

Borough of Roselle Park Meeting of June 6, 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	P	7:00 PM
Carl Hokanson	Borough of Roselle Park	Councilman	P	7:00 PM
Tanya Torres	Borough of Roselle Park	Councilwoman	P	7:40 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	P	7:00 PM

Mayor Accardi called the meeting to order at 7:02 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 Casais, all members present voting Aye, said motion was adopted.

- Request from the Church of the Assumption to close West Clay Avenue from Faitoute Avenue to Roosevelt Street from Thursday, June 6, 2013 to Sunday, June 9, 2013 for their Annual St. Anthony's Feast.

Mayor and Council recognized Jacob Magiera for his attendance at Borough Meetings.

CERTIFICATES/PROCLAMATIONS

Certificates

- Parth Patel
- RPHS Ecology Club

PRESENTATION

- Bryan and Michael W. Jackovic of Fusion Consulting gave a presentation regarding incubators and starting a program in Roselle Park.
- Distributed a handout to the Mayor and Councilmembers.

- Explained how the program works and how incubators are developed with businesses and promoted in the community.

Mayor Accardi thanked them for their presentation; they will discuss the project and get back in touch with them.

Councilwoman Storey added this idea was originated by a resident and thanked him for doing so.

REPORT AND RECOMMENDATIONS OF MAYOR

- Discussed the downtown area and the businesses on Chestnut Street.
- All the storefronts on Chestnut Street are either occupied or leased, and will be occupied in the near future.
- Also several businesses expanding.
- Thanked Councilman Miranda for his work with SID.
- Asked Councilwoman Storey to address the Dog Park.
- Asked Councilman Yakubov to address the Community Garden.
- Discussed the Union County Economic Development making low interest loans available to businesses in our area.
- Reminded all to attend the St. Anthony's Feast at the Church of the Assumption this weekend.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Hokanson

- Sixty nine years ago today was the invasion of Normandy; thanked all veterans who serve in the Armed Forces.
- Attended the East/West Basketball Game on May 17th.
- Attended the Casano Center Open House on May 18th.
- Attended the Concerned Citizens Meeting on May 18th.
- Attended the Memorial Day Services on May 27th; was honored to read the names of the deceased veterans.
- Thanked all who attended the fundraiser for his nephew on Tuesday.
- Spoke about the St. Anthony's Feast at the Church of the Assumption.
- Wednesday, June 26th from 6:00 p.m. to 8:00 p.m., will have his "Meet and Greet" at Sun Tavern; invited all to attend.

Councilman Casais

- The Roselle Park Film Series will begin on Friday, June 14th at approximately 8:00 p.m.
- Scheduled the final Capital Budget Meeting on Thursday, June 13th at 6:30 p.m.

- Thanked all who attended the First Aid Squad Open House and helicopter landing.
- Thanked the residents in the First Ward for their patience in the replacement of the water main.

Councilwoman Storey

- Attended the Open House at the First Aid Squad Building.
- Attended the Relay for Life; complimented those who organized it.
- Spoke about the Dog Park; exploring several locations.
- Looked at what other towns are doing regarding rules and regulations that will satisfy the insurance companies.
- Thanked Bryan and Michael Jackovic of Fusion Consulting for their presentation on incubators.

Councilwoman Torres

- Thanked the DPW for their work on picking up the vegetative waste.
- Thanked the residents for their patience.
- Attended the East/West Basketball Game.

Mayor Accardi thanked the DPW for taking on the duty of picking up the vegetative waste.

Councilman Miranda

- Thanked Karen Intile for the Open House at the Casano Center.
- Attended the Municipal Land Use Board Meeting on May 20th.
- Attended the SID Meeting on May 22nd.
- Thanked all who attended the Memorial Day Services.
- Thanked the First Aid Squad for their Open House.

