

Borough of Roselle Park Regular Meeting of October 20, 2011

Attendee Name	Organization	Title	Status	Arrived
Michael Yakubov	Borough of Roselle Park	Councilman	P	7:00 PM
Modesto Miranda	Borough of Roselle Park	Councilman	P	7:00 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
Eugene Meola	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

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

- Request from residents of the 400 block of Spruce Street to close the street for a Family Birthday Party on Sunday, November 6, 2011 from 10:00 a.m. to 10:00 p.m., with a rain date of Saturday, November 12, 2011.

REPORT AND RECOMMENDATIONS OF MAYOR

- Has been driving around town tracking street lights that are out, trees that need trimming and wires that are down.
- Trying to forward as much information as possible to the DPW.
- The DPW works only during daylight hours.
- They have to rely on the Police when lights are out because they go on at night.
- Spoke to Joe Signorello, who is on the Lighting Committee, and asked him to check lights that may need bulb replacements.
- Also requesting to turn off the overhead lights for one week to see if it is a safety issue and how the downtown will look without them.
- One of the ways they will get the village look is if they do something about decorating the downtown properly.
- One of the ways to decorate our downtown is to get rid of some of the visual pollution.
- Asking for it to be done and if anyone is opposed, please let him know.

- Has come across some issues in the businesses in town.
- One of the issues right now is the Normal Rockwell painting in a store window.
- There is a sign ordinance on tonight, which they will be discussing to try and make some changes to the downtown area by revising the sign ordinance.
- One problem is there are so many other issues in town.
- There are about seven or eight stores on Westfield Avenue that have the garage type grates that get pulled down at night.
- That is not what he wants our downtown area to look like.
- Asked Council to consider an ordinance restricting those grates.
- The stores that have put money into their buildings and have decorated properly don't want the blight of the store next store to them.
- Urged Council to consider the options that are available to them; to enforce the rules to make sure we have a viable downtown.
- Took a tour one and a half miles toward Elizabeth and toward Cranford and you can see the difference.
- Asked the Committee not to consider only the sign ordinances, but the entire downtown ordinances.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Yakubov

- Agrees with the Mayor regarding his comments about the downtown.
- Spoke about the SID and maybe we can incorporate them in some of these issues.
- Spoke about the grates on the storefronts downtown; who will pay for changes.
- The tree grant has been approved by the County.
- There will be an Environmental Committee Meeting on Monday, October 24th at 7:00 p.m. in Borough Hall.
- There will be a Kid's Safety flyer sent home in the backpack program.
- Will also distribute them on Bender Avenue.
- There will be a Small Business Seminar at 6:30 p.m. on November 3rd at the Library.
- Received complaints about cars not stopping for pedestrians on crosswalks.
- It is a growing problem and must be addressed.

Mayor Accardi said the SID Reorganization Meeting will be held on November 3rd at 6:00 p.m. They are trying to determine how the Committee will be formed. The issue regarding the grates is more on Westfield Avenue and down towards Galloping Hill Road and we must enforce our ordinances in that area as well; it is the gateway to Roselle Park.

Councilman Yakubov said the SID Committee does have a portion of their budget set aside for special projects, but he does not know how they will use it. It would be a cost factor for a business if they use that grate to secure their business. If the town passes an ordinance that they can no longer do that, it will cost them money to change it.

Mayor Accardi said the Code Book must be checked to see if there is an ordinance in place restricting those grates and if we should look at getting something in place.

Councilman Hokanson

- The businesses downtown have brought up issues with benches downtown and people congregating and interfering with some of the businesses.
- Attended a meeting on October 18th regarding Halloween on Bender Avenue; it has been posted on TV34.
- Gave Dog and Cat Report for July, August and September.
- There has been a fox sited on the bicycle path.
- There will be a fundraiser for the Henry Family on Sunday from 2:00 p.m. to 8:00 p.m. at FunTime in Cliffwood.
- Requested that Croce Builders be Business of the Month in October.

Councilman Meola

- Has been speaking to residents regarding Halloween; they have some concerns.
- He attended a meeting on October 18th regarding Halloween on Bender Avenue, which was very productive.
- There will be Police presence and they will place barricades.
- They must be concerned about the safety of the whole town.
- Parents must keep a close eye on their children.
- Attended the Dad's Club Meeting.
- It is a good club and does a lot of good things.
- The trick or treating will take place between 4:00 p.m. and 7:00 p.m. on Halloween.

