

Executive Meeting of Mayor and Council June 2, 2005

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

ABSENT: Councilman Badillo

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).

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

Mayor DeIorio asked for a moment of silence. He said one of Roselle Park's icons passed away last week and those who knew Chic Cicariello knew him as a very kind businessman and an honorable individual. He said he was always there to help and an all around good guy. He asked for a moment of silence to reflect on Mr. Cicariello and pray for his family on the passing of their father.

COMMUNICATIONS AND PETITIONS

Copy of Resolutions from the Township of Hillside, the Township of Scotch Plains and the Borough of Garwood supporting A3526/S2144, referred to as "Christopher's Law". (Received and filed).

Copy of Ordinance amending the Land Use Ordinance of the Township of Union, regarding a redevelopment plan for the Schaefer Salt Site, that is scheduled for final hearing on June 14, 2005. (Received and filed).

Copy of Resolution from the Township of Union supporting S-1023 and A-1835 regarding reimbursing municipalities for disabled veterans property taxes. (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 on June 8th. (Received and filed).

Resolution from the Zoning Board of Adjustment granting variance for lot frontage of 50 ft. and lot area 5,000 sq. ft. for property located at 210 Filbert Street. (Received and filed).

Letter from Jason Lualhati and Serena Sinnot requesting permission to use the Gazebo for their wedding on Sunday, September 25, 2005. (Referred to Council).

Councilman Matarante moved to grant permission to use the Gazebo for a wedding on September 25, 2005 (pending approval from the Police Chief); seconded by Councilman Harms and adopted.

Resolution from the Borough of Wharton, Morris County, requesting that legislation be enacted to impose limits on the annual New Jersey State Budget to include spending limitations. (Received and filed).

Mayor DeIorio suggested having a resolution prepared for the next Council Meeting and Council agreed.

Request from the Board of Education to keep the Green Acres Complex lighting on during graduation week from June 20th – June 26th. (Referred to Council).

REPORT AND RECOMMENDATION OF MAYOR

Mayor DeIorio said the Borough is at the crossroads with the Community Access Channel where they should be adopting a policy and procedures manual. He said this is a guideline to give the public and Governing Body guidance when it comes to issues revolving around our Community Access Programming. He said Cranford has a similar manual which he would like reviewed by committee, and said Mr. Heyman has prepared a draft policy and procedures manual for the TV34 stations. He said this will give the committee an opportunity to review it, discuss it with Mr. Heyman, and bring it forth to the Governing Body at a future date.

REPORT OF DEPARTMENTS

Borough Engineer

Borough Engineer Ed Dec said the roadway reconstruction projects are going ahead. He said the Meadow Street base material will be placed tomorrow, and next week a portion of East Colfax will be completed. He said he had the opportunity to visit the bike path with Councilman Badillo last week, and they went over the location where the additional fence should be placed. He said they also looked at the request by one of the property owners about a drainage problem. Mr. Dec said they will be meeting with Comcast about the connection next week.

Councilman Harms asked Mr. Dec if he had an opportunity to look at the wall they want to build by the firehouse. Mr. Dec said he did and will be getting quantity estimate quotes for that and the bike path.

Councilman Murphy asked for an update on Martkthaler Place and Mr. Dec said an advertisement for bids will be sent out in late June.

Police Department

Received report from Police Chief Wielgus. (See app. pg. #).

Chief Wielgus said, with the assistance of our Borough Attorney, the Borough now has an application for filming on public property. He said the Borough had received a request to make a commercial in Roselle Park which has gone by the wayside. He said he would submit copies of the application to Council and noted that all approvals and fees would come through his office.

Councilman Harms said Acker Park and Aldene Park have dawn to dusk signs and asked if it would be possible for our Patrolmen to swing by. He said there has been vandalism at the parks and the basketball poles have been removed from Acker Park because of problems with members of other communities going there and creating disturbances. Chief Wielgus said he would see that it was taken care of.

Councilman Rubilla thanked Chief Wielgus for his swift adherence to a memo he sent to him last month. He said third ward residents were concerned about excessive speeding on Chestnut Street and other County highways. He said he immediately saw patrols increased and enforcement adhered to. On behalf of third ward residents, he thanked Chief Wielgus and his department.

Chief Wielgus said when he orders police vehicles, normally the cut off date is prior to the budget being adopted. He said he is going to have to try and get this year's allotment in September through State contract which does not give the exact package that we were getting with the co-op. He said if he cannot he has spoken with Winter Ford who will allow the Borough to lease the vehicles, and if it goes above what was put in the budget he may need to outright purchase one vehicle. He said the cut off for ordering through the co-op is April, and he would be getting the prices for the 2006 vehicles shortly. He said when he receives the 2006 prices he would let Council know.

DPW

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

Mr. Wirzbicki said the basketball hoops from Acker Park were removed and safely stored until that problem is settled. He said the damage at Aldene Park has been taken care of. He said he has been talking to Jackie Taluba from the Recreation Committee about replacing some equipment that was too damaged to put back. Mr. Wirzbicki reported that grass will be picked up every Thursday. He said it has to be put in open containers and nothing can be mixed in. He said grass in plastic bags will not be picked up, because of the new State regulations.

Councilman Rubilla said residents of the third ward have been happy to see the tree beds mulched and flowers in the planters. He thanked Mr. Wirzbicki and his staff for accomplishing the task.

Borough Attorney

Borough Attorney Bill Lane said he had 2 lease issues one of which is more time sensitive than the other. He said two small changes were made to the lease between the Board of Education and the Governing Body regarding the use of the Youth Center. He asked the Governing Body to review them so by the next meeting they will be in a position to execute those leases. He said his greater concern is the cell tower lease which has been worked on and tweaked over the final month, and the final lease was sent to everybody on May 27th. He said Cingular cannot apply to the Board of Adjustment until they have a signed lease; if they do not go to the Board of Adjustment, they cannot start construction and the Borough will not get the revenue. He said he would appreciate it if the Governing Body had any questions to raise them and, if not, to get it signed tonight. Mayor DeIorio asked if anyone had any questions. Mr. Lane said Cingular had agreed to, at their cost, transfer the Borough antennas onto their monopole and finally agreed that they would even contribute up to \$4,000.00 for additional equipment. When Councilman Zeglarski asked Mr. Lane if he negotiated the lease, Mr. Lane said he did but someone from the Police Department brought up the moving of monitoring wells and transfer of equipment from one antenna to the next. He said he dealt with the attorneys for Cingular who limited the amount for additional equipment to \$4,000.00. Mr. Lane said it was a win/win situation for the Borough. Regarding Spagnoli vs. the Borough of Roselle Park which was heard in front of Judge Pisanski last week, Mr. Lane said the plaintiffs request for an order to show cause was denied and that is in the Borough's favor. He said that does not mean the case is dismissed, only that their request for relief was denied. He said parts of that case need to be reserved for closed session and that is the only item he had for closed.

Borough Clerk

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

Administrative Assistant

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

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 8:35 p.m., to resume the regular order of business; seconded by Councilman Murphy and adopted.

Finance Officer

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

REPORT OF STANDING COMMITTEES

Councilman Zeglarski had one item regarding vacating the paper street. He said the reason he would like to bring it back to Committee is so they can come up with a final determination as to how they are going to handle the vacation. He said everything is established except for the price, and if they are going to have an auction. Mr. Lane said you do not need an auction, and you have the right to divide the street in half giving 25 feet to one property owner and 25 feet to the other property owner. He said the only issue is how much the Borough wants to charge for that process, saying many municipalities charge per square foot. Mayor DeIorio said Council also needs to determine costs that may be incurred by the Borough such as surveys, engineering or planning. Mr. Lane said on the street right now there are catch basins that will obviously never be used. Councilman Zeglarski asked if the cost will be borne by the resident or the Borough and inquired as to what was done in the past. Mr. Lane said he was not aware of any precedent. Mayor DeIorio said he has experienced one, instance, and the cost was borne by the property owner. Councilman Zeglarski asked what was done in the past and Ed Dec said a survey has to be done, a change of title and review by an attorney. He said the people benefiting by the vacation of the property would be the people that would bare the cost. Councilman Zeglarski asked him if he would find out what they did in the past, and Mr. Dec said he would. Mayor DeIorio said it was his opinion that when vacating or auctioning a street to an interested party, the costs involved from the municipality should be incorporated in the cost of the person acquiring the property.

Councilman Zeglarski said he handed out copies of the proposal that was submitted by QScend Technologies Inc. regarding the website which includes a copy of the proposed contract. He said he would like to have this placed on the agenda for the Regular Meeting of June 16th. Mayor DeIorio said if there were no objections Council would vote on authorization to sign at the next meeting. He said number 5 is not included and explained that the proposal lists different items that were suppose to be included in the website redesign. He said originally it was proposed that there would be a function that allowed residents to file complaints or give notices on potholes or tree limbs. He said that came at a cost of \$100.00 per month, so Council decided not to go with that for the 1st year to see how things work out. He said details of the contract will be up for the Regular Meeting and said the purchase of the license and service fees come to \$1,800.00. Mayor DeIorio asked Councilman Zeglarski to forward a copy to the Borough Attorney. Councilman Zeglarski asked if anyone had information on the newspaper article Jake mentioned because he had no knowledge of that issue. Mr. Lane asked what issue he was referring to and Councilman Zeglarski said the review of some

architectural documents that a Borough employee reviewed for the school board. He said there was a question as to whether that fee was exorbitant. Mayor DeIorio said last year the Board of Education approached the Governing Body to review plans as required by the State, and Council had passed an agreement to provide the service. Mr. Lane said he remembered the agreement and situation, but he was not aware of the article Mr. Magiera was referring to earlier.

Councilman Rubilla reported that he attended the memorial service at the Veteran's Memorial Library and marched in the parade. He complimented Councilman Kevin Murphy who was Grand Marshall and gave a very compelling speech. He thanked Paul Endler, Jr. for his remarks, and the Mayor for his compelling speech. He thanked Paul Endler, Sr. who was the parade organizer.

