

Borough of Roselle Park Meeting of December 5, 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	7:00 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	--

Acting Mayor Miranda called the meeting to order at 7:00 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.

Acting Mayor Miranda asked that everyone stand for a moment of silence for the passing of former Police Chief Ben Malaspina.

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

Councilman Hokanson spoke about former Police Chief Ben Malaspina. He said it was an honor to work for a man that took his job seriously and had visions of the future. He said he worked for him for over ten years. In the hallway, there is a plaque with his name as one of the founding fathers of this building. He said he was tough, but he was fair. He gave him a lot of credit for where we are today. He said he was a good man, a good Chief and he will be missed. He expressed his condolences to his family.

REPORT AND RECOMMENDATIONS OF MAYOR

Acting Mayor Miranda said tomorrow evening is the Tree Lighting; if it is raining, it will be held inside.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Hokanson

- Tree Lighting is tomorrow evening.
- Still collecting for Operation Chillout.
- December 30th, will hold his Meet and Greet from 6:00 p.m. to 8:00 p.m. at Costa's.

Councilman Casais

- The Board of the Joint Meeting to Essex and Union Counties has approved a budget with an approximately 1.24 million decrease.

Councilwoman Storey

- Expressed her condolences to the Malaspina Family.
- The reception at the Casano Center Art Gallery went well.
- Invited all to attend the Tree Lighting.

Councilwoman Torres

- Thanked the Fire Department for their professionalism.
- Congratulated them for a job well done at the fire on 41 Charles Street.
- Expressed condolences to the Malaspina Family.
- Wished the cheerleaders good luck.
- Congratulated the football team.

Councilman Yakubov

- Expressed his condolences to the Malaspina and Corrigan Families.
- Mr. Malaspina knew the town well and will be greatly missed.
- Spoke about the Resolution by Council regarding best practices and the training for elected officials.
- On January 21st, will host a Community Watch Meeting in Borough Hall.
- Thanked Carl Pluchino, who is out addressing the bank owned properties.

PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (XXXX)

Councilman Miranda moved to open the public hearing portion for the Community Development Block Grant Program; seconded by Councilman Casais and adopted.

Saul Qersdyn, 150 Berwyn Street

- Asked for clarification of the grant.
- Asked that the project names be repeated.
- How much money is involved.

Ms. Cali said there is the Senior Citizen Grant for \$30,000, the Handyman Grant for \$1,000 and Amsterdam Avenue estimated at \$150,712.50.

Mr. Blum said the grant will be in effect from September 1, 2014 through August 31, 2015. It is the 40th year of the program.

There being no one else wishing to speak, Councilman Miranda moved to close the public hearing on Year 40 Community Development Block Grant Program; seconded by Councilman Yakubov and adopted.

Mark Pasqual – Superintendent of Public Works

- The leaves will be continued to be picked up until the end of December.
- The sign on the Roselle Park Museum has been refurbished by the DPW and reinstalled by the Building Manager.

Tom Solfaro – Borough Engineer

- Aldene Park work is completed.
- East Grant Avenue concrete is 99% complete.
- There are some excavations in the street that must be done first.
- Once that is complete, depending on the weather, then the street can be done.
- Has not heard back from the State regarding the tax maps.

Councilman Casais asked if they have to wait for them to do a revaluation; Mr. Solfaro said that was correct.

Councilman Yakubov spoke about the curbside on Faitoute Avenue. He said the sidewalks are in poor condition. When he inquired to the County, they said sidewalks are the Borough's responsibility and the curbs are the County's. He said it is the County trees that are raising the sidewalks. He asked Mr. Solfaro to reach out to the County for the right way to go.

Mr. Solfaro he will check it out and report back.

Richard Huxford – Borough Attorney

- The matter of Marquez vs. the Borough of Roselle Park has been resolved.
- Regarding the ordinance concerning political contributions, he has received calls regarding the language.
- Has four matters for Closed Session.

