

Borough of Roselle Park Regular Meeting of May 17, 2012

Mayor Accardi announced the following Girl Scouts from Troop #40349: Rebecca Green, Samantha Lipke, Amanda McKeon, Gianna Schwarz, Dominique Robinson and Troop #40386: Imani Bell, Tatiana Rengifo and Annie Cheng.

| 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 | A | -- |
| Marc Caswell | Borough of Roselle Park | Councilman | P | 7:00 PM |
| Andrew Casais | 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 7:08 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. (Sitting in for Mayor Accardi was Samantha Lipke).

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.

REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Casais (Imani Bell)

- Attended the Capital Budget Meeting on May 10th.
- Looking forward to the Open House at the First Aid Squad on Saturday.
- Historical Society will hold a lecture and book signing on May 21st.
- Capital Budget Meeting will be May 24th at 6:00 p.m.
- Received two prizes on bridge banners.
- Asked that the Borough Clerk request prices for the banners from the County.

Councilman Caswell (Tatiana Rengifo)

- Attended the Public Safety Meeting.
- At the Municipal Services Meeting, they discussed various town projects including Kelly-Kaulfers Memorial Park.
- The Middle School Choir/Band/Concert was a huge success.
- Saturday is EMS Day at the High School.

Councilman Miranda (Rebecca Green)

- The Girl Scouts are painting the small building on Westfield Avenue across from Chestnut Street.
- Casano Center Open House will be from 12:00 p.m. to 3:00 p.m. on May 19th.
- The Fire Department Memorial Service was held on May 16th.

Councilman Yakubov (Annie Cheng)

- Casano Center Open House will be this Saturday.

Councilman Hokanson (Amanda McKeon)

- Attended the Fire Memorial Service on May 16th.
- May 19th is the Open House at the Casano Center.
- Capital Budget Meeting will be on May 24th at 6:00 p.m.

Richard Huxford – Borough Attorney (Dominique Robinson)

- Attended the Joint Sewer Meeting.
- Will discuss the issues in Closed Session.

Mayor Accardi presented certificates to the Girl Scouts that participated.

COMMUNICATIONS:

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

- Request from Church of the Assumption to hang a banner from May 21, 2012 to June 11, 2012 for St. Anthony's Feast.

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

- Request from "The Potter's House" Christian Fellowship Church and Counseling Center to host "The Potter's House Summer Concert Series" to be held at the Gazebo in Michael Mauri Park on June 23rd, July 28th and September 1st, 2012 from 4:00 p.m. to 8:00 p.m.

Ms. Cali asked that they note June 23rd is the day of the Car Show.

Mayor Accardi asked Ms. Intile to speak about the request.

Ms. Intile said the Car Show flyers have gone out and the date has been confirmed. She said the DJ is already scheduled with the rain date for the following Saturday.

Mayor Accardi said the motion will be that they approve it for July 28th and September 1st and request they supply an alternate date for June 23rd.

Councilman Casais

- Thanked the Girl Scouts for coming this evening.

Councilman Caswell

- Thanked the Girl Scouts.
- Has three issues for Closed Session.

Councilman Miranda

- May 7th there was a Public Safety Meeting.
- May 8th there was a Municipal Services Meeting.

Councilman Yakubov

- The Environmental Committee is requesting, as a consideration of the DPW, for a potential plan to clear out the median on Westfield Avenue.
- Would like to have someone from the Committee attend the Municipal Services Meeting to provide their plans and ideas for the median.

Councilman Hokanson

- Congratulated the Girl Scouts; they did a great job this evening.

Councilman Caswell said at the Municipal Services Meeting one of the topics discussed was the bricks at the Kelly-Kaulfers Memorial. There was a request to have a town dump truck pick up the bricks, which would be a considerable savings instead of having them delivered. There were a couple of options discussed as to who could drive the vehicles. The bricks would be loaded onto the truck with a loader.

Councilman Hokanson said the bricks would be brought back to the yard, depending on the date they will be installed. They would pick them up during business hours.

Councilman Miranda said Deputy Fire Chief Parenteau also volunteered his time to help.

Councilman Caswell moved to use the DPW vehicle and to have a qualified DPW employee to drive the truck to Hamilton with one or two volunteers to pick up the pavers for the Kelly-Kaulfers Memorial Park; seconded by Councilman Miranda.

| Vote Record | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Richard Huxford – Borough Attorney

- Has a couple of additional items for Closed Session.

Doreen Cali – Borough Clerk

- Has some items for Closed Session.
- On behalf of the Recycling Coordinator, a proposal has been distributed for the purchase of a motorized electric car and hiring a part time employee to enforce recycling.
- The funds would be coming from the Recycling Tonnage Grant.
- The vehicle must only be related to recycling.
- The Recycling Coordinator explained to her the more recycling that is done; the more grant money comes in.

Mayor Accardi asked for a motion.

Councilman Yakubov moved to purchase the electric car and to potentially hire a part time employee to enforce recycling; seconded by Councilman Miranda, all members present voting Aye, said motion was adopted.

Mayor Accardi said the issue is now open for discussion. The car would be used to enforce recycling in the community.

Councilman Yakubov said he supports recycling in the community. The grant amount of \$28,000 was brought up at the last Budget Meeting. He does not agree with hiring an additional individual. There is a DPW employee that has been given this task. He asked what the warranty is on the vehicle, how long will it last and who will be responsible for the maintenance on the vehicle. He recommended they bring it to committee or have more discussion on how the recycling funds can be used.

Mayor Accardi said he believes it is a two year warranty. To his knowledge, there have not been any citations issued because of violations. In some areas of town, single stream recycling is taking place and we have not authorized that. He contacted the company to see why that is happening. He said enforcement is lacking with residents, businesses and also the company doing the pickups.

Councilman Yakubov said after the vehicle is purchased, he would like to bring the remainder of the funds to the appropriate committee for discussion as to where those funds can be used for recycling purposes. He does not support hiring an employee at this time.

Mayor Accardi said if there has been someone charged with the task, it has not been done.

Councilman Miranda asked if this person will generate a monthly report.

Ms. Cali said this person will start at 6:00 a.m. when the garbage collection takes place and will have to communicate with the Recycling Coordinator regarding enforcement and summons.

Councilman Miranda said we should be sure the person that has been given the task is doing it and generating a report.

Councilman Hokanson said the start time will be 6:00 a.m., which will conflict with the person's contract hours. He suggested if they hire a part time employee that the hours be flexible for various events. He is in favor of hiring a part time employee and vehicle.

Ms. Cali said they would be a seasonal employee and will not be out in the winter months.

Councilman Casais asked if the person reports to the Recycling Coordinator; Ms. Cali said yes.

Councilman Caswell said there has been some preliminary discussion as to the structure of the DPW so the individual that has been given that, in the future if the position is no longer there, that person may not be there any longer. He said he would like to see the DPW do the work. The DPW does have a lot to do and we have contracted out some of the work to help them. He said being a dedicated person on a part time basis is more beneficial because they will have to be available for pickup, events and enforcement for Municipal Court. It is 100% covered and will not come out of our pocket.

Mayor Accardi said trash costs us money to dispose of. Recycling makes us money. If all recycling is put out, it will decrease the amount of trash we pay for.

Councilman Hokanson said it could be a two-fold idea where whatever the part timer can't do; the person who was assigned the task can pick up the slack and coordinate with the Coordinator.

Councilman Yakubov said he agrees with hiring someone; it is good for the community to hire someone to enforce recycling in town. However, grant money is tax money and indirectly we are paying for it. There is an individual that was given the responsibility to enforce the recycling procedures in town. Most of the DPW issues are contract and if they do not have the time, they can come see him and they will work it out. He respects everyone's opinion if they

want to hire someone. He recommends this be tabled and come up with a plan of how we can implement these funds for recycling throughout the Borough.

Mayor Accardi said the issue of purchasing the vehicle is not in question as much as hiring the employee. He suggested they divide the two issues and take a separate vote. The benefit is we can get the vehicle while the weather is still warm and use it this year.

Councilman Caswell said this would be a good opportunity to enforce recycling with the businesses. He said they should consider both issues in one.

Councilman Hokanson said this is a win-win situation. Not only will the recycling be taken care of; it will eliminate the complaints of the garbage trucks. He said he agrees with voting for the person and the vehicle.

Councilman Caswell feels they should go for the vehicle and the employee.

Councilman Casais said he is comfortable with voting on them separately, but would like to vote on both of them tonight.

Councilman Yakubov moved to purchase the electric vehicle using recycling grant funds; seconded by Councilman Miranda.

| Vote Record – Purchase of Electric Car | | | | | |
|--|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Casais | <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"/> |

Councilman Miranda moved to hire a part time employee to enforce recycling; seconded by Councilman Casais

| Vote Record – Advertising for Part Time Recycling Employee | | | | | |
|--|--------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| | | Yes/Aye | No/Nay | Abstain | Absent |
| <input checked="" type="checkbox"/> | Adopted | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <input type="checkbox"/> | Adopted as Amended | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Yakubov | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Miranda | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Hokanson | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Torres | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Casais | <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"/> |

Ken Blum – Chief Financial Officer

- Reminded everyone there will be a Budget Meeting on May 24th at 6:00 p.m. in the Conference Room.

Mayor Accardi said they have been working diligently on the Capital Budget and must conclude it. If anyone has questions, please contact Mr. Blum.

Karen Intile – Administrative Assistant

- Thanked the DPW for sprucing up the Casano Center for Saturday.
- Parts have been put on order for the grease trap at the Center; when they come in, the DPW will install them.
- The final information pamphlet has been approved and is being printed.
- The Car Show is scheduled for June 23rd with the rain date the following Saturday.
- Fourth of July Celebration will be on the 4th; asked if she should contact Pop Warner to open the stands.
- Zumba is still ongoing on Wednesday nights.
- Still have Majong and Tai Chi.
- Asked if they are having hamburgers and hot dogs at the Open House.
- Has free tickets available for the PNC Bank Arts Center for a band called Under the Street Lights.
- Spoke about the Heart Grant; suggested they have Latin Music Night at the Gazebo through that grant.
- The Memorial Day Service will be at 1:00 p.m. on May 28th.
- Has been getting help to organize it from the VFW and American Legion.
- Councilman Caswell and she will be meeting with Kevin Murphy from the Rotary Club regarding planting.
- Received Councilman Casais' email regarding Roselle Catholic Community Service project.
- Concerned about insurance and if a child should get injured.

Councilman Casais said he can contact the Director for information.

Mayor Accardi said the Roselle Park H.S. Band has reached out about the Memorial Day Service. Also at the Fireman's Memorial, there was someone playing taps.

REPORTS OF DEPARTMENTS

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

- Treasurer Report for April 30, 2012
- Administrative Assistant Report for April 11, 2012 through May 2, 2012

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting of May 3, 2012

| Vote Record – Minutes Acceptance of May 3, 2012 | | | | | |
|---|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | <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 Yakubov, all members present voting Aye, said motion was adopted.

PUBLIC COMMENT

Councilman Miranda moved at 8:11 p.m. to open the public comment portion of the meeting; seconded by Councilman Casais and adopted.

Mr. Huxford said Mayor and Council rules the set time period of time to speak and when the time is up, that is the end of your public comment. Mayor and Council have also agreed all questions or comments given to the Mayor or Governing Body will have no going back and forth. The Mayor has given him the authority through the by-laws and also by case law to control the meeting, keep it organized and if there is a disruption, he can rule it out of order and if need be, bring in law enforcement to control the meeting. The Mayor is the Chairman of the Governing Body and if he deems there is a disruption, he can make the necessary announcement to the public.

Jacob Magiera, 612 Sheridan Avenue

- At the last Budget Meeting, COAH was brought up; it could cost the Borough one million dollars.
- The Borough should invite Mr. Jeff Surenian and Associates to the next meeting to explain the seriousness of this matter in open session.
- Residents have the right to know where their money is being spent.
- Why was this not explained before the last Budget Meeting.

Mayor Accardi said this issue is something they have been working on since he has been on Council. He asked the Clerk to explain the figures regarding the items he just mentioned.

Ms. Cali said this was the settlement agreement in the Avalon Bay lawsuit, which was done in September 2012. This is a public document and Council is aware of it. He said the one million dollars could be the worst case scenario or it could cost the Borough zero. The amount of money is based on how much money applies to the rehabilitation program. It is based on how much money we get in development fees versus what the Borough would pay. We are obligated to fix so many units. If there is development in town, the units we pay for could drop. If there is development in other parts of town, they could build units as credits to the number of units we

need to build. One million dollars is not an accurate amount; we just projected the worst case scenario.

Mayor Accardi said in any kind of budgeting, we always project the worst case scenario to make sure we are covered under any circumstances. It is something we are working on and now is the time for that as opposed as to waiting for another year or two. It was an agreement entered into, the Court has approved it and we are required to look at it.

Councilman Yakubov said Mr. Magiera mentioned Governor Christie and when he was here, he put a moratorium on the COAH regulations that were imposed on municipalities.

Mayor Accardi said Mr. Magiera has had a copy of the Court Order since 2010. It is not something that had been hidden; we are being proactive. There is a resolution on the agenda this evening to hire somebody as required by the Court Order.

Saul Qersdyn, 150 Berwyn Street

- Read a statement.

There being no one else wishing to speak, Councilman Miranda moved at 8:29 p.m. to close the public portion; seconded by Councilman Casais and adopted.

PASSAGE OF ORDINANCES

SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 2357

AN ORDINANCE AMENDING CHAPTER XXVII, ARTICLE III,
SECTION 27-6.3 OF THE CODE OF THE BOROUGH OF ROSELLE
PARK FOR THE PURPOSE OF ESTABLISHING THE RATE
OF CHARGES FOR SEWER USERS IN THE BOROUGH

Councilman Miranda moved to open the public hearing on Ordinance #2357; seconded by Councilman Casais and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked how much of the sewer user money was used.
- Will the sewer user charge be put in the regular tax bill.

Mayor Accardi said it is called a sewer fee.

Mr. Blum said they are using \$100,000 of surplus in the sewer budget. The rate has stayed flat at \$3.00 and a minimum of \$57.00. The only change in the ordinance is the industrial

user fee that has gone down to \$5.51, which is set by the Joint Meeting. They moved \$205,000 in sewer appropriations to the current fund budget.

Saul Qersdyn, 150 Berwyn Street

- Spoke about case law and the answering of questions during public comment.

There being no one else wishing to speak, Councilman Miranda moved to close the public hearing on Ordinance #2357; seconded by Councilman Casais and adopted.

Councilman Miranda moved that Ordinance #2357 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Yakubov and adopted.

| Vote Record – Ordinance #2357 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Casais | <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. 2358

AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-12
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING TRAFFIC
PARKING TIME LIMITED ON CERTAIN STREETS
(East Westfield Avenue (Route NJ 28 Westbound))

Councilman Miranda moved to open the public hearing on Ordinance #2358; seconded by Councilman Casais and adopted.

Mayor Accardi said they will not be voting on this ordinance this evening because it has not yet been approved by the State. We are holding the public hearing portion because it has been advertised.

Jacob Magiera, 612 Sheridan Avenue

- Asked if this includes the area across the street at the Hot Bagel Store.
- Where does it begin and where does it end.

Ms. Cali explained it begins at the westerly side of drive at 111 E. Westfield Avenue extending 152 feet in a westerly direction to the curb line of Walnut Street.

Councilman Casais said pending approval of the DEP; it will allow us to implement the 15 minute parking in that area.

There being no one else wishing to speak, Councilman Miranda moved to close the public hearing on Ordinance #2358; seconded by Councilman Casais and adopted.

Mayor Accardi said he has been nothing but respectful to Mr. Magiera. There are rules that need to be followed and we must implement them. We are running the meeting in the most efficient way possible.

INTRODUCTION

ORDINANCE NO. 2359

AN ORDINANCE AMENDING CHAPTER II, ARTICLE VII,
SECTION 2-68.7 OF THE CODE OF THE BOROUGH OF
ROSELLE PARK REGARDING FEES
FOR FARMER'S MARKET

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter II, Article VII, Section 2-68.7 of the Borough Code is hereby amended as follows:

SECTION 1. 2-68.7 Farmer's Market

| <u>Type</u> | <u>Fee</u> |
|-----------------------|-------------------------|
| Farmers' Registration | \$75.00 per year |

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.

ORDINANCE NO. 2360

AN ORDINANCE AMENDING CHAPTER 10, SECTION 10-4.1
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGAEDING FEES FOR RECREATION/COMMUNITY CENTER

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 of the Borough Code is hereby amended as follows:

SECTION 1. 10-4 FEES FOR RECREATION/COMMUNITY CENTER
10-4.1 Fees Enumerated.

The fees for the Recreation/Community Center of the Borough of Roselle Park are hereby amended as follows:

Recreation

Fee

Soccer

| | |
|--|----------|
| Winter Indoor (if registered in the Fall/Rec) | \$ 30.00 |
| Winter Indoor New Registration | \$ 40.00 |
| Fall/Travel | \$ 65.00 |
| Spring/Travel | \$ 65.00 |
| Fall/Rec | \$ 50.00 |
| Late Fee | \$ 5.00 |
| Family/Fall (3 or more children in one family) | \$125.00 |
| Special circumstances | \$ 0.00 |
| Spring Soccer Classes | \$ 80.00 |

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 Ordinances #2359 and #2360 be adopted upon first reading and advertised as prescribed by law for second reading and public hearing on June 7, 2012; seconded by Councilman Yakubov.

| Vote Record – Ordinances #2359 and #2360 | | | | | |
|--|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | Withdrawn | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Casais | <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"/> |

Councilman Casais thanked Council for considering Ordinance #2358. This will be adopted upon approval by the DOT.

RESOLUTIONS

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

RESOLUTION NO. 100-12

RESOLVED that, Maryann Swick, 250 West 2nd Avenue, Roselle, New Jersey 07203, be and is hereby appointed to the position of alternate part time Evening/Day Director for the Casano Community Center, effective May 21, 2012, at the hourly rate of \$8.89 per day.

RESOLUTION NO. 102-12

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby award a contract with Randall M. Gottesman of Community Grants, Planning & Housing, 569 Abbington Drive, East Windsor, New Jersey 08520 to administer the Housing Rehabilitation Program in the Borough of Roselle Park and designate same as the Administrative Agent in the amount not to exceed \$15,000 for the year 2012.

RESOLUTION NO. 103-12

WHEREAS, Block 401.01/Lot 10.09 condo (otherwise known as 39A Roselle Ave., W., Roselle Park, NJ 07204) and assessed in the name of Ortiz, Tomas be exempt from taxes per Tax Assessor qualifying as 100% Disabled Veteran; and

BE IT FURTHER RESOLVED that the Collector is hereby authorized to issue a refund check in the amount of \$756.71 resulting from exemption. Calculated from Assessor's approval date of 4/16/12.

RESOLUTION NO. 104-12

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the donation of the Roselle Park P.B.A. Local #27 for a Power DMS computer program for the Roselle Park Police Department be and is hereby accepted.

RESOLUTION NO. 105-12

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et se., permits, authorizes and encourages public bodies such as municipalities and school districts to enter into agreements with each other to contract for the provision of any service which the parties to such agreement are empowered to render under and within its own jurisdiction, whether administrative, educational, instructional or otherwise; and

WHEREAS, the Borough of Roselle Park has expressed an interest in joining with the County of Union (the "County") in establishing a shared telecommunications services to dispatch Fire and EMS vehicles and equipment in the Borough or the immediate vicinity thereof; and

WHEREAS, both parties acknowledge that the implementation of a shared dispatch service will require the Borough's integration with the County's computer-aided dispatch system; and

WHEREAS, in order to facilitate the continuity of operations between both Parties, the County will also provide ancillary services necessary for addressing emergency services, the creation of a shared services agreement by and among the parties for the purpose of undertaking the same would effectuate cost savings measures and improve efficiency for the provision of telecommunications services to dispatch Fire and EMS vehicles and equipment in the Borough or the immediate vicinity thereof.

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

1. The Shared Services Agreement between the Borough of Roselle Park and the County of Union, attached hereto for a five year contract at \$10,000 for the first

- year and a 2% increase each year thereafter, is hereby approved subject to such modification and changes as recommended and approved by the Borough Attorney.
2. The Mayor or such other officials as necessary and appropriate are hereby authorized to execute and the Borough Clerk is hereby authorized to attest and affix the Borough seal to the Shared Services Agreement.
 3. This Resolution hereby amends and supercedes all prior resolutions of the Borough of Roselle Park. All previous resolutions and/or orders and directives of the Borough employees or officials, which are contrary to or inconsistent with the terms of this instant Resolution, are hereby amended, rescinded, repealed and otherwise deemed ineffectual, to the extent of their inconsistency.
 4. This Resolution shall take effect immediately.

RESOLUTION NO. 106-12

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

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

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

| <u>Year</u> | <u>Make</u> | <u>Identification Number</u> | <u>Minimum Bid</u> |
|-------------|-------------|------------------------------|--------------------|
| 2002 | Ford | VIN# 2FAFP71W52X118380 | 250.00 |
| 1996 | Dodge | VIN# 2B4GP4539TR781337 | 250.00 |

| Vote Record – Resolutions #100-12 and #102-12 to #106-12 | | | | | |
|--|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Casais | <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 Casais.

RESOLUTION NO. 101-12

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that based on the recommendation of the Borough Attorney all bids for bulk waste removal services be and are hereby rejected.

Mayor Accardi said he asked that this matter be removed, so they can resolve the bulk waste issue this evening. They are talking about rejecting the bulk waste bid they received. Generally, the bulk waste pickup takes place some time in June following the townwide garage sale. He asked that options be discussed regarding the bulk waste pick up.

Councilman Yakubov asked that this be added to Closed Session this evening.

Councilman Hokanson said it would help us and the general public to know the reasons why. We are being forced into something we shouldn't be doing. In the past, we have rejected a contract on one item. He has no problem with rejecting the bid because of the reasons that were stated at the Capital Budget Meeting. The public would be a little more understanding if they knew the reasons the bid was rejected.

Mayor Accardi said he is not opposed to turning down the bid, but would like to resolve it this evening. We had talked about one bulk waste paid for by the users. They had also talked about issuing a certificate to anybody that purchased the right to have a bulk trash pickup. The residents have been asking about this over and over again, and though they may be satisfied with the reasons we come up with, we need to come up with a plan tonight.

Councilman Yakubov said at the last Capital Budget Meeting, Council met in closed to discuss this bid and the potential going forward, and is happy to provide this information to the public. He said when the bid is much more than last year, we have to make a decision as to what the costs are to provide a service. He agrees they must resolve this tonight.

Ms Cali said they originally went out for bid for a user fee bulk pickup and it was twice what the other municipalities that run the same program were quoted. Council decided they should reject the bid. She asked the contractor who does the bulk pickup, what the cost would be to do a change order, and he provided two options. He would rent the Borough his truck for a fee of \$1,200 for an eight hour day and our Superintendent would run the bulk pickup. He said the reason the bid was so high is because Roselle Park does not enforce the 500 pound weight

limit and it takes substantial time to clean up some properties. She has a picture of one of the homes in Roselle Park from the last bulk waste pickup with a property of about a 50 foot frontage with construction debris. She said at the last regular bulk waste pickup, he took away 280 tons of garbage. The disposal fee for that, cost the Borough \$26,233.00. When she asked for a price for him doing the entire program, he quoted a price of \$16,000, doing the east side on one day and the west side on the next. The proposed dates for the Townwide Garage Sale would be for June 9th and the Bulk Pickup the following Thursday and Friday.

Councilman Yakubov said if one house puts out a lot of material and another puts out less or none it balances out. He feels that issues stated by the contractor were not accurate. He agrees with the bulk waste pickup, but not with residents having to take out a permit or a user based fee.

Mayor Accardi said they all agree on the bulk waste pickup and if we turn this down and don't come up with a plan tonight, we are looking at two months before there can be a pick up. He said no matter what option is taken, the residents expect a bulk pickup soon and we are just wasting time if we turn this down and don't come up with an alternate plan.

Councilman Hokanson asked if it includes trucks and personnel.

Ms. Cali said it includes a driver and two workers.

Councilman Hokanson said if we were to have people from the DPW with the truck and they go to a house that has 650 pounds of bulk, will they take just the 500 pounds and leave the other 150 pounds or will they say they are in violation and skip them totally. Then summonses would have to be issued by the Code Enforcement Officer and then they would have to go to Court.

Ms. Cali called Westfield and they strictly enforce the 750 pound limit on a user fee based permit costing \$80. Cranford enforces their 750 pound limit and their permit is up to \$90. The reason she stated Waste Management wouldn't bid is they haven't been back to bid. Waste Management is worldwide and if they want to come in and bid the job, they will bid the job. As far as the theory of one house with more bulk than others, is not the same. Bulk waste is basically for people to throw out a piece of furniture. An example is where a contractor was bringing home his construction debris and had a 100 foot by 5 foot high pile of debris he was saving for our bulk waste.

Mayor Accardi said if we require a permit, then we have an idea of what will be put out and people will learn what they can put out.

Councilman Casais said it seems most of the Governing Body wants this to take place in June. The best option right now is to go with the contractor and the change order.

Councilman Caswell said the permit based bulk pick up for June would be a catastrophe. There will only be people getting garage sale permits coming in. If a permit based pick up is

done without letting people know ahead of time there will be a real problem. At least people saving their bulk from last year will be able to put it out this June.

Ms. Cali said there is a flyer prepared that would be mailed and educate the people as to what they can put out. Because recycling information was included, it was paid for by recycling grant money.

Councilman Casais said if they don't want to do it in June, then they can bid again.

Councilman Yakubov said he would like to see it take place in June, in coordination with the garage sale.

Councilman Caswell said the most common comment of residents is, that for what they pay in taxes, they want the bulk pick up service.

Ms. Cali said they have to enforce the 500 pound limit. She said the permit idea was for the benefit of the town and not the contractor.

Councilman Miranda said we have to make a decision because June is just around the corner.

Mayor Accardi said we will do this as last year and then in the tax bill we can note why taxes continue to increase is because of bulk. Then in September or October, we can include a letter that we will do the user based fee.

Councilman Caswell said can they send out a one page document indicating the 500 pound limit and the dates.

Councilman Casais said the issue is using recycling money.

Mayor Accardi said the idea is just to put out a mailer to educate the public as to what they can put out in bulk waste.

Councilman Hokanson said that residents can call their Councilperson for what they can put out.

Mayor Accardi said the other part of this is enforcement. He said construction debris is the biggest problem.

Ms. Cali said the contractor also said we have a lot of apartments in town. She said people said that people will move out, abandon furniture and the landlords are saving it for bulk waste, so they can get rid of it for free.

| Vote Record – Resolution #101-12 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Casais | <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. 107-12

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize Change Order #2 in the amount not to exceed \$16,000 to Suburban Disposal for a bulk waste pick up.

Ms. Cali said the Boroughwide garage sale will be June 9th and bulk waste pickup on the east side will be June 14th and the west side June 15th.

| Vote Record – Resolution #107-12 | | | | | |
|-------------------------------------|--------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| | | 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| | Caswell | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | Casais | <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"/> |

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

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

- Potential Litigation – DPW (3 issues)
- Potential Lease – Borough Property
- Litigation – DEP
- Litigation – D’Agostino
- Negotiations – AT&T Lease
- Potential Litigation – Open Public Meetings Act
- Negotiations – School Crossing Guards
- Potential Litigation – Great Northern Recycling
- Negotiations – NJIIF

RESUME REGULAR ORDER OF BUSINESS

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

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

- Potential Litigation – DPW (3 issues)
- Potential Lease – Borough Property
- Litigation – DEP
- Litigation – D’Agostino
- Negotiations – AT&T Lease
- Potential Litigation – Open Public Meetings Act
- Negotiations – School Crossing Guards
- Potential Litigation – Great Northern Recycling
- Negotiations – NJIIF

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

Attest:

Borough Clerk