

Executive Meeting of Mayor and Council July 7, 2005

PRESENT: Mayor DeIorio; Councilmembers Badillo, Murphy, Matarante Zeglarski and Rubilla; Borough Attorney Bill Lane; Finance Officer Greg Mayers; and Donald Guarriello (in at 8:15 p.m. sitting for Borough Engineer Ed Dec)

ABSENT: Councilman Harms (vacation)

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.

Mayor DeIorio asked for a moment of silence for Former Councilman Pat Vertorano.

COMMUNICATIONS AND PETITIONS

Copies of Resolutions from the Township of Clark, the Borough of New Providence and the Township of Union supporting Assembly Bill 3526 and Senate Bill 2144, "Christopher's Law". (Received and filed).

Letter advising that the Comcast Foundation has awarded a \$1,000 Comcast Leaders and Achievers Scholarship to Julianne Niemaszyk, Roselle Park High School. (Received and filed).

Copy of Resolution from the City of Union City supporting the passage of Senate Bill 1023 and Assembly Bill 1835 requiring the State to reimburse municipalities for the exemption of Disabled Veterans from payment of property taxes. (Received and filed).

Copy of Resolution from the City of Linden urging President Bush to reconsider the proposed cuts to the Federal Government's funding of Community Development Block Grants in the 2006 Budget and to restore the level of funding to at least the 2005 funding level. (Received and filed).

Copy of Resolution from the Township of Scotch Plains endorsing legislation to impose CAP Laws on the State which is currently exempt. (Received and filed).

Letter from New Jersey Citizen Action advising that they will be conducting a fundraising drive in this area from August 1 through August 31, 2005, between the hours

of 4:00 p.m. and 9:00 p.m., and requesting a signed acknowledgement from the Borough. (Referred to Council).

**Councilman Badillo moved to approve the New Jersey Citizen Action to conduct a fundraising drive in this area from August 1 through August 31, 2005 between the hours of 4:00 p.m. and 9:00 p.m.; seconded by Councilman Murphy and adopted.**

Request from residents for the 400 block of Hemlock Street for permission to hold their annual block party on July 30, 2005, with a rain date of July 31<sup>st</sup>. This has the approval of the Roselle Park Police Department. (Referred to Council).

Request from residents of the 400 block of Spruce Street for permission to hold a block July 16, 2005. (Referred to Council).

**Councilman Badillo moved to grant permission for a block party on the 400 block of Hemlock Street on July 30, 2005 with a rain date of July 31<sup>st</sup> and to grant permission to hold a block party on the 400 block of Spruce Street pending permission from the Police Department on July 16, 2005; seconded by Councilman Matarante and adopted.**

#### REPORT AND RECOMMENDATIONS OF MAYOR

Mayor DeLorio read a statement regarding the Board of Education denial of a Fireworks Display at the Green Acres Complex on August 2, 2005. (See app. pg. # ).

Councilman Zeglarski said he did not know if this was the right place for the Mayor to make those statements. He said the Board of Education is a separate board, and if the Mayor wanted to make those types of allegations, he would appreciate if he would do it outside of this setting. He said they need to maintain some type of non-political decorum and he does not appreciate that type of rhetoric.

#### REPORT OF DEPARTMENTS

##### Borough Attorney

Borough Attorney Bill Lane said he wanted to follow up on the decision by the Board of Education not to grant a permit for the fireworks. He said he has done research on the matter including looking at the original resolution, the lease between the parties, and the Borough's ordinance. He noted that research uncovered the fact that not only is recreational use permitted, but it is encouraged, and that is the purpose of the particular ordinance and Green Acres Complex. He said, in addition, there is a statute that permits fireworks and cited NJSA 21-3. He said the Board of Education is the permit issuing authority, and said if there is an aggrieved party that is not satisfied with the results of the Board, they have the right to appeal, which is due process. Mr. Lane said the appellate forum is Mayor and Council, and in affect they can then hear an issuance or rejection of a

