

Regular Meeting of Mayor and Council May 19, 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.

ADOPTION OF THE 2005 MUNICIPAL BUDGET

The following resolution was offered by Councilman Matarante and seconded by Councilman Murphy.

BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein as set forth as appropriations, and authorization of the amount of \$7,979,286.54 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

General Revenues	
Surplus Anticipated	\$ 1,220,000.00
Miscellaneous Revenues Anticipated	\$ 2,299,894.53
Receipts from Delinquent Taxes	\$ 242,000.00
Amount to be raised by taxation for Municipal Purposes	\$ 7,979,286.54
TOTAL REVENUES	\$11,741,181.07
GENERAL APPROPRIATIONS WITHIN "CAPS"	
(a & b) Operations Including Contingent	\$ 7,204,209.57
(e) Deferred Charges and Statutory	
Expenditures – Municipal	\$ 247,000.04
EXCLUDED FROM "CAPS"	
(a) Operations – Total Operations Excluded from "CAPS"	\$ 2,489,671.46
(b) Capital Improvements	\$ 19,000.00
(d) Municipal Debit Service	\$ 1,074,300.00

(e) Deferred Charges – Municipal	\$ 57,000.00
(m) Reserve for Uncollected Taxes	\$ 650,000.00
TOTAL GENERAL APPROPRIATIONS	\$11,741,181.07

PUBLIC HEARING ON THE 2005 MUNICIPAL BUDGET

Councilman Murphy moved to open the public hearing on the 2005 Municipal Budget; seconded by Councilman Matarante and adopted.

Jacob Magiera, 612 Sheridan Avenue, asked how much was left in surplus? Finance Officer Greg Mayers said the surplus figure is \$1,076,865.48. When Mr. Magiera asked how much money was left in the sale of sewer rights from Schering Plough, Mr. Mayer replied \$531,244.93.

There being no one else wishing to speak, Councilman Matarante moved to close the public hearing on the 2005 Municipal Budget; seconded by Councilman Murphy and adopted.

COMMENTS FROM COUNCIL

Mayor DeIorio thanked all the individuals who worked on the Municipal Budget. He said this was one of the most difficult budgets he worked on in the last 15 years. He said they worked together in a non-partisan fashion and came up with something that will still operate with efficiency to provide the essential services to the public and provide safety, health and welfare to our community. He said there is a resolution this evening outlining the many cuts to programs and the elimination of programs. He said they took into account the three parts of property taxes that make up the tax bill – school, municipal and county portions of the budget. He said, when you add up all three, this will be the worst tax year in the last 15 years that he has served on the Governing Body. He said there are many reasons and he attributes many of those reasons to the State of New Jersey, to the Governor and Legislature, as well as the many mandates we have to comply with, and lack of financial support from the State. He said suburban communities like Roselle Park do not receive their fair share of municipal aid whether it goes to the school or to the municipality. He said year after year municipalities like Roselle Park receive the same or sometimes less municipal aid, and unfortunately, it puts us in a situation where we have to look at programs such as the 4th of July fireworks, which are being eliminated because of the cost involved. He said holiday decorations on the Municipal Building, Chestnut Street and along Westfield Avenue will be eliminated, because we cannot continue to impose upon the residents with higher taxes. He said additional programs like the car shows, reductions in expenditures to the Farmers Market, expenditures to conferences and workshops have also been impacted. He said Mayor and Council salaries were even rolled back to last years levels.

Mayor DeIorio said the other day we received a report from the Star Ledger that 13 of the 31 abbott districts are in jeopardy of losing school aid. He said the reason for that is because part of the abbott district funding formula in the legislation included a

review every 5 years, and that might mean that some of those monies might go back to communities like Roselle Park. The Mayor said the Commissioner of the Department of Education said it well when he said the Abbott school funding was not a reward, it was a relief, and as you do better the money should be taken away and redistributed throughout the other school districts. He said not only has Council endorsed several property tax reforms for the State of New Jersey, they want to have their voices heard in Trenton. He said on June 20th at 12:30 p.m., when both the Senate, the Assembly and the Acting Governor will be doing their business in Trenton, we will hold a property tax demonstration and have asked not only people in Roselle Park to attend but communities throughout NJ as well. He said suburban communities like Roselle Park that time and time again get short changed because of the financial displacement when it comes to State funding for our communities. Mayor DeIorio said every time we discuss the Municipal Budget it incenses him that every year they have to cut and cut and cut again, and time and time again you read the Star Ledger and see cities like Newark buying circus tickets to Universal Circus for their Councilmembers to distribute to people on the street when here we are taking away our fireworks program. He said that you have to continually go to our local State representatives, our Acting Governor and State leaders, because something has to be done, and time and time again Roselle Park gets shortchanged and enough is enough.

