

Borough of Roselle Park Regular Meeting of September 15, 2011

| Attendee Name | Organization | Title | Status | Arrived |
|-----------------|-------------------------|--------------|--------|---------|
| Larry Dinardo | Borough of Roselle Park | Councilman | A | -- |
| Michael Yakubov | Borough of Roselle Park | Councilman | P | 7:00 PM |
| Modesto Miranda | Borough of Roselle Park | Councilman | P | 7:07 PM |
| Carl Hokanson | Borough of Roselle Park | Councilman | P | 7:00 PM |
| Tanya Torres | Borough of Roselle Park | Councilwoman | P | 7:00 PM |
| Marc Caswell | Borough of Roselle Park | Councilman | P | 7:00 PM |
| Joseph Accardi | Borough of Roselle Park | Mayor | P | 7:00 PM |

Mayor Accardi called the meeting to order at 7:10 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 as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, C.172. (NJAC 17:27).

As required by the Fire Prevention Code, he indicated the fire exits and the procedure to be followed in case of fire.

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

COMMUNICATIONS

- Letter from the Columbus Parade Association of Union County inviting Mayor and Council to attend its 23rd Annual Christopher Columbus Celebration on Sunday, October 16, 2011 from 1:00 p.m. to 6:00 p.m. at Amici's Ristorante, Linden, New Jersey
- Letter from the Roselle Park High School Marching Band requesting permission to place no parking sign on W. Webster Avenue between Laurel Avenue and Larch Street from 4:00 p.m. to 11: p.m. Also requesting permission for use of the parking lot to be open at 4:00 p.m. and inviting the Mayor to be the announcer, as well as other members of Council.

Mayor Accardi said they will vote on the first two requests and he would like to authorize the Police Chief to make a determination with regard to blocking the road and providing alternate parking for the buses.

Councilman Yakubov said for many events in the town, we block off that area for parking and he has received many complaints from the residents of Webster Gardens regarding the inconvenience to them. They have limited parking as it is and many families have more than one vehicle. He would like to know what will happen to those vehicles and how they will be notified.

Mayor Accardi said they have agreed they will request the First Aid Squad to provide parking for Webster Gardens and we can communicate with the residents with flyers.

Councilman Yakubov said because it is not a municipal event, he does not want the flyer coming from him. The party that is having the event should provide notification to the residents.

Mayor Accardi said if we are providing parking for the residents, then it becomes a municipal event.

Councilman Yakubov said it is a distance to walk and there are many elderly people in those apartments. By blocking the street, you are taking off a large amount of vehicles on that street.

Mayor Accardi said they are looking for no parking signs on Webster Avenue from Laurel Avenue to Larch Street to allow the participants to load and unload their equipment.

Councilman Yakubov said he has gotten many complaints and he will be voting no if there is no resolution. He would like to have the opportunity to speak to those residents to see if there a way this can be resolved or work with the Band Parents so that will not restrict parking to the residents in that area. Maybe we could put up the barricades for travel traffic, but still allow the residents to park.

Mayor Accardi said we can discuss this again at the end of the meeting and make a decision this evening.

REPORT AND RECOMMENDATIONS OF MAYOR

- Mayor Accardi said he will give his quarterly address in October discussing the changes that are taking place in Roselle Park.
- In the last few weeks, he has been impressed with the spirit in town; there has been a lot of outpouring of neighbor to neighbor.
- He said he was also very moved by the ceremony that was held on 9/11.
- Spoke about some of the flooding that took place, which was due to water being illegally pumped into the sewer system.
- He received the sewer report for August 27th.
- On August 28th the flow was greater than the average sewage flow.
- Sump pumps and drains from basements are now allowed to go into the sewer system; they should be attached to the exterior of the house to flow in the storm drain system.
- The astronomical high tide also contributed to this issue.
- The final problem was the back flow that occurred in our sewer system.

CERTIFICATES/PROCLAMATIONS

- Kirk Richardson

REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Miranda

- Thanked all the residents that attended the 9/11 Ceremony.
- Saturday will be the town-wide cleanup at Acker Park; refreshments will be served afterwards.

Councilman Yakubov

- Has some items for Closed Session.
- It was brought to his attention as DPW Liaison; an unknown entity paid a sub-contractor to do work on municipal property.
- Can this issue be discussed in Closed Session.
- What is the protocol and procedure; is this potential litigation.
- Asked if anyone on Council was aware of this.

Borough Attorney Blake Johnstone said it sounds like a potential litigation down the road and therefore can be discussed in Closed Session.

- Councilman Yakubov said there was a Budget Meeting on Wednesday to begin the process.
- It was a good meeting and gave some direction to our CFO.
- The 9/11 Ceremony had an incredible turnout.
- The town-wide cleanup is this Saturday at Acker Park.