permit and decide if there is any merit as far as what the Board of Education has done. He said as a result of that, and given those circumstances, it appears to him that the aggrieved party can appeal that decision to the appropriate party, which is itself. He said he has prepared such a notice of appeal, saying if this forum is dissatisfied with the decision of the Board of Education, they can appeal to themselves by Notice of Appeal, and the Board of Education has an obligation to immediately respond by supplying to Mayor and Council the application plus the written explanation for the reasons of their denial. Mr. Lane said he has given Mayor and Council a letter of opinion and supplied them with a copy of a letter notifying the Clerk of the municipality of this particular forums intent to appeal and asking that the appeal be heard expeditiously. He said if Council so chooses, they could authorize him to transmit that letter to the Clerk at which point the appellate process will proceed.

Councilman Zeglarski said he was shocked by what he was hearing. When Councilman Badillo asked if a motion was needed and if it should be done now or later in the meeting, Mr. Lane said it should be made during the Special Meeting later this evening. Councilman Zeglarski said this is the first he has heard of this thought process and said he has not read the legal brief he was given when he walked in the door. He said he did not know how to intelligently, without reading his position, try to respond but said he would do his best. He asked if they are going to seriously appeal to themselves and have a vote right now, because that is not due process. Mr. Lane said the reason this was just received is because he just found out about it today and did the research. He said Mr. Zeglarski was one of six Councilmen reading it for the first time and, as far as the vote is concerned, he believed that the only authority that he is suggesting is the authority to file a Notice of Appeal. He said he was not suggesting that they decide that appeal, because that appeal can be decided next week. Councilman Zeglarski said he felt Mr. Lane decided that Council has authority to review the appeal, because if we have the authority to accept Notice of the Appeal then obviously we have the authority to judge on it, and he did not know if we do. Mr. Lane explained that we don't have the statutory authority to issue the permit, but we are the only entity that has the appellate authority. Councilman Zeglarski said that is why handing this to Council at the meeting makes it difficult; Mr. Lane said he appreciated that and, if time was not of the essence, he would of handed it to them tonight and resolved it later. Mr. Lane said he was told the target date was August 2<sup>nd</sup>. Councilman Zeglarski said he did not have a problem with fireworks as long as they have satisfied safety requirements and that they have insurance to cover anything that might occur that is dangerous. He said he did not feel that anyone could dispute that things have happened in the past on that property during a fireworks display. He said maybe we do not know the cause of the fire because he has not talked to the Fire Chief, but there was another incident where fireworks went into the crowd. He said he was hesitant to do something like this because the Board of Education has a lot of control over that property, and it is right next to their facilities, and they are the elected officials, and they have a budget that is twice of the Boroughs. He said he felt Council was really overstepping its bounds by reversing a decision that is really the Board of Education's domain and that is political interference to the highest, and then they are going to appeal to themselves. Councilman Zeglarski said it just didn't sound right. Councilman Matarante asked, if Council was able to produce the 2 things Councilman Zeglarski had

requested, how he felt about it? Councilman Zeglarski said he would feel more inclined to visit this idea, except for the fact that the Board has already ruled on it, and he was not comfortable with intervening with their decision.