Councilman Murphy said as Chairman of the Budget and Finance Committee for the past 3 years he concurred with his words wholeheartedly. He said at this time he wanted to take a moment to thank all those that participated in the budget hearings. He said they had 14 weeks of grueling hours week after week 2 or 3 times a week. He said although the Borough will be losing some of the services that the Mayor has mentioned, the essential services will still be available to the public. He thanked Councilmembers and Department Heads and all the others that showed up for the budget meetings and gave their time, effort and input.

Councilman Zeglarski said he was glad to see the great crowd at tonight's meeting. He said this is a great opportunity to understand how taxes are levied. He noted that even if you do not own property and you rent property, you still pay taxes through rent. He said the majority of that tax that you have to pay annually comes from the State level and State mandates. He said the Borough does have a budget that they levy a tax on but the majority comes from the State. Councilman Zeglarski said he would go as far as saying that the State discriminates against middle income districts, because we are the least organized, are right in the middle, have just enough to keep us quiet and are kind enough to pay our freight. He asked everyone at the meeting to go home and talk to their neighbors about this subject, and talk to them about our State legislators, and about doing something that makes you a little uncomfortable like picking up the phone and calling your State legislator, or joining Council when they go down to Trenton to voice their opinion. Councilman Zeglarski said there is nothing more powerful than an informed citizen.

Councilman Badillo thanked everyone for coming out today. He said everyone sitting in the audience is the heart and soul of Roselle Park, and communities like Roselle

Park depend on volunteers. He thanked everyone who took the time to volunteer, and said if it were not for them he could not imagine what the tax levy would be. He said Roselle Park has a volunteer Fire Department, First Aid Squad, OEM, Specials and Recreation Department all of the volunteers that make Roselle Park the great Borough that it is. He said it is time for us to stand up and become better organized, so that these State legislators don't continue to take advantage of us. He asked everyone that could come to Trenton on the 20th to be there and let them know we've had enough.

Mayor DeIorio said the municipal portion of the tax bill represents a \$97.50 increase to the average taxpayer, which is 15 points more than last year. He said later in the meeting Council is going to consider a resolution that outlines all of the budget cuts that they imposed on this year's budget.

AMENDING 2005 BUDGET

A resolution to amend the 2005 approved budget was offered by Councilman Matarante and seconded by Councilman Murphy. (See app. pg. #).

Councilman Zeglarski questioned how the \$7,000.00 amendment in the sewer utility budget came to be. Mayor DeIorio said there was a shortfall last year based on our projections and it came in \$7,000.00 more in expenditures.

Councilman Zeglarski said he knows they spent time looking at the sewer utility budget and they cut more this year which he would like to stick with. He said even with the changes they are talking about, the sewer utility budget tends to be on the fat side, and he is going to vote against this amendment.

Mayor DeIorio said a comment was made that this particular budget could be fat, but when Council did the projections for 2005 it appeared that it was pretty lean. Mr. Mayers said there is always a certain amount in there because there are certain amount of breaks that can occur to a sewer pipe within a resident's property that the Borough is responsible for. He said unfortunately in 2005 they are already up to about \$30,000.00 in repairs. Mayor DeIorio said like you cannot predict the weather, you cannot predict if something is going to break. Mr. Mayers said they provided some money and, hopefully they will not have that many, but if they do they will have to create an emergency in the sewer budget because they will not only not have the money but will have to pass it off to a following years charge. Councilman Zeglarski said that was his reason for saying it is usually a bit fat, because the Borough does prepare for emergencies, but he has the feeling that if they do not pass this amendment and they do not add the additional \$7,000.00, if a break occurs the Borough will be able to find the money somewhere. He said Council has cut a lot, and he had a good feeling when they made that cut: they should stick to it even with the extreme circumstances. Councilman Zeglarski said he would reduce other line items in the same budget to increase that line item and would not add more money to that specific line item. Mr. Mayers said normally he would agree, but they have pretty much exhausted what they would have put in annually for sewer breaks. Councilman Murphy noted that the municipality is over 100 years old and a lot of those

sewer lines have been underground since the beginning of the formation of this municipality, so the likelihood is almost certain there will be more breaks in the future. Councilman Badillo said even with this amendment they did not reach the levy they had agreed upon coming out of budget. Mr. Mayers said a rate was set up at budget for homeowners and business users and that has remained stable.

Roll called, Councilmembers Badillo, Harms, Murphy, Matarante and Rubilla voting Aye; Councilman Zeglarski voting No. There being five affirmatives and one negative, said amendment was adopted.