Councilman Hokanson

- On Monday, September 5th he attended the Fire Department Meeting; thanked them for their services during the hurricane.
- On Wednesday, September 7th he attended the Roselle Park Youth Baseball League Meeting; they went out and looked at the fields.
- On Sunday, September 11th he attended the 9/11 Memorial.
- Would like to bring in the volunteers that built the park for a Certificate of Appreciation.
- Gave the Board of Health and Vital Statistics Report.
- The next meeting will be on September 20th at 5:00 p.m.
- Town-wide cleanup will be on Saturday.
- The Annual Car Show will be held at Mike Mauri Park from 4:00 p.m. to 7:00 p.m. on September 17th.
- September 28th will be Dining Out Night at the Sun Tavern; proceeds will go to the Library.
- Requested a Municipal Services Meeting on September 21st at 5:45 p.m.
- Has one matter regarding Code Enforcement for Closed Session.

- We, as Council, are always trying to do things to beautify the town.
- A local pharmacy has a mural painted on one of his windows and was told to remove it.
- The painting does not affect the Police's ability to look into the store.
- This is Councilwoman Torres' Ward.
- We are saying one thing and doing the opposite.

Councilman Miranda said because he is the Council Liaison to Code Enforcement, he can handle this personally with the Code Enforcement Officer.

Mayor Accardi said the guidance we have given our Code Enforcement Official is to enforce all the Ordinances we have in town with regard to what we have going on. There is some level of judgment and discretion with any of the actions that we take; with our Prosecutor and with the Judge.

He said he does not know the exact details of this, but would ask Councilman Miranda, along with Councilwoman Torres, to work through it.

Councilman Hokanson said he would like all of Council to go past and look at the mural. He said he will work with Councilman Miranda and Councilwoman Torres.

Mayor Accardi recommended that everyone investigate it alone and then, if necessary, it can be discussed at the next meeting.

Councilman Caswell

- Spoke about block parties; how they bring the town together.
- There will be a Boy Scout Roundup next Friday.
- Attended the 9/11 Services; they were very well done.
- Thanked all the volunteers who built the memorial.
- There will be a Pancake Breakfast on Sunday; a Bocce Ball Tournament will follow.
- There will be a pig roast at the Casano Center in October.
- Zumba classes will also be starting.
- The Car Show will be held on Saturday.

Councilwoman Torres

- Attended the Board of Education Meeting; damage to schools during the hurricane was discussed.
- Attended the 9/11 Memorial.
- Thanked Carl Hokanson for his work on the memorial.
- Attended the Recreation Meeting on September 14th.
- September 18th is the Bocce Ball Tournament.
- September 20th is Middle School Back to School Night.
- September 21st there will be a Girl Scout registration for K-12 at 7:00 p.m.
- Spoke about all the upcoming events at the Anthony Signorello Youth Center.

- October 8th is the Marching Band Competition at the High School.

Ben Cosentino – DPW

- Report has been submitted by Mr. Cahill.

Tom Solfaro – Borough Engineer

- The contractor has returned to Acker Park this week to remedy the deficient areas.
- Play surface, concrete work and landscaping are anticipated to be completed this week.
- Bids were received on September 13th for the Aldene Park Playground Improvements.
- Bids were received on September 14 for the East Roselle Improvements.
- The projects limits are from Chestnut Street to Maple Street.
- The project scope includes, but not limited to: concrete sidewalk, aprons and curb; ADA handicap ramps; drainage structure retrofitting; asphalt milling/paving and striping.
- Smoke testing operations will continue to be performed sporadically throughout the Borough.
- This will be coordinated with all applicable Borough departments.
- This testing confirms any illegal connections that are coming from homes.
- Strongly recommends that residents change any illegal connections and to be proactive.
- Backflow preventors can also be installed to stop any sewage from backing up into basements.

Councilman Hokanson referred to Resolutions #183-11, #187-11 and #118-11 asking if the cost encumbered by these are from crews going out surveying and paperwork being done.

Mr. Solfaro said the cost includes all the work such as design, civil work, and construction; etc., all the requirements that are necessary to complete all the phases of each project.

Councilman Yakubov asked regarding the Aldene Park project, it indicates Phase I, are we required to complete Phase II, Phase III, etc.

Mr. Solfaro said this was previously discussed. Once you begin upgrading a project, then they must be brought into compliance.

Councilman Yakubov asked if there are any grants available at the moment.

Mr. Blum said for Aldene Park they applied for a Kid's Recreation Trust Fund Grant and we were awarded \$50,000 which was included in Ordinance #2337. They had set up a total budget amount of \$120,000 for Phase I.

Councilman Yakubov asked if they are pursuing grants for Phase II and Phase III, and what is the timeframe for Phase I being completed and then going to Phase II.

Mr. Solfaro said the intention was to sectionalize the park for phased improvements and some parts of the park will remain closed to protect the public from all safety standpoints.