Mr. Lane said unfortunately as an appellate forum they have no other choice, and that is why an appellate court exists to intervene and supervise the subordinate authority and in this particular situation the subordinate authority is the Board of Education. Councilman Zeglarski questioned if it was truly an appellate court when you are appealing to yourselves, because that did not sound like a forum to him. Mr. Lane said if you could not hear this appeal, then that would make this forum the only entity that had no appellate rights. Councilman Zeglarski said they do, they can go to the Superior Court. Councilman Zeglarski said he did not know if this was the route to go, and if you want to file something with the Superior Court and hear it on an expedited basis, they would have no problem doing it. He said to him it would be fairer, so that Council is not reviewing themselves, and asked if that did not sound right to anyone else. Mr. Lane said there was very little about this situation that sounded right; however, what he was saying is the result of his research. He said he is not a resident of Roselle Park; however, he has been told that the fireworks are a matter of Borough history and for quite a while have been at this very location. Councilman Zeglarski said he felt the ordinance that Mr. Lane cites discusses the issuance of permits by the Board of Education, and certainly you can foresee in a case where the Board of Education rejects a third party's application that they might appeal to the Mayor and Council, but that the Mayor and Council is going to appeal to the Mayor and Council certainly is not accounted for. He said he did not feel it was easy to conceive this situation happening, but now that it happened, to say that due process allows it is running afoul. He noted that due process is about giving people fair and just process by an independent, uninterested third party to look over the process. He said we have the Superior Court, and he felt we should go that route. Mr. Lane said he wondered whether in fact by doing so, without going through the appellate process, would they not be accused of not exhausting their administrative remedies. He said Councilman Zeglarski's logic basically said that if there is anybody else out there who is aggrieved they have the right, expeditiously, and with undue expense to come before this Mayor and Council. He said Councilman Zeglarski is saying with everyone else out there we are the only forum that cannot do that, because he feels that it doesn't sound right. Councilman Zeglarski said they are the only group that cannot appeal to themselves because that violates due process, and Mr. Lane said he disagreed.

#### INTERRUPT THE REGULAR ORDER OF BUSINESS

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

#### RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 9:15 p.m., to resume the regular order of business; seconded by Councilman Badillo and adopted.

Nancy Kinloch, 336 Sheridan Avenue, stated that she did not plan on speaking this evening and was there as a liaison. She said with all do respect she needed to say a few things. She said there were other incidents and they may not have been reported because no one sued. She said she was there when people were burned on their heads from flying debris and when the fireworks tipped over. She said the roof was questionable, but she cannot imagine a rocket going up there and setting a fire. She said there was another incident when one of the custodians mowing the lawn after the fireworks went over a live shell that exploded. She said there are guidelines that she brought to the attention of the Board. She said they had a meeting in June and this issue was tabled because of her concerns and the Board decided they wanted more information and noted that the meeting was televised. She said at that particular meeting she voiced her objections publicly, and they did not go into closed session regarding the issue. She said if anyone on the dais had watched, that meeting they would have known what was going on. She said it was not televised because the President of the Board, who was not there, told Keith that it wasn't to be televised that night. She said if Mr. Matarante wanted to speak he certainly could have interrupted the Board, but because he was very upset he left the meeting. She said they are not a political board, and she did not know she had to ask Mayor and Council what they should and should not do. She said she did not know they had to call the Police Chief or Fire Chief because she had guidelines which are the regulations, and they specifically set the area where you can shoot off the fireworks. She said she was very distressed with how this has been blown out of proportion, and as a member of the Board personally resented it. She did not like the idea that people are indicating that her as a majority of one has influence over that many people by just saying it was not safe, because there were other issues she brought to their attention. She said Council has very short memories because there were more then one or two incidents.

Bob Zeglarski, Sr., 521 Chester Avenue, asked if their insurance advisor was asked to be at tonight's meeting to speak on issues of liability, because he mentioned safety and liability. He said there was a lot of information given to the public regarding safety matters and asked about the liability matters. He said he knows that Mr. Lane has made some mention of it, but he has not heard about some things like what is the limit of the town's liability policy, the limits of the umbrella policy above that, and how would they transfer liability to protect the Board of Education in case something does happen. He asked if the third party, the group that brings in the fireworks, will name the Board of Education and Municipality as additional insurers and what is the limit of their policies. He said if they are going to have a comprehensive discussion about this in public this evening, those are the kinds of numbers that they should have available to them to make the public feel that at least the Board of Education, in spite of the fact that the town is imposing the town's will upon the Board of Education, using the Board of Education's property, how do they intend to protect the Board of Education in a situation and therefore the taxpayers. He said if they have enough insurance then there is less likelihood that eventually if there is a mishap that causes an injury and property damage which could run into the millions, that taxpayers wouldn't be assessed for that liability above the policy limits and asked if they knew the policy limits. Borough Attorney Bill Lane said he was not familiar with it and hasn't seen the contract, but all of the

