

Executive Meeting of Mayor and Council May 5, 2005

PRESENT: Mayor DeIorio; Councilmembers Badillo, Harms, Murphy, Matarante, Zeglarski and Rubilla; Borough Attorney Bill Lane; Finance Officer Greg Mayers and Borough Engineer Ed Dec

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, C127. (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 AND PETITIONS

Public Notice that the Roselle Planning Board will hold a public meeting on the application of CVS Realty Co. concerning 107 East First Avenue. (Received and filed).

Public Notice from NJ Transit that public hearings will be held in order to gather information concerning programs developed pursuant to the Senior Citizens and Resident Transportation Assistance Act. (Received and filed).

Resolution from the Township of Union urging President Bush to reconsider proposed cuts to the federal government's funding of the Community Development Block Grants in the 2006 budget and to restore the level of funding to at least the 2005 funding levels. (Received and filed).

Resolution from the Township of Cranford amending their Code to impose certain conditions for retail services as a conditional use. (Received and filed).

Resolution from the Borough of Kenilworth amending their Code regarding "Prohibited Uses" – Outside Storage. (Received and filed).

Request from the Boys & Girls Club to use the Municipal Parking Lot across from the Youth Center for a Blood Drive, sponsored by the Keystone Club, on June 17<sup>th</sup> from 2:00 p.m. until 7:00 p.m. This has the approval of the Police Department. (Referred to Council).

**Councilman Badillo moved to grant permission to the Boys & Girls Club to use the Municipal Parking Lot across from the Youth Center for a Blood Drive on June 17<sup>th</sup> from 2:00 p.m. until 7:00 p.m.; seconded by Councilman Harms and adopted.**

Request from the residents of the 500 block of Sherman Avenue to hold a block party on May 21, 2005. This has the approval of the Police Department. (Referred to Council).

Request from the residents of the 500 block of Spruce Street to hold a block party on May 7, 2005, from 2:30 p.m. until 7:00 p.m. This has the approval of the Police Department. (Received and filed).

Request from residents of Amsterdam Avenue, between Lincoln and W. Webster, and for Ashwood Avenue, between Lincoln and Amsterdam Avenue, to hold a block party on July 4, 2005 from 10:00 a.m. until 10:00 p.m. (Referred to Council).

**Councilman Badillo moved to grant approval for residents on the 500 block of Sherman Avenue to hold a block party on May 21, 2005; residents on the 500 block of Spruce Street to hold a block party on May 7, 2005; and residents of Amsterdam Avenue, between Lincoln and W. Webster and for Ashwood Avenue, between Lincoln and Amsterdam Avenue to hold a block party on July 4, 2005 from 10:00 a.m. until 10:00 p.m. (pending approval of the Police Department); seconded by Councilman Harms and adopted.**

Request from the Roselle Park Board of Education to install window coverings on the downstairs front windows of the Youth Center. (Referred to Council).

**Councilman Harms moved to grant permission to the Roselle Park Board of Education to install window coverings on the downstairs front windows of the Youth Center; seconded by Councilman Matarante and adopted.**

Request from Bob Milici for several Roselle Park residents (men) to use the Youth Center one night per week for half court basketball. (Referred to Council).

Mayor DeIorio deferred this request to the Municipal Services Committee because there may be a conflict in the contract with the Boys & Girls Club. He said they also asked that a key be given to one of the coordinators. He indicated that there may be a violation in asking for the use of the Youth Center for adults during the operating hours in which the Borough contracted with the Boys & Girls Club to provide Youth Services. Councilman Zeglarski said he was concerned with the safeguards for allowing groups to use the Youth Center, as far as insurance, because the Boys & Girls Club has the exclusive control over the building. Mayor DeIorio said, since this League would operate under the Recreation Committee, the Borough's insurance would cover the program. Borough Attorney Bill Lane said the Boys & Girls Club does not have exclusive rights, and that has already been demonstrated by dealing directly with the Board of Education.

Councilman Badillo said he was concerned with the adult group taking time away from the youth and said, if they are not covered under the Borough insurance, they would have to show some type of insurance. Councilman Harms said it was his understanding that many of the players were not residents of Roselle Park, and they are coming here to use our Youth Center. He said he also had an issue with providing a key to non-residents and said it was his understanding that the Boys & Girls Club would make the decision on who could use the Youth Center, so that Council would not be put into this position. Councilman Rubilla said he felt they would be making better use of a utility that is in the municipal inventory. Councilman Harms said there is also the responsibility of lighting, air conditioning and heating. Mayor DeIorio said everyone had valid points and they would discuss it further on Monday to make a recommendation.

Request from Roselle Park High School Future Business Leaders of America Advisor requesting contributions to offset the cost of participating in the National Leadership Conference in Orlando, Florida on June 25-28<sup>th</sup>. (Referred to Council).

#### INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 8:00 p.m., to interrupt the regular order of business for a special meeting; seconded by Councilman Harms and adopted.

#### RESUME THE REGULAR ORDER OF BUSINESS

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

#### REPORT AND RECOMMENDATIONS OF MAYOR

Mayor DeIorio said we have been waiting for a number of years, and this year the Borough has been awarded the "Tree City USA Designation". He said he was proud to say that on Arbor Day they planted a tree at Aldene School, along with Mrs. Zeglarski's and Mrs. Gugger's fifth grade students, the Superintendent of Schools, the Principal and former Councilman D'Errico. He said by order of the National Arbor Day's Foundation they have been granted this honored award. Mayor DeIorio congratulated the Governing Body, former Councilman D'Errico for his many years working on this project, and the Roselle Park Environmental Commission participated and applied for this program. Mayor DeIorio said he was very proud to say they would be hanging the plaque in Borough Hall for all to see, and noted it was a wonderful designation for the Borough.

Mayor DeIorio said he wanted to recognize Diane Litterer, who is a Roselle Park resident, and was named one of the most influential woman in the State of New Jersey for her commitment to not only her organization Prevention Links, as Executive Director, but to her commitment to the prevention of substance abuse. He said he wanted to invite her to the next Council meeting to recognize her.

Mayor DeIorio said there was a fine article in the Star Ledger on one of Roselle Park's students who was honored with a gymnastics competition award. He said Stephanie Giameo, who is 11 years old, has been recognized by the Star Ledger, and he also wanted to invite her to the next Council Meeting to recognize her accomplishments.

Mayor DeIorio said over the last several weeks the Borough has been struggling not only with the issue of taxes, but with questions of where the money comes from and where the money goes, and the issue of the suffering that the suburban communities have endured over the years. He said they have all been very vocal about their plight, but it seems it has been met with deaf ears down in Trenton especially when it comes to school aid. He said when it comes to school aid, either rightly or wrongly, it goes to urban or abbot districts. Mayor DeIorio said if you have read the paper there has been the discussion that the property tax convention won't happen, and where will that leave Roselle Park. He said everyone has been offering ideas and they have received another resolution that he would like Council to consider but, in essence, whether it is a resolution that they pass or sending and contacting State Officials, the bottom line is they need to do something. Mayor DeIorio said he and Councilman Matarante had a sidebar conversation when the Councilman said he would like to go down to Trenton and protest. He said they are going to call upon the suburban communities Statewide and have reserved the date of June 20<sup>th</sup> which is a Monday and a day when the Senate and Assembly are in session and have reserved the front of the Statehouse from the hours of noon to 1:00 p.m. where they will begin the protest for property tax reform. He said they need to get buses, go down there together and form a united voice because of the shenanigans that go on there everyday.

## REPORT OF DEPARTMENTS

### Borough Engineer

Borough Engineer Ed Dec said they had two road reconstruction programs going on Meadow Street and E. Colfax Avenue which should be completed in 3 to 4 weeks. He said he had one closed session item regarding grass pickup to discuss and requested that the Superintendent of Public Works be present for that discussion.

Councilman Zeglarski thanked him for overseeing the sprinkler repair project.

### Borough Attorney

Borough Attorney Bill Lane said the ordinance for the vacation of a street that Councilman Zeglarski was interested in needed some input from Council before he could put it in final form. Mr. Lane said he had four litigation items to discuss in closed session. He said those items included the M&E Railroad Appeal in D.C.; Timpat vs. the Borough of Roselle Park being heard in Superior Court (Union County); Spagnolli vs. the Borough of Roselle Park being heard in Superior Court (Union County) and the third one involves potential litigation, saying he received correspondence from an attorney who feels that an individual was disserved by the Construction Department.

### Borough Clerk

Received report from Borough Clerk Arlene Triano. (See app. pg. # ).

### Finance Officer

Received report from Finance Officer Greg Mayers. (See app. pg. # ).

### Police Department

Received Police Chief's report from Lieut. Paul Cusmano. (See app. pg. #

### DPW

Received report from DPW Superintendent Frank Wirzbicki. (See app. pg. #

Mr. Wirzbicki said there is a New Jersey State Regulation that grass, leaves, branches and yard debris cannot be put into plastic bags, because they will not be accepted. He said they must be placed in open containers or paper bags only, or the town will be fined. Councilman Harms noted that taxpayers would ultimately be the ones paying those fines and asked residents to please cooperate.

Mayor DeIorio asked him to thank Ben and Karl for their help at the Arbor Day planting, saying they did a phenomenal job and were a big help. Councilman Rubilla said a lot of the downtown merchants have said it has been noticeably cleaner and asked if he would pay particular attention to the repainting of the handicap areas. He said he almost had an altercation because he was accused of parking in a handicap space when he was parked in a space with a number. He said part of the problem was that the number was invisible and one of the handicap areas which was blackened over has had the blue resurface.

### Administrative Assistant

Received report from Administrative Assistant Karen Intile. (See app. pg. #

### REPORT OF STANDING COMMITTEES

Councilman Zeglarski said he wanted to report on the website, saying he is at the point where a proposal would be put before the Governing Body for a vote. He said they looked over some of the final proposals and felt Council would be happy with what they see. He said it is not nearly as expensive as what was initially proposed and the Borough will get a lot of services for what is a fair price and under \$2,000.00. Mayor DeIorio said he appreciated Councilman Zeglarski's diligence and input and investigation that was done by members of his committee. When asked if a letter had been sent requesting that

the website be turned off, Councilman Zeglarski said he checked yesterday and it was under construction. He said once the contract is approved things will move rapidly.

Councilman Badillo said in the spirit of recognizing people he wanted to recognize Kim Schaffer for winning third place in the County Poster Contest, and requested that she be invited to the next Council meeting. He said, for a matter of record during budget discussions Council indicated that they would only do one of the streets if the Board of Health sent us a letter. He said that letter has been received and given to the Clerk to make part of the permanent record. Councilman Badillo said E. Colfax Avenue is being done from Hemlock to Galloping Hill Road and if there are any questions from residents they should feel free to call him or Councilman Matarante. He said Walnut Street from E. Colfax to Grant will be done shortly and any residents that have questions should do the same. He said they had a Public Safety Committee meeting where there were 3 grievances. He said they had to do with a scheduling bid, sick time and a day off and under the recommendation of the labor attorney and Chief of Police all three were denied; now they have the right to move to the next step which is to come before this entire Mayor and Council. He said he attended the Casano Center meeting and highlighted some of the events coming in May and June. He said the Casano Center Committee put together a survey that Mayor and Council requested, and he gave a copy to the Borough Clerk to make copies for Council's review. Councilman Badillo said he gave Councilman Matarante a folder from Patty Johnson a Roselle Park resident who works for a Federal Credit Union and is looking for employees or their families that would like to join the credit union and asked the Human Resources Committee to discuss it. He said he attended the First Aid Squad meeting while Councilman Harms was away on business and the Little League meeting which was held last night.

Councilman Rubilla said he had one item for discussion by the Public Safety Committee which is a request for 45 minute parking on both the north and south side of E. Clay Avenue off of Chestnut Street, 100 feet east on both sides to give local patrons of several professional businesses there an opportunity to park temporarily while conducting professional business. He said this would be beneficial to businesses and patrons alike and said he would like to see the ordinance introduced at the May 19<sup>th</sup> Council meeting.

Mayor DeIorio said Councilman Badillo mentioned a survey and said the Casano Center is going through a revamping and looking at how they could better service the public. He said the survey will be used as a tool to assess existing programs and creating new ones. He said the survey will go in as part of the tax insert and additional copies will be made to be distributed through our schools.

Councilman Matarante said he had the program for the play which he gave to the Borough Clerk to recognize the cast, crew and volunteers. He said from the Public Safety Committee he had a request to add Robert McGillis to the school crossing guards on the agenda for the next meeting.

**Councilman Matarante moved to authorize the Mayor to sign off on the 2005 SLAP Agreement; seconded by Councilman Harms and adopted.**

Councilman Matarante said at the last Public Safety Committee meeting they were given a memo from Traffic Safety Officer Michael Antonucci regarding the 5 new traffic lights and apparently the Borough is responsible for the maintenance of those. He said he has forwarded a maintenance contract for approval. Mayor DeIorio asked about the cost and Councilman Matarante said it was pay as you go with no cost unless they need to be fixed and noted they are brand new lights. Mayor DeIorio requested he forward the contract to the Purchasing Agent and a copy for the Finance Officer.

Councilman Matarante asked if Council has decided on a possible Special Meeting to vote on the school budget. Mayor DeIorio said the Borough Clerk is going to find out if that can be done on May 19<sup>th</sup>, and if that is the case they will not have to have a special meeting; otherwise, it will have to be 2 days prior so the resolution can be turned in by the May 19<sup>th</sup>.

Councilman Harms said the Municipal Services Committee met last week, and Councilman Badillo brought up protecting Borough residents from contractors overcharging them. He said they decided to include a flyer with the tax bills recommending that residents get at least 3 quotes, along with putting a sign outside the Construction Office reminding people they should get 3 quotes before getting a permit or signing a contract. Councilman Harms said the attorney brought up another point concerning protecting the Borough. He said when a sewer line is clogged there is an ordinance that states that the Borough is responsible for paying for within 2 feet of the tie in point. He said what sometimes happens is that the homeowner will get a plumber who then discovers that it is at the tie-in point, and raises the cost when they find out the Borough will pay for it. He said they are still working on how that can be done legally, so the Borough doesn't get ripped off and the attorney is looking into the legal ramifications.

Councilman Murphy said he hoped that all businesses and everyone else who has an interest for or against the SID Program will help themselves to a copy of the ordinance which is on the table in the back. He said there was a lot of talk tonight about cleanliness which is only one part of the ordinance and asked business owners and residents to make themselves available when Council does have open discussions.

Mayor DeIorio said tomorrow is the League of Municipalities Mayor's Second Annual Property Tax Summit entitled "Tax Relief Now or Never". He said he would be attending and will report back to Council about the meeting. He said there are several panelists and some representation from the legislature and said, as he was just glancing over the memo from the Mayor's FAX Advisory, they ironically discuss the Property Tax Convention and how it is on life support because it does not seem it will survive the Senate. He read from the memo and said the point was that there are problems getting any type of reform passed by the legislature. Mayor DeIorio said it is now or never and Council needs to keep reaffirming to residents that they contact their representatives, and the Governor and leaders of the legislature.

Councilman Matarante said letters are great but sometimes ineffective. He said he was really happy that a date is set to go to the State House because groups of people with media exposure and making some noise will be heard. Councilman Murphy said he agreed with the Mayor and Councilman Matarante and asked for the people to take it seriously.

### PUBLIC COMMENT

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

Paul Endler, 143 E. Grant Avenue, said he was there to remind everyone of the Memorial Day Parade and Services at the Roselle Park Memorial Library. He said the parade will start at Sherman Avenue and this year Councilman Kevin Murphy is going to be Grand Marshall. He gave the Mayor the honor of purchasing the first poppy of the season.

Bob Milici, 3 Virginia Street, Cranford, NJ said he was the one that made the request for recreation basketball at the Youth Center and wanted to make a few clarifications. He said the majority of people having been playing over the last couple of years are from Roselle Park and only a couple reside outside. He said what they are looking for is very simple since the Youth Center is not used after 8:45 p.m., and they would only play one night a week from 8:45 p.m. until 11:00 p.m. He said as far as the key is concerned they have numerous other people involved in recreation that are in appointed responsible positions that have keys for the lights at the field, etc. He said anyway they could get in and play would be fine, and they would consider paying a small fee. He said as far as lighting and utilities currently the schools are using the facilities 6 ½ hours a day and he did not know if the rent they are paying is being compared to the charge of the air conditioning, heat, etc. He said, keeping in mind as a standpoint of out-of-towners, the town currently has several out-of-towners in the behavior challenged class. Mr. Milici said it is really a simple thing, saying they played at Aldene for a while but they are currently doing construction and they need an alternate place to play. He said this is not something that is advertised and there are only 7 or 8 of them. Mr. Milici applauded Council's position on tax reform and as far as their quest to go to Trenton he and his company would like to donate 100 handheld signs if they wanted. He said tax reform is great to talk about, but they have to look in their own backyards as a Governing Body. He said property taxes are driven by the Municipality, Board of Education and County, and we cannot just throw the whole burden on the State. Mr. Milici said they have to look at ways to start reassessing to bring in more rateables.

Jacob Magiera, 612 Sheridan Avenue, said he can see that the speakers and Council are getting hot and heavy to go down to Trenton and repeated 30, 30 and 30. He said cut the elected officials, appointed officials, bureaucrats pay 30%, cut their pensions 30% and co-pay their health benefits 30%. He said if there is not going to be a constitutional convention then there will be no re-election. He said he agreed with the US Attorney General and the League of Municipalities regarding term limits. Mr.



Magiera addressed the Chief Financial Officer regarding the budget. He said last year when he addressed Mayor and Council about old resolutions that have money left they came up with \$265,000.00, and asked if there were any other old resolutions still containing money they can use toward decreasing the tax base. Mr. Mayers said those were capital balance ordinances and there would not be any this year.

Mr. Magiera asked the Mayor if he was going to return the \$12.00 cassette tape, not videotape, on ethics or keep it and Mayor DeIorio said he felt there was still value to the tape. When Mr. Magiera asked how much the Borough spent in legal fees last year, the Mayor said Mr. Mayers could provide that to him in writing. He said prior to the Mayor going into closed session he reads from a piece of pink paper stating anything discussed in closed session will be told at a later date. He said to this point in time he did not recall the Mayor saying anything on any completed closed session item that was discussed. He asked how many non-contractual positions there are in the Borough who contribute 10% toward their benefits. Mayor DeIorio said that would be explained in writing in order to allow some time to do some research so they can provide an accurate response. Mr. Magiera asked when he would get a response and the Mayor said within the next 7 days.

Vincent Lehotsky, 2311 Knapp Drive, Rahway, NJ said he recently went to the NJ Forum for Open Government and what the agenda states is public comment meaning public comment questions, and answers are usually not the basis of this portion. He said if the Council wishes to answer however, such requests that the previous speaker had brought up should be put in writing and given to the Borough Clerk which is the proper procedure. He said he was trying to put something together for the County taxes and asked the previous speaker how much it cost to educate a child in this town and was told around \$9,000.00. He said the average cost to house a juvenile in an out of county detention center at the low end is \$156.00 a day, roughly coming out to about \$60,000.00 a year. He said the County is going to be building a new juvenile detention center, thereby negating any arguments that we have that we are paying too much in property taxes when we have a problem with rising crime in both the adult and juvenile sector. He said he would rather educate a child at \$9,000.00, than have consecutive days of someone in jail.

There being no one else wishing to speak, Councilman Matarante moved, at 9:30 p.m., to close the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Mayor DeIorio asked Borough Attorney Bill Lane to explain how the closed session process works. Mr. Lane said once a matter is resolved the minutes are made available to anyone who makes a request. He said he has, on many occasions, gone over the minutes and released those minutes that are available, and he was not familiar with any requests that remain unaddressed. He said it is a process that works. Mr. Lane noted that on-going litigation matters remain confidential under the umbrella of the closed session until they are resolved, then they are made available to anyone that make the request. Mr. Lane said the Borough Clerk has on occasion asked for a consultation from his office and they have supplied it.

Mayor DeIorio read the Closed Session Resolution and said Council would be discussing the following:

- . Pending Litigation- Spagnoli vs. Roselle Park
- . Contract Negotiations – Grass Clippings
- . Litigation – M&E Railroad Appeal
- . Litigation – Timpat vs. Roselle Park
- . Legal Matter – Resident Claiming Disservice

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 10:30 p.m., to resume the regular order of business; seconded by Councilman

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

- . Pending Litigation – Spagnoli vs. Roselle Park
- . Contract Negotiations – Grass Clippings
- . Litigation – M&E Railroad Appeal
- . Litigation – Timpat vs. Roselle Park
- . Legal Matter – Resident Claiming Disservice

There being no further business to come before the meeting, at 10:30 p.m., Councilman Matarante moved to adjourn; seconded by Councilman Harms and adopted.

Attest:

Borough Clerk