Blake Johnstone – Borough Attorney

- Has no formal report, but has several items for Closed Session: D’Agostino Litigation, Adase Property Lease Litigation, Potential Litigation regarding Public Recording, Cranford Shared Services Negotiations and Concerned Citizens Litigation.

Doreen Cali – Borough Clerk

- Ms. Cali explained the ordinances that would be introduced.

Ken Blum – Chief Financial Officer

- Resolution #182-11 is to award a contract to Discovery Bank for the new Health Benefit Reform Law IRC Section.
- The Insurance Broker was instructed to solicit quotes; four were received.
- Must implement this to start effective January 1, 2012.
- Our thoughts are with the Family of Paul Endler; we wish him the best.

REPORTS OF DEPARTMENTS

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

- Administrative Assistant Report for August 11, 2011 through September 9, 2011
- Court Report for August, 2011

Mayor Accardi welcomed former Mayor Joseph DeIorio and thanked him for coming this evening.

MOTION BILLS AND PAYROLLS BE NOT READ

MOTION BILLS AND PAYROLLS BE PASSED FOR PAYMENT

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

PUBLIC COMMENT

Councilman Miranda moved to open the public comment portion of the meeting; seconded by Councilman Caswell and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Concerned Citizens are having their next meeting on September 17th from 1:30 p.m. to 2:30 p.m. at the United Community Methodist Church.
- At the last meeting, he mentioned those who helped others during the hurricane and he forgot to mention Councilman Hokanson and Councilman Miranda.
- How much does it cost to maintain Acker Park.
- Green Acres money was used to reconstruct it and the gates are locked after certain hours.
- Asked about the tax maps; where are they.
- Residents want to know why we are spending \$30,000 to \$40,000 to digitize them, when they have already been updated.
- Asked the cost on Resolution #182-11.

Mayor Accardi responded to Mr. Magiera's questions as follows:

- The cost to maintain Acker Park will have to be researched; he can request that information from the Chief Financial Officer.
- The gates are locked at Acker Park because the law is that after sunset, you have to lock such facilities in order to preserve the park for the benefit of the residents of Roselle Park.
- Regarding the tax maps, they are not currently digitized.
- At this point, they do not know the cost to digitize the tax maps.

Mr. Blum said regarding Resolution #182-11, the cost will depend on the number of people enrolled. It is \$4.90 per person per month with a minimum of \$500 per year.

Mayor Accardi said the request for the operating expenses for Acker Park should be done in the form of an OPRA request.

Keith Heyman, 300 E. Westfield Avenue

- Asked about ripping out the bushes on the center island on Westfield Avenue; what is being done with that.

Mayor Accardi said the DPW requested to pull out the bushes in certain areas on Westfield Avenue, but we did not give them permission to do that. He said you may see some additional trees planted.

Milt Woodruff, 131 Bender Avenue

- Commended Mayor and Council for their support during the storm.
- Spoke about Halloween on Bender Avenue; if they could possibly expand the barriers to minimize the flow of traffic.
- Suggested they have some type of costume contest or parade over by Sherman School.

- Asked about the development and prospective tenants for the Sullivan and Ford properties.
- Asked how much the bond financing affects the real estate taxes.

Mayor Accardi responded as follows:

- Mr. Woodruff can form a committee of neighbors to discuss the suggestions for Halloween with Council.
- He likes the idea of moving the barriers out from where they were previously.
- Also to have something at Sherman School to draw the crowds away from Bender Avenue.
- This evening they will be accepting Mr. Dinardo's resignation as a Councilmember; there will be a new First Ward Councilmember for him to work with.
- The Sullivan property is now owned by a Mr. Sal Garcia; we have spoken to him several times.
- They discussed the potential for the property, but as yet, he has not come forth with a definitive plan.
- Regarding the Ford property, there is a business that opened in June called Pump It Up.
- There is also interest in the other half of the property.

Mr. Blum said he does not have a budget document for the cost of bond financing with him this evening; he will contact Mr. Woodruff with that information. The majority of the bonding they do with the debt service are to help the infrastructure of the town to keep it together.

Saul Qersdyn, 150 Berwyn Street

- Acker Park is locked for the benefit of the residents.
- Asked about Resolution #177-11 and Councilman Dinardo being a County employee.
- Spoke about Councilman Dinardo being a County employee and conflict of interest.
- Spoke about the filling of the vacancy of First Ward Councilman.
- Spoke about the seizure of his tape recorder; wants property returned to him.
- Left recorder behind at the Municipal Land Use Meeting and a Board of Education Meeting.
- His property was seized and given to the Borough Attorney.
- He wants answers, and demands his property be returned with an apology.

Mayor Accardi responded as follows:

- Appreciated his comment regarding Acker Park being locked for the benefit of the residents.
- Resolution #177-11 referred to a Shared Services Agreement with the County of Union.