Doreen Cali – Borough Clerk

- The Reorganization Meeting will be held at 7:00 p.m. on January 2nd.

Ken Blum – Chief Financial Officer

- All properties were sold at the tax sale on November 26th.
- SID billing has gone out for the first half of the year and are due on December 1st.
- The year end meeting will be held on December 30th at 6:00 p.m.
- One matter for Closed Session.

REPORTS OF DEPARTMENTS

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

- Department of Public Works Department Report for November 2013
- Construction Code Enforcement Department Report for November 2013
- Police Chief Report for November 2013

PUBLIC COMMENT

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

Jacob Magiera, 612 Sheridan Avenue

- Thanked Councilman Hokanson for responding to a call for a dead animal.
- Asked everyone to remember Pearl Harbor Day on December 7th
- Expressed his condolences to the Malaspina Family.
- Referred to an article in the newspaper regarding toxic cleanup of the Passaic River.
- Congratulated Councilman Casais on his new position as Clerk in Allendale.
- Regarding Aldene Park, he said the padding going to the basketball court slopes 6 inches.
- Why is Ordinance #2396 on the agenda.

Ms. Cali said because it has to be amended to correct one word.

Saul Qersdyn, 150 Berwyn Street

- Asked to clarify which department has the tax maps.
- Spoke about best practices.
- Asked about the Marquez Closed Session matter.
- Asked that Resolution #240 and #241 be clarified.
- Spoke about the parking along Berwyn Street.

Councilman Casais said parking on residential streets must be reviewed.

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

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting of November 7, 2013

<input type="checkbox"/> Vote Record – Minute Acceptance of November 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 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"/>

MOTION BILLS & PAYROLLS BE NOT READ

MOTION BILLS & PAYROLLS BE PASSED FOR PAYMENT

Councilman Yakubov 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

INTRODUCTION

ORDINANCE NO. 2396

AN ORDINANCE AMENDING CHAPTER III, SECTION 3-10
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
ENTITLED “SLEEPING OR HABITATION”

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

SECTION 1:

SLEEPING OR HABITATION.

3-10.1 Definitions.

As used in this section:

Sleeping or Habitation shall mean remaining in essentially one (1) location, and includes the concepts of spending time sleeping or habitation.

Public place shall mean any place to which the public has access, including but not limited to any street, sidewalk, curb, alley, highway, bridge, park, school, place of worship, public building, public grounds, parking lot, transportation facility, open or vacant private property not owned by or under the control of a person charged with violating this section, in the case of a minor, not owned by or under the control of his parent or guardian, or the doorways or entrance way to any building which fronts on any of the aforesaid places, the front or the neighborhood of any store, shop, restaurant, tavern or other place of business, or a bench, chair, or seating area in or on any of the aforesaid places.

3-10.2 Prohibited Acts/ Certain types of Sleeping or Habitation prohibited.

No person shall use a public place for sleeping or habitation in such manner as to:

- a. Create or cause to be created a danger of a breach of the peace.
- b. Create or cause to be created any disturbances or annoyance to the comfort and repose of any person.
- c. Obstruct the free passage of pedestrians or vehicles.
- d. Obstruct, molest or interfere with any person lawfully in any public place as defined in subsection 3-10.1. This paragraph shall include the making of unsolicited remarks of an offensive, disgusting or insulting nature or which are calculated to annoy or disturb the person to whom or in whose hearing they are made.
- e. Nor shall any person use any motor vehicle or trailer for sleeping or habitation purposes in any public place.

3-10.3 Order of Police Officer; Refusal to Obey.

Whenever any Police Officer shall, in the exercise of reasonable judgment, decide that the sleeping or habitation of any person in any public place is causing or is likely to cause any of the conditions enumerated in subsection 3-10.2 he shall, if he deems it necessary for the preservation of the public peace and safety, order that person to leave that place. Any person who shall refuse to leave after being ordered to do so by a Police Officer shall be guilty of a violation of this section.

3-10.4 Violations and Penalties.

Any person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter I, Section 1-5.