Councilman Matarante said he had no formal report but wanted to highlight that the high school chorus competed over Memorial Day weekend in Pennsylvania against several other high schools and middle schools. He said they won several awards including best overall high school. Mayor DeIorio suggested inviting them in for certificates.

Councilman Harms said he would like to invite Frank Wirzbicki and Ed Dec to the July Municipal Services Meeting to discuss leaf pickup. He said this has to be discussed because the State says leaves cannot remain on the ground more than 7 days. He said this does not just affect Roselle Park but the whole State. He said homeowners will be fined for putting leaves on the street, and they are talking about not even allowing brown bags because some dumps will not accept them. He said this is a very serious issue that needs to be discussed. Councilman Harms said the Church of Assumption would like to discuss the easement and taking the road back. Mayor DeIorio said what began as a reversal of a vacation of a street, and the imposition of the cost to the Borough to fix the street has turned into a much larger project. Mayor DeIorio suggested having a meeting with representatives from the Church and Borough Attorney Bill Lane and said he would speak with their attorney regarding the legalities. Mr. Lane said the request was made last year and Council deferred it because of the cost, and now the request has been renewed. Councilman Harms asked Mr. Lane to get back to the Borough Clerk, so she can let him know if they can attend the meeting Tuesday evening. Councilman Harms said the Fire Dept. is getting their fire truck and the First Aid Squad will be getting their vehicle at the end of the month. He said they are discussing having a joint wet down in celebration of their new vehicles.

Councilman Murphy said CFO Greg Mayers and himself interviewed seven financial institutions. He said although the bank services are generally the same there is a difference with the amount of money the banks will pay for the Borough's idle funds. He said their proposals have been reviewed and a final analysis will be done on the programs starting tomorrow. He said that information should be available for the next Regular Meeting of Mayor and Council. Councilman Murphy thanked the Veteran's Central Committee for giving him the honor of being Grand Marshall at the Memorial Day Parade. He said he missed Bob Lear at the service and wished him well. He said Friday

night is Teen Roselle Park with the American Cancer Society at Kean College. He asked for support and said over the past two weeks his mother lost the battle against Melanoma and whatever could be done to increase research would be greatly appreciated.

Mayor DeIorio said he received a notice from Joseph DeMaio, Club Director, for the Boys & Girls Club at the Roselle Park Youth Center. He said today was their first day at CPR Training, on June 9th and 21st there will be additional training on Child Abuse and Neglect, as well as Local Summer Program training. He said those training dates are for staff at the Youth Center and the Center will close at 6:00 p.m. on those dates.

PUBLIC COMMENT

Councilman Matarante moved, at 9:00 p.m., to open the public comment portion of the meeting; seconded by Councilman Murphy and adopted.

Jacob Magiera, 612 Sheridan Avenue, said he had another question which referred to the Clerk of the Works on construction of the Youth Center. He asked why the front desk was removed. Mayor DeIorio said the Boys & Girls Club had made a suggestion to provide better security and the change was made. Mr. Magiera asked the cost and the Mayor said he should contact the Chief Financial Officer. Mr. Magiera said in 1989 when he sat on Council they vacated the property on W. Clay Avenue, and he did not think there was a cost. Mayor DeIorio said that was the one he was referring to and said there was a cost involved by the property owner. Mr. Magiera asked who the property owners were and the Mayor said Gilda DeIorio and Mr. Klaus. He said there was a cost borne by Mrs. DeIorio, because she had to pay for the paving of the street before Council would vacate the property. Mr. Magiera noted that Judy Mack the Borough's Code Enforcement Officer has returned to work. He distributed a resolution recently adopted by Union Township. He read the resolution referring to the Right-to-Know and suggested that Mayor and Council adopt the resolution for Roselle Park.

Councilman Zeglarski said he did not have a problem with voting for this resolution, except for one concern. He said this resolution states that the Township is going to make available all closed meeting minutes with portions redacted, if necessary, back through January of 2000. He said it looks like they have to meet 2 times a year to determine which portions of the meeting should be redacted. He said Council would have to decide how to logistically review minutes and provide how far back they want to go and how much manpower they have to do that.

Mayor DeIorio thanked him for presenting the resolution and asked how the School Board or County Government responded when he presented this resolution to them. Mr. Magiera said he hasn't, and Mayor DeIorio said he may want to present it to them also. Mr. Magiera said perhaps the Governing Body should start because he did not know how to present the resolution to other boards.

There being no one else wishing to speak, Councilman Matarante moved, at 9:10 p.m., to close the public comment portion of the meeting; seconded by Councilman Harms and adopted.

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

. On-Going Litigation – Spagnoli vs. Borough of Roselle Park

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 9:10 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Harms and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 9:20 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:

. On-Going Litigation – Spagnoli vs. Borough of Roselle Park

There being no further business to come before the meeting, at 9:20 p.m., Councilman Matarante moved to adjourn; seconded by Councilman Harms and adopted.

Attest:

Borough Clerk