- He cannot speak for Mr. Dinardo, because he is not there.
- Spoke about the seizure of Mr. Qersdyn's property; clarified the property was left behind at meetings and Closed Sessions.
- Mayor and Council needs to protect the interest of residents regarding what is discussed during Closed Sessions.
- The information can be used against the Council.

Mayor Accardi said the filling of Mr. Dinardo's vacancy is outlined in NJ State Law. Once the resignation is submitted, the committee for the party that person was involved with, must convene a meeting and come up with three potential candidates to fill the vacancy; they have fifteen days to do that. Council then has fifteen days to make a decision with regard to those three nominees. A decision cannot be made regarding those three nominees, unless they are the same party as the person that vacated the seat. Councilman Dinardo is a Democrat, so the Democratic Committee needs to make a decision and provide three names to Council.

Eugene Meola, 226 Sheridan Avenue

- Spoke about the hurricane; it was very hard on the town.
- Spoke about the lake that is formed in the front of his house after a rainstorm.
- This time it was the worst it has ever been.
- His sidewalk is starting to sink down.
- Spoke about the tree on his property; if it can be removed or cut back.

Mr. and Mrs. Schneeberger, 16 Warren Avenue

- Thanked Mayor Accardi for his letter in August, but it did not answer all his questions.
- What is being done about the problem.
- Why is the 14 Warren Avenue driveway still being used as a commercial driveway and not a residential driveway.
- Cars do not stop at the sidewalk when they pull out of the driveway.
- The commercial use of the driveway is affecting his family's quality of life.
- How can someone else abuse the system and get away with it.
- Mr. Pluchino agreed only residents should be using the driveway.
- They gave a video presentation of the trucks using the driveway for commercial purposes.
- The vehicles are constantly going in and out of 14 Warren Avenue.
- Councilwoman Torres, Councilman Miranda and Mr. Pluchino agreed with them and the owners were informed on May 14, 2011.
- They pay taxes for their property to be protected, the laws should be enforced.

Mayor Accardi said Mr. Pluchino cannot promise he will stop this; he can only promise he will attempt to try and stop it. He can only enforce the law to try to stop someone else's actions.

Councilman Caswell said if they can identify any of the vehicle's license plates, they can turn them over to the Prosecutor's Office to issue summons for any violations. The Council enacts the laws and it is proper for the Police or enforcement agencies to enforce them.

Councilman Miranda asked for a copy of the photos and the dates the incidents took place; if there are violations, then he will speak with the Prosecutor.

Councilwoman Torres said the photos are helpful.

Joe DeIorio, 824 Larch Street

- Is here this evening regarding the official resignation of Larry Dinardo from Council.
- Wants to convey his appreciation for the work he did for the time he was on Council.
- He was a gentleman, who truly cared for his Ward and served this Borough well.
- Asked about Resolution #181-11.
- There were questions about the cost to maintain Acker Park.
- A comment was made that the taxpayers want to know, he is a multi-taxpayer in Roselle Park and he does not want to know.
- It is inexcusable for the Clerk, the CFO, etc. to take the time to gather that information; it is a waste of taxpayers' dollars.
- What is being requested is not an oprable document; it is a new report to be created.

Ms. Cali responded to the question regarding Resolution #181-11 as follows:

The new restaurant was granted a café permit, and then after they were granted that permit, they asked to sell alcohol on the sidewalk at the sidewalk café. In order for them to do that, they would have to do a place to place transfer for an expansion of premises. Legally you are not allowed to do an expansion of premises on property that you do not own or control. That sidewalk on the side of the property belongs to the Borough of Roselle Park. After questioning the State and other municipalities about how they go about doing that, we can draw up a lease and rent Vinhus six foot of the sidewalk giving them control over that six feet and allow a place to place transfer for expansion of premises to sell alcohol at the tables. If Council approves this, and adopts Ordinance #2341, allowing alcohol to be at sidewalk cafes at a following meeting, they can then do a place to place transfer for the expansion of premises. They can also then put on conditions to that transfer such as alcohol can only be sold during the hours of the sidewalk café and it can only be sold during the months of May through October. There are different restrictions that the Borough can impose to make sure it is not abused.

Mayor Accardi said they will get the information regarding Acker Park because they want the residents to know where taxpayer dollars are going.

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

PASSAGE OF ORDINANCES

SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 2339

AN ORDINANCE TO AMEND AND SUPPLEMENT CHAPTER 7
SECTION 7-37 OF THE BOROUGH OF ROSELLE PARK
REGARDING LOADING ZONE ON CHARLES STREET

Councilman Miranda moved to open the public hearing on Ordinance #2339; seconded by Councilman Caswell and adopted.

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

Councilman Hokanson said he supports this ordinance. He said did the groundwork for this ordinance about eight years ago when he was in the Traffic Safety Department.

Councilman Miranda said if this ordinance is approved, how soon it will be done.

Mayor Accardi said he will provide a copy of the ordinance to the Police Department so they will be aware of it.

Councilman Miranda moved that Ordinance #2339 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Hokanson.

| Vote Record – Ordinance #2339 | | Yes/Aye | No/Nay | Abstain | Absent |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

INTRODUCTION

ORDINANCE NO. 2340

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter XXXIX, Section 39-1.12 of the Borough Code is hereby amended in its entirety to read as follows:

SECTION I. Section 39-1.12.:

The Borough of Roselle Park intends to comply with the Council on Affordable Housing Requirements; and,

The rehabilitation of existing rental and ownership properties is a component of the Affordable Housing requirements; and,

The Council on Affordable Housing and Department of Community Affairs have published a sample Housing Rehabilitation Program Manual; and,

The sample Housing Rehabilitation Program Manual has been edited to fit the needs of the Borough of Roselle Park and is known as “Borough of Roselle Park Operating Manual for the Administration of Rehabilitation Units”, dated September 2011.

NOW, THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Roselle Park, in the County of Union, that, the Borough shall establish its own rehabilitation program in compliance with applicable COAH regulations, as detailed in the “Borough of Roselle Park Operating manual for the Administration of Rehabilitation Units.” Dated September 2011.

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

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

Councilman Miranda moved that Ordinance #2340 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 6, 2011; seconded by Councilman Yakubov.

| Vote Record – Ordinance #2340 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2341

AN ORDINANCE AMENDING CHAPTER XXIII, SECTION 23-6.1g
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING SIDEWALK CAFÉ PERMIT

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter XXIII, Section 23-6.1g of the Borough Code is hereby amended as follows:

SECTION 1. 23-6.1g Regulations for a Sidewalk Café Permit

g. Nothing contained in this section shall be construed to amend any provision of Chapter VI, Alcoholic Beverage Control, of this Code or to amend or change any provision of any alcoholic beverage control license.

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 Miranda moved that Ordinance #2341 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 6, 2011; seconded by Councilman Hokanson.

| Vote Record – Ordinance #2341 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCE NO. 2342

AN ORDINANCE AMENDING CHAPTER X, SECTION 10-4.1
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING FEES FOR RECREATION

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter X, Section 10-4.1 of the Borough Code is hereby amended as follows:

SECTION 1.

10-4.1 Fees Enumerated

Wrestling:

| | |
|-----------------------|----------|
| Individual | \$ 65.00 |
| Family (3 or more) | \$155.00 |
| Wrestling Clinic | \$ 45.00 |
| Special Circumstances | \$ 0 |

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 Miranda moved that Ordinance #2342 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 6, 2011; seconded by Councilwoman Torres.

| Vote Record – Ordinance #2342 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

RESOLUTIONS

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

RESOLUTION NO. 178-11

WHEREAS, the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

WHEREAS, the Mayor and Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Union;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Roselle Park, County of Union, State of New Jersey hereby recognizes the following:

1. The Mayor and Council does hereby authorize submission of an application for the Roselle Park Municipal Alliance grant for calendar year 2012 in the amount to be determined by Request for Application (RFA) Process.
2. The Mayor and Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the required amounts of 25% Cash and 75% In-kind matches, and the administrative compliance and audit requirements.

RESOLUTION NO. 179-11

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize the agreement between the County of Union and the Borough of Roselle Park for participation at the Leaf Composting Facility for the 2011 leaf season.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the Memorandum of Understanding and an Indemnification Agreement regarding Union County’s Leaf Composting Facility.

RESOLUTION NO. 180-11

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

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized to refund tax overpayments in the total amount of \$7,731.74 on three (3) properties for overpayment of 3rd quarter 2011 and one (1) property for 2nd quarter 2011 taxes as follows:

| <u>Block/Lot</u> | <u>Name</u> | <u>Address</u> | <u>Amount</u> |
|------------------|-----------------------|-----------------------|-----------------------------------|
| 1114/8.15 condo | Bernadette Pongan | 350 E. Westfield Ave. | \$1,480.56 |
| 401/3.04 condo | Vladimer W. Yarmoluk | 10D Roselle Ave., W. | \$ 934.61 |
| 701/32 | Claudio & Sandra Pais | 11 Roselle Ave., E. | \$3,334.34 |
| 412/13 | Daniel & Lynn Breen | 708 Locust St. | \$1,982.23 (2 nd qtr.) |

RESOLUTION NO. 181-11

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize the attached Lease Agreement between the Borough of Roselle Park and Caracitas Corporation trading as Vinhus Restaurant.

RESOLUTION NO. 182-11

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby award a contract to Discovery Benefits, Inc., 3216 13th Avenue, South, Fargo, North Dakota 58103 for new Health Benefit Reform Law IRC Section 125 Premium only plan and a Flexible Spending Account plan; and

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Roselle Park authorize the Chief Financial Officer to sign the agreement.