Councilman Caswell

- Attended the Library Board Meeting.
- He has walked around his Ward and met some of the residents.
- Thanked everyone who attended the Boy Scout Roundup.

Councilwoman Torres

- Congratulated the Roselle Park Band; they did a good job at their tournament.
- Met with the owner of Rita Pharmacy regarding the mural on their window.
- Hopefully, they will work out a resolution.

Councilman Miranda

- Met with Councilwoman Torres and the owner of Rita Pharmacy.
- Wished all the residents a safe Halloween.

Susan Calantone – Library Director

- Spoke about the many programs taking place in the Library: Chess Club, Homework Buddy, Math Club, Story Times, College Planning Workshop, Investment Advisor, Blood Pressure Screening, Children's Halloween Party, Murder Mystery, Read to the Dog, Crafts, ESL Classes and Singing Bowls.

- Thanked the Friends of the Library for helping to bring programs into the Library.
- Thanked the Board of Education for their help with the summer reading books.
- Thanked the school custodians for cleaning and polishing the floors in the children's room.
- Thanked the DPW for helping to move the furniture so the floors could be cleaned.
- Thank the Fire Department for coming in for a very special story time.
- November 1st they will be starting their pet toy and food drive.
- Laura Hahn will be conducting periodic group interviews for a strategic report the trustees are putting together.
- Their audit was done; the Library was right on track.
- Everyone at the Library wishes Mr. Endler a speedy recovery.

Karen Intile – Administrative Assistant

- The Indo American Senior Citizens of Roselle Park have invited Mayor and Council to their New Year's Celebration.
- Spoke about the programs at the Casano Center.
- Pet Appreciation Day on October 30th.
- There will be a Pig Roast on November 5th from 2:00 p.m. to 5:00 p.m.
- Leona Seufert is doing a wonderful job running the local Art Gallery.
- Zumba classes started on October 12th.
- Holiday Home Decorating Contest.
- Mother's Consignment Sale.
- The Girl Scouts will be helping the seniors enjoy a fall luncheon on November 12th.
- The service for Veterans' Day will be November 11th at 11:00 a.m.
- Eva Boyko from the Center will be attending the food handler's course.

Blake Johnstone – Borough Attorney

- Has two items for Closed Session.

Doreen Cali – Borough Clerk

- November 5th at 11:00 a.m. in the parking lot of Borough Hall there will be a bicycle auction.
- There will also be some automobiles as well.

Ken Blum – Chief Financial Officer

- There is a resolution tonight authorizing the Tax Collector to extend the due date for the payment of the 4th quarter 2011 real estate tax payments to November 23, 2011 without penalty.
- They will be mailed by October 28th.
- We have received our audit; it will be on the November 3rd agenda for Council to accept, along with the Corrective Action Plan.
- One potential litigation item for Closed Session.

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 September 10, 2011 through October 7, 2011
- Treasurer Report for September 30, 2011
- Municipal Court Report for September, 2011

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting of September 15, 2011

Vote Record – Minutes Acceptance of September 15, 2011					
		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"/>
	Meola	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Accardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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 Hokanson, all members present voting Aye, said motion was adopted.

PUBLIC COMMENT

Councilman Miranda moved at 7:55 p.m. to open the public comment portion of the meeting; seconded by Councilman Caswell and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Spoke about Halloween on Bender Avenue.
- Asked about the tax maps being digitized and the cost of \$40,000.
- Asked for permission to hang yellow ribbons in Borough buildings.
- Asked about property re-evaluation costs.
- Spoke about the decoys on the crosswalks on Chestnut Street; cars are not stopping for anyone.
- Said the figures were incorrect on Resolution #196-11 at the October 6th Meeting.
- Asked to explain Resolution #214-11; why is our Tax Appeal Attorney getting an additional \$5000.
- Air Traffic Advisory Board did not meet this month.