ADOPTION OF THE 2005-06 MUNICIPAL BUDGET

Councilman Matarante moved to adopt the 2005-06 Municipal Budget; seconded by Councilman Murphy and adopted.

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

Councilman Matarante moved to change the regular order of business to make presentations; seconded by Councilman Badillo and adopted.

PRESENTATIONS

Mayor DeIorio said the first presentation this evening was for Mrs. Zeglarski's Fifth Grade Students for their essay's on Roselle Park. He invited the students and Councilman Zeglarski to the dais. Councilman Zeglarski congratulated them on promoting our town and said it was a good thing to let everyone know they love this town and why they love it. Mayor DeIorio and Mrs. Zeglarski presented Certificates of Appreciation to Jeremy Aguilera, John Confroy, Katelyn Cray, Tristian Cullinane, Morgan Gould, Joseph Labraccio, Brittany Longo, Natalie Macari, Elijah Morales, Robin Parenteau, Aarti Patel, Avsar Patel, Karn Patel, Melissa Pereira, Jeanny Porras, Betty Rocha, Noah Rodriguez, Yeimi Santamaria, Hehtab Singh, Harry Uhrig and Ana Vega. Mrs. Zeglarski thanked Mayor and Council for recognizing academic achievement and congratulated the children.

Mayor DeIorio invited Stephanie Giameo and her family to the dais. He said he was so proud to see the huge photo of Stephanie in the Union County Section of the Star Ledger and said Council wanted to take the opportunity to recognize her achievements. He said Stephanie is an 11 year old middle school student who finished second among 47 competitors in Allentown. He said she won the regional championship on the parallel bars and finished second on the balance beam. Mayor DeIorio congratulated and presented Stephanie with a Certificate of Achievement. He wished her continued success with her gymnastic accomplishments and academic achievements.

Mayor DeIorio invited the cast and crew from the high school production of the "Little Shop of Horrors" to the dais. He said he always liked to take the opportunity to accentuate the arts in our community because Roselle Park has many talented people, and

he hoped to see them on Broadway, TV or the big screen someday. Councilman Matarante said there was a tremendous amount of volunteerism that helped in getting the costumes put together and the sets made. He said Council wanted to take note of all their talents and recognize their hard work as well. Mayor DeIorio presented Certificates of Achievement to the cast and crew for their participation in the triumphant production of the Roselle Park High School presentation of "Little Shop of Horrors". He presented certificates to Alex Tweed, Anthony Costa, Carly Posyton, Deirdre Ramos, Doug Panetta, Joe Paz, Jolene Velazquez, Kelsey Kurz, Kevin Ramirez, Ricky Bodtmann, Samantha Nagengast, Selina LaVista, Shannon Farley, Zach Infante, Zaida Bonilla, Alicia Dominguez, Alyssa Ferry, Ashley Taluba, Casey Cullen, Melissa Szoc, Michelle Casso, Onica Carr, Samantha Matarante, Christine Lyman, Dara Alfano, Elizabeth Lautenbach, Gabriella Saramago, Jamee Costello, Laura Granger, Toni Antonucci, Andrew Ardino, Anthony Delaney, Matt Jacobi, Paul Bulger, Joe Paz, Kevin Ramierez, Ricky Bodtmann, Anthony Costa, Kelsey Kurz, Faith Kelly, Jessica Sievers, Laura Hahn , Lisetta LaForge, Megan Modero, Nadia Efa, Carly Posyton, Selnia LaVista, Shannon Farley, Eric Witkowski, Erin Bleiweiss, Rick Schwartz, Patti LaManna, Tony Smith, Tony Smith, Jr., Doug Alfano, Eileen Sievers and Tiffany Demiris.

Mayor DeIorio invited the Future Business Leaders of America to the dais. He said they are a national organization designed to promote business leadership skills among high school students, and as a result of their outstanding work the students are eligible to represent the State of New Jersey at the National Leadership Conference in Orlando, Florida on June 25-28. He read and presented Certificates of Achievement to Neil Jikaria, Shannon Farley, Pinky Mehta, Laura Venanzi, Julianne Niemaszyk, Manan Dalal, Vishal Gandhi, Karen Palmisano for competing in Business Communications at the New Jersey State Competitive Events on March 16 and 17, 2005. Mayor DeIorio also presented a Certificate of Achievement to Jacqueline Cole the FBLA Advisor for promoting business leadership skills among Roselle Park High School students.

Mayor DeIorio invited Helena Branco to the dais and presented her with a Certificate of Achievement for being awarded the Outstanding Academic Achievement Award by the New Jersey Educational Opportunity Fund. He noted that the program is not just for individuals of Roselle Park, but is statewide, and Helena was one of the few given the opportunity. He congratulated her and Helena said it is a great program which has helped her throughout her 4 years of college.

Mayor DeIorio invited Diane Litterer to the dais. He said he has known Diane for 15 years when they started Community Alliance and said this was just a small part of their appreciation. He said Diane has not only been the Executive Director of Prevention Links but has worked in the field. He said she was one of 25 influential woman of the State of New Jersey that was recognized and presented her with a Certificate of Appreciation for her work with LINKS and the Prevention of Substance Abuse. Diane thanked the Governing Body, saying she really appreciated the recognition. She thanked the Mayor for always being there in his various positions and supporting the cause of substance abuse and tobacco prevention.

Mayor DeIorio read a resolution declaring June, 2005 New Jersey's first annual "Celebrate New Jersey Month" and directed all Borough agencies and authorities to participate in showcasing all that makes our Borough a great place to live and work.

Mayor DeIorio read a proclamation declaring June, 2005 as "Myasthenia Gravis Awareness Month". He said Myasthenia Gravis is a neuro-muscular disease striking children and adults, affecting control of voluntary muscles and afflicting several hundred of our fellow New Jerseyans.

Mayor DeIorio read a proclamation declaring June 1, 2005 as "International Children's Day" in the Borough of Roselle Park and asked all citizens to take a moment to remember the children and consider them as we go about our daily activities and present ourselves as good role models.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 8:40 p.m., to interrupt the regular order of business for a brief recess; seconded by Councilman Harms and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 8:45 p.m., to resume the regular order of business; seconded by Councilman Murphy and adopted.

PUBLIC COMMENT

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

Joyce McCoy, 107 Pershing Avenue, thanked Mayor and Council for introducing Ordinance #2158. She said she was hopeful that all of Council would pass the ordinance because they are having a major problem with parking.

Jacob Magiera, 612 Sheridan Avenue, said the school budget is higher than the municipal budget because the Board of Education has twice as many buildings, twice as many employees and tonight is a perfect example of their education and success with the children. Mr. Magiera said he did not receive the 3 letters that the Mayor had guaranteed would have been forwarded to him. Mayor DeIorio said the letter was mailed to his home, and he had a copy of the letter which he would read for him and the public. Mayor DeIorio said this is a response to the questions that Mr. Magiera raised during the Mayor and Council meeting on May 5th during the public comment portion of the meeting. He said as to the inquiry on how much was paid in legal fees last year, our Chief Financial Officer Greg Mayers has advised that the total paid legal fees in 2004 was \$67,210.23. He said regarding security at the bike path, Captain Cris Tucci has advised that to date there have been no reported incidents of anyone being physically injured or harassed along the bike path at night, furthermore Police Officers routinely drive the bike path

during their shift to ensure the safety of the citizens. Mayor DeIorio said pertaining to the question regarding the cost of insurance for the bike path and Youth Center, our insurance broker has advised that the estimated cost is \$5,346.00 for the policy period of 1/05 to 1/06 and which is included in the total program assessment for 2005. He asked Mr. Magiera if he would like to have a copy of the letter. When Mr. Magiera asked the Mayor how much the bike path cost the taxpayers, Mr. Mayers responded that it was in excess of \$100,000.00, with the majority of it paid for through a grant from the Department of Transportation. Mr. Magiera asked why people who are not residents of Roselle Park are allowed to address this Mayor and Council. He said there were two people from the last meeting, one from Rahway and one from Cranford. Mr. Magiera said he could not speak in Rahway or Cranford. Mayor DeIorio said he would like to think Roselle Park has open doors when it comes to allowing the public to speak. He said he has never heard in his years of experience as being an elected official where you can bar someone from speaking at an open public meeting as mandated by the State of New Jersey. He asked if there was a code of conduct for Mayor and Council as there is for residents when they address Council. Mayor DeIorio said there is a code of conduct as set forth in Robert's Rules. Mr. Magiera said Council has violated Robert's Rules especially with the Sunshine Law. He read a newspaper article in reference to pensions, benefits and politicians sacrificing benefits which brought him back to his 30% cut for elected officials, appointed officials pay and a 30% co-pay towards their benefits. Mr. Magiera asked how much was 70% of the capital budget that was slashed in dollars. Mayor DeIorio said Council had an original capital budget that included streets and roads and purchases of equipment for Police, Fire, First Aid and other Borough departments. He said in the beginning it was a little over 1 million dollars, and Council reduced that by 70%. He said in past years Council was very aggressive in doing streets but this year they are not doing any streets unless they have been funded through a grant.

James Cray, 137 Charlotte Terrace, said he is involved in DJ entertainment and when the Youth Center opened in December they started running teen nights. He said he wanted to address a concern about the gymnasium and the problems with the lighting and safety issues. Mr. Cray said he received a quote for the sound and lighting project and the estimated cost was about \$20,000.00 for a full house and lighting system. He said he was working on getting some more quotes and said everything at the Youth Center was going well. Mayor DeIorio thanked Jim for his help at the Youth Center, saying he took a personal interest in making sure the Center is a place for the young people to enjoy.

There being no one else wishing to speak, Councilman Matarante moved, at 9:05 p.m., to close the public comment portion of the meeting; seconded by Councilman Harms and adopted.

COMMUNICATIONS & PETITIONS

Copy of proposed amendment to the Land Use Ordinance of the Township of Union. (Received and filed).

Copy of Resolution from the Township of Union supporting proposed legislation referred to as "Christopher's Law". (Received and filed).

Report of Audit of the Rahway Valley Sewerage Authority. (Received and filed).

Notice of Hearing regarding a variance for pre-existing use for the commercial building located at 540 W. Lincoln Avenue which will be heard by the Planning Board. (Received and filed).

Notice of Hearing regarding a variance for property located at 231 E. Colfax Avenue which will be heard by the Board of Adjustment. (Received and filed).

Letter from Rafael Betancourt, Esq. requesting a response from Mayor and Council regarding the Church of the Assumption. (Referred to Council).

Invitation to Mayor and Council to attend a special session of the Roselle Park Senior Citizen Educational Advisory Committee on June 13th at which time Senator Thomas Kean will be visiting Roselle Park High School to discuss education, state-aid, and property taxes. (Received and filed).

Request from Bob Milici, Ace Promotional, for approval to hold a Townwide Flea Market and Mini Street Fair on September 10th from 9:00 a.m. to 4:00 p.m. (raindate of September 18th) and to utilize W. Webster Avenue, from Larch Street to the Commuter Parking Lot for this event, as well as use of the Commuter Lot and Wolf/Adase Fields for parking. (Referred to Council).

Mayor DeIorio requested that the letter from Rafael Betancourt, Esq. regarding the Church of the Assumption be referred to the Public Safety Committee for discussion.

APPROVAL OF MINUTES

Councilman Matarante moved that the reading of the minutes of the Executive Session of April 7, 2005, the Special Meeting of April 7, 2005 and the Closed Session Meeting of April 21, 2005, be dispensed with as all members have received copies and they be approved as recorded; seconded by Councilman Murphy and adopted.

APPROVAL OF TREASURER'S REPORT

Councilman Matarante moved that the Treasurer's Report for April 30, 2005, be accepted and spread upon the minutes with the exception of the budget detail; seconded by Councilman Harms and adopted. (See app. pg. #).

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. #4813-4909 (Void 4733) #90122-90134

2004 Reserve		\$ 98.30	
2005		2,654,699.68	
Reserve for Grants		<u>48,049.69</u>	2,702,847.67

Capital Account Ck. #268-273 21,320.77

Animal Control Trust Account Ck. #137

Animal Control Trust Account		3,513.34	
Roselle Park Payroll Debit	04/29/05	202.55	
Roselle Park Payroll Debit	05/13/05	<u>170.40</u>	3,886.29

Recreation Trust Account Cks. #198-201 1,475.00

Sewer Utility Account Cks. #268-273

Sewer Utility Account	2004	.00	
Sewer Utility Account	2005	17,848.65	
Blue Cross/Blue Shield		2,414.60	
U.S. Healthcare		1,722.69	
Roselle Park Payroll Debit	04/29/05	11,347.25	
Roselle Park Payroll Debit	05/13/05	<u>11,145.09</u>	44,478.28

Hud Trust Account Ck. #198-200

Hud Trust Account		345.55	
Roselle Park Payroll Debit	04/29/05	1,025.28	
Roselle Park Payroll Debit	05/13/05	<u>971.88</u>	2,342.71

Trust Others Account

Roselle Park Payroll Debit	04/29/05	614.01	
Roselle Park Payroll Debit	05/13/05	<u>2,714.01</u>	3,328.02

Public Assistance Trust Cks. #1019 4,124.00

CAASA Trust Account Ck. #18 200.00

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$27,873.93 payable to: Crusader Servicing Corp.
179 Washington Lane

Jenkintown, PA 19046

For redemption of Tax Sale Certificate #8-04, held by Crusader Servicing Corp. on Block 606, lot 33 (otherwise known as 139 Westfield Ave. W., Roselle Park, New Jersey) and assessed in the name of Joseph Yarussi, Jr.

Lien #8-04 (dated 10/14/04)	\$11,588.56
6% Flat Penalty	695.31
Recording Fee	40.00
Search Fee	12.00

Subsequent Charges Paid by Lienholder:

Taxes paid 11/18/04	11,134.95
Interest on above from 11/18/04-5/19/05 @ 18% interest	1,007.71
Taxes paid 3/29/05	2,660.78
Interest on above from 3/29/05-5/19/05 @ 18% interest	66.52

Total redemption amount \$27,873.93

Be it further resolved, that the Treasurer is hereby authorized to refund the premium in the amount of \$20,500.00 to Crusader Servicing Corp.

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

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

An Ordinance (#2154) entitled, "AN ORDINANCE FOR CALENDAR YEAR 2005, ESTABLISHING A CAP BANK (N.J.S.A. 40A:4-45.14)", was brought up and read by title only on its second reading and public hearing.

Councilman Matarante moved that the public hearing on Ordinance #2154 be opened; seconded by Councilman Murphy 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 #2154 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.

Introduction

An Ordinance (#2156) entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 2065 REGARDING CHANGES IN BOROUGH OF ROSELLE PARK RECREATION BASKETBALL AND WRESTLING FEES”, was introduced and read by title only on its first reading. (See app. pg. #).

Councilman Matarante moved that Ordinance #2156 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on June 16, 2005; seconded by Councilman Harms.

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

An Ordinance (#2157) entitled, “BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$901,742 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY, AND AUTHORIZING THE ISSUANCE OF \$856,655 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION”, was introduced and read by title only on its first reading. (See app. pg. #).

Councilman Matarante moved that Ordinance #2157 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on June 16, 2005; seconded by Councilman Harms.

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

An Ordinance (#2158) entitled, “AN ORDINANCE REGULATING STREET PARKING WITHIN THE BOROUGH OF ROSELLE PARK ADOPTED MAY 2005 TO SPECIFY RESIDENT PERMIT PARKING”, was introduced and read by title only on its first reading. (See app. pg. #).

Councilman Matarante moved that Ordinance #2158 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on June 16, 2005; seconded by Councilman Rubilla.

Mayor DeIorio said the original ordinance has been reviewed as per the Borough Attorney’s instructions. Mr. Lane said it was modified slightly, but it does reflect the issuance of permits and the restriction of parking during certain times of each day. Mayor DeIorio said it was only appropriate that a copy of the ordinance be mailed to all the residents on the block, so they are aware of it and have an opportunity to come to the second reading and public hearing. He said a public safety meeting is scheduled for May 23rd where it can be discussed further. Councilman Murphy said as an affected person of this ordinance, he would recuse himself from voting.

Roll called, Councilmembers Badillo, Harms, Matarante, Zeglarski and Rubilla voting Aye; Councilman Murphy Abstained. There being five affirmatives and one Abstention said motion was adopted.

Mayor DeLorio said the second reading for the Special Improvement District is on the agenda for the June 2nd Special Meeting. He said the list was produced by the SID Committee and said there was a question posed by the Tax Assessor as to validity of the list. He said the individuals affected would be invited to a Workshop Meeting. He asked the Committee to take a look at the list that was submitted with the SID and compare it with the Tax Assessors notes to make sure that the folks that are affected are the ones that are invited. Mayor DeLorio said a Workshop Meeting will be held with the affected businesses, prior to the second reading. When Councilman Zeglarski asked if they would have to reintroduce this for a first reading with the modifications or if it could just be amended, Mayor DeLorio said the second reading would have to be postponed and readvertised. Mr. Lane explained that if there is typographical correction you can make it, but if there is a problem with the list it will have to be reintroduced. Councilman Zeglarski said that was not done with the fence ordinance, saying it only had to be amended before the second reading. Mr. Lane said he did not recall any substantive change in that Ordinance. Councilman Zeglarski said initially they did not have a drawing of how the property would be affected and the description was completely convoluted and they couldn't make any sense of it, but they decided to amend it before the second reading. Mayor DeLorio said if Council would like to proceed with the way the list is they can, but he would not like to have people come and ask why they are being assessed when they are not part of what is on the list. He said if Council is going to do this they should do it right the first time and Mr. Lane agreed with the Mayor. Mayor DeLorio suggested reintroducing the Ordinance at a Special Meeting on June 2nd with the second reading on July 7th and a Workshop in between; Council agreed.

RESOLUTIONS

Mayor DeLorio said that, on the advice of the Labor Attorney, Resolution #79-05, approving an extended unpaid leave of absence for July Mack as Code Enforcement Officer in the Construction Department, be postponed until she has time to do some additional research. Council agreed to postpone Resolution #79-05.

Resolution #80-05, supporting a permanent and constitutionally guaranteed 30% reduction in property taxes, was offered by Councilman Matarante and seconded by Councilman Badillo. (See app. pg. #).

Councilman Zeglarski said he pulled the resolution.

Mayor DeLorio said, as we see many organizations and groups submit plans for property tax reform, he would encourage the Governing Body to support this one also. He said it allows for not only a 30% reduction in property taxes, but changes the way Government spends money and sets caps. He said it also takes into consideration the distribution of homestead rebates by having those monies go right to the Local Finance

Office and applied directly to the property tax bill and saving administrative costs by not sending out checks with the Governor's name on it.

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

Resolution #81-05, Supporting Assembly Bill A3526 and Senate Bill S2144 "Christopher's Law", was offered by Councilman Matarante and seconded by Councilman Badillo. (See app. pg. #).

Councilman Badillo said he wanted the public to be aware that these bills are before the Assembly and the State Senate. He said Christopher's Law is the tragic event of a Cranford 12 year old killed by an unlicensed driver. He said this is a very serious offense that many people do not take seriously and asked residents to call their legislators to support these two bills. Mayor DeIorio said he worked on this piece of legislation and the Township of Cranford has asked all the surrounding municipalities for their support. He said Christopher Williamson was a Cranford resident and unfortunately because the driver did not have a license and never went through testing he was only issued a \$200.00 fine. Councilman Badillo said if this legislation is passed it would be a third degree fine punishable by imprisonment of 3 to 5 years, and a fine of up to \$15,000.00, or both.

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

Resolution #82-05, approving reduction of Tax Levy for defeated 2005/2006 School Budget by \$195,000.00, was offered by Councilman Harms and seconded by Councilman Murphy. (See app. pg. #).

Councilman Matarante said because his wife is an employee of the district he would be recusing himself from voting.

Councilman Zeglarski said he would recuse himself because his mother is an employee of the district.

Mayor DeIorio said the liaisons to the Board of Education and himself met with representatives from the Board of Ed. He said every time they have to go through this process it is extremely difficult and thanked the Board for their patience. He said he felt comfortable enough that the recommendations made will not affect programs and will still allow the school to provide a thorough and efficient education.

Roll called, Councilmembers Badillo, Harms, Murphy and Rubilla voting Aye; Councilmembers Matarante and Zeglarski Abstained. There being four affirmatives and two Abstentions, said resolution was adopted.

Resolution #83-05, policy decisions eliminating and reducing designated programs in the 2005 Municipal Budget, was offered by Councilman Badillo and seconded by Councilman Murphy. (See app. pg. #).

Councilman Zeglarski moved to amend to strike the elimination of the website proposal because in reality Council is going forward with the website proposal. Mayor DeIorio said he agreed that they should go ahead with it, but he could only support it if it is subsidized by other means. Councilman Zeglarski said the budget was just approved that accounted for it, so the accommodation was made. Mayor DeIorio said when they discussed the municipal budget process, he made it clear that they were not going to spend taxpayer dollars on the website. He said if Council wants to approve it they can go ahead, but he would not approve a website, car show or 4th of July fireworks, unless it is subsidized by another source. Councilman Zeglarski said it was up to Council and made the amendment to strike, asking if there was a second. Councilman Badillo asked if the money was in the budget, and will the money appropriated fund what Council is looking to do. Councilman Zeglarski said it is in the Clerk's budget under the line item of Consulting Services, because a consultant is needed to help administer the project. He said there was approximately \$3,000.00 which is enough to cover this year. Finance Officer Greg Mayers said that was prior to the defeat of the school budget. Councilman Zeglarski asked if the money that was earmarked for the website was used to pay for the consulting services to deal with the school budget? Greg Mayers said the Consulting Services budget at this point is \$3,000.00, and typically that is what the review of Board of Ed budgets were in the past. Councilman Zeglarski said this Council agreed that we were going to make every effort to move forward with this and even earmarked money for it, and if it is the decision of this Council to move forward then he felt they need to strike this from the resolution. Councilman Harms seconded the motion. Mayor DeIorio clarified that the motion is to strike the portion of the resolution that states elimination of the website proposal. Councilman Badillo asked if the money is there, and Mayor DeIorio said \$2,500.00 was spent on consulting fees and there is \$500.00 left. He said he was very clear during the end portion of the budget that they were going to eliminate the programs that did not threaten the safety or health of our Borough and it's services. He said he also made it very clear that Council should look at other revenue sources to fund the other initiatives that Council would love to have done through the municipal budget, but cannot because of the difficult budget year. He said some of those programs have come back through donations such as the car show and funds were received for fireworks, not on the 4th of July, but at National Night Out. Councilman Zeglarski said this was a little different, because the rug is being pulled out from under it. Mayor DeIorio said he felt he made it very clear that if they are going to do these programs, and one of them was the website proposal, the Borough has a wonderful opportunity to use the web as a means to advertise for local businesses and as a means to generate some additional revenues that the Borough should take advantage of instead of each and every year asking the residents to pay for it. Mayor DeIorio asked the Governing Body to look beyond the box and get other means to fund those programs and avoid spending taxpayer dollars. Councilman Zeglarski asked the Mayor if he would please call the vote.

Mayor DeIorio asked the Borough Clerk to call the vote on the amendment to strike the elimination of the website proposal from the resolution.

Roll called, Councilman Badillo, Harms, Matarante, Zeglarski and Rubilla voting Aye; Councilman Murphy voting No. There being five affirmatives and one negative, said

motion to amend the resolution to strike the elimination of the website proposal was adopted.

Mayor DeIorio asked the Borough Clerk to call the vote on the resolution, as amended.

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

MATTERS FOR REFERRAL

Mayor DeIorio said on Monday, June 20th, Roselle Park will be holding their demonstration regarding property tax reform and invited everyone from the State of New Jersey to attend.

Councilman Murphy thanked all those individuals, families, Councilmembers and the Mayor for supporting his family during the difficult time of the passing of his mother last week. He said he attended the Firemen's Memorial last night and it was very moving and well prepared.

Councilman Harms said the Municipal Services Committee did not meet this past month, and he wanted to put on the agenda negotiations with the Board of Education.

Councilman Matarante said he had one item for closed session regarding a personnel issue and health benefit reimbursements for 3 individuals.

Councilman Rubilla had no formal report.

Councilman Badillo asked about the request from Ace Promotion regarding the street fair, and if Council had to make a motion tonight. He said it has been successful in the past and he is donating to the Anthony Signorello Youth Center. He said his letter states that any Borough organization wishing to have a space will have it provided free of charge. Mayor DeIorio asked if he was paying for street cleanup and Councilman Zeglarski said in the letter he said he would. Mayor DeIorio suggested that it be forwarded to the Public Safety Committee for discussion on June 7th and that the Police Chief be notified. Councilman Badillo said he and Councilman Matarante are continually working on the flood zone. He said he spoke with Ed Dec and called Mike Ferguson's Office on Tuesday to inform them they felt they were getting the run around. He said FEMA has changed engineering firms and because of the new reviews has stalled everything. He said Congressman Ferguson's Office must have called somebody, because they got a call mid-afternoon yesterday that said the Borough should receive a letter within a week, and he had the feeling it would be a good letter. Councilman Badillo said he is also meeting with the Borough Engineer Ed Dec and Donald Guarriello pertaining to the bike path. He said he also attended the Firemen's Memorial and they like the idea of having it in Council Chambers. He said the Memorial Day Parade is May 30th, and congratulated Councilman Murphy on being Grand Marshall.

Councilman Zeglarski had no formal report.

Borough Attorney Bill Lane said he had 3 closed session items to discuss regarding M&E Railroad and the oral argument in front of the US District Court 3rd Circuit, Timpat, and Blackstone regarding repairs to the Youth Center.

APPOINTMENTS

Mayor DeIorio on the recommendation of the Traffic Safety Officer, appointed Robert McGillis, 227 Bender Avenue, Roselle Park, as an Alternate School Crossing Guard, effective April 18, 2005, for a term expiring on December 31, 2005.

Mayor DeIorio, on the recommendation of the Fire Chief, appointed the following individuals as members of the Roselle Park Fire Department, effective immediately:

- . Kevin W. Ingraham – To be assigned to the Lorraine Firehouse #1.
- . John Gura – To be assigned to the Faitoute Firehouse #3.

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

- . Personnel – Regarding Health Benefit Reimbursements for 3 individuals
- . Litigation – Status Report on the M&E Railroad with regard to the Federal Case in front of the US District Court 3rd Circuit
- . Litigation – Regarding Timpat vs. Roselle Park in Union County Superior Court
- . Potential Litigation – Regarding Blackstone and repairs to the Youth Center

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 10:10 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Badillo and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 10:45 p.m. to resume the regular order of business; seconded by Councilman Badillo and adopted.

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

- . Personnel – Regarding Health Benefit Reimbursements for 3 individuals

- . Litigation – Status Report on the M&E Railroad with regard to the Federal Case in front of the US District Court 3rd Circuit
- . Litigation – Regarding Timpat vs. Roselle Park in Union County Superior Court
- . Potential Litigation – Regarding Blackstone and repairs to the Youth Center

There being no further business to come before the meeting, at 10:45 p.m., Councilman Badillo moved to adjourn; seconded by Councilman Matarante and adopted.

Attest:

Borough Clerk