Councilman Yakubov

- Thanked the DPW for responding to a poison ivy complaint made by a resident.
- Thanked the Code Enforcement Officer for responding to bank owned properties with high grass.
- Spoke about the ordinance regarding high grass maintenance.
- Spoke about the recent activity on the Sullivan property.
- Would like to host an event at the Library to help residents in the community build their resumes and job skills.
- Spoke to a representative of Constellation Energy regarding energy assessments on Borough properties.
- Spoke about the concept of the Community Garden.
- Attended the Relay for Life.

Joseph Signorello – Fire Chief

- Have been conducting bail out training for the firefighters.
- Has been a quiet month for fires.

Rich Graves – DPW

- Spoke about the repairs by the Water Company.
- Water Company will begin another project on or about June 17th from Faitoute Avenue to Galloping Hill Road; will work at night, and the project will run through the summer.

Mayor Accardi asked about the work being done by the Water Company. The fire hydrants now have more water pressure, which helps to lower everyone's insurance rates. He said he would like to check with the Water Company regarding the work being done, because we have an ordinance restricting hours that work can be done. Asked Ms. Cali to check to see what we can do to work with the Water Company. He said it is a state highway and we have an ordinance giving us the ability to waive those hours.

Councilman Casais said this type of work has been done before and everyone will be notified.

Mayor Accardi said it is the Peace and Good Order Ordinance.

Councilman Miranda moved that they waive the hours; seconded by Councilman Casais, all members present voting Aye, said motion was adopted

Mayor Accardi introduced Mark Pasquale, who has been working with Rich Graves at the DPW.

Paul Morrison – Police Chief

- Spoke about the job the Water Company is doing on Westfield Avenue from Faitoute Avenue to Galloping Hill Road.
- The DOT will post signs before the work begins.
- The Water Company will hand out flyers to residents and businesses.
- It is much easier for them to do the work at night.
- There is another meeting scheduled for the July 6th Fireworks.
- In April, they targeted drivers using cellphones.
- The Special Olympics Torch Run will take place on Friday, rain or shine.

Richard Huxford – Borough Attorney

- Has four matters for Closed Session.

Ken Blum – Chief Financial Officer

- Capital Budget wrap up meeting is scheduled for June 13th at 6:30 p.m.
- The sewer bills are due by July 10th.

REPORTS OF DEPARTMENTS

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

- Treasurer Report for April 30, 2013
- Police Chief Report for May 2013

PUBLIC COMMENT

Councilman Miranda moved at 8:20 p.m. to open the public comment portion of the meeting; seconded by Councilman Casais and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Explain Resolution 120-13; asked why there is an increase on Phase III.
- Was humbled by the recognition of the plaque and thanked all.
- The incubator presentation was very interesting.
- Asked that Council reconsider the space for Congressman Payne in Borough Hall.
- Congressman Payne is on the Small Business Committee and many other important ones.

Mayor Accardi said he has spoken to Congressman Payne several times, the most recent being two weeks ago. He said there are pros and cons to Congressman Payne coming to Roselle Park. Congressman Payne wants to reach out to the residents of Roselle Park, but does not want to cause any problems at this time. He will look at other opportunities and offices in Roselle Park. He understood what they were talking about and said that Roselle Park will be treated like any other community in his District. Mayor Accardi said they welcome anyone at any time to Roselle Park.

Councilwoman Torres addressed Mr. Magiera's question regarding the increase on Resolution #120-13, by saying that more funding was needed to rebuild a culvert and sidewalk on East Grant Avenue.

Joseph Signorello, 625 Woodland Avenue

- Asked about the rules and laws pertaining to grass cutting.
- There are many properties with very high grass.
- Spoke to the Police Chief about the property on the corner of Spruce and Clay.

Mayor Accardi said the policy is that the Code Enforcement Officer goes out and issues a warning, then a citation without a second warning if the grass is not cut. He said for bank owned property, there is an ordinance on the books which allows the DPW to go out after the warning and citation are issued and mow the grass. They can back charge the taxes to the resident and in that way, the Borough will eventually collect for services they provided. This was a particular year due to the various weather conditions.

- Chief Signorello said they should review the ordinance and lower the height.
- It is the same thing each year and the fire hydrants are blocked on some properties.

Councilman Casais said the minimum fine is \$10 and it goes up to \$500.

Councilwoman Torres said they must follow the proper steps.

Saul Qersdyn, 150 Berwyn Street

- Asked about the dates for bulk pick up.
- Asked how many employees are in the DPW.
- The Relay for Life was touching event.
- Spoke about having a Memorial Day Parade next year; it would bring the community together.

Mayor Accardi said there are nine employees in the DPW.

Keith Heyman, 300 East Westfield Avenue, Apt. 33

- Spoke about shopping carts on business properties in town.
- Has seen them on bank parking lot and at the Dollar Store on Westfield Avenue.

There being no one else wishing to speak, Councilman Miranda moved at 8:46 p.m. to close the public portion; seconded by Councilman Casais and adopted.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting of May 16, 2013

Vote Record – Minute Acceptance of May 16, 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 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 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"/>
	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"/>

- Special Emergency Meeting of May 20, 2013

Vote Record – Minute Acceptance of May 20, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Storey	<input type="checkbox"/>	<input checked="" 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 Miranda 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

ORDINANCE NO. 2383

AN ORDINANCE AMENDING LAND USE CHAPTER XL, ARTICLE XXIV,
SECTION 40-2402, OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING PERMITTED USES, UTILITY TRAILER
MERCHANT WHOLESALERS, SCREEN PRINTING APPAREL
& TEXTILE PRODUCTS

Councilman Miranda moved to open the public hearing on Ordinance #2383; seconded by Councilman Yakubov and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked why the two businesses were added.

Mayor Accardi said that our code is restrictive in accepting businesses in certain areas.

There being no one else wishing to speak, Councilman Miranda moved to close the public hearing on Ordinance #2383; seconded by Councilman Casais and adopted.

Councilman Miranda moved that Ordinance #2383 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Casais.

Vote Record – Ordinance #2383					
		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"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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"/>

ORDINANCE NO. 2384

AN ORDINANCE AMENDING CHAPTER II, SECTION 2-68.8a OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGULATING A BOROUGH WIDE GARAGE SALE IN THE BOROUGH OF ROSELLE PARK

Councilman Miranda moved to open the public hearing on Ordinance #2384; seconded by Councilman Casais and adopted.

Saul Qersdyn, 150 Berwyn Street

- Is the fee of \$10 for a permit in front of the house and also in front of Michael Mauri Park; is there a form to fill out.

Mayor Accardi answered yes to both questions.

There being no one else wishing to speak, Councilman Miranda moved to close the public hearing on Ordinance #2384; seconded by Councilman Yakubov and adopted.

Councilman Miranda moved that Ordinance #2384 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Casais.

Vote Record – Ordinance #2384					
		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"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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"/>

INTRODUCTION

ORDINANCE NO. 2385

AN ORDINANCE AMENDING CHAPTER XXVIII, SECTION 28-1.5d OF THE CODE OF THE BOROUGH OF ROSELLE PARK PLACEMENT AT CURB; SUITABLE CONTAINERS

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey that Chapter 28-1.5d be and is hereby amended as follows:

SECTION 1. 28-1.5d Placement at Curb: Suitable Containers

d. Bulk waste shall not be placed at the curb prior to 12:00 noon on the day prior to the scheduled pickup for bulk waste.

The term "bulk waste," for the sake of this chapter, shall be defined as the "collection of the following materials limited to 500 pounds (one quarter of a ton) per property, per pickup:

- furniture, toys
- mattresses (limit two per address)
- wood, replaced/repared wood fencing sections, wood products limited as follows: **(wood is limited to two [2] -32 gallon containers with pieces cut into three foot pieces)**
- lawn furniture, wood doors, storm window, storm door, items generated by a homeowner in minor repairs not requiring a zoning or construction permit.