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

- At this point, we do not have the exact dollar amount to digitize the tax maps.
- When an ordinance is done, we try to put the top dollar amount.
- Council has to decide what to do regarding the yellow ribbons.
- Re-evaluation is important; but once it is done, not everyone will be happy.
- Will ask the Police Chief to look at the crosswalks and why people are not stopping.
- Regarding Resolution #196-11, some credits were added to the amount and it was correct.
- Resolution #214-11 is a Tax Appeal Attorney increase.
- We are still dealing with tax appeals from 2009 and 2010; the volume of the appeals has increased.
- Thanked Mr. Magiera for his service on the Air Traffic Advisory Board.

Chris Miller, 520 E. Grant Avenue

- He is the School Board Liaison to the Mayor and Council.
- School Board Meetings have changed venue and are now meeting at a different school each month.
- The November 1st Meeting will be held at the Middle School.
- They would like to see more attendance at the meetings.
- The School Board has a vacancy to be filled for a term that will run until the April Election.
- They can then run for election for another term.

Councilman Yakubov said he had an outside entity from Kenilworth contact him about some gym space and asked who he can contact. He had some residents express concern regarding wood beams and wires that are still in the grove area near the tennis courts from an obstacle course. Also, the bottom portion of a light near the tennis courts is deteriorating and needs to be addressed.

Mayor Accardi thanked the Board of Education for their shared services and helping the Library with books for the Summer Reading Program. He also thanked them for cleaning the floors in the Library.

Andrew Casais, 166 Berwyn Street

- Thanked the school district for the shared services with the Library.
- Attended a committee meeting regarding Halloween on Bender Avenue.
- Spoke about parking and traffic situation in the area.
- There will be no parking on Bender Avenue and will be posted by the Police Department.
- The Police will clear the area after 7:00 p.m. and the barricades will come down once it is safe for traffic.
- Thanked Councilman Hokanson for organizing the meeting.

Mayor Accardi thanked him for working on the committee for Halloween on Bender Avenue.

Milt Woodruff, 134 Bender Avenue

- Spoke about Halloween on Bender Avenue.
- Spoke about parking behind the Post Office.
- Spoke about the SID program; when will they meet again.
- Spoke about the Sullivan property development plans.
- Asked about the AvalonBay Agreement; when will they begin construction.
- Asked about programs at the Youth Center and using it on a Friday night or Saturday.
- Asked that they consider having a Christmas Parade.
- The Community United Methodist Church is sponsoring recognition for first responders and public servants on October 30th.

Mayor Accardi responded to Mr. Woodruff's comments as follows:

- Has spoken to the lady at the Post Office; has not received a response yet.
- The next SID Meeting is on November 3rd; at that time they will reorganize and determine their schedule.
- The new owner of the Sullivan property has mentioned some ideas and recognizes the fact there are some ordinances in place that restrict some construction in the downtown area.
- It is a private business, not government owned, so we can only do so much.
- Regarding the Youth Center, if he has any ideas for usage for a Saturday night, that they discuss it further.
- We would like all buildings used 24/7 if possible.

Councilwoman Torres said she had spoken to him about this. Any group that comes in has to have their own insurance policy and they are liable for any damage they cause in the building. They also have to make sure the building and bathrooms are cleaned.

- Mayor Accardi said regarding the tree lighting, he is not sure the Christmas Parade is the answer.

Joe DeIorio, 824 Larch Street

- Spoke about what kind of programming would be available at the Youth Center.
- Is it strictly for youth orientated programs only.
- Congratulated Councilman Meola.
- Spoke about small motorized vehicles; are people required to wear helmets.
- He agrees with tax appeals, but it is a costly venture.
- Spoke about re-evaluation; but the tax maps must be digitized and in order first.
- If the town goes for a re-evaluation, the people that have lived here many years may be the most impacted by it.
- Spoke about the Read to the Dog program and Pet Appreciation, and asked if permission was granted for these programs by the Governing Body.

- Spoke about Halloween; asked what the timeframe is.

Mayor Accardi responded to Mr. DeIorio's comments as follows:

- The use of the Youth Center would be governed by whatever the guidelines are that we have in place right now.
- Motorized vehicles are not permitted on the roadway unless they are licensed.
- The point of them wearing a helmet while driving these vehicles is well intentioned.
- He agrees with the issue of the tax maps and the tax appeals.
- The re-evaluation is very important.
- He will be asking for approval this evening for pets at the Library and the Casano Center.
- The issue of trick or treating on Halloween will be discussed further after the public portion is done.
- In the future, when we are having events with pets that approval be requested a few weeks ahead of time as per the ordinance.

Saul Qersdyn, 150 Berwyn Street

- Said 3:00 p.m. would be a better starting time for trick or treating on Halloween because it gets dark earlier.
- Mountainside has a Halloween candy drop off at their Borough Hall.
- Asked about Resolution #210-11.
- Asked about Resolution #213-11; will Solar do Minho open as a restaurant.
- Spoke about Ordinance #2343; how does that affect Rita Pharmacy.
- There are towns that have 100% of their windows covered.

Mayor Accardi responded to Mr. Qersdyn's comments as follows:

- What we are getting downtown is what people don't want.
- We are getting stores that no one is going to and then they close down.
- It is up to us to set up the rules for our downtown area.
- He is aware of the stores in other towns and their signs.
- He went a mile and a half towards Cranford and a mile and a half towards Elizabeth.
- The problems that we have downtown are because we haven't been enforcing the laws.
- The ordinance this evening may not be the final ordinance, but it is a starting point.
- It is good to talk about storefronts in other towns, but that is not what their ordinances read.

Councilman Miranda said one of the stores in Westfield has the same mural that we have here, and it is against their ordinance.

- Mayor Accardi said regarding Resolution #212-11, it is an increase.
- When the change of the Director was made for the Municipal Alliance, the salary was cut.
- Because of the grant they received, they have to keep it at the higher amount.

Mr. Blum said the reason for the \$1,326.00 increase was due to the 25% cash match. We did request a change of scope and that was rejected; the period is not allowed to be changed anymore. This portion was included as the cash match of the Director of the Coordinators and we are required to spend 25% cash match. This must be done or we will lose the entire grant.

- Mayor Accardi said regarding Resolution #213-11, Solar do Minho has not been running as a restaurant; it has been running as a catering service and has nothing to do with the licensing.

Ms. Cali said Resolution #213-11 is removing the alcohol service license, which couldn't be renewed until tonight because he just received his Tax Clearance Certificate. When you renew a license and there are any special conditions attached to that license, you have to put it in the renewal resolution. He does have special conditions; two or three years ago there were several complaints regarding noise. He is not allowed to serve alcohol in the unlicensed garden area and is also not permitted to have amplified music. New Year's Eve there was another issue where the Police Department had to be called in. He agreed to several conditions as a part of that citation; special conditions were also included in the renewal resolution. It has nothing to do with him operating as a restaurant or a catering hall.

- Mayor Accardi said regarding Resolution #176-11, they approved \$6,000 for storm damage items to be picked up.
- Under Resolution #210-11, we are increasing that amount to \$9,500 and the reason is because of the volume that was accumulated; it turned out to be a much bigger project than we thought it would be.
- The tax re-evaluation is the right thing to do.

Mr. Blum said regarding the \$153,000 that was mentioned, that was for the Union County Board of Tax Appeals.

Councilman Yakubov asked what the current contract is for the Tax Appeals, is it X amount of money or the amount of case loads; Mayor Accardi said it is an hourly fee.

Councilman Yakubov said have they established an agreement in writing between Suburban Disposal, or do we just do a pick up and they give us a price.

- Mayor Accardi said it is a set fee; it is just that we had to add additional trucks for this one day.

Keith Heyman, 300 E. Westfield Avenue

- There are usually 5,000 to 6,000 people on Halloween on Bender Avenue.
- During those hours residents cannot get in or out of their driveways.
- What is the plan in place if the Post Office closes.

Mayor Accardi responded to Mr. Heyman's comments as follows:

- Councilwoman Torres and Councilman Caswell are working on making sure the Post Office doesn't close.
- They are communicating with the Post Office General to make sure he is clear that they do not close.
- In the event the Post Office does close, he has been contacted by several groups interested in using the Post Office for other functions.
- Regarding Bender Avenue, it is a weekday as opposed to a weekend.
- There won't be the number of people that have been there the last two years.

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

Councilman Yakubov said regarding Bender Avenue, for the future Council needs to put an ordinance in place mandating certain hours for trick or treating in that area.

Councilwoman Torres said if you do not want people to knock on your door, then you can turn off your light.

Councilman Caswell said you cannot start over-regulating, it is once a year for four hours.

Councilwoman Torres said she goes to Bender Avenue on Halloween and there are people on that street that don't participate; shutting off their light does work. She said restricting the time on Bender Avenue is for safety reasons, but shutting down the whole town does not make any sense.

Councilman Yakubov brought up the issue of the yellow ribbons; as long as we are made aware of it, he does not have an issue.

Councilwoman Torres said this is something Mr. Magiera does every year and agrees with Councilman Yakubov. She said as long as we are made aware of it, she does not have a problem.

Councilman Caswell said it is something that is worthwhile and is symbolic.

Mayor Accardi moved to allow Mr. Magiera to put yellow ribbons in the downtown area; seconded by Councilman Hokanson, all members present voting Aye, said motion was adopted.

Councilman Hokanson moved to allow animals at the events in the Library and the Casano Center; seconded by Councilman Miranda, all members present voting Aye, said motion was adopted.

Mayor Accardi said he would like to discuss the issue of Halloween on Bender Avenue. It is something that a committee has put forth and now we need to approve it as a Borough Council. First they need to discuss the parking situation and the timeframe.

Councilman Hokanson said it was already established at the committee meeting. He met with Mr. Casais, Mr. Meola and the Police Department and the hours of 4:00 p.m. to 7:00 p.m. are now being advertised on TV34. They had advised the residents that live in that area to park on Madison or Grant facing outward because Sheridan Avenue is the through street; Bender Avenue will be closed to all vehicle traffic. Not only will the barricades be placed at Bender and Grant, they will also be placed on Grant and Sheridan to stop any vehicles from coming forward. He said Sheridan Avenue will be the through street. They were advised by the Police Department to have the vehicles of the 100 and 200 block park on Madison in case you have to use your vehicle to get out. At 7:00 p.m., the Police will begin enforcing and get the area cleared. Once it is cleared, the vehicle traffic will be able to flow in any direction. He said Police presence in that area will be from 4:00 p.m. to 7:00 p.m. and the time the residents on Bender Avenue can expect trick or treating.

Councilman Meola moved to approve the Police Department's traffic and parking plan; seconded by Councilman Miranda, all members present voting Aye, said motion was adopted.

Councilwoman Torres said she is confused as to what they are voting on.

Mayor Accardi said it is now advertised and would like an agreement from Council regarding the Ad-Hoc Committee's decisions.

Councilwoman Torres said does that committee have the authority to make the decision and then put it forth to Council, which they did not.

Mayor Accardi said the committee acted quickly to make it happen.

Councilman Caswell said his concern is are the police going to leave at 7:00 p.m.

Councilman Hokanson said they will be doing their job just as they do at any other event. When it is over, they will clear the area, and as the people leave, if they want to trick or treat that's fine. Basically at 7:00 p.m., they are going to try to get the Bender area back to normal.

Mayor Accardi said because it is being announced, he would like to have some support of Council.

Councilwoman Torres said she supports the Police Department being there from 4:00 p.m. to 7:00 p.m. and supports any resident that wants to turn out their lights at 7:00 p.m.

Councilman Meola said the purpose of this was for public safety. He said the 4:00 p.m. to 7:00 p.m. time was the guideline in which the police would be there for everyone's safety. People can choose to follow this plan or not to follow it.

Councilman Caswell said what troubles some of the members of Council was the procedure in how this was done. An Ad-Hoc Committee is set up to give their recommendations, and it is the Council who sets the resolution or ordinance.

Mayor Accardi said he will take the blame for this; the Ad-Hoc Committee was trying to get out as much information as possible and as quickly as possible. In the future, he will ask that

all Ad-Hoc Committees come back to Council for their approval before any information is posted.

Councilman Meola moved to restrict the trick or treating on Bender Avenue from 4:00 p.m. to 7:00 p.m.; seconded by Councilman Hokanson, all members present voting Aye, said motion was adopted.

PASSAGE OF ORDINANCES

INTRODUCTION

ORDINANCE NO. 2340

AN ORDINANCE AMENDING ARTICLE XXXIX, OF THE CODE OF THE
BOROUGH OF ROSELLE PARK TO INCLUDE THE "BOROUGH OF ROSELLE PARK
OPERATING MANUAL FOR THE ADMINISTRATION OF REHABILITATION UNITS",
DATED SEPTEMBER 2011

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 the 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 November 3, 2011; seconded by Councilman Yakubov.

Vote Record – Ordinance #2340					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input checked="" 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"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Meola	<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. 2343

AN ORDINANCE AMENDING CHAPTER XL (40), ARTICLE XXX,
SECTION 40-3002.C3c OF THE CODE OF THE BOROUGH OF
ROSELLE PARK REGARDING SIGNS

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter XL, Article XXX, Section 40-3002.C3c of the Borough Code is hereby amended in its entirety to read as follows:

SECTION I. 40-3002.C3c.

Temporary window signs shall not be considered in computing the number of permitted signs or allowable sign area, provided that such interior window signs do not cover more than thirty (30%) percent collectively, of any single window and are not permanently affixed to the windows.

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 #2343 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on November 17, 2011; seconded by Councilman Caswell.

Vote Record – Ordinance #2343					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input checked="" 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"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Meola	<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 Meola.

RESOLUTION NO. 208-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized to cancel sewer utility charges for the years 2010 and 2011 on Block 307/Lot 4 (otherwise known as 337 Clay Ave. W., Roselle Park, N.J.) and assessed in the name of Janice Tittle as follows:

2009 \$57.00
2010 \$57.00

Account has been cancelled per American Water Company. The meter has not had usage in the past 2 years, a minimum bill was generated. Meter #520051635

RESOLUTION NO. 209-11

WHEREAS, in anticipation of Hurricane Irene, Governor Chris Christie declared a state of emergency on August 25, 2011; and

WHEREAS, the Township of Roselle Park's workforce and resources were deployed prior to Hurricane Irene to protect the public health, safety, and welfare of Roselle Park; and

WHEREAS, on Saturday, August 27, 2011 and Sunday, August 28, 2011, the Borough of Roselle Park experienced catastrophic flooding from Hurricane Irene causing extensive flood damage to residential dwellings throughout the Borough of Roselle Park, and Borough-owned buildings, offices and properties; and

WHEREAS, said hurricane caused extensive damage throughout the Borough of Roselle Park affecting the public health, safety and welfare of the community and the immediate delivery of goods or performance of services pursuant to N.J.S.A. 40A:11-6; and

WHEREAS, the Borough of Roselle Park has received mutual aid assistance from other municipalities and government agencies in the aftermath of Hurricane Irene; and

WHEREAS, on September 4, 2011, Union County received a declaration as a major disaster area by the Federal Emergency Management Agency (FEMA) for Hurricane Irene; and

WHEREAS, FEMA provides supplemental Federal disaster grant assistance for debris removal, emergency protective measures, and the repair, replacement or restoration of disaster-damaged, publicly-owned facilities; and

WHEREAS, the Federal share of assistance is not less than seventy-five (75%) percent of the eligible cost for emergency measures and permanent restoration; and

WHEREAS, the remaining twenty-five (25%) percent of costs not covered by FEMA is the responsibility of the Borough of Roselle Park.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby urges the Governor and legislators to provide funding to cover the remaining twenty-five (25%) percent of costs related to Hurricane Irene that would not be provided by FEMA; and

BE IT FURTHER RESOLVED that reimbursement of the remaining twenty-five (25%) percent of costs be provided to the Borough of Roselle Park and those government entities that provided mutual aid to Roselle Park.

RESOLUTION NO. 210-11

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park be and is hereby amending the solid waste disposal contract with Suburban Disposal to include Change Order #1, trucking fees, for the pick up of Type 13, flood damaged items only, as a result of Hurricane Irene, in the amount not to exceed a total of \$9,500. Disposal costs to be paid by the Borough of Roselle Park. This resolution supersedes Resolution No. 176-11.

RESOLUTION NO. 211-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized to bill Sewer Utility for the year 2011 in the amount of \$357.00 on

Block 1113/Lot 7 (otherwise known as 486 Colonial Road, Roselle Park, N.J.) and assessed in the name of Ljubisa & Borka Zivanovic. Property was not billed due to an investigation on meter at location.

RESOLUTION NO. 212-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Resolution No. 40-11 appointing Anthony Trezza to the position of Municipal Alliance Coordinator, retroactive to January 1, 2011, at the annual salary of \$7,500.00 be and is hereby amended at the annual salary of \$8,826.00.

RESOLUTION NO. 213-11

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses expired on June 30, 2011; and

WHEREAS, the Borough Clerk be and is hereby authorized to issue the following license (subject to special conditions outlined below,) to expire June 30, 2012,

PLENARY RETAIL CONSUMPTION LICENSE

2015-33-012-004 Solar Do Minhho II, Inc., 147 West Westfield Avenue, Roselle Park

WHEREAS, there were a number of complaints, from the surrounding neighborhood, regarding the excessive noise coming from the applicant's place of business; and

WHEREAS, despite representations to the contrary, those complaints remained unsatisfied and unheeded; and

WHEREAS, the applicant is hereby put on notice that said licensee must comply with the Peace and Good Order Ordinance (Chapter III, Section 3-9 of the Code of the Borough of Roselle Park) and continued violation will result in the issuance of summonses; and

WHEREAS, it is a penalty of the Alcoholic Beverage Control for licensee to serve alcoholic beverages in the unlicensed garden area and, any and all violations will be subject to disciplinary charges being brought against said licensee; and

WHEREAS, an incident occurred on 1/1/11 at Plenary Retail Consumption License #2015-33-012-003, known as Solar Do Minhho Restaurant, located at 147 West Westfield Avenue, Roselle Park, which required the assistance of seven additional municipal police departments to get the situation under control; and

WHEREAS, said license has been cited in violation of N.J.A.C. 13:2-23.6(a) 3 and charges have been preferred against Manuel R. Goncalves, the holder of Plenary Retail Consumption License #2015-33-012-003; and

WHEREAS, a disciplinary hearing was held on April 12, 2011, and Manuel Goncalves, the holder of license #2015-33-012-003 plead guilty to the above charges, now therefore be it,

RESOLVED, that Manuel Goncalves, owner of Alcoholic Beverage License #2015-33-012-003 hereby agreed by written agreement to the following terms and special conditions,

1. Manuel Goncalves will forward copies of all signed contracts for rental/use of any/all rooms seven days prior to date of use to the Police Chief; and will follow the recommendations of the Police Chief.
2. Manuel Goncalves will notify the Police Chief of all holiday events seven days prior to event and will follow the recommendations of the Police Chief.
3. Manuel Goncalves agree that Non Compliance of the above will be a separate violation
4. Manuel Goncalves agreed to a one day suspension to be held on April 25, 2011.

5. The applicant shall not allow any music, exterior to the building, regardless of whether it is amplified or live;

WHEREAS, the above special conditions be and are hereby imposed and these special conditions will be reviewed on a yearly basis and may be amended or removed, now therefore

BE IT RESOLVED, that a copy of this Resolution is to be sent to the Director of Alcohol Control.

RESOLUTION NO. 214-11

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Resolution No. 19-11, appointing Philip J. Morin as Tax Appeal Attorney in the amount not to exceed \$120.00 per hour and a maximum of \$7,500.00, be and is hereby amended in the amount not to exceed an additional \$5,000.00 for a maximum amount of \$12,500.00.

RESOLUTION NO. 215-11

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorizes the Tax Collector to extend the due date for payment of 4th quarter 2011 real estate tax payment to November 23, 2011.

Vote Record – Resolutions #208-11 to #215-11					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input checked="" 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"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Meola	<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 appointed Casey Cullen to the Environmental Committee.

Mayor Accardi appointed Kaitlyn Tobe as a member of the Roselle Park Fire Patrol, effective immediately, to be assigned to the Faitoute Hose Company.

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:

- Litigation – D’Agostino
- Litigation – NJDEP
- Potential Litigation – Palitto Matter

RESUME REGULAR ORDER OF BUSINESS

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

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

- Litigation – D’Agostino
- Litigation – NJDEP
- Potential Litigation – Palitto Matter

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

Attest:

Borough Clerk