RESOLUTION NO. 183-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the Contract for:

Aldene Park Playground – Phase 1
BOROUGH OF ROSELLE PARK
UNION COUNTY, NEW JERSEY

be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for the sum of Fifteen Thousand Sixty Dollars and No Cents (\$15,060.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 187-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the Contract for:

Walnut Street Improvements
BOROUGH OF ROSELLE PARK
UNION COUNTY, NEW JERSEY

be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for the sum of Nineteen Thousand Two Hundred Fifty Dollars and No Cents (\$19,250.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 188-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the Contract for:

East Roselle Avenue Improvements
BOROUGH OF ROSELLE PARK
UNION COUNTY, NEW JERSEY

be awarded to Neglia Engineering Associates of Lyndhurst, NJ for the sum of Thirty Three Thousand Four Hundred Sixty Dollars and No Cents (\$33,460.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 189-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the Contract for:

Aldene Park Playground – Phase 1
BOROUGH OF ROSELLE PARK
UNION COUNTY, NEW JERSEY

be awarded to Rich Picerno Builders of Kenilworth, New Jersey for the sum of Seventy One Thousand Nine Hundred Seventy Three Dollars and Seventy Cents (\$71,973.70). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 190-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the Contract for:

Walnut Street Improvements
BOROUGH OF ROSELLE PARK
UNION COUNTY, NEW JERSEY

be awarded to Stanziale Construction of Bloomfield, New Jersey for the sum of One Hundred Forty Six Thousand Four Hundred Fifty Three Dollars and Fifty Cents (\$146,453.50). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 191-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the Contract for:

East Roselle Avenue Improvements
BOROUGH OF ROSELLE PARK
UNION COUNTY, NEW JERSEY

be awarded to Cifelli & Sons of Nutley, New Jersey for the sum of Two Hundred Thirty Nine Thousand Six Hundred Twelve Dollars and No Cents (\$239,612.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

| Vote Record – Resolution #178-11 to #183-11 and #187-11 to #191-11 | | | | | |
|--|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The following resolution was offered by Councilman Miranda; seconded by Councilman Caswell.

RESOLUTION NO. 184-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Paul Endler from the position of Tax Assessor, effective September 16, 2011, be and is hereby accepted.

Mayor Accardi said Mr. Endler has been employed as the Tax Assessor for the Borough for 47 years and has done a wonderful job for the Borough.

Councilman Yakubov wished Mr. Endler well and thanked him for his work for the Borough.

Councilwoman Torres said Mr. Endler has created some special moments for her with the pictures of various awards that were given.

| Vote Record – Resolution #184-11 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

The following resolution was offered by Councilman Miranda; seconded by Councilman Yakubov.

RESOLUTION NO. 186-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Laurence A. Dinardo from the position of First Ward Councilman, effective immediately, be and is hereby accepted.

Councilman Miranda wished the best to Mr. Dinardo and said it was a pleasure working with him.

Mayor Accardi said Mr. Dinardo has always been very forthcoming and honest. He has been a joy to work with on Council and will be missed.

Councilman Hokanson said Mr. Dinardo was a people person and worked for what was right for the Borough.

Councilman Yakubov wished Mr. Dinardo the best and is sorry to see him go.

| Vote Record – Resolution #186-11 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

Mayor Accardi made the following appointment:

- Appointment of Keith Heyman to the Ad-Hoc Local Access Television Sub-Committee.

COMMUNICATION

- Request from the Roselle Park High School Marching Band Parents to block the street on W. Webster Avenue for bus parking during the Band Competition to be held on October 8, 2011.

Councilman Yakubov said he has always been supportive of the Band Parents and would like to continue to do that. In the interest of the residents that live in that area, during the year they are subject to many road closures. In their best interest, he is asking for some type of resolution from Council. Residents that live in that area should have a right to park in front of their homes; it is an open road and should be available to anyone who wants to park in that area. The flow of traffic can be delayed that day by seeing when the buses will be coming in. Another solution would be to use the grove area; it is not that much of a walk to get to the field.

Mayor Accardi said the grove area would not work because the buses are so large they can't turn around after they pull in.

Councilman Yakubov said maybe they can restrict one side of the street and let the residents park on the other side. He would be happy to work with the Band Parents to put out some type of a letter and do that.

Councilman Miranda said the Police Department will have to make sure it is properly posted and monitored before the event starts.

Mayor Accardi said we can request that the Police Department review this to see what the best plan available is with the knowledge there are large vehicles. The Band Parents can contact the residents of the apartments after the Police have approved the plan.

Councilwoman Torres said having an apartment across from the school, people should expect some inconveniences. It is even difficult when traveling through there if there are cars parked on either side of the road. She is willing to approve whatever plan the Chief approves.

Mayor Accardi said they are now voting on the safest way to restrict parking on W. Webster Avenue to allow parking buses and the overflow in the DPW lot and to request if the First Aid Squad will allow residents of Webster Gardens to park in their lot.

Councilman Miranda moved to find the safest way to restrict parking on W. Webster Avenue and to allow parking the buses and the overflow in the DPW lot and also to request the First Aid to allow residents of Webster Gardens to park in their lot; seconded by Councilman Yakubov and adopted, all members present voting Aye, said motion was adopted.

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

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

- Potential Litigation – Sewerage Issue
- Potential Litigation – Recording Equipment
- Code Enforcement Issue
- Litigation – D’Agostino
- Litigation – Adase Property Lease
- Litigation – Public Records
- Negotiations – Cranford Shared Services
- Litigation – CCRP
- Litigation – Acker Park
- Negotiations – Sale of Borough Property
- Negotiations – PBA and SOA

RESUME REGULAR ORDER OF BUSINESS

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

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

- Potential Litigation – Sewerage Issue
- Potential Litigation – Recording Equipment
- Code Enforcement Issue
- Litigation – D’Agostino
- Litigation – Adase Property Lease

- Litigation – Public Records
- Negotiations – Cranford Shared Services
- Litigation – CCRP
- Litigation – Acker Park
- Negotiations – Sale of Borough Property
- Negotiations – PBA and SOA

The following resolution was offered by Councilman Miranda; seconded by Councilman Yakubov.

RESOLUTION NO. 185-11

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey hereby authorize the attached shared service agreement between the Township of Cranford and the Borough of Roselle Park for the services of the Tax Assessor for the period September 19, 2011 thru December 31, 2011 at the annual rate of \$12,900.

| Vote Record – Resolution #185-11 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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"/> |
| | Dinardo | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Yakubov | <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"/> |
| | Torres | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Accardi | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Mayor Accardi said one of the issues discussed during Closed Session was the issue regarding recording equipment found during Closed Session and after meetings on four occasions. This was discussed with the Municipal Attorney, the Prosecutor and the Municipal Land Use Board Attorney; all are offended that recording equipment was left during those times in areas that were supposed to be secure. Council has agreed to look into passing a resolution at the beginning of the next meeting, which will restrict the use of equipment to record our meetings. We can place restrictions so when recording, the equipment will be visible to the members of Council and can be collected at the end of the meetings prior going into Closed Session without causing any additional problems. It will also avoid litigation against Council because information is provided on recordings not authorized to be recorded. There is an ordinance in place with regard to recording equipment. We believe there were violations on four different occasions with this equipment and the person running this equipment. Mayor and Council have elected not to pursue charges at this point, but there has been Police involvement regarding the equipment in question. He wants to make it clear before it was mentioned that the item was stolen and thievery was involved with the possession of this item, which was an item that was left behind. The last instance was following a Municipal Land Use Board Meeting. The piece of equipment was left behind in the well of the Municipal Court window at the rear of Council Chambers. The New Jersey Superior Court of Union County has declared that Court proceedings cannot be recorded without solid recording equipment. The Prosecutor was advised of the location of that equipment, which caused some serious issues with the Prosecutor. The Municipal Land Use Board Attorney indicated there were issues because at the end of the meeting, there were private discussions or Closed Session items. The Municipal Attorney

indicated there were some prior violations where the equipment was left behind and there were serious concerns regarding our ability to maintain integrity of our proceedings, especially when we go into Closed Session. Mayor and Council are going to vote on the return of the recording device and with an issuance of a letter, we can make it clear the seriousness of the offense we are alleging. Also, that behavior will not be tolerated in the future. We will also be discussing this at the very beginning of the next meeting on camera, so the Borough on a whole, can hear the items he just mentioned and hopefully will be put on notice regarding the placement of any audio or visual equipment. It is a shame we must have this type of resolution to this matter; Mayor and Council want to be as open as possible in providing access to recorded meetings and issues. It was painful to us to take these measures.

Councilman Miranda moved to return the recording device without pressing charges at this point and the issuance of a letter by Legal Counsel to the person who left the device behind; seconded by Councilman Yakubov, all members present voting Aye, said motion was adopted.

Councilwoman Torres asked if charges would be pressed the next time this occurs.

Mayor Accardi said at this time, he would like to have the equipment that is in question be returned and the person be advised of what our procedure will be going forward.

Mayor Accardi said he makes the appointment for the committees and in this particular case, the person we are discussing he hopes to continue to trust and he will not take a position on any motion that you wish to propose because he cannot vote unless there is a tie. He said he will entertain a motion and follow the guidance of Council.

Councilman Yakubov said in the past there was an individual who had taken computer parts and was no longer allowed to utilize computers in the municipality. This should be done across the board. When an issue comes up especially technology, then their recording of information in a municipality should be limited.

Councilman Yakubov said he would like to make a motion that anyone that has had an issue within the Borough that has the use of technology can no longer utilize Borough equipment.

Councilwoman Torres asked that because he has breeched his trust, he should no longer be on any particular committees or handle any municipal equipment.

Ms. Cali asked if they would like her to prepare a resolution for the next meeting.

Councilman Yakubov said this has been done in the past.

Mayor Accardi said he is not clear as to what he is saying; Councilman Yakubov has mentioned that since there is a lack of trust.

Councilman Yakubov feels Council should be in the consensus that information could be leaked, especially with access to municipal technology. He said he feels uncomfortable to speak

freely in Closed Sessions or even during meetings. Anyone that falls under that category should not have access to municipal equipment.

Councilwoman Torres said she feels that anybody that has a trust of the Council should have an appointed position by Mayor and Council. Those positions are chosen because those are the people that we trust and doing their best for the community. She said this is four times now and the next time we will press charges; do we want to keep this person in that position of trust. It is a position that the Mayor chooses and if you are trying to single out one person, it is not fair.

Mayor Accardi said he is not going to start removing people from positions because on his judgment somebody has violated our trust. If there is an issue with an individual, he will take that under advisement. He has asked if you have a specific issue with a specific individual that you make the motion now, and as Mayor who makes the appointments, he will remove a specific individual.

Councilman Yakubov said we have discussed this and as Council will have to put together a resolution and go over it at the next meeting again.

Councilwoman Torres said are you saying to remove Saul Qersdyn from the committee.

Councilman Miranda said that what he thinks Councilman Yakubov is trying to say is we appointed an individual, trust was violated with the tape recorder, and we as Council feel we trusted him with the equipment to record and that was violated. We feel now we don't have that trust and we would like to remove Saul from any positions that he was appointed to at this point.

Mayor Accardi said here is the problem with what you are saying. You are asking me to make a judgment call based on a motion of somebody violating our trust without you telling me the person or the specific circumstances. If you want somebody removed from a board that I have appointed them to, say the person's name, say what you want to say, make the motion and I will remove that person from the position. If you don't want to say the person's name and say what the allegation is, then I am not committed to remove somebody based on some vague notion. He is asking point blank, if you want to address this issue, say the person's name, say what the issue is and then the motion will be entertained.

Councilman Yakubov said it is not one particular person. When you create a law or an ordinance and put something on the books, it is not to target a particular individual. It is to make it a policy on a whole. Anyone who has gone ahead and has lost the Council's trust altogether, no matter what that situation is, and Council feels that way, they should not be able to hold a position in the municipality.

Mayor Accardi asked who the person is he is talking about.

Councilman Caswell said Council does not have the right to put such a restriction upon the Mayor's power to remove appointees from their position. That is something within the Mayor's privilege and I am not comfortable having us infringe upon those powers without knowing whether or not we have the ability to do that as Council. A Mayor's appointment is

something you should feel comfortable with the people that he is allowed to appoint. He said he does not think we are allowed to infringe upon that.

Mayor Accardi said the commitment he made when we started this discussion was that you tell me if you have an issue with a particular individual.

Councilman Yakubov said he does not have an issue. He said if Council discusses any individual who has lost the lack of trust of Council for certain violations, they should not serve on any committee, period.

Mayor Accardi said is there a motion.

Councilman Yakubov said he makes a motion and Councilman Miranda seconded it.

Mayor Accardi said the motion is if there is a level of distrust by an individual, we review that and it should be on any appointed position in the Borough.

Councilman Hokanson this is the position of my Cop days where someone is guilty before a trial. Basically due process is the fact that yes, things were done. But, was it done maliciously or was it done just hindsight. What we are almost saying is the guy is guilty before he had a trial.

Mayor Accardi said trust is a subjected measure and in order to know if somebody's trust has been violated, you would have to know who the person is that is being accused.

Councilman Yakubov said he feels that anyone in the municipality who violated the trust of the Council or who has not done something within the confines of our ordinances should not serve on any committee whatsoever that works within the confines of utilizing Borough equipment.

Councilman Caswell said an appointee would have a right to a position to be hired or by the Mayor. Any appointee can be removed for any possible reason such as not doing their job, not doing it well or not getting along. We are going down an area here that if we were going to make a motion to remove anybody and everybody then he doesn't it's up to Council to put it upon the Mayor's right to make those decisions. He can see how the Mayor is struggling with the motion and he does not quite understand why it's more of a symbolic motion that we should all be having, to tell you that you have our confidence. Unfortunately there was a violation of trust and you were in your rights to remove him in that proposed motion.

Councilman Accardi suggested they table the motion to discuss it further at the next meeting. He said the appropriate time would be at the beginning of the meeting when we discuss the new resolution regarding recording devices and any other information provided to Mr. Qersdyn. Council had agreed that the recording device was improperly left behind on several locations. He asked for a motion to table the prior motion until the next meeting.

Councilman Caswell moved to table the prior motion; seconded by Councilman Miranda, all members present voting Aye, said motion was tabled.

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

Attest:

Borough Clerk