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 Yakubov moved that Ordinance No. 2396 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on December 19, 2013; seconded by Councilman Casais.

<input type="checkbox"/> Vote Record – Ordinance #2396		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	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. 2397

AN ORDINANCE AMENDING CHAPTER XXIII, SECTIONS
1.13 THROUGH 1.15 OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING EXCAVATIONS IN STREETS

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter XXIII, Sections 1.13 through 1.15 of the Borough Code be hereby amended as follows:

SECTION 1.

23-1.13 Prior Notification

a. The permittee shall notify the Superintendent of Public Works in writing via fax or e-mail at least forty-eight (48) hours in advance of any activity. Likewise the permittee shall notify the Superintendent of Public Works at the completion of the activity or project. See permit application for contact information.

b. The permittee shall provide written notification outlining the scope and timeframe of work to all affected households in the area(s) subject to excavation at least forty-eight (48) hours in advance of any activity. A copy of such written notification must be furnished with the Borough Clerk's Office in advance of excavation.

c. Failure to provide such notification ~~as described in preceding subsections a. and b. may~~ **shall** result in additional fines ~~being imposed on the permittee. as prescribed in section 1.15 of this chapter.~~

d. The permittee shall keep a copy of the permit at the site at all times. The permittee shall retain full responsibility for any damages, which may result from any construction activity notwithstanding any approvals from the Borough Engineer or Superintendent of Public Works.

The excavation and the work required to be done shall be completed within reasonable time. Trenches shall not be kept open when work is not in progress. If work is stopped, for more than twenty-four (24) hours, the trench shall be temporarily backfilled and capped with a temporary pavement **or covered with one-quarter (0.25) inch steel plate.** Upon completion of work, it shall be inspected by the Superintendent of Public Works. The permittee shall start work within twenty (20) working days of issuance of a permit and the permit shall remain valid for sixty (60) working days from the start of work unless otherwise authorized by the Superintendent of Public Works. If work on the permit does not start in twenty (20) working days, then the permit shall expire and a new permit shall be obtained, unless a written extension is obtained from the Superintendent of Public Works. The validity of a permit may be extended, if so requested, in writing by permittee prior to the expiration period thereof for such additional periods as determined by the Superintendent of Public Works.

23-1.14 Method of Construction.

The street when opened pursuant to this section and permit shall conform to the most recent restoration designs, plans, details, specifications and method of construction and traffic control devised and required by the Superintendent of Public Works and Police Department Safety Officer.

All permits issued under this section shall be subject to the following rules and regulations:

a. *Safety.*

1. All work shall be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles and the flow of water in the gutters. All openings, digging, excavation, piles of material, equipment, machinery, barricades or obstructions, including earth and stone removed from excavation shall be properly guarded at all times to prevent accidents and a sufficient number of lights, shall be maintained between sunset and sunrise by the person whom such permits have been issued to designate such openings or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagman, uniformed traffic

officers and all other man-powered equipment as required by or directed by the Borough Safety Officer shall be provided.

2. The work area shall be made passable to all emergency vehicles during all phases of the work.

3. In the event that the work requires the detour of the vehicular traffic, the permittee shall submit a detour plan for review and approval by the Borough Safety Officer, who at his sole discretion, may require the approval of the municipalities involved prior to any road closings.

4. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided, which shall be safe for travel and convenient for users.

b. All existing pavements, road surfaces, sidewalks, curbs, gutters, pipes, manholes, drains, conduits or other installation or fixtures and property liable to be damaged or destroyed shall be properly protected by the person doing any work for which a road opening permit has been issued during the time when such work is being performed and the responsibility for any such damage shall be assumed by the person to whom such permit has been issued.

c. No person shall divert or discharge water into, upon or across any street or sidewalks so that a nuisance is created, or a hazardous condition is caused to exist, as a result of the work of the permittee or cause the adjacent pavement to be damaged.

d. It shall be unlawful to make any such excavation, or tunnel, in any way contrary to or at variance with the terms of the permit thereof. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and protection of the workers shall be in accordance with the regulations of the New Jersey Department of Labor and Industry and the Occupational Safety and Health Administration; the excavation shall not have any portion below the surface extending beyond the opening at the surface.

e. No injury shall be done to any pipes, cables, or conduits in the making of such excavations, or tunnels. Notice shall be given beforehand to the utility company maintaining any such pipe, cables, or conduits or to the Officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel.