contractors are required to name the Borough and the Board as additional insured and provide a certificate of insurance to demonstrate that before they are allowed to do anything and that is what the Borough requires of the Board when they utilize the facilities here and what we supply to them when the Borough uses their facilities. Councilman Zeglarski asked the Borough Clerk if she could get the policies, and Mayor DeIorio said for the record the question on the floor was concerning a discussion over the insurance, and keep in mind that at no time did the Board of Education ever approach us asking for additional insurance coverage. He said those amounts and policies have always been accepted by the Board of Education, and there was nothing different, so again to pose the question of how much it is a very good question; however, the attorneys talked prior to Tuesday's meeting and at no time did they say that we need more insurance. Mr. Zeglarski said the public is now asking a question about the insurance limits, a question that he believes should be answered, especially in light of the fact that Council is trying to prove the point that they have safety and liability in mind here and that they have sufficient safety procedures and sufficient liability insurance so that the Board of Education doesn't have to worry that in the event that something does happen that they are protected and that their buildings will be repaired and rebuilt if necessary. He said he knows that Council at one point was in a joint insurance fund and they were very unhappy about the town doing certain things. He said in the joint insurance fund one of the things you are trying to do is save money and one of the ways to save money is to make sure you do not have large amounts of insurance coverage. He said he would like to know if it is one million for liability, or is it a one million umbrella, are they covered for two million dollars because that is not a lot of money. He said the town is probably covered for a lot more than that, but he would like to know what is it. Councilman Rubilla asked what a lot was because this can be beaten to death. Mr. Zeglarski said a ten million dollar umbrella is not a lot, but you probably can't get much more than that. He said you have to consider what the high school is worth versus how much insurance you have.

Councilman Badillo said you are making all the gloom and doom that the high school is going to get burnt down, and they will have to build a whole new building. He said Mr. Zeglarski was the Business Administrator there for a while, and while he was the Administrator there were fireworks, and he never came to Council and said he was concerned about the fireworks and the building burning down and do we have enough insurance. He said he never came to Council in that capacity, but now he stands before them. He said he did make those concerns known and there was always a problem with transfer of liability and that is what they are talking about tonight. Councilman Badillo said he should have recommended to his Board back then that they not have the fireworks because of the inherit liability.

Joe Signorello, 625 Woodland Avenue, said he was the Fire Chief and was commenting as Chief and as a taxpayer. He said if there were some thought of canceling this from some Board Members in open forum, they should have done something like bring in professionals like engineers, the Fire Chief and Police Chief for those concerns. He said for 11 years it was uneventful, and there is no question in his mind that the reason there was a fire last year was because of the debris. He said like Councilman

Matarante brought to light it is not just about August 2<sup>nd</sup>, but is about the 4<sup>th</sup> of July every year. He said there should have been a lot more thought and dialogue. He said nothing was discussed last July 5<sup>th</sup>, 6<sup>th</sup> or 7<sup>th</sup> about a cause in origin. He said as Fire Chief he is available 24 hours, 7 days a week, for anyone wanting to ask his professional opinion.

Mayor DeIorio said the Borough Clerk gave him the insurance from last year's fireworks that named both the Borough and also the Board of Education. Borough Clerk Arlene Triano said general liability was 1 million each occurrence and 5 million aggregate, and that is in addition to the Borough's general liability coverage which is 15 million per occurrence.

