

Regular Meeting of Mayor and Council April 21, 2005

PRESENT: Mayor DeIorio; Councilmembers Badillo, Harms, Murphy, Matarante, Zeglarski and Rubilla; Borough Attorney Bill Lane

ABSENT: None

Mayor DeIorio called the meeting to order at 7:30 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 Arlene Triano read a short prayer followed by the Pledge of Allegiance.

COMMUNICATIONS & PETITIONS

Request from residents on Park Place and W. Clay Avenue to hold a Block Party on Saturday, June 25th from 1:00 p.m. until 10:00 p.m., with a rain date of July 2, 2005. This has the approval of the Police Department. (Referred to Council).

Councilman Rubilla moved to grant permission for a Block Party on Park Place and W. Clay Avenue on Saturday, June 25th from 1:00 p.m. until 10:00 p.m., with a rain date of July 2, 2005; seconded by Councilman Harms and adopted.

Ordinance amending the Code of the Township of Cranford, Chapter 136 (Land Development), to provide for sidewalk or sandwich signs in business zones and to prescribe regulations therefore. (Received and filed).

Resolution from the Township of Lumberton supporting Senate Bill S-1023 and Assembly Bill A-1835 which would require the State to reimburse municipalities for property taxes for exempt disabled veterans. (Received and filed).

Request from the Roselle Park Republican Municipal Committee requesting use of the Gazebo on July 9th, Aldene Park on July 30th, and Acker Park on August 20th for the purpose of hosting "Family Fun Days". (Referred to Council).

Councilman Badillo moved to grant permission to the Roselle Park Republican Municipal Committee to use the Gazebo on July 9th, Aldene Park on July 30th and Acker Park on August 20th for the purpose of hosting "Family Fun Days"; seconded by Councilman Harms and adopted.

Request from the Recreation Committee for approval to change application fees for basketball and wrestling. (Referred to Council).

APPROVAL OF MINUTES

Councilman Matarante moved that the reading of the minutes of the Executive Session of February 3, 2005, the Regular Meeting of February 17, 2005, the Executive Session and Special Meeting of March 3, 2005, the Regular Meeting of March 24, 2005 and the Closed Session Meeting of April 7, 2005, be dispensed with as all members have received copies and they be approved as recorded; seconded by Councilman Harms and adopted.

BUDGET RESOLUTION

The following resolution, regarding the 2005 Municipal Budget, was offered by Councilman Murphy and seconded by Councilman Matarante. (See app. pg. #).

Roll called, all members voting Aye, said resolution was adopted.

Mayor DeIorio said tonight Council will be introducing the 2005 Municipal Budget. He said for the past 3 months the Governing Body and the Borough Departments have been preparing the Municipal Budget for the fiscal year 2005, but although Council only controls 28% of the property tax rate they can ensure the public that they have reviewed and questioned each and every line item. He said in most cases they met with Borough Departments, and tonight the Governing Body will introduce a no frills budget that will provide the necessary services for residents and at the same time imposes cuts to non-essential expenditures without harming the safety and general welfare of the community.

He said some of the more noticeable cuts for 2005 will be the elimination of the July 4th Fireworks Program and the holiday lighting and decorating during the winter months, although these community activities build pride, these cuts alone will save approximately \$30,000.00 to our fiscal year. He said other proposed reductions include a 70% cut to the annual sidewalk replacement program, elimination of the purchase of trees, cuts to the Farmer's Market Program and elimination of the car show. He said in addition they have slashed over 70% of the capital budget requests which include a moratorium on any new street construction projects. He said other reductions include cuts to Mayor and Council expenditures including a rollback of their salaries to the year 2004. He said shuttle bus expenses have been cut and new initiatives such as improvements to the website and the services that would have been provided have also been eliminated. He said they will also be using more surplus, returning the surplus back to the taxpayers, and anticipate revenues from the installation of a new cell tower. He said the Mayor and Council budget was not spared by the budget cuts, while Borough Officials benefit from educational programs which in turn help us keep current with the new laws and regulations and innovative solutions to municipal problems, this year they cannot afford to incur such an expense. Therefore, expenditures for conferences and

workshops for the Governing Body have been eliminated and similar expenditures for municipal employees and volunteers not associated with the State mandated continuing education unit courses have also been eliminated. He said those cuts were not without debate but forced Council to re-examine their initial proposed budget. He said when faced with a school budget which produced a 40 point increase and a County budget with a property tax increase in the double digits, they had little choice but to make these difficult decisions.

Mayor DeLorio said when added together, this is the worst budget year all around between the school, county and municipality in his 15 years as a public official. He said due to the State leaders lack of financial responsibility to suburban communities, especially the municipal governments and schools, we have been placed in a situation to institute these cuts, eliminate and further reduce several annual community programs as indicated previously. Although the Governing Body initially faced more than a 30 point tax hike when they first started this process, tonight's introduced budget reviewed, reworked and revised has resulted in a 15 point increase, \$97.50 to the average property taxpayer. He said the introduced budget with spending cuts will not jeopardize the safety and health of the community, but will force Council to seek new sources of revenue to sustain those programs. Mayor DeLorio said because of Council's hard work they have already received donations to reinstate the car shows and also to prepare ourselves for future fireworks. It is important to note that by looking at new sources of revenue and by requesting sponsorships for many of these programs, will keep financial stability for future years to come.

He said the budget process cannot end tonight, and said tonight he is asking the Governing Body to consider two action items. He said one is to introduce at the next meeting a resolution to memorialize our budget intentions, our budget cuts, proposals to review insurance costs and additional means to self-sustain on-going community programs. He said, in addition, it was ironic that the State of New Jersey continues to send millions of dollars of our school aid to urban districts, cut aid to our municipalities and impose more mandates than ever before. He said ironically the State says they are tightening their belts, but what they really need is to go on a diet. Secondly, he said he would like to introduce a resolution to build community awareness about the State's lack of financial commitment, not only to Roselle Park, but similar suburban communities Statewide, to build coalitions with other communities across the State, and carry the message to State leaders to the front steps of the Statehouse and the Governor's Office with a simple message, "property tax fairness and reform now".

Mayor DeLorio said for the past months Council has collectively worked on the 2005 municipal budget and, as he has said in the past, this is not a Republican or Democrat budget but a budget produced collectively at all levels of municipal Government. He commended each and everyone sitting on the Governing Body and the many departments working diligently on the municipal budget. The Mayor reiterated that this has been a difficult budget year and will be a budget year that is fiscally sound, this will be a no frills budget that will provide necessary services for residents without harming the safety and general welfare of the community. He said if Council had any

further comments he would entertain those and then vote on the introduction of the municipal budget. Mayor DeIorio thanked everyone for their patience and said it was good to see so many people in the audience.

Councilman Zeglarski said he would adopt everything the Mayor said but wanted to give a little story. He said about 3 years ago he went to a meeting in Roselle where a gentleman was talking about something pretty revolutionary which was the property tax convention. He said the Constitutional Convention to Reform Property Taxes was a joke. He said they claimed it would never be a serious option because the people who get squeezed by property taxes in New Jersey are middle income districts and often were very unorganized. He said it was a very passionate meeting but he was always told that they would go nowhere. Councilman Zeglarski said over the last 3 years there has been a really big movement in New Jersey to transform the tax system. He said right now this group gets the short end of the stick and they should really get motivated and get mad. He said it is up to the town and residents to really put their collective voice together, write letters and talk to their legislators. He said the Governing Body does their best to pass resolutions and complain to fellow politicians, but their voice does not count as much as individual and collective voices. Councilman Zeglarski said if you really want change and really want to pay a fairer tax not just less of a tax levy, get mad and get motivated.

Councilman Murphy said as taxpayers we should all be angry as to what is happening in the State of New Jersey, but also when you do take the initiative and write your letters and band together and talk about a constitutional amendment keep in mind that there are two sides of a budget. He said it is both the income and expenditures and what he has been hearing is just a constitutional amendment to reform the income side of the house. He said what that means basically is let's find another way to create another tax to relief another tax. Councilman Murphy said a true constitutional amendment would look at everything, both income as well as expenditures. He said there is no sense in even talking about a constitutional amendment if you are not going to seriously look at the expenditure side of the house. He said this Mayor and Council has in their own right looked at both sides, the income and expenditure side and he felt the same responsibility should be held with all areas of Government, both the County and the State, and then you will have true tax reform.

Councilman Matarante said as most people are aware the school budget failed on Tuesday, and he agreed with Councilman Zeglarski about getting angry and getting ready to have a march in Trenton like the Mayor said. He said a couple of weeks ago in one section of the Star Ledger they had a section where you can make your own State Budget. He said they had the Governor's proposed budget, but he did not get past the 3 line items because that was where he got mad. He said the first thing it said was that the education portion of the State budget was 40% of the entire budget, and the first line item said the 618 school districts in the State of New Jersey minus the 31 abbot districts. He said that equates to 587 school districts who received 1.5 billion dollars in aid from the State, and the proposed budget from the Governor showed no proposed increase or decrease. He

said he was okay with that. He said the next line item was the 31 abbot districts which are primarily urban lower income districts throughout the State of New Jersey. He said

they were proposed last year to get 3.6 billion dollars in aid and the proposal was for another 150 million dollars increase to that. Councilman Matarante said all the money is going to these abbot districts. He said he has spent a lot of time in the abbot districts refereeing sports, and it pains him when towns like Roselle Park cut sports and cities like Newark buy new uniforms every year and goes to every possible conference. He said he went to Elizabeth for a football scrimmage a few years ago and their football socks were basically the same as the referees. He said the coach gave him a bag of about 1,000 socks because they didn't need them but said they had to spend the money. Councilman Matarante said that all communities in the State of New Jersey should be angry. He said last year an Assemblyman from Newark took about 100 people to Trenton complaining that the abbot districts weren't getting enough money. He said with that number of people he was able to convince them to get an additional amount of aid. He said in the same newspaper there was an article about the Newark Board of Education contemplating taking the Sabazz Girl's Basketball Team to the Caribbean because they won a State Championship. He said he was fed up but he was only one person and they needed to put an organized rally together. He said letters were great but nothing works better then getting the media involved and taking a busload of people, going to Trenton and being really angry to show State politicians that this is getting ridiculous. Councilman Matarante said this is becoming a State that only the wealthy and poor are going to be able to live in because we are getting squeezed and it is wrong. He said he would like to get people motivated and join with other towns to do something that will hopefully have an affect.

INTRODUCTION OF THE 2005 MUNICIPAL BUDGET

The Clerk read a resolution introducing the 2005 Municipal Budget as follows:

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for year 2005:

BE IT FURTHER RESOLVED, that said Budget be published in the Roselle Park Leader in the issue of May 5, 2005.

The Governing Body of the Borough of Roselle Park does hereby approve the following as the Budget for the year 2005;

Notice is hereby given that the Tax Resolution was approved by the Mayor and Council of the Borough of Roselle Park, County of Union on April 21, 2005.

A Hearing on the Budget and Tax Resolution will be held at Borough Hall, on May 19, 2005 at 7:30 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2005 may be presented by taxpayers or other interested persons.

General Appropriations for:	
Appropriations within "CAPS"	
Municipal Purposes	\$ 7,451,209.61
Appropriations excluded from "CAPS"	
Municipal Purposes	3,639,971.46
Total General Appropriations	
Excluded from "CAPS"	3,639,971.46
Reserve for Uncollected Taxes-Based on Estimated	
97.53% of Tax Collections	650,000.00
Total General Appropriations	11,741,181.07
Less Anticipated Revenues Other Than Current Property Tax	
(i.e., Surplus, Miscellaneous Revenues and Receipts from	
Delinquent Taxes)	3,761,894.53
Difference: Amount to be Raised by Taxes for Support of	
Municipal Budget	
Local Tax for Municipal Purposes	
Including Reserve for Uncollected Taxes	7,979,286.54

Councilman Murphy moved to introduce the 2005 Municipal Budget; seconded by Councilman Matarante.

Roll called, all members voting Aye, said budget was approved for introduction.

PAYMENT OF BILLS

The following routine bills listed on a consent agenda were offered by Councilman Murphy and seconded by Councilman Matarante.

Current Account Cks. #4691-4812 (Void 4611, 4658, 4652) #90117-90121

2004 Reserve	\$ 59,281.95	
2005	2,058,836.35	
Reserve for Grants	<u>18,902.46</u>	2,137,020.76

Capital Account Cks. #260-267 50,576.91

Animal Control Trust Account Cks. #134-136

Animal Control Trust Account	3,364.54	
Roselle Park Payroll Debit 04/15/05	<u>51.44</u>	3,415.98

Recreation Trust Account Cks. #195-197 840.50

Sewer Utility Account Cks. #251-258

Sewer Utility Account	2004	600.00	
Sewer Utility Account	2005	89,185.99	
Blue Cross/Blue Shield		2,414.60	
U.S. Healthcare		1,722.69	
Debt Service		32,700.00	
Roselle Park Payroll Debit	04/01/05	13,147.59	
Roselle Park Payroll Debit	04/15/05	<u>11,300.70</u>	151,071.57

Hud Trust Account Cks. #194-197

Hud Trust Account		762.89	
Roselle Park Payroll Debit	04/01/05	1,042.64	
Roselle Park Payroll Debit	04/15/05	<u>936.28</u>	2,741.81

Trust Others Account Ck. #29

Trust Others Account		1,364.00	
Roselle Park Payroll Debit	04/01/05	5,586.51	
Roselle Park Payroll Debit	04/15/05	<u>1,142.76</u>	8,093.27

Public Assistance Trust Cks. #991-1003 3,716.00

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Roll called, all members voting Aye, said resolutions were adopted.

APPROVAL OF TREASURER'S REPORT

Councilman Matarante moved that the Treasurer's Report for March 31, 2005, be accepted and spread upon the Minutes with the exception of the budget detail; seconded by Councilman Harms and adopted. (See app. pg. #).

PRESENTATIONS

Mayor DeIorio said the first presentation tonight goes to Mrs. Gugger's 5th Grade students for their "Essays on Roselle Park". He invited them to the dais and asked the Council liaisons to join him in helping to distribute the certificates. Councilman Matarnate said the essays were not only a credit to the students, their teacher and Aldene School, but something the whole district should be proud of. Mrs. Gugger thanked all of the Mothers, Fathers and Grandparents that were in the audience. Certificates of Appreciation were distributed to Kevyn Bretanes, Ozlen Celik, Jonathan Equisquia, Chidera Ekweghariri, Aliyah Gafoor, Christian Garcia, Davi Heim, Sebastian Jiminez, Matthew Keller, Tomasz Kociolek, Felicia Maisuria, Lorraine Mazzeo, Heer Patel,

Megha Patel, Nicole Ponguta, Jonathan Recio, Ashley Stachelski, Stephanie Taluba, Baljeet Tooray, Jack Tubbert, Allison Visconti and Sarah Zebro for their excellent informational essays about the Borough of Roselle Park. Mayor DeIorio presented a Certificate of Appreciation to Aldene School Teacher, Mary Lou Gugger, for the wonderful job her 5th Grade Class did on their essays.

Mayor DeIorio said the next group of presentations are again highlighting the youth of our community. He said a few weeks ago there was another program that awarded recognition to several of our young people through the Boys & Girls Club “Best of the Best” program. He invited Councilman Murphy and those awardees to the dais. Mayor DeIorio said as part of the working arrangement with the Youth Center and the Boys & Girls Club they have the opportunity to highlight some of the Borough’s young people and the things they have done for our community. He said the people behind him tonight are an example of those fine young people and are the future leaders of not just our community but of our County. He said he was able to attend that event and was very proud to see so many young people from Roselle Park compared to the other communities. Mayor DeIorio presented Certificates of Achievement to Shannon Lanfranca for being awarded “Buddy of the Year” by the Boys & Girls Club of Union County, Eric Jimenez for being awarded “Junior of the Year” by the Boys & Girls Club of Union County, Bryant Flores for being awarded “Sportsman of the Year” by the Boys & Girls Club of Union County, Christian Califano as Youth of Year Candidate “Merit Award Winner” by the Boys & Girls Club of Union County, Raymond Tucci as Youth of Year Candidate “Merit Award Winner” by the Boys & Girls Club of Union County, and Michael Tumblety as Youth of Year Candidate “Merit Award Winner” by the Boys & Girls Club of Union County. Michael Tumblety, President of the Boys & Girls Club of Roselle Park, said the Keystone Club has worked very hard raising money for victims of the Tsunami. He said they spoke about their goals of raising \$2,000.00 and Councilman Murphy convinced them they were capable of raising more. He said with the help of Councilman Murphy and Rotary they set the goal of \$5,000.00. He said, with Rotary matching what they made, they ended up raising more than the \$5,000.00.

Mayor DeIorio said unfortunately David Ardente, owner of Donato Florist, was not able to be there tonight. He said this resolution was offered by Fourth Ward Councilman Loren Harms. Mayor DeIorio said Donato Florist was established in 1924 across the street from the present Roselle Park Borough Hall and in 1981 moved to the West Side of town near the Church of Assumption. He said for over 35 years the business has been run by the Ardente Family and is presently run by David Ardente. Mayor DeIorio read the resolution, on behalf of the Governing Body and all residents, extending David and his family congratulations and extended best wishes for many years of continued success in Roselle Park. He turned the resolution over to Councilman Harms to present to Mr. Ardente.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Harms moved, at 8:25 p.m., to interrupt the regular order of business for a 5 minute recess; seconded by Councilman Badillo and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Badillo moved, at 8:30 p.m., to resume the regular order of business; seconded by Councilman Matarante and adopted.

PUBLIC COMMENT

Jacob Magiera, 612 Sheridan Avenue, said there are many street lights out around the Borough and asked if Public Service has been notified. Mayor DeIorio noted that if Mr. Magiera had the pole numbers it would expedite matters. He asked if Mayor and Council was going to take the 30% cut in pay. He spoke about an article in The Leader regarding spending and the Mayor's comments about the State of New Jersey going on a diet. Mr. Magiera said for years he has been saying to tighten their belts and bite the bullet. He said down the road the time will come when the jump in residential values will force even the most reluctant municipality to re-evaluate. He referred to a newspaper article in which the Mayor stated that Roselle Park values of homes have gone up. Mr. Magiera said he would go by a low figure saying 50 to 70 percent; Mayor DeIorio said he believed the figure was 40% but was the highest for that year in the County. Mr. Magiera said re-evaluation is probably the only word more obscene to the local official than tax increases. He suggested a feasibility study for a re-evaluation in Roselle Park, saying it will eliminate tax appeals. Also, he said to keep in mind a 30% cut in pay, 30% cut in pensions and 30% co-pay for those getting benefits. He said if the senior citizens and taxpayers have to bite the bullet and tighten their belts in these very difficult economic times, then certainly our government is the responsible people to lead the way.

There being no one else wishing to speak, Councilman Matarante moved, at 8:45 p.m., to close the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

PASSAGE OF ORDINANCES

Second Reading & Public Hearing

An Ordinance (#2149) entitled, "AN ORDINANCE AMENDING CHAPTER 109-7 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING THE FIRE PREVENTION BUREAU", was brought up and read by title only on its second reading and public hearing.

Councilman Matarante moved that the public hearing on Ordinance #2149 be opened; seconded by Councilman Badillo and adopted.

There being no one wishing to speak, Councilman Matarante moved to close the public hearing; seconded by Councilman Badillo and adopted.

Councilman Matarante moved that Ordinance #2149 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo.

Roll called, all members voting Aye, said ordinance was adopted.

An Ordinance (#2150) entitled, "AN ORDINANCE AMENDING CHAPTER 47-24 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING BENEFITS FOR NON-CONTRACTUAL EMPLOYEES", was brought up and read by title only on its second reading and public hearing.

Councilman Matarante moved that the public hearing on Ordinance #2150 be opened; seconded by Councilman Harms and adopted.

Mr. Magiera, 612 Sheridan Avenue, questioned paragraph D which states that the Assistant Superintendent of Public Works shall be entitled to all the most generous vacation, holidays, personal time and sick leave provided in the Public Works collective bargaining agreement. He said this covers the Borough Clerk, Assistant of Public Works and Police Captain subject to limitations of paragraph G, all non-contractual employees (supervisory and non-supervisory), will be entitled to the most generous health insurance coverage and benefit coverage provided. When asked what that meant, Mayor DeIorio said the ordinance he was reading amends an ordinance that was created in 1995. He said the wording Mr. Magiera was reading before them was created in 1995 to indicate that if a contract is passed for example by the PBA, the Clerical or the Public Works Unions, that those benefits would also be given to the supervisory employees of those particular departments. Mayor DeIorio said in essence there is no discrimination against one particular class of employee versus another class. Mr. Magiera asked if in 1995 they had the wording "most generous" and the Mayor said yes. Mr. Magiera asked if it included the Police Chief because he did not see him listed, and Mayor DeIorio said he would have the Borough Attorney respond.

Borough Attorney Bill Lane said he was covered elsewhere. He said this ordinance is intended to reduce the benefits to all supervisory non-contractual employees. He said under the old ordinance that goes back to the mid 90's when every supervisor was to receive all of the benefits and not a reduction of those benefits. He said all non-contractual employees hired on or after January 1, 1999 will be required to contribute 10% percent towards the cost of medical insurance coverage. Mayor DeIorio said this particular ordinance will be used as a bargaining tool to try and institute a co-pay with union employees. He said this ordinance moves in the direction of co-pays for Borough employees, which is something that Council all agree on. Mayor DeIorio said if he had the ability legally to institute a co-pay throughout the entire Borough he would do so but being the current contracts do not have that this is a tool that, can be used for not only non-contractual employees and newly hired but to move in the direction of a co-pay within the contractual unionized employees.

Mr. Magiera asked what the average cost was per employee for their medical benefits. Finance Officer Greg Mayers said there are 3 types single, husband and wife,

family plan, and parent and child. He said there is a HMO plan and a traditional plan the cheapest plan being the HMO for a single person which is in the neighborhood of \$350.00 per month or \$4,200.00 a year. Mr. Magiera asked how much it would cost for the highest plan and Mr. Mayers said that would be the traditional family plan and estimated the figure to be about \$8,000.00 a year. Mr. Magiera read paragraph H all non-contractual employees may opt not to receive health insurance coverage as described in paragraphs F and G and asked what the meant. Mayor DeIorio said paragraph H relates to an option for non-contractual employees to receive health insurance coverage which is actually a stipend in lieu of health insurance coverage and is currently \$5,000.00. Greg Mayers noted that is only slightly more then the cheapest plan for a single person. He said at the same time if a person is covered under another persons insurance and they have a claim that claim does not get rated when the insurance company evaluates a client by risk. Mr. Magiera asked if Mayor and Council received medical benefits and Mayor DeIorio said the Governing Body does not receive any medical benefits.

There being no one else wishing to speak, Councilman Matarante moved to close the public hearing; seconded by Councilman Harms and adopted.

Councilman Matarante moved that Ordinance #2150 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

Roll called, all members voting Aye, said ordinance was adopted.

An Ordinance (#2151) entitled, "AN ORDINANCE AMENDING SECTION 29 OF CHAPTER 170 OF THE CODE OF THE BOROUGH OF ROSELLE PARK FOR THE PURPOSE OF ESTABLISHING THE RATE OF CHARGES FOR SEWER USERS IN THE BOROUGH", was brought up and read by title only on its second reading and public hearing.

Jacob Magiera, 612 Sheridan Avenue, asked how much the sewer charges were going to be. Mayor DeIorio referred the question to the Chief Financial Officer. Greg Mayers said the utility charge was based on the readings they get for water consumption from the water company. He said it is \$1.75 which is based on 100 cubic feet of consumption and within that 100 cubic feet there is 748 gallons of water. Mr. Magiera asked if that was how the sewer charges will be determined. Mr. Mayers said it is based on the previous calendar years consumption and the 4 readings they make throughout the year. Mr. Magiera said he thought the sewer charges were coming down. Mayor DeIorio said he may have misread that portion. He said there have been some serious increases with the Rahway Valley Sewerage Authority. He said some capital projects that they have imposed onto the member municipalities that are unfair, but they insist that those are necessary measures of treatment of sewerage as part of any EPA/DEP requirements.

There being no one else wishing to speak, Councilman Matarante moved to close the public hearing; seconded by Councilman Badillo and adopted.

Councilman Matarante moved that Ordinance #2151 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

Roll called, all members voting Aye, said ordinance was adopted.

An Ordinance (#2152) entitled, "CHAPTER 92 OF THE BOROUGH CODE OF THE BOROUGH OF ROSELLE PARK IS HEREBY AMENDED TO ESTABLISH A REVISED FEE SCHEDULE FOR CONSTRUCTION AND INSPECTION FEES IN THE BOROUGH OF ROSELLE PARK", was brought up and read by title only on its second reading and public hearing.

Councilman Matarante moved that the public hearing on Ordinance #2152 be opened; seconded by Councilman Harms and adopted.

Jacob Magiera, 612 Sheridan Avenue, asked if the Borough Attorney could give his opinion on the bulletin he gave him 96-1. Mr. Lane said it is a bulletin and not an ordinance, statute or legislation from 1996, when the Department of Community Affairs was offering their opinion that Code Officials could be held personally liable in the event they offer opinions of whether the services were overpriced or the like. He said he disagreed with this opinion and felt there was probably protection under the NJ Tort Claims Law for anybody. Mayor DeIorio apologized for interrupting but asked what that had to do with establishing revised fees. Mr. Lane said it had nothing to do with it, but wanted to volunteer the fact that he respectfully disagree with it and if given the authority they can offer that opinion.

There being no one wishing to speak, Councilman Matarante moved to close the public hearing; seconded by Councilman Harms and adopted.

Councilman Matarante moved that Ordinance #2152 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

Mayor DeIorio stated that this ordinance and the diligent work of our Code Department will bring us into par with many of the other surrounding communities when it relates to requiring permits. He said in his budget address the Governing Body needs to seek additional sources of revenue by bringing us up to 2005 rates when acquiring a permit. He said this will help in the long run to increase additional revenues which will eventually ease the burden of property taxes for residents of the Borough.

Roll called, all members voting Aye, said ordinance was adopted.

An Ordinance (#2153) entitled, "AN ORDINANCE AMENDING CHAPTER 19-8 AND CHAPTER 128-120 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING CERTIFICATES OF OCCUPANY AND SMOKE DETECTOR CERTIFICATES", was brought up and read by title only on its second reading and public hearing.

Councilman Matarante moved that the public hearing on Ordinance #2153 be opened; seconded by Councilman Harms and adopted.

There being no one wishing to speak, Councilman Matarante moved to close the public hearing; seconded by Councilman Harms and adopted.

Councilman Matarante moved that Ordinance #2153 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

Roll called, all members voting Aye, said ordinance was adopted.

Introduction

An Ordinance (#2154) entitled, “AN ORDINANCE FOR CALENDAR YEAR 2005, ESTABLISHING A CAP BANK (N.J.S.A. 40A:4-45.14)”, was introduced and read by title only on its first reading. (See app. pg. #).

Councilman Matarante moved that Ordinance #2154 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on May 19, 2005; seconded by Councilman Harms.

Roll called, all members voting Aye, said motion was adopted.

RESOLUTIONS

The following routine resolutions, listed on a consent agenda, were offered by Councilman Matarante and seconded by Councilman Harms. (See app. pg. #).

- #72-05 – Authorizing the purchase of commercial natural gas pursuant to Union County Cooperative Pricing Agreement
- #73-05 – Authorizing application for reconstruction of Madison Avenue from Sheridan Avenue to Magie Avenue as part of the New Jersey Department of Transportation Grant
- #74-05 – Accepting bid of JESCO for the purchase of a front end loader (96,022.00)
- #75-05 – Accepting Final Change Order with Jenicar Builders Contractors for the reconstruction of Chester Avenue – Contract I from Seaton Avenue to Webster Avenue (\$7,601.27)
- #76-05 – Accepting Final Change Order with Jenicar Builders Contractors for the reconstruction of Chester Avenue – Contract II from Webster to Lincoln Avenue (\$2,653.22)

Roll called, all members voting Aye, said resolutions were adopted.

Resolution #77-05, extending term of Acting Detective Sergeant in the Police Department, was offered by Councilman Matarante and seconded by Councilman Badillo. (See app. pg. #).

Councilman Matarante said he asked to have this pulled only because he had it added late and wanted everyone to know it was not in the original packet. He said this was added because the original resolution for the Acting Detective Sergeant expires at the end of this month.

Roll called, all members voting Aye, said resolution was adopted.

MATTERS FOR REFERRAL

Mayor DeIorio said he had one item to refer to committee at a future date regarding a memo received from the NJ State League of Municipalities regarding a meeting the executive board had with U.S. Attorney Chris Christie to discuss how the league could work with the United States Attorney's Office to offer seminars, training and ethics issues that seem to be facing all levels of Government. He said the League currently is working on additional conferences and workshops and are having several in the Spring. He said, as a means to continue their on going ethics training, he called the League today and spoke with one of the staff members and asked if they could provide any assistance in updated legislation issues regarding ethics. He said they had a good conversation and worked on asking the Union County League of Municipalities to host a ethics seminar or workshop for elected officials, and by doing it that way, there would be no charge. He said he was shooting for June or September and the League will provide a staff person to address ethics issues.

Councilman Murphy said he had one item to discuss in closed session regarding clarification of a recently passed ordinance involving a personnel matter. He said the clarification he would like to make involves the Parking Enforcement/Deputy Code Enforcement position and whether to use the word minimum and maximum when dealing with hours to perform their task.

Councilman Harms said he had no matters for referral at this time.

Councilman Matarante moved to grant a raffle license to the Church of the Assumption for an on-premise nightly 50/50 drawing to be held on June 2, 3, 4 and 5, 2005; seconded by Councilman Harms and adopted.

Councilman Matarante moved to grant a raffle license to the Church of the Assumption for a non-draw raffle to be held on June 2, 3, 4 and 5, 2005; seconded by Councilman Harms and adopted.

Councilman Matarante moved to grant a raffle license to the Roselle Park Community Center Association for an on-premise 50/50 raffle to be held on June 18, 2005 and September 17, 2005; seconded by Councilman Harms and adopted.

Councilman Matarante said he received in the mail a fourth step grievance and asked the Borough Clerk to disseminate it to the Human Resources Committees. He said the Dad's Club Golf Tournament will be held on May 15th. Councilman Matarante said he had one closed session item regarding the contract and lease agreement with the Board of Education.

Councilman Rubilla said he is participating in the Celebrity Boxing Match on Saturday night April 30th. He said the Westfield Boxing Association will be hosting a Celebrity Fight Night Dinner which will include Former #1 Heavyweight Champion Gerry Cooney vs. Senator District 21 Tom Kean, Jr. Councilman Rubilla said this is for a good cause to help a woman in Winfield Park whose brother is a Police Officer in Westfield. He said she is on experimental chemotherapy for ovarian cancer and the insurance company will not cover the treatment and this will help to raise funds.

Councilman Badillo said he would be talking to high school wrestling coach John Raneri to get the names of the wrestlers to honor them on their County Championship and placing second in the District 10. He said he also wanted to acknowledge Joey Blackford, Troy McDermott and Brain Swick for making it to the States in Atlantic City and wanted to invite the wrestlers to a future Council meeting. Councilman Badillo said everyone has made eloquent speeches and great points about the budget, and what the State is doing and how they are mandating things, but one of the things that have not been said about our community is thank God for all the volunteers out there, because Roselle Park is one of the few towns in Union County that still has a volunteer Recreation Department, Fire Department, First Aid Squad, OEM, Pop Warner, Cheerleaders, Dads Club, Auxiliary, Keystone, Soccer, Rotary Club, etc. and apologized for not being able to mention them all. He said these people put in a lot of time and defer a lot of cost to our community. He said just the Fire Department alone would probably cost a couple of million dollars a year. He said it is time for people to get angry because there are a lot of hardworking blue collar workers to make this a great community, and it is time to start telling our officials to stop spending our money, telling us how to spend it and stop giving our money away to abbot districts in order to buy votes.

Councilman Zeglarski said he had nothing to report at this time.

MAYOR'S APPOINTMENTS

Mayor DeIorio appointed Gary Bundy of E. Roselle Avenue as a member of the Recreation Committee to fill the unexpired term of Carol Calabrese.

Mayor DeIorio appointed Kathy Vail of Filbert Street to fill the Class II position on the Planning Board.

Mayor DeIorio read the closed session resolution and said Council would be discussing the following:

. Lease agreement between the Board of Education and the Borough of Roselle Park regarding use of the Youth Center.

. Position of Parking Enforcement Officer/Deputy Code Enforcement Position.

Borough Attorney Bill Lane said if the position of Parking Enforcement Officer/Deputy Code Enforcement Position involves only one individual that person should be riced and given the opportunity to speak. Mayor DeIorio said because that was not done the discussion would have to wait until the next Council meeting. Councilman Rubilla asked the Borough Attorney to explain what it meant to be riced for the viewing audience. Mr. Lane said there was a case about 15 years ago Rice vs. Union County Regional in which any legislative body that wants to discuss an individual, that the individual should be notified and given an opportunity to request that it be in open session. He said it has been shortened from Rice vs. Union County Regional to just riced.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Badillo moved, at 9:35 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Matarante and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 9:45 p.m., to resume the regular order of business; seconded by Councilman Harms and adopted.

Mayor DeIorio said during closed session Council discussed matters pertaining to:

. Lease agreement between the Board of Education and the Borough of Roselle Park regarding use of the Youth Center

Mayor DeIorio said it was determined by legal counsel that the additional closed session item could not be discussed because the particular individual involved needed to be riced prior to holding a closed session discussion.

There being no further business to come before the meeting, at 9:45 p.m., Councilman Matarante moved to adjourn; seconded by Councilman Harms and adopted.

Attest:

Borough Clerk