The permittee shall not be authorized to proceed with any excavation until he submits to the Bureau of Inspection a reference number of verification stating that Garden State Underground was notified at:

One Call System
Garden State Underground
1450 Route 22 West
Mountainside, New Jersey 07092
1-800-272-1000

All work by the permittee shall be done in accordance with the provisions of N.J.S.A. 34:6-47.1 et seq., and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970 and of subpart N, Paragraph 1926.550 of the rules and regulations issued under said acts.

f. No work shall occur in such a manner as to result in damage or destruction of any property of the Borough of Roselle Park unless this is necessary for completion of the work and written permission has been obtained in advance from the Borough Engineer or Superintendent of Public Works.

g. The permittee shall clean up and remove ~~promptly from the work site at the end of each work day, all surplus excavated material and debris, and upon final completion of the project~~

~~shall leave the site of work in a neat and orderly condition as good as it was previously.~~ **all earth moving equipment, surplus excavated material, and debris, so as to leave the street neat and orderly at the completion of each day. Upon final completion of the project the street should be left in as good condition as it was prior to the start of work.**

Where topsoil, seeded areas or sod is disturbed in the course of the work, permittee shall restore such ground surfaces to a condition equal to that prior to commencement of work.

h. Bar holes and probes by utility companies shall be restored after work has been completed unless otherwise authorized by the Superintendent of Public Works.

i. If permittee shall fail to comply with the rules and regulations as provided in this section, after receipt of written notice, then the Borough reserves the right to take any action to insure compliance with the section. In that event, the permittee shall be charged with the cost of same at a rate determined by the Borough Engineer based on annual Borough contract rates, if such are in effect, or a certain schedule of costs maintained by the Borough Engineer, based on the rates in the contractor's blue book plus fifteen (15%) percent. Permittee shall be responsible for the expense incurred by the Borough. Any monies due to the Borough in excess of the permit fee shall be billed upon completion of the work and shall be paid by the permittee within thirty (30) days after the receipt of the bill. Failure to pay such dues shall result in the permittee paying the maximum interest rate allowed by law, as well as any attorney's fees and costs incurred by the Borough in furtherance of the collection of said monies.

The Superintendent of Public Works shall also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the Superintendent of Public Works.

(Ord. No. 2173 § 105-10)

23-1.15 Violations and Penalties.

Any person who violates any provision of this section shall, upon conviction thereof, be punished by a fine not exceeding ~~five hundred (\$500.00)~~ **one thousand (\$1000.00)** dollars or by imprisonment for a term not exceeding ninety (90) days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. No. 2173 § 105-11)

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 Yakubov moved that Ordinance No. 2397 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on December 19, 2013; seconded by Councilman Casais.

<input type="checkbox"/> Vote Record – Ordinance #2397					
		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 Yakubov; seconded by Councilman Casais.

RESOLUTION NO. 242-13

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$9,331.51 which item is now available as a revenue from the Recycling Tonnage Grant pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED, that the like sum of \$9,331.51 is hereby appropriated under the caption of the Recycling Tonnage Grant, and

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution with enclosures to the Director of the Division of Local Government Services.

RESOLUTION NO. 243-13

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount, and

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2013 in the sum of \$4,381.61 which item is now available as a revenue from the Body Armor Grant pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED, that the like sum of \$4,381.61 is hereby appropriated under the caption of the Body Armor Grant, and

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution with enclosures to the Director of the Division of Local Government Services.

RESOLUTION NO. 244-13

WHEREAS, Gregory Powers was designated for FMLA leave beginning on October 14, 2013 and it was anticipated that he would not return to work until December 6, 2013; and

WHEREAS, by Resolution No. 209-13, the Borough of Roselle Park confirmed Mr. Powers' FMLA leave; and

WHEREAS, Mr. Powers was required to supply the Borough with a fitness-for-duty certificate from his healthcare provider in order for him to return to work; and

WHEREAS, Mr. Powers supplied the Borough with a fitness-for-duty certificate from his healthcare provider dated November 25, 2013; and

WHEREAS, Mr. Powers' fitness-for-duty certificate indicates that he is fit for duty and that he is able to perform the essential functions of his job.

NOW, THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Roselle Park hereby confirms that Gregory Powers is fit for duty and that he can perform the essential functions of his job; and

BE IT FURTHER RESOLVED that Mr. Powers' FMLA designation shall terminate effective December 2, 2013 and that Mr. Powers shall return to his regular employment with the Borough on said date; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

RESOLUTION NO. 245-13

BE IT RESOLVED that Kyle Dugan, 321 Seaton Ave, Roselle Park, New Jersey, be and is hereby appointed to the position of Class I Laborer for the Roselle Park Department of Public Works, effective January 6, 2014, to be compensated at the rate of \$44,112.80 per annum, as set forth by Borough Ordinance, for a six month probationary period pending pre employment processing.

RESOLUTION NO. 247-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the contract for the Rehabilitation of Storm Damaged Curbs/Sidewalks and Restoration Project was constructed by PA Contractors, Inc. of 105 Davis Avenue, Kearny, NJ 07032 in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The Contractor having supplied a 25% Guarantee Bond for a period of two (2) years from October 5, 2013. The said construction is hereby accepted and final payment in the amount of Seven Hundred Twenty One Dollars and Eight Cents (\$721.08) is hereby approved.

RESOLUTION NO. 249-13

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 \$35,817.51 payable to M & P Retirement Plan for redemption of TSC #10-003 on Block 110/Lot 16 (otherwise known as 327 Lincoln Ave., W., Roselle Park, N.J.) and assessed in the name of C & Clare C. Bulger.

BE IT FURTHER RESOLVED that the Collector issue a check in the amount of \$5,600.00 from the Collector’s Premium Account.

<input type="checkbox"/> Vote Record – Resolutions #242-13 to #245-13, #247-13 & #249-13					
		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 Yakubov; seconded by Councilman Casais.

RESOLUTION NO. 240-13

**REQUESTING PERMISSION FOR THE DEDICATION BY
RIDER FOR ACCUMULATED ABSENCES LIABILITY TRUST FUND
REQUIRED BY NJAC 5:30-15**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, The NJAC 5:30-15 provides for receipt of funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Accumulated Absences Liability Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Mayor and Council of the Borough of Roselle Park does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Accumulated Absences Liability Trust Fund allowed by NJAC 5:30-15.
2. The Municipal Clerk of the Borough of Roselle Park, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

<input type="checkbox"/> Vote Record – Resolution #240-13					
		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 Yakubov; seconded by Councilman Casais.

RESOLUTION NO. 241-13

**REQUESTING PERMISSION FOR THE DEDICATION BY
RIDER FOR SNOW REMOVAL RESERVE TRUST FUND REQUIRED
BY PL2001, C.138 AND NJS 40A:4-62.1**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and,

WHEREAS, PL2001, C.138 and NJS 40A:4-62.1 provides for receipt of funds by the municipality to provide for the operating costs to administer this act; and,

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Snow Removal Reserve Trust Fund are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

3. The Mayor and Council of the Borough of Roselle Park does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Snow Removal Reserve Trust Fund allowed by PL2001, C.138 and NJS 40A:4-62.1.
4. The Municipal Clerk of the Borough of Roselle Park, County of Union is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

<input type="checkbox"/> Vote Record – Resolution #241-13					
		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 Yakubov; seconded by Councilman Casais.

RESOLUTION NO. 246-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Nicholas Vaughan from the position of Police Officer for the Roselle Park Police Department, effective December 9, 2013, be and is hereby accepted.

WHEREAS, as Nicholas Vaughan is entitled to certain compensation as indicated in the Borough of Roselle Park Police Agreement which includes accumulated sick, personal and vacation days; and

WHEREAS, it has been agreed by the Mayor and Council of the Borough of Roselle Park and Nicholas Vaughan that the above compensation will be paid as follows:

<u>Description</u>	<u>Amount of Days</u>	<u>Daily Rate</u>	<u>Amount Due</u>
Vacation Days for 2013	10	\$350.11	\$ 3,501.10
Personal Days for 2013	1	\$350.11	\$ 350.11
Comp Time for 2013	441.24 Hours	42.1425	\$18,594.96
Holidays for 2013	5	\$350.11	\$ 1,750.55
2014 Vacation Days (18 days prorated for 11 1/3 months) 17		\$350.11	<u>\$5,951.87</u>
Total Due			<u>\$30,148.59</u>

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Chief Financial Officer is hereby directed to pay Nicholas Vaughan the entitled compensation at the above schedule.

Councilman Hokanson said Officer Vaughn was very dedicated, and knew Roselle Park well.

<input type="checkbox"/> Vote Record – Resolution #246-13					
		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 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"/>
	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 Yakubov; seconded by Councilman Casais.

RESOLUTION NO. 248-13

Whereas, the Borough of Roselle Park (the “Borough”) and Roselle Park PBA Local 27 (the “PBA”) (collectively “the parties”) are subject to an Interest Arbitration Award which provides the terms for a successor collective negotiations agreement; and

Whereas, the parties’ collective negotiations agreement contains an Article 26 concerning police promotions; and

Whereas, the parties wish to amend Article 26 in accordance with this Sidebar Agreement and have these changes incorporated into the Parties successor collective negotiations agreements.

Now therefore be it resolved, the parties agree as follows:

1. The PBA waives the provisions contained in Article 26, "Promotions." In exchange, the Borough agrees that the Chief of Police, in his sole discretion and consistent with law, shall recommend individuals for promotion, subject to the consideration of the Borough Council.

2. The Chief of Police, in his sole discretion and consistent with law, shall make recommendations for the hiring of police personnel to the Mayor and Council, who pursuant to state statute are the appointing authority of the Borough, subject to approval of the Borough Council.

3. The Chief of Police shall establish a promotional procedure for promotion to the rank of sergeant. When the promotional procedure for the rank of sergeant is complete and a list of candidates has been established, that list shall remain in effect for a period of three (3) years from the time of the first promotion from that list.

4. Except as modified by this Sidebar Agreement, all provisions of the existing agreement shall continue in full force and effect.

Councilman Hokanson said he is very pleased that this agreement came about by the PBA and the Chief of Police. The PBA has the ability to let Chief Morrison make the promotions which have been very fair and honest.

<input type="checkbox"/> Vote Record – Resolution #248-13		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	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"/>

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

ACTING MAYOR MIRANDA

- Appointment of Travis Literate, 622 Larch Street, Roselle Park as a member of the Roselle Park Fire Department, effective January 1, 2014, to be assigned to the Faitoute Hose Company.

Councilman Casais said they will need a new recycling calendar for next year because this one will expire. He said he will be happy to work with anyone on that.

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

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

- Litigation – Stender vs. Roselle Park
- Litigation – Equipment Rental vs. Roselle Park.
- Litigation – Guiducci vs. Roselle Park
- Litigation – Suburban Disposal vs. Roselle Park
- Litigation – Selecky vs. Roselle Park

RESUME REGULAR ORDER OF BUSINESS

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

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

- Litigation – Stender vs. Roselle Park
- Litigation – Equipment Rental vs. Roselle Park.
- Litigation – Guiducci vs. Roselle Park
- Litigation – Suburban Disposal vs. Roselle Park
- Litigation – Selecky 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