EXPRESSLY EXCLUDING THE COLLECTION OF THE FOLLOWING MATERIALS NOT CONSIDERED BULK WASTE:

- rugs, carpeting, electronic waste, ashes, dirt, tree trunks, stumps, branches, brush, leaves, household garbage, no garbage bags, pool filters, railroad ties, rocks, stones, asphalt, concrete, closed-top drums, automobile parts, appliances, (refrigerators, washers, dryers, any metal products etc.), paint, chemicals and materials resulting from the demolition, alterations, or repairs to buildings/homes or other structures generated by a contractor/homeowner requiring a zoning or construction permits.

SECTION 2. If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4. This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Councilman Miranda moved that Ordinance #2385 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on June 20, 2013; seconded by Councilman Casais.

Vote Record – Ordinance #2385		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"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	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"/>

RESOLUTIONS

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

RESOLUTION NO. 113-13

BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park hereby accept the resignation of Carl Pluchino from the Municipal Land Use Board effective immediately.

RESOLUTION NO. 114-13

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize the renewal of the attached Lease Agreement between the Borough of Roselle Park and Caracitas Corporation t/a Vinhus Restaurant adopted March 1, 2012 Resolution 59-12.

CONDITIONAL LEASE

This Lease, made on March 1, 2013 between Caracitas Corporation having for the sake of this Lease, an address at One Fifty Seven East Westfield Avenue, Roselle Park, New Jersey 07204 hereinafter referred to as Lessee and the Borough of Roselle Park, County of Union, State of New Jersey having for the sake of this Lease, an address at 110 East Westfield Avenue, Roselle Park, New Jersey 07204 hereinafter referred to as Lessor.

1. The Lessee agrees to rent from the Lessor, 6' of right of way on Union Road, in the Borough of Roselle Park from May through September 31, 2013 between the hours of 8:30 a.m. and 10:00 p.m. each day, for the sole purpose of a sidewalk cafe. The rent to be paid by the Lessee will be \$1.00 per year for the year 2012 payable upon the signing of the Conditional Lease.

2. The Lessee, during the hours of operation noted above, shall have complete control of the Leased Premises and shall be responsible for the removal of any and all material involved with the sidewalk café, including, but not limited to tables, chairs, bottles, food, refuse used by or related to the Café. It will be the responsibility of the Lessee to make sure that during the hours when the Cafe is not open that the sidewalk is safe for all pedestrian use. Failure by the Lessee to not properly maintain the sidewalk during the period of time the Café is not open resulting in expenses to the Lessor, it is agreed that any expenses paid by the Lessor to maintain the sidewalks shall be paid by the Lessee.

3. The Lessee shall indemnify the Lessor against all liability, penalties, damages, defenses, and judgments by reason of any injury or claim of injury to person or property of any nature arising out of the use, occupation and control of the Leased Premises or the streets, alleys, and sidewalks adjacent thereto, by the Tenant at anytime during the leased term, including those resulting from any work in connection with alterations or changes to the use and occupancy of the leased space during the hours of 12:00 Noon to 10:00 pm. The Lessee shall promptly notify the Lessor of any claim asserted against the Lessee on account of any such injury or claimed injury to the persons or property and shall promptly deliver to the Lessee an original or a true copy of any summons or processed pleading or notice issued in any suit or other proceeding to assert or force any such claim. The Lessee shall have the right to defend any such right with attorneys of its own selection. The Lessor shall have the right, if it shall see fit, to participate in such defense at its own expense.

4. The Lessee shall be required to maintain at its own cost and expense all appropriate insurance coverages for the Leased Premises, including, without limitation, liability insurance in

minimal limits of \$1 million dollars per occurrence/\$3 million aggregate and \$1 for property damage. All policies of insurance required under this Agreement shall conform to the following standards:

(a) Non-cancellability. No policy shall be cancelled without thirty (30) days written notice to Lessor and Tenant from the insurer;

(b) Company's own insurance shall be issued by reputable insurers licensed to do business in the State of New Jersey who shall be satisfactory to Lessee;

(c) Insureds each policy shall name the Lessee as an additional insured and loss paid therein and shall contain as a standard loss paid cause and favor of the Lessee, and

(d) Premium payment evidence shall be furnished to Lessor by Lessee at all times during the leased term, indicating that all required premiums for insurance hereunder have been paid.

5. It is further agreed that the Lessee may assume dominion and control over the space described above immediately upon the signing of this Lease and payment of the rent involved continues until October 1, 2013. This Lease may be reviewed and renewed annually upon adoption of Resolution by the Mayor and Council of the Borough of Roselle Park.

6. Either party has the right to terminate this Lease upon thirty (30) days written notice to the other party.

7. It is further agreed that this Lease constitutes the entire agreement of the parties. There are no other agreements, expressed or implied. Any oral representations, undertakings, or agreements are expressly merged herein. This Lease may not be changed, amended or modified except by an agreement in writing signed by the parties hereto.

RESOLUTION NO. 115-13

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 within ten (10) days of the date of purchase, the Governing Body of the Borough of Roselle Park may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
6. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to

the Borough without any further costs, expense, damage, claim against or liability upon the Borough.

7. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids
8. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

<u>Year</u>	<u>Make</u>	<u>Identification Number</u>	<u>Minimum Bid</u>
1994	Ford	2FALP74W9RX144148	175.00

RESOLUTION NO. 117-13

WHEREAS, the Mayor and Council of the Borough of Roselle Park have received bids for Furnishing Refuse Roll-Offs for Trash, Metal, Street Sweepings, Wood and Concrete; and

WHEREAS, the basic bid shall include the contractor to furnish, on request, a pick up and return of empty roll-off container at an area designated by the Superintendent of Public Works, within forty eight (48) hours of request, and disposal at a licensed facility, for a three year contract as follows. Trash – disposal to be reimbursed by Borough at current rate and proceeds from Metal is the property of the Borough.

	30 Yard (Trash)	30 Yard (Metal)	20 Yard (Street Sweepings)
	<u>Trucking Only</u>	<u>Trucking Only</u>	<u>Trucking Only</u>
Year One	\$140.00	\$90.00	\$155.00
Year Two	\$145.00	\$95.00	\$160.00
Year Three	\$150.00	\$100.00	\$165.00
	30 Yard (Wood)	20 Yard (Concrete)	
	<u>Per Container</u>	<u>Per Container</u>	
Year One	\$385.00	\$410.00	
Year Two	\$390.00	\$415.00	
Year Three	\$395.00	\$420.00	

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby awards a contract to Waste Management of New Jersey, 107 Sylvia Street, Ewing, New Jersey 08628 for a three year contract for Furnishing Refuse Roll-Offs for Trash, Metal and Street Sweepings for the Borough of Roselle Park.

RESOLUTION NO. 119-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park of Union County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB East Grant Avenue Roadway Improvements
 CONTRACTOR Smith-Sondy Asphalt Construction Company, Inc.,
150 Anderson Avenue, Wallington, New Jersey, 07075
 CHANGE ORDER NO. 1 and Final
 AMOUNT OF CHANGE THIS RESOLUTION -0.45% Decrease \$1,628.32
 TOTAL REDUCTION -0.45% Decrease \$1,628.32

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 120-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park of Union County, New Jersey upon the recommendation of the Borough Engineer that the Change Order for the Contract listed below be and is hereby approved.

TITLE OF JOB East Grant Avenue Sanitary Sewer Improvements – Phase III
 CONTRACTOR Montana Construction Corp., Inc., 80 Contant Ave, Lodi, NJ 07644
 CHANGE ORDER NO. 1
 AMOUNT OF CHANGE THIS RESOLUTION +\$65,659.36 (5.86% Increase)

This Resolution to take effect upon certification by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 121-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey that the contract for the East Grant Roadway Improvements was constructed by Smith-Sondy Asphalt Construction Company, Inc., accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The Contractor is not required to supply a 25% Guarantee Bond due to the prior extended coverage of the Performance Bond. The said construction is hereby accepted and final payment in the amount of Twenty Thousand Eight Hundred Nine Dollars and Seventy Eight Cents (\$20,809.78). is hereby approved.

This Resolution to take effect immediately.

RESOLUTION NO. 122-13

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 \$1,522.30 payable to multiple lien holders for redemption of Tax Sale Certificates for the meeting of June 6, 2013 (paperwork available in the Tax Office); and

BE IT FURTHER RESOLVED to issue a check in the amount of \$400.00 from the Tax Collector’s Premium Account.

Vote Record – Resolutions #113-13 to #115-13, #117-13 and #119-13 to #122-13					
		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 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 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"/>
	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"/>

The following modified resolution was offered by Councilman Miranda; seconded by Councilwoman Torres.

RESOLUTION NO. 107-13 (Tabled from 5/17 Meeting)

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that effective immediately, the fees charged to an individual requesting off-duty police services from the Roselle Park Police Department are fixed as follows:

1. Except as indicated below, the hourly rate charged for off-duty police services will be \$60.00 (with a four hour minimum call out time) for the first eight (8) hours (additional time over four hours will also require a four hour minimum). After eight (8) hours, the hourly fee will be increased to time and a half or \$90.00. In addition to the above fees, the Borough of Roselle Park will charge ten percent (10%) to cover administration expenses. All requests that give less than eight hours advanced notice shall be charged the hourly fee of time and a half or \$90.00.
2. In addition to the above fees charged, if a police vehicle is required by the requesting individual, a fee of \$15.00 per hour will be charged for said use.
3. For all Borough projects & events or Board of Education events, the hourly fee charged will be \$35.00 per hour, with a minimum three (3) hour call out time.
4. For Civic, Religious or educational organization, or non utility sponsored projects, the hourly fee charged will be between \$35.00 to \$60.00 per hour. The fee will be established by the PBA in writing forwarded to the Mayor and Council and the Chief Financial Officer. In addition to the above fees, the Borough of Roselle Park will charge ten percent (10%) to cover administration expenses. In addition to the above fees charged, if a police vehicle is required by the requesting individual, a fee of \$15.00 per hour will be charged for said use.

NOW, THEREFORE, BE IT RESOLVED that, the above fees herein said shall be effective immediately and shall remain in effect until revised by a future Resolution of the Mayor and Council.

Councilman Miranda spoke about amending the wording on paragraph number 1 and paragraph 4 in the resolution; it was discussed with Sergeant Wielgus and the Public Safety Committee.

Council discussed the amendments.

Vote Record – Resolution #107-13		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/>	Adopted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" 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 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"/>
	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"/>

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

RESOLUTION NO. 116-13

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2013; and

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

BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2014, to the following as approved by the License Committee:

PLENARY RETAIL CONSUMPTION LICENSES - \$1,385.00

- 2015-33-005-003 Frenchy’s Bar & Grill, Inc., t/a Frenchy’s Bar & Grill, 545 West Westfield Avenue
- 2015-33-009-011 King Salvatore, LLC., t/a Mulligan’s Pub, 117 Chestnut Street
- 2015-33-010-006 Ocean Castle, Inc., t/a Ristorante Michelangelo, 9 West Westfield Avenue
- 2015-33-012-004 Solar Do Minho II, Inc, 147 West Westfield Avenue
- 2015-33-015-004 Caracitas Corporation, t/a Vinhus Restaurant

PLENARY RETAIL DISTRIBUTION LICENSES - \$931.00

- 2015-44-001-007 R and K Corp, t/a Andys Twin Boro Liquors, 596 Chestnut Street
- 2015-44-013-008 David McAdam, Inc., t/a Roselle Park Liquors, 137-145 Chestnut Street

CLUB LICENSES - \$132.00

- 2015-31-017-001 American Legion Post 60, Inc., 34 East Westfield Avenue, Roselle Park
- 2015-31-018-001 West End Community Center, 205 West Clay Avenue

Councilman Hokanson asked about the liquor license for Andy’s Twin Boro Liquors; and Ms. Cali said it is a pocket license, and must be renewed.

Vote Record – Resolution #116-13					
		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 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 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"/>
	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"/>

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

RESOLUTION NO. 118-13

WHEREAS, on April 12, 2013 the Borough of Roselle Park received one bid for vegetative waste collection, which was rejected due to lack of sufficient funds on April 18, 2013 by Resolution No. 98-13; and

WHEREAS, on May 8, 2013 the Borough of Roselle Park re-advertised for bids for vegetative waste collection and no bids were received;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that pursuant to NJSA 40A:11-5 a contract for vegetative waste collection and

disposal from June 13, 2013 through the end of December 31, 2013 be and is hereby awarded to Suburban Disposal, Inc. in the amount of \$3,400.00 per week.

Councilman Yakubov asked what the cost was last year per week.

Mr. Blum said last year was the end of the three year bid award and the per week amount was \$2,847.95. When they went out to bid the first time, it was the same bidder but it was a 40% increase. The second time they went to bid, they were able to negotiate.

Ms. Cali said they will also be picking up leaves.

Councilman Casais thanked the Borough Clerk and the Chief Financial Officer for their work on this situation.

Vote Record – Resolution #118-13		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 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 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"/>
	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"/>

Tom Solfaro – Borough Engineer (entered meeting at 9:10 p.m.)

The sewer project on East Grant Avenue is still ongoing but has been put on hold because of the conflict by the work being done by NJ American Water.

- The Storm Damaged Curbs and Sidewalks bids will be received on June 19th.
- Attended a meeting with the Water Company regarding the upgrading of the water main on Westfield Avenue.
- Asked for the patience of the residents; they will be notified of any work being done.
- Concrete work will begin on Locust Street in about three weeks.

Mayor Accardi said that all the utility companies have been working with the Borough going into this project and moving forward with it. The only ones they have not heard from are Verizon and Comcast.

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

Councilman Casais said he would like to discuss the mailer that will be going out to residents. He asked that they not have the dates that are proposed in the bid specs in the mailer. He said as soon as they see the dates, they will immediately put things out.

Mayor Accardi said the safest thing to do, is to hold off on the mailer until they vote on it.

Councilman Casais said he agreed, but will they go ahead with the printing now so it is ready to go.

Mayor Accardi said this is a mistake because we are not sure of the date.

Councilman Yakubov said they have the mailer printed without the date and then have a supplemental sheet done.

Ms. Cali said it cannot be added because the flyer is not going into an envelope.

Mayor Accardi spoke about an activity that was cancelled regarding plants in the planters. It is better if we work together; and he can be reached at any time. He is involved because he can sit on every committee.

Councilwoman Storey explained the issues that took place. She said she had no problem notifying the committee members and would do it again.

Mayor Accardi said going forward; he is asking Council to work together for the benefit of the community.

Councilwoman Storey said this was not done on a bi-partisan basis.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Miranda moved at 9:42 p.m. 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:

- Litigation – Bellante vs. Roselle Park
- Litigation – Stender vs. Roselle Park
- Negotiations – FiberTech
- Potential Litigation – Sunrise Village

RESUME REGULAR ORDER OF BUSINESS

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

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

- Litigation – Bellante vs. Roselle Park
- Litigation – Stender vs. Roselle Park
- Negotiations – FiberTech
- Potential Litigation – Sunrise Village

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

Attest:

Borough Clerk