Nancy Kinloch said a thought came to her mind while she was listening to the rhetoric going back and forth and said she could not believe she is the instigator of all that is going on here tonight. She said she did what she felt was the right thing to do. She said every year they have the 4<sup>th</sup> of July fireworks and a permit is issued by the Board of Education, and asked if that was true. Mayor DeIorio said every year, the Borough submits a request and he believed it was within 30 days a decision is made. Mrs. Kinloch asked if they voted on it every year, and the Mayor said they do vote on it every year. Mrs. Kinloch said she did not remember voting on it, but said the reason this came forward this year was the fact that it was on National Night Out. She said she agreed with Mr. Leinberger that passing a postcard around at a baseball game and getting people to call and have their children coming to the meeting is putting a lot of undue pressure on them and is not fair. She said last year's incident, whether it was proven or not, brought a lot of concerns to the Board because they are concerned about the taxpayers, students and facilities. She said she felt they had issues and incidents that have been bypassed, and that was the reason she did what she did and felt she had enough background to present to the Board and obviously they believed her and that is why they voted the way they did. Mrs. Kinloch said she felt this was a bad image for the town to see what is transpiring here tonight. She said she will watch a little closer to see what she is agreeing to from one year to the next. She said the Chief is correct this happened this year and Council is going to go to them again next year and ask for permission again, and we do not want to go through this. She said this is one small town 1.2 square miles, and they should be working together. She said she did not remember their having to call experts in for them to make a decision and said they are suppose to be intelligent adults making decisions they feel are right and for them to be accused of not calling in experts is very unfair of Council. She said she has attended these meetings for years and she did not remember this ever taking place between the Board and the Council, at least publicly, and she is very upset by what has happened. She said she does not know what's going to happen Saturday, it is suppose to be their retreat to discuss other things, but obviously this will be part of it because Council has voted tonight to appeal their appeal, or whatever it is they voted to do, and that is going to have to make them make another decision.

Mayor DeIorio said he did respect her opinion. He said he does gather his facts, and again they have a passionate difference of opinion on what transpired. However, when it came to her comment regarding the Little League Field, he could assure her that

if she was referring to him distributing cards to kids, and he did not know if that was her intent, that was not the case. He said Debbie Schaffer had approached him and he told her what had transpired and said they were trying to change it and save some money and she asked what can be done about it. Mayor DeIorio said because she asked him, he told her what she could do and she felt very comfortable about doing this to try to ask people to get involved. Mrs. Kinloch said his signature was on it because it came through the mail today. Mrs. Kinloch said her name was prominent on it and she resented, it saying she was sorry but she was not the only one and he made her sound like she was the leader of the gang. She said putting their telephone numbers on it was unethical and is not allowed. She asked how they would like it if the Board did that to Council. She said she did not think they ever did that and did not think they ever would. She said now the kids are upset, and the Board did not say they could not have 4<sup>th</sup> of July fireworks, Council decided that on their own. She said the Board was also being blamed for 4<sup>th</sup> of July fireworks, and Mr. Magiera asked a question the other night about surplus and Schering money, and if you really wanted fireworks you did not have to ask anybody for fireworks money because you had it in your extra money, but you had made a decision to cut it out of the budget and look for people to donate. She said they did not come up with the 10 thousand dollars, and she did ask for a list because someone told her it was one person who donated the whole amount and she was curious and nosey and wanted to know who. She said she never mentioned the list or showed it to anybody because it was given to her at her request from the Superintendent. However, she did feel it was unfortunate that right now the Board is being blamed for the 4th of July fireworks, not even taking into consideration August the 2<sup>nd</sup>. She said she liked fireworks just as well as the next person; however she likes to feel she is in a safe location when she is watching them and that is what she would want for everyone in town. She said if people disagree with her so be it, that is their choice, but that is her opinion.

