANCE NO. 2265

#### AN ORDINANCE PROVIDING FUNDING FOR ACQUISITION OF FIRE RESCUE VEHICLE WITH EQUIPMENT FOR THE BOROUGH OF ROSELLE PARK AND APPROPRIATING \$351,000 FOR SUCH PURPOSE

Councilman Yakubov moved to open the public hearing on Ordinance #2265; seconded by Councilman Miranda and adopted.

#### Jacob Magiera, 612 Sheridan Avenue

- Asked that the ordinance be explained.

Mayor DeIorio said the Borough of Roselle Park and the Fire Department; in particular Mr. Wirkus, were successful in writing and receiving a grant from the Federal Emergency Agency for the purchase of a fire rescue vehicle in the amount of \$250,000. There is a small portion of the funding that must be matched by the Borough.

Mr. Blum said the grant is listed as \$350,000 and the actual grant dollars coming from the Department of Homeland Security Fiscal Year 2008 Assistant and Firefighters Grant Program is \$332,500. It has to be matched at 5% of \$17,500 and \$1,000 additional cost for advertising and Bond Counsel to write the ordinance. The total is \$351, 350 just for the vehicle; there is no debt issued on that, it is capital surplus monies.

- Mr. Magiera echoed Councilman Matarante's comment in reference to Andrew Casalis.

Ricky Badillo, 836 Galloping Hill Road

- Said the Borough only put out \$18,500; that is a bargain.
- The Borough owes Mr. Wirkus a debt of gratitude for saving the residents' money.

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

Councilman Yakubov moved that Ordinance #2265 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo.

✓ Vote Record – Ordinance #2265		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INTRODUCTION

ORDINANCE NO. 2266

AN ORDINANCE AMENDING CHAPTER II, ARTICLE VII, SECTION 2-68  
 FEES FOR DOCUMENTS AND SERVICES  
 OF THE CODE OF THE BOROUGH OF ROSELLE PARK

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter II, Article VII, Section 2.68 of the of the Borough Code is hereby amended to add the following:

**SECTION 1: 2.68.9 General Garage-Yard Sale**

a. *Definition.* As used in this section:

**General Garage-Yard Sale** is the sale of small, personal household items that are sold by individuals from the front yard of their residences after obtaining a permit from the Borough Clerk.

No tangible personal property from any commercial business enterprise shall be included in a garage-yard sale for the purpose of resale.

b. *Registration.* Any individual seeking to participate in the General Garage-Yard Sale shall register with the Borough Clerk's office prior to the commencement of such sale at a minimum of ten (10) days prior to the scheduled event. Permits shall be issued only upon written applications, which shall include the following:

1. The name of the person conducting the sale;
2. The name of the owner of the property where the sale is to be conducted;
3. The address of the location at which the sale is to be conducted;
4. The date or dates of the sale;
5. The date or dates of any prior garage-yard sales at the same premises, and
6. The date of the application and the signature of the applicant;

**NOTE:** Intentional misstatements in the application shall constitute a violation of this Article.

c. *Fees.* The Municipal Clerk shall collect a permit fee for any Garage-Yard Sale. All license fees shall be paid in advance by cash, money order, certified check, or bank check at the Office of the Municipal Clerk. Personal checks are prohibited. The following fee of five (\$5.00) dollars is hereby established for such sale, except when there is a designated fee by ordinance or the Borough Wide Garage Sale.

1. A permit may be issued for any residential premises no more than four (4) times in any one calendar year.
2. A Garage-Sale Yard may be no more than two days' duration. All garage-yard sales may be conducted between the hours of 8 a.m. and 6 p.m. only.

d. *Signs.* Signs advertising the sale may be erected in the Borough of Roselle Park, including the premises where the sale is to be held as permitted by law. No such sign shall exceed 18 inches in height or 18 inches in width. All such signs shall be removed within twenty-four (24) hours after the completion of the sale. All such signs shall contain:

1. The address and location at which the sale is to be conducted;
2. The date or dates of the sale;
3. The hours of the sale, and
4. The Permit No. issued.

e. *Violations and Penalties.* Violations of the provisions of this subsection shall be punishable as in Chapter I, Section 1-5, General Penalty. (Ord. No. 2182 § 106(1)).

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 #2266 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 19, 2009; seconded by Councilman Hokanson.

Councilman Dinardo said he is not sure he agrees with this ordinance.

Councilwoman Chen-Hoerning asked about the section of the ordinance regarding prior sales at a particular residence.

Ms. Cali said there is a licensing system, so any prior sales at that address will be listed.

Councilwoman Chen-Hoerning brought up the time issue and sign portion.

Mayor DeIorio said the signs are placed as permitted by law.

Councilman Yakubov said this was brought up by the town-wide garage sale. Individuals that did not register in time with the Clerk's Office put up their own signs and it seemed unfair to

residents that did pay the fee. He is concerned if someone is holding a garage sale on their own property that we are over-reaching our bounds by limiting what someone can do on their own property. It should also be addressed if someone is having a garage sale very frequently. After contacting surrounding communities, he found most of them did not require permits.

Councilman Dinardo said last year he found that someone would pay the fee for the garage sale and be added to the map. He said this year he would like to add a brief description of what is being sold. The person across the street would see them set up for the sale and not pay and gaining the same benefit for the person who is paying to have it advertised.

Councilman Matarante said this permit is \$5.00 and the town-wide is \$10.00; it should really be a uniform fee for all. We could make it so that a person cannot have a \$5.00 permit on the day of the town-wide sale.

Mayor DeIorio said we should add a section indicating that in the ordinance.

Ms. Cali said this issue began with someone selling things as a garage sale every week and a neighbor made a complaint to the Code Enforcement Officer. If there is a permit requirement, it may eliminate that.

✓ Vote Record – Ordinance #2266		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 2267

AN ORDINANCE AMENDING ARTICLE XXX, MISCELLANEOUS,  
SECTION 40-3008 TEMPORARY TRAILERS OF THE CODE OF  
THE BOROUGH OF ROSELLE PARK REGARDING LAND USE

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Ordinance 40-3008, Temporary Trailers, of the Borough Code is hereby amended as follows:

**SECTION 1. §40-3008, Temporary Trailers, A.,** amended to read as follows:

**A. Temporary storage trailers shall be permitted in the residential and commercial districts where the need for such trailers arises as a direct result of fire damage to the existing building, making the building uninhabitable. The Construction Code Official shall determine the size and placement of such a trailer, which must be located on the property for which it is to be used. In no event shall the trailer be located on the premises in question for a period in excess of six (6) months.**

**All not for profit groups are exempt from section A of this Ordinance, but must fill out a permit from the Construction Code Office to have a trailer placed on property for no longer than a period of six (6) months.**

**All Government agencies shall be exempt from section A of this Ordinance.**

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

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

**SECTION 4.** This Ordinance shall take effect upon the final passage and publication in accordance with the law and upon the filing with the Union County Planning Board.

Councilman Yakubov moved that Ordinance #2267 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 19, 2009; seconded by Councilman Dinardo.

✓ Vote Record – Ordinance #2267					
		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTIONS**

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

**RESOLUTION NO. 64-09**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector hereby authorizes the Treasurer to issue a check in the amount of \$11,700.41 payable to Crusader Servicing Corp. for redemption of TSC #14-07 on Block 713/Lot 6.02 (otherwise known as 608 Walnut Street, Roselle Park, NJ 07204) and assessed in the name GRP, Loan, Inc. (Certificate in name of Hugh Smith & Luanda Colon). Interested calculated to meeting date of 3/5/09 as follows:

Certificate Amount	9,012.31
4% Flat Penalty	360.49
Interest on Certificate @ 18% from	
Date of Sale to meeting date	2,275.61
Search Fee	12.00
Recording Fees	40.00
	<u>\$11,700.41</u>



✓ Vote Record – Resolution 64-09					
		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION NO. 65-09**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector hereby authorizes the Treasurer to issue a check in the amount of \$636.98 payable to US Bank-Cust/Sass Muni V dtr for 6% Year End Penalty Redemption of TSC #2007-14 on Block 701/Lot 13 (otherwise known as 34 Sumner Ave. E., Roselle Park, NJ 07204) and assessed in the name of Joseph Lussette. Interested calculated to meeting date of 2/19/08.

✓ Vote Record – Resolution 65-09					
		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION NO. 66-09**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the resignation of Gloria Commerato as a member of the Roselle Park Community Center Committee effective February 27, 2009 be and is hereby accepted.

✓ Vote Record – Resolution 66-09					
		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION NO. 67-09**

WHEREAS, the Borough of Roselle Park no longer has use for the attached automobiles and bicycles, therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public sale at a date within 60 calendar days. The auction will be advertised in the following media, Union Leader and Star Ledger and Borough of Roselle Park Web Site.

1. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
2. Said property is being sold “as is”.

3. All prospective purchasers are put on notice to personally inspect the property.
4. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk in cash or certified check made payable to the Borough of Roselle Park.
5. If the purchaser fails to take title and possession within ten (10) days of the date of purchase, the Governing Body of the Borough of Roselle Park may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
6. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further costs, expense, damage, claim against or liability upon the Borough.
7. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids
8. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

Vehicles

1998	Ford Crown Victoria	2FAFP71WOWX166861	No minimum
2004	Ford Crown Victoria	2FAFP71W94X171974	No minimum
1987	Chevy Monte Carlo	1G1GZ11B1HP136364	No minimum
2005	Chrysler Cross Fire	1CEAN59L85X033301	Minimum \$9,000
1993	Infinity J30	JNKAY21D7PM006499	No minimum
1987	Dodge Van	12B7FK13C5HR376954	No minimum

✓ Vote Record – Resolution 67-09					
		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 68-09

WHEREAS, a professional service contract be and is hereby awarded to Michael Tripodi, Esquire for the year 2009; and

WHEREAS, Michael Tripodi, Esquire shall perform the duties of the Planning Board Attorney, as established by Roselle Park Code Chapter XL. Article I. Section 40-105 et seq., at the annual rate of \$5,300, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that this appointment is made and this agreement is entered into pursuant to a fair and open process under NJSA 19:44A-20.4 et seq.; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to and that notice of this appointment in the form attached be published in a newspaper authorized to receive legal

advertisements on behalf of the Borough of Roselle Park within ten (10) days of this date in accordance with New Jersey law.

✓ Vote Record – Resolution 68-09					
		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 69-09

WHEREAS, a professional service contract be and is hereby awarded to John Fitzpatrick, Jr., Esquire for the year 2009; and

WHEREAS, John Fitzpatrick, Jr., Esquire shall perform the duties of the Zoning Board Attorney, as established by Roselle Park Code Chapter XL, Article II, Section 40-203 et seq., at the annual rate of \$5,300, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that this appointment is made and this agreement is entered into pursuant to a fair and open process under NJSA 19:44A-20.4 et seq.; and

BE IT FURTHER RESOLVED that a copy of this resolution be sent to and that notice of this appointment in the form attached be published in a newspaper authorized to receive legal advertisements on behalf of the Borough of Roselle Park within ten (10) days of this date in accordance with New Jersey law.

✓ Vote Record – Resolution 69-09					
		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 70-09

WHEREAS, the Borough of Roselle Park has been a participating member of the New Jersey Intergovernmental Insurance Fund (hereinafter the “Fund”) established pursuant to Chapter 372, Laws of 1983 (N.J.S.A. 40A:10-36 et seq), and

WHEREAS, the Municipal Council of the Borough of Roselle Park has determined that continued membership in the “Fund” is in the best interest of the municipality,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the Borough of Roselle Park in the County of Union and the State of New Jersey as follows:

SECTION 1. The Borough of Roselle Park hereby agrees to continue its membership in the “Fund” for a period commencing January 1, 2009 and terminating on December 31, 2011 for the purpose of establishing the following types of insurance coverage:

Workers Compensation and Employers Liability

General Liability Coverage (including Police Professional & Excess Public Official Liability)

Motor Vehicle and Equipment Liability Coverage

Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment, and Boiler and Machinery)

Environmental Impairment Liability

SECTION 2. For the purposes of contribution of sums into the “Fund” to be designated for administrative costs and claims, the Borough of Roselle Park hereby agrees to obtain the types of coverage from the “Fund” as are set forth in SECTION 1 of the Resolution and Indemnity and Trust Agreement to be signed by it.

SECTION 3. The Bylaws of the New Jersey Intergovernmental Insurance Fund have been adopted and accepted by the Local Unit and the Local Unit hereby agrees to conduct its membership in the Fund according to the rights and obligations set forth therein.

SECTION 4. The Mayor and Council are hereby authorized and directed to execute a written agreement signifying application for membership in the “Fund” and are to execute such other agreements, including but not limited to the Indemnity and Trust Agreement, attached hereto as Exhibit A, in order to implement its membership in the Fund and to conduct itself according to the terms thereof.

SECTION 5. The Local Unit certifies that it has never defaulted on claims under a self-insurance plan and that it has not had its insurance canceled for nonpayment of premium for a period of at least two (2) years prior to this application.

SECTION 6. Inconsistent Resolutions. All Resolutions, or parts thereof, inconsistent with provisions of this Resolution are hereby repealed as to such inconsistency.

SECTION 7. Severability. If any section, paragraph, subdivision, clause or provision of this Resolution shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Resolution shall be deemed valid and effective.

SECTION 8. Effective Date. This Resolution shall take effect upon its passage.

## INDEMNITY AND TRUST AGREEMENT

AGREEMENT made this January 1, 2009, between the New Jersey Intergovernmental Insurance Fund, hereinafter referred to as the "Fund", with an address c/o Polaris Galaxy Insurance, LLC., 777 Terrace Avenue, Hasbrouck Heights, New Jersey 07604 and the Borough of Roselle Park hereinafter referred to as "Local Unit", located at

WHEREAS, Borough of Roselle Park has adopted a Resolution dated \_\_\_\_\_, agreeing to continue its participation in the "Fund" and approving of the Bylaws, as approved by the Commissioner of the Department of Banking and Insurance and the Department of Community Affairs of the State of New Jersey.

WHEREAS, N.J.S.A. 40A:10-36 et seq, and the regulations implemented thereunder in N.J.A.C. 17:15-2.1 et seq, require a written agreement between the individual local units and the "Fund".

NOW, THEREFORE, in consideration of the mutual promises and covenants of the parties, they agree as follows:

1. "Local Unit" agrees to participate as a member of the "Fund" and contribute such sums and pay such assessments into the "Fund" that are required for the administrative costs and claims for the following types of coverage:

- a) Workers Compensation and Employers Liability Monoline
- b) General Liability (including Police Professional & Public Officials Liability);
- c) Motor Vehicle and Equipment Liability Coverage;
- d) Property Damage (including Building & Contents, Automobile Physical Damage, Contractors Equipment and Boiler & Machinery)
- e) Environmental Impairment Liability

2. "Local Unit" affirms that it has not been in default on any insurance premium due any insurance carrier in the preceding two (2) years, or on any claim due under any self insurance.
3. "Local Unit" hereby accepts the Bylaws of the "Fund" as approved by the Commissioner of the Department of Banking and Insurance and the Department of Community Affairs of the State of New Jersey and agrees to be bound by same.
4. "Local Unit" agrees to continue participation in the "Fund" to the extent designated in Paragraph 1 above for a period from 01/01/09 unit and including 12/31/2011
5. "Fund" agrees to operate the insurance pool established by the parties and administer all monies contributed to the "Fund" in compliance with the provisions of the Local Fiscal Affairs Law (N.J.S.A. 40A:5-1 et seq), the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq), the enabling legislation authorizing the "Fund", (N.J.S.A. 40A:10-36 et seq), the Bylaws of the "Fund", and such other rules and regulations as govern the custody, investment and expenditures of public funds by local units. In furtherance thereof, "Fund" agrees to employ an individual duly certified as a Municipal Finance Officer to administer the funds of the "Fund".
6. "Local Unit" agrees to be jointly and severally liable for the assumption and discharge of the liabilities of each and every other member of the "Fund", but only to the extent of its participation in the type of coverage specifically designated in Paragraph 1 above.

7. To further the intent and purposes of Paragraph 5 above, "Fund" agrees that all assessment payments made by "Local Unit" shall be held in trust for the benefit of "Local Unit". Separate trust accounts must be established by the "Fund" pursuant to N.J.S.A. 11:15-2.13. The monies from said fund shall be disbursed solely for the payment of claims, allocated claim expenses and excess insurance or reinsurance premiums for the risk or liability coverage which "Local Unit" has agreed to participate in pursuant to paragraph 1 above. The funds on deposit in one trust account for a specific type of coverage may not be expended, assessed or attached for use by the "Fund" for that "Local Unit" or any other "Local Unit's" obligations or liabilities for any other type of coverage it may be participating in the "Fund".
8. "Local Unit" acknowledges that upon payment of its assessment into the trust account, it shall not have any further right to said funds except as deemed surplus and returnable by the "Fund" in accordance with the "Fund's" Bylaws and regulations or in the event of termination of the "Fund" and then only to the extent authorized by its Bylaws and regulations of the State of New Jersey.
9. "Local Unit" agrees that no later than one hundred twenty (120) days prior to the expiration of the term, they shall advise the Fund Administrator in writing of its intent to either renew or terminate its membership, the "Fund", at its sole option, shall be entitled to assume that any member delinquent in its notice requirements under this section, shall have renewal membership.
10. "Local Unit" agrees that if it fails to promptly pay any such assessment charged to it or to comply with the Bylaws and regulations of the "Fund", that it shall indemnify the "Fund", its officers, commissioners and Agencies for any loss or damage resulting from such failure.
11. This agreement shall be governed by the Laws of the State of New Jersey.

IN WITNESS WHEREOF, the parties have executed this Agreement.

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_  
Borough of Roselle Park

ATTEST:

\_\_\_\_\_

By: \_\_\_\_\_  
New Jersey Intergovernmental Insurance Fund

<b>✓ Vote Record – Resolution 70-09</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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"/>
		Delorio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION NO. 71-09**

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses expired on June 30, 2008; and

WHEREAS, the following applicant has complied with the provisions of the Act of the Legislature entitled, “An Act Concerning Alcoholic Beverages”, being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable, thereto, now therefore

BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park hereby authorize the renewal of pocket license #2015-33-006-010, Almsea Incorporated, 230 West Westfield Avenue, Roselle Park for the 2008-2009 year expiring June 30, 2009.

<b>✓ Vote Record – Resolution 71-09</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<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"/>
		Delorio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION NO. 72-09**

**A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY**

WHEREAS, the Borough of Roselle Park wishes to apply for a project under the Safe and Secure Communities Program; and

WHEREAS, the Mayor and Council of the Borough of Roselle Park has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Roselle Park, for the purpose described in the application; now therefore

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

1. As a matter of public policy the Borough of Roselle Park wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the Borough of Roselle Park.

3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds. State Share in the amount of \$58,993.00 with a local match in the amount of 168,000.
4. The Division of Criminal Justice shall initiate allocations to the Borough of Roselle Park as authorized by law.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk be and are hereby authorized to execute any/all necessary documents for the purpose of the application.

✓ Vote Record – Resolution 72-09		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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**INTERRUPT THE REGULAR ORDER OF BUSINESS**

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

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

- Negotiations – Update on Senior Citizen Housing and Contract with Railroad
- Negotiations – Board of Education for Youth Services
- Contract Negotiations – Promotional Criteria within the Police Department
- Personnel – Issue Involving a Police Officer
- Litigation – Update on Roselle Park VP, LLC versus the Borough of Roselle Park and the Roselle Park Planning Board

**RESUME REGULAR ORDER OF BUSINESS**

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

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

- Negotiations – Update on Senior Citizen Housing and Contract with Railroad
- Negotiations – Board of Education for Youth Services
- Contract Negotiations – Promotional Criteria within the Police Department
- Personnel – Issue Involving a Police Officer
- Litigation – Update on Roselle Park VP, LLC versus the Borough of Roselle Park and the Roselle Park Planning Board



Councilman Matarante moved to accept Chief Morrison's promotional criteria of officers being promoted to Sergeant with the amendments that were discussed here tonight; seconded by Councilman Yakubov, all members present voting Aye, said motion was adopted.

Mayor DeIorio said this will be memorialized at the next Council Meeting on March 19, 2009.

On the recommendation of Chief Morrison, Councilman Matarante moved to accept the termination of Police Officer Michael Gruber effective March 19, 2009; seconded by Councilman Yakubov, all members present voting Aye, said motion was adopted.

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

Attest:

Borough Clerk