

## Borough of Roselle Park Meeting of February 21, 2013

Attendee Name	Organization	Title	Status	Arrived
Michael Yakubov	Borough of Roselle Park	Councilman	P	7:00 PM
Modesto Miranda	Borough of Roselle Park	Councilman	A	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
Andrew Casais	Borough of Roselle Park	Councilman	P	7:00 PM
Charlene Storey	Borough of Roselle Park	Councilwoman	P	7:00 PM
Joseph Accardi	Borough of Roselle Park	Mayor	A	7:00 PM

Acting Mayor Yakubov called the meeting to order at 7:22 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.

### CERTIFICATES/PROCLAMATIONS

#### Certificates

- Reflections PTA Arts Program
- RPHS Varsity Football Team

### PUBLIC COMMENT

Councilman Hokanson moved at 7:35 p.m. to open the public comment portion of the meeting; seconded by Councilman Casais and adopted.

#### Jacob Magiera, 612 Sheridan Avenue

- Distributed pictures of the broken crosswalk pavers to Council.
- Had pictures of some type of Police drill at High School.
- Concerned Citizens will meet at LaCatena Restaurant on February 23<sup>rd</sup> from 1:00 p.m. to 2:30 p.m.
- Explain Resolution #55-13 in detail.
- Explain Resolution #59-13 in detail.
- Under the impression at last meeting that Council would discuss the ordinance time limit.

- Merck has asked for more flow rights; will there be enough for all the large projects and developments in town.

Acting Mayor Yakubov thanked Mr. Magiera for the photographs and will pass them to the Council Representative, DPW, Borough Engineer, Councilman Miranda and the Police Department.

Borough Attorney Huxford said regarding Resolution #55-13, that was the litigation of the New Jersey Department of Environmental Protection versus Occidental Chemical Corporation. The details have been given to Mayor and Council.

Ms. Cali said the Ad Hoc Committee of Councilman Casais, Councilwoman Torres and Councilman Hokanson met regarding Resolution #59-13. She said the By-Laws are being amended to move the Public Comment after the Reports of Committees and Departments and to be held no later than 8:30 p.m. at a regularly scheduled meeting. She said regarding the public comment for ordinances, it is a statutory ruling and there is no time limit. She said there may be another issue regarding protocol that will go back to Committee for discussion.

Acting Mayor Yakubov spoke about the various properties in town that are for sale. He said some are private properties and does not know if there will be development.

Councilwoman Torres said there was a Police drill at the High School involving weapons. The public could not enter the building due to safety reasons. Regarding the broken bricks, as soon as we have them repaired, they are broken again.

Borough Attorney Huxford said the Merck issue is ongoing and has been presented to Mayor and Council.

Ms. Cali said the project was done to check the infiltration in the Rahway Valley Sewer to see if the lines were broken or if anyone was tied into the sanitary sewer. The Engineer is in the process of completing the project. The purpose was to see if a pumping station was needed.

There being no one else wishing to speak, Councilman Hokanson moved at 7:46 p.m. to close the public portion; seconded by Councilman Casais and adopted.

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

### Councilwoman Storey

- Involved in meetings with the Environmental Commission; they have many good ideas and things coming up.
- Met with the Technical Committee; discussed the website and many good ideas were brought forward.
- Reminded everyone to buy their tickets for the St. Patrick's Day Party at the Casano Center.

- Friends of the Library will be hosting an Irish Cheese Tasting at 6:00 p.m. on March 2<sup>nd</sup>.
- Read Across America will be held on March 1<sup>st</sup>.
- The Union County Means Business Kick Off will be February 28<sup>th</sup>.

#### Councilwoman Torres

- Congratulated the Roselle Park Varsity Football Team.
- Has a list of 29 trees that are planned to come down on East Grant Avenue.
- Every tree has been evaluated separately; each tree has at least two reasons why they have to come down.
- There will be a list provided of the house numbers where the trees are located.
- They were all evaluated by professionals.
- Will post them on her Facebook page.
- The list will be provided to Councilwoman Storey and Councilman Casais.
- Spoke about the firearm bills that are out there; urged the public to read through them.
- These bills will affect many people.

#### Councilman Yakubov

- Apologized for not making the last meeting.
- Can be reached at home at 908-245-2118 or cell at 973-342-7730.
- Recognized the town tree expert Mike Astone for his work.

#### Councilman Hokanson

- Congratulated the Art Program Students and the Football Team that were recognized tonight.
- Gave his Cat and Dog Report.

#### Councilman Casais

- Thanked Councilwoman Torres for bringing up the firearms bill; urged everyone to read them.
- Thanked Rich Graves and Tom Solfaro for a job well done on the New Jersey American Water matter; they went above and beyond.
- The last Budget Meeting had to be cancelled; rescheduled for February 28<sup>th</sup> at 6:00 p.m.
- Apologized to the Library Board of Trustees for missing the meeting.
- Attended a Public Safety Meeting.
- Attended the Technical Committee Meeting; looked at the website and are moving towards making it more user friendly.
- Spoke about the DEP Occidental case.
- Has one matter for Closed Session.

Councilman Yakubov spoke about properties that are for sale by the Borough. He would like to see them on the agenda at the next Council Meeting for a vote. He has requested one property on Willow Avenue and one property on the corner of West Roselle Avenue and Pine Street.

Karen Intile – Administrative Assistant

- Updated events for the upcoming year.
- Preparing for Arbor Day on April 26<sup>th</sup>.
- Request permission from Council to close Chestnut Street for two Car Shows; they are part of Summer Fest.
- Requesting to close the streets two hours earlier and to include the downtown business district.
- The street will be closed from Westfield Avenue to Grant Avenue.
- The Car Shows will be June 22<sup>nd</sup> from 3:00 p.m. to 8:00 p.m. and September 14<sup>th</sup> from 2:00 p.m. to 7:00 p.m.
- Working on the Independence Day Program.
- Thanked all who have donated to the Food Pantry.
- The Center is being utilized by many community organizations.
- There will be a new exhibit by Nick Florio.
- St. Patrick's Day Luncheon will be on March 2<sup>nd</sup> from 12:00 p.m. to 3:00 p.m.
- Postal Service will present a program on fraud on March 13<sup>th</sup> at the Center.
- Blood pressure screenings are the last Tuesday of each month.
- Contacted New Jersey Transit about the new mini bus.
- Will attend a meeting at the County regarding an \$8,000 grant for a new generator for the Center.

Richard Huxford – Borough Attorney

- Moratorium on agenda for Council's consideration.
- Seven matters for Closed Session.

Doreen Cali – Borough Clerk

- Has one matter for Council's consideration regarding waiving the fee for permits with proper documentation for properties damaged by Hurricane Sandy

Councilwoman Storey moved to waive the fees for storm related damage with proper documentation; seconded by Councilman Casais, all members voting Aye, said motion was adopted.

Councilman Hokanson said there must be documentation and proof that it is storm related damage. The permit is good for one year. He said before leaving the Construction Department, the resident should be clear on the permit process.

Councilman Yakubov asked if a resident can take a permit out for specific work without having a contractor.

Ken Blum – Chief Financial Officer

- There will be a Budget Meeting on February 28<sup>th</sup> at 6:00 p.m. in the Conference Room.

REPORTS OF DEPARTMENTS

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

- Administrative Assistant Report for January 12, 2013 through February 8, 2013

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

Councilman Hokanson moved to approve the following minutes; seconded by Councilwoman Storey.

- Emergency Meeting of October 30, 2012
- Regular Meeting of February 7, 2013

Vote Record – Minute Acceptance of October 30, 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>
	Miranda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Storey	<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"/>

Vote Record – Minute Acceptance – February 7, 2013					
		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>
	Miranda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Storey	<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"/>

MOTION BILLS & PAYROLLS BE NOT READ

MOTION BILLS & PAYROLLS BE PASSED FOR PAYMENT

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

PASSAGE OF ORDINANCES

SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 2378

AN ORDINANCE AMENDING CHAPTER IV, SECTION 4-19.7,  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
REGARDING TOWING AND STORAGE

Councilman Hokanson moved to open the public hearing on Ordinance #2378; seconded by Councilman Casais and adopted.

There being no one wishing to speak, Councilman Hokanson moved to close the public hearing on Ordinance #2378; seconded by Councilman Casais and adopted.

Councilman Hokanson moved that Ordinance #2378 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Casais.

Vote Record – Ordinance #2378					
		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>
	Miranda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicol	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Accardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INTRODUCTION

ORDINANCE NO. 2379

AN ORDINANCE ESTABLISHING A MORATORIUM AGAINST  
CUTS ON NEWLY IMPROVED STREETS

BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey as follows:

SECTION 1. MORATORIUM AGAINST OPENING, CUTS, AND EXCAVATIONS, ON NEWLY IMPROVED STREETS.

(a) It shall be unlawful for any person, business or entity to cut or open the surface of a public street that has been newly constructed, reconstructed, slurry or cape sealed, overlaid, paved or improved within the previous sixty (60) months from the date of acceptance of the improvements. During the sixty (60) month period following completion and acceptance of an improvement to a public street in the Borough of Roselle Park, the subject street shall be classified as a “newly improved street” and no permits shall be issued to open, cut, or excavate same.

(b) No permits shall be issued to excavate or cut in a public street that has been paved/overlaid or slurry sealed in the past in the past sixty (60) months except in the case

of emergencies, or when the Borough Engineer grants an exemption. An emergency shall be deemed to exist if the work is necessary for the preservation of life or property; or an urgency affecting the health and welfare of the Borough's residents or businesses occurs; or in the case of failed pipelines or utility services that affect public security or public safety.

(c) The Borough Engineer may grant exemptions to the moratorium for emergency repairs as provided in subsection (b) above, or for the installation of needed critical infrastructure or facilities where in the judgment of the Borough Engineer no other alternatives to cutting a street subject to the moratorium exist. When granting exceptions, the Borough Engineer may impose reasonable conditions to insure the rapid and complete restoration of the street and the surface paving.

(d) If a street subject to the moratorium is cut for any reason, the extent of required repairs for the damages caused by such cut shall be determined by the Borough Engineer. If the Borough Engineer determines that restoration of the street is not appropriate at a particular time for reasons relating to weather or other short term complications, the Borough Engineer may order a delay and/or the posting of bonds to insure completion of the work when proper conditions allow for the restoration work.

#### SECTION 2. MORATORIUM, PERMITS: REQUIRED.

(a) It shall be unlawful for any person, business, entity to trench, cut, dig, make or cause any excavation in any street subject to the moratorium established in Section I, unless the person shall first obtain a permit to do so.

(b) Permit applications, fees, and requirements shall be subject to all conditions established by the Borough Engineer.

#### SECTION 3. NOTICE OF PLANNED WORK ON MUNICIPAL STREETS.

The Borough Engineer shall once a year, or as often as may be appropriate, provide to public utility providers and the general public notice of planned work on municipal streets advising that any work requiring excavation or disruption of pavement within or about those streets will have to be completed prior to the Borough paving project. Such notice shall state that no street opening permits shall be issued for openings, cuts or excavations in newly paved roads for a period of five (5) years from the completion of the paving project. The notice shall also provide that applications for street opening permits for work to be done prior to the Borough paving project shall be submitted promptly in order that the work covered by the permit may be completed before paving. Notice to public utility providers shall be by certified mail. Notice to the public shall be provided by publication in the official newspaper designated by the Borough Council.

#### SECTION 4. VIOLATION.

Any person, business, or entity, who violates any provision of this section shall, upon conviction thereof, shall be liable to the penalty stated in Chapter 1, Section 1-5. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

#### SECTION 5. SEVERABILITY

If any section, subsection, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The Borough of Roselle Park's Governing Body declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase thereof, irrespective of the fact

that any one or more section, subsection, sentence, clause or phrase would be declared invalid, unconstitutional, or unenforceable.

**SECTION 6. INCONSISTENT ORDINANCES**

Any Ordinance or parts thereof inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall take effect upon adoption and upon publication according to law.

Councilman Hokanson moved that Ordinance #2379 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on March 7, 2013; seconded by Councilman Casais.

Vote Record – Ordinance #2379		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>
	Miranda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicol	<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 Hokanson; seconded by Councilman Casais.

**RESOLUTION NO. 54-13**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue a check in the amount of \$2,080.68 payable to Francisco Rodriguez, Jr. for an overpayment on Block 209/Lot 3 (otherwise known as 417 Maplewood Ave., Roselle Park, N.J.) and assessed in the name of Francisco Rodriguez.

**RESOLUTION NO. 56-13**

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby accept the donation of radio equipment for the Roselle Park Police Department from the Roselle Park P.B.A. in the amount of \$10,664.50.

**RESOLUTION NO. 57-13**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Katy L. Luchsinger, 590 Jefferson Avenue, Rahway, New Jersey 07065, be and is hereby appointed to the part-time position of Violations Clerk in the Municipal Court, effective March 4, 2013 at the hourly salary of \$12.47 per hour.



RESOLUTION NO. 58-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue multiple checks totaling in the amount of \$2,067.89 payable to multiple lien holders for redemption of Tax Sale Certificates for the meeting of February 21, 2013 (paperwork available in the Tax Office); and

BE IT FURTHER RESOLVED to issue premium checks from the Tax Collector's Premium Account in the amount of \$900.00.

RESOLUTION NO. 60-13

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

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

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

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

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

1. As a matter of public policy the Borough of Roselle Park wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General of New Jersey will receive funds on behalf of the Borough of Roselle Park.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds. State Share in the amount of \$60,000.00 with a local match in the amount of \$210,220.00.
4. The Division of Criminal Justice shall initiate allocations to the Borough of Roselle Park as authorized by law.

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

Vote Record – Resolutions #54-13, #56-13 to #58-13 and #60-13					
		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
		<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"/>

The following resolution was offered by Councilman Hokanson; seconded by Councilman Casais.

RESOLUTION NO. 55-13

RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION ENTITLED THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, ET AL. V. OCCIDENTAL CHEMICAL CORPORATION, ET AL., DOCKET NO. ESX-L-9868-05 (PASR) SUBSTANTIALLY IN ACCORDANCE WITH THE TERMS OF A PROPOSED CONSENT JUDGMENT AND RELATED DOCUMENTS

WHEREAS, the Borough of Roselle Park is a third party defendant in litigation entitled the New Jersey Department of Environmental Protection, et al. v. Occidental Chemical Corporation, et al., Docket No.ESX-L-9868-05(PASR) (the Passaic River Litigation); and,

WHEREAS, the New Jersey Department of Environmental Protection, the Commissioner of the New Jersey Department of Environmental Protection, and the Administrator of the New Jersey Spill Compensation Fund (collectively, "Plaintiffs"), have offered to settle directly with all Third Party Defendants, including the Borough of Roselle Park; and,

WHEREAS, on behalf of the Borough of Roselle Park, counsel executed a Confidentiality Agreement and Memorandum of Understanding with Plaintiffs which, among other things, allowed for settlement negotiations between the Borough of Roselle Park and Plaintiffs and for the development of settlement documentation, provided that the negotiations and the documents generated during the course of those negotiations were to remain strictly confidential; and,

WHEREAS, negotiations between Plaintiffs and Third Party Defendants, including the Borough of Roselle Park, have resulted in the preparation of a proposed Consent Judgment and related settlement documentation; and,

WHEREAS, the Governing Body of Borough of Roselle Park has reviewed with counsel the proposed Consent Judgment and related settlement documentation in Executive Session at the meeting of February 7, 2013; and,

WHEREAS, the proposed Consent Judgment and related settlement documentation continue to remain strictly confidential in accordance with the Confidentiality Agreement and Memorandum of Understanding executed by counsel on behalf of the Borough of Roselle Park until such time as they are published by Plaintiffs in accordance with the Consent Order on the Approval Process for the Proposed Consent Judgment entered by the Court on January 24, 2013 ("Consent Order"), a copy of which is annexed hereto as Exhibit "A"; and,

WHEREAS, the proposed Consent Judgment and related settlement documentation may be subject to change depending on the outcome of the approval process outlined in the Consent Order; and,

WHEREAS, the Governing Body of the Borough of Roselle Park desires to approve the proposed settlement as reflected in the proposed Consent Judgment and related settlement documentation and allow for the approval process to move forward in accordance with the Consent Order.

NOW, THEREFORE, LET IT BE RESOLVED by the Governing Body of the Borough of Roselle Park as follows:

1. All of the foregoing "Whereas" clauses are incorporated by reference as if set forth at length herein.
2. The Borough of Roselle Park hereby authorizes the settlement of the Passaic River Litigation substantially in accordance with the terms set forth in the

proposed Consent Judgment and related settlement documentation reviewed by the Governing Body of the Borough of Roselle Park in Executive Session at the meeting of February 7, 2013.

3. The Borough of Roselle Park counsel and all other appropriate Borough of Roselle Park officials and personnel are authorized to prepare any and all related documents and perform all tasks, which will effectuate the purposes of this Resolution.
4. The appropriation of any and all settlement sums shall be the subject of a subsequent resolution to be adopted by the Governing Body of the Borough of Roselle Park after the finalization of the approval process set forth in the Consent Order and in accordance with the proposed Consent Judgment.
5. This Resolution shall take effect immediately and/or as required by law.

Vote Record – Resolution #55-12					
		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>
	Miranda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicol	<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 Hokanson; seconded by Councilman Casais.

**RESOLUTION NO. 59-13**

WHEREAS, the Mayor and Council of the Borough of Roselle Park reserve the right to amend or otherwise change the by-laws of the governing body from time to time; now,

THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roselle Park, County of Union, State of New Jersey, that the following amendments and additions be made to the by-laws of the governing body:

RESOLVED, Article I Section 4.9 public comment, held pursuant to N.J.S.A. 10:4-12(a), shall be amended as follows:

Section 4. Except at the Annual Meeting, the order of business shall be as follows:

Regular Meeting:

1. Roll Call
2. Prayer/Flag Salute
3. Communications, Petitions, etc.
4. Report and Recommendations of Mayor
5. Certificates/Proclamations
6. Reports of Standing Committees and Other Mayor and Council Committees
7. Reports of Departments
8. Public Comment
9. Approval of Minutes
10. Payment of Bills
11. Passage of Ordinances
12. Consent Agenda for Resolutions

13. Matters for Referral to Committee or to Council

14. Adjournment

RESOLVED, Article II Section 4. shall be amended as follows:

Section 4. The public shall be permitted to comment for a period of time not to exceed seven minutes under the control of our chairman. Public comment, held pursuant to N.J.S.A. 10:4-12(a), will be held no later than 8:30 PM during regularly scheduled meetings.

Councilman Casais said this is something that was discussed at the last meeting and has been addressed by the Clerk. They included a safe guard and the Public Session will not take place after 8:30 p.m. Regarding Reports by Departments and Department Heads, they do not want to put anyone on the spot. There will be no problem having a back and for during the ordinance part of the meeting. That portion is tailored to the contents of the ordinance and there will be no time limit.

<b>Vote Record – Resolutions #59-13</b>		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/>	Adopted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>
		<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**INTERRUPT THE REGULAR ORDER OF BUSINESS**

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

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

Potential Litigation:

- NJDEP vs. Occidental/Joint Meeting
- NJDEP vs. Occidental
- Szabo vs. Roselle Park
- Sevell’s vs. Roselle Park
- D’Agostino vs. Roselle Park
- Safa vs. Roselle Park
- Library
- Mruk vs. Roselle Park

**RESUME REGULAR ORDER OF BUSINESS**

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

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

Potential Litigation:

- NJDEP vs. Occidental/Joint Meeting
- NJDEP vs. Occidental
- Szabo vs. Roselle Park
- Sevell's vs. Roselle Park
- D'Agostino vs. Roselle Park
- Safa vs. Roselle Park
- Library
- Mruk vs. Roselle Park

There being no further business to come before the meeting; Councilman Hokanson moved to adjourn; seconded by Councilman Casais and adopted.

Attest:

Borough Clerk