Councilman Matarante said he took a little issue with some of the things she said because the idea about re-voting was his, and he certainly in no way meant it to be insulting. He said he felt that Mayor and Council for the last 18 months has worked probably more closely and more cooperatively with the Board of Education than at any time when he was on the Board of Education. He said whenever there are hot button issues he has always contacted the Board President or the Superintendent to let them know there is an issue and to let them try to figure out a way between them to resolve this amicably before it gets to the vote, before they have this kind of animosity. He said he took exception to the comment that Council was not working with the Board and said this is one issue they happen to not agree with their vote and they do not know what their other recourse is but to have this public forum, because there is no other public forum in which to have it in because of the scheduling of the Board meetings. He said this is not the first time people have used kids on an issue decided by the Board of Education. He said Mrs. Kinloch inferred that he doesn't watch the Board of Education meetings, but he happened to watch the part of the meeting where he heard her say something about the legality of having the fireworks there. Mrs. Kinloch said guidelines are the regulations, and Councilman Matarante said she used the word "legality". He said he called a couple of board members to find out what was the rest of the claim and to make sure he wasn't going down a path that he didn't know because he didn't hear the beginning part of it.

He said he immediately called the Chief and asked him if there was some legality issue, or if having the fireworks there was illegal, because if it is he would certainly not vote for them. He said he found out later there is no legality issue, but there are guidelines or recommendations or suggestions and that is where they are today. He said he does watch the meetings, and he does stay in very close contact with the Board, and he really did not mean to be insulting, and apologized if that was what she meant. Councilman Matarante said his point was they are working well and if the Board feels it is worthwhile talking about to do it or if not don't. He said he was confident that the Board is going to make, whatever decision they make, and he is saying before they do anything to give these guys another chance. Mrs. Kinloch said if they were going to discuss this in such great length this evening she felt it would have been a great idea to advise all of the Board members that it may have been a good idea if they attended the meeting.

Councilman Rubilla said she was right this was blown out of proportion. He said his only request from her is this because she has been there the longest, some of her other colleagues who have left, and he did not know if they heard the testimony of the Chiefs of the Fire and Police Departments. He said since she has captured the essence of what they had to say, along with Mr. Zeglarski asking Mayor DeIorio for insurance liability limits, and Mrs. Triano pledging that the Borough has 5 million in aggregate, is it fair to say that Council can ask her to outline that for her colleagues in Clark on Saturday, since they didn't have the benefit of being there. Mrs. Kinloch said she will explain the insurance end of it to them. She said she felt Mr. Matarante would probably be better suited to speak as the liaison to the President of the Board and Superintendent and fill them in on the details. Mrs. Kinloch said Saturday there probably will be a re-vote since Council is forcing that, and whatever happens she will tell them she was here and she was sorry there were not more of them here. Mayor DeIorio said he had to give her a lot of respect for being here. He said he wanted to stress the point though that over the years he had to commend Councilman Matarante and Councilman Harms because they were prior Board Members and anytime an issue came up it was done through the liaisons discussions with Board Members. He said the bottom line is they may have averted this and in his opinion they are left at the last minute trying to remedy something that could have been remedied a month ago.

Greg Kinloch, 336 Sheridan Avenue, said he just wanted people to know what he had to go through. He said his wife said she has to go to the meeting tonight because she is the liaison, but said she was not going to say anything. He said he timed her saying she spoke for about 45 minutes.

Jake Magiera, 612 Sherdian Avenue, asked Mayor DeIorio if he was running for office higher than Mayor because he saw him on Channel 58. He said the Mayor keeps coming up a lot on that program and quoted the Mayor as saying "Hands across NJ," and asked the Mayor if he remembered saying that. Mr. Magiera said had the Borough had a Business Administrator they would not have to go through all this nonsense with the fireworks, because he would have taken care of it and would have found the money. He said he received a postcard about "Mayor DeIorio's Relay for Property Tax Reform Now", and what caught his eye was that it was not paid for by taxpayer's dollars. He

asked who paid for it and Mayor DeIorio said he did. Mr. Magiera said if Council took a 30% cut in pay as he suggested, they would have had fireworks on July 4<sup>th</sup>. He said the Mayor is the Chief Executive Officer, and he holds him responsible and accountable, and the people also hold him responsible and accountable.

Police Chief Warren Wielgus said he felt Roselle Park should follow the role of Mountainside with the Business Administrator. Mayor DeIorio explained that the Police Chief also happens to be the Business Administrator in Mountainside and stated it wasn't going to happen because with all due respect he liked him being Chief.

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

#### REPORT OF DEPARTMENTS – (Con't)

##### Borough Attorney – (Con't)

Borough Attorney Bill Lane reported that the cell tower operation is before the Planning Board on July 18<sup>th</sup> and Cingular will be appearing before them on that occasion. He said he passed out a copy of an amended limited lease between the Borough and Board of Education incorporating all of the requested changes.

##### Police Department

Mayor DeIorio congratulated Chief Wielgus for being elected as the NJ Police Chief's Association President. He said he had the fortunate opportunity to swear him in, saying it was a wonderful event with about 500 people present. He said it means a lot for Roselle Park to have persons like himself in such high ranking positions. Chief Wielgus thanked all the members that could make it down to Atlantic City and thanked Mayor DeIorio for swearing him in.

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

Chief Wielgus said they put in for 2 police vehicles for lease this year but missed their opportunity to go on the Cranford co-op, so they are waiting for the new State contract to be awarded. He said instead of getting them from Warnock, it will probably be Winter Ford, and they will be leased through his budget. Chief Wielgus said the Taj-Mahal comped his room for the entire week and saved the Borough \$800.00. He said he was in favor of the fireworks, saying it was good for the town.

##### DPW

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

Councilman Zeglarski asked him to check W. Webster because he received a complaint regarding trees hitting wires. He said the railroad right-a-way between Webster Gardens and Cicariello's needed to be cleared and asked how they go about putting pressure on the railroad to demand that they clean that area. Borough Attorney Bill Lane said about 2 years ago there was a problem and they came out but it was a Band-Aid at best. Councilman Zeglarski asked if the Health Department could be called because there is a rat problem. Mr. Lane said if the Borough has a report he will do whatever he could to communicate with the railroad.

Councilman Murphy said there is a beautiful red maple tree on the corner of Madison and Pershing and that unfortunately, is at a height where it has covered up the stop sign. He said anyone traveling south on Pershing Avenue that is not familiar with the neighborhood will literally go right through that intersection. He said he discussed it with Frank, and they brought it up with the Traffic Safety Officer, and one of the suggestions was that they put another traffic light on the opposite corner. He said if that doesn't work they may have to put down some rumble strips.

#### Borough Engineer

Mr. Guarriello reported for Borough Engineer Ed Dec. He said they are working on the Walnut Street sanitary sewer and should be completed in 2 weeks. He said bids were taken for the generator for the DPW, with the low bid being \$44,480.00. Mr. Guarriello said it would be his recommendation to award to the low bidder. Mr. Guarriello said about 2 months ago they received a letter from NJ Transit about the railroad station project requesting \$2,500.00 to review the plans, and stated that the project would not proceed without their review and approval. He said he did not know if anything had taken place with respect to that, and Mayor DeIorio said that was a two prong issue. He noted that the \$2,500.00 is for Conrail, and not NJ Transit. The Mayor said NJ Transit had indicated that the representatives they met with are willing to come to Roselle Park, but are waiting for something from the Engineer's Office. Mr. Guarriello said he believed that they complied. Mayor DeIorio said before the Borough could do any changes to the train station that encroaches on Conrail property, the Borough has to pay their outside contractors \$2,500.00 to review our plans. Finance Officer Greg Mayers said he wanted to check and see if that money had to come out of the municipal budget, instead of the station area enhancement grant. He said he also wanted to make sure that the money put away 5 years ago would be enough to complete the project. Mayor DeIorio said he wanted to call NJ Transit to see if they could come in next month to give Mayor and Council an update on what is happening on their end. Mr. Guarriello said there is a small problem at the Hawthorne Street Detention Basin. He said that dirt has to be removed because they are in violation of the DEP permits. Mayor DeIorio said that is due to the fact that the Borough is attempting to expand the number of fields they have for the children while the schools are being renovated. Mr. Guarriello said all of the dirt in the basin can be moved, but you cannot add dirt to it, because it takes away water volume which is the purpose of the detention basin. Councilman Matarante said that dirt will be taken out, it was just put in to get equipment in and out because the grade was too great. Mr. Guarriello said there is a ramp that was deliberately put there. Councilman

Matarante said it is going to be removed and Mr. Guarriello said he did not want to see the Borough fined for violation of the permit, especially when they had nothing to do with it. Mr. Guarriello said they should be going out to bid on Markthaler Place in July. Councilman Zeglarski said he had one issue with a sewer backing up on Pine and Hazel Street, and asked what the Borough needed to do to fix that. He said he realized this could be a relatively big job and that is why they had the sewer budget. Mr. Guarriello said the sewer has been rebuilt on Colfax Avenue up to Larch Street. He said they could TV the sewer line to see whether there is a problem that could be causing a back up. He said when they did that line, they more then doubled the capacity of that sewer and said there was no reason for rainwater to cause sanitary sewers to back up because they are suppose to be totally independent sewers. Councilman Badillo said Hemlock is a street slated to be done this year and asked if he had a timetable for when that was going to be done. Mr. Guarriello said he would have to talk to Ed because he did not know if it was in the budget. Councilman Badillo said the Health Department recommended that it get done because of the pitch on the street and said there was a lot of standing water there. Mr. Guarriello said since it is a resurfacing job they should be able to bid that with Markthaler Place.

#### Borough Clerk

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

#### Finance Officer

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

#### Administrative Assistant

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

#### REPORT OF STANDING COMMITTEES

Councilman Murphy said he had a memo from the NJ League of Municipalities regarding Property Tax Relief. He said the memo was addressed to the Mayor's of the great State of New Jersey announcing that an agreement between the Senate and Assembly leaders have been reached on an Annual Preparations Act and as far as the League of Municipalities could see throughout the budget negotiations there has been little consideration given to the repeated request to use some of the previous unanticipated 1.2 billion in revenue of which Treasurer McCormick informed the legislature on May 24<sup>th</sup> to more fully fund municipal property tax relief programs. He asked taxpayers to state their concerns at the State Capital, otherwise another year will go by and there will be no relief in sight. He congratulated the Police Chief and said he was the first Police Chief in Roselle Park to be elected President of the State Police Chief's Association. Councilman Murphy said he attended the Board of Health meeting. He said now that the children are out of school he had the opportunity to visit at the Youth Center and quoted a parent who said "It is the best thing that ever happened to Roselle Park".

He expressed his sympathy to the people of London. He said it was a shame that we live in a world today that we may or may not make it to work because somebody disagrees with what we believe in. Councilman Murphy said he had one item for closed session and it had to deal with clarifying the ordinance regarding a position. When Councilman Zeglarski asked what position, Councilman Murphy said traffic enforcement.

Councilman Badillo said he had comments that concerned Mr. Zeglarski speaking during public comment from the podium. He said the comment was that he was giving the Board of Education a hard time like he did back when he was the Business Administrator. He said he agreed with Councilman Matarante that in the last two years we have worked extremely well together, and both Boards have gone out of their way to respect each other. He said he wanted everyone to know that Mr. Zeglarski had animosity toward him because he was extremely vocal after he and Bill Clarke told him, in 1998-99 when the school budget was defeated, that kids programs would be cut if Council cut any money from the surplus. He said a couple months after the children were used as shields in saying their programs would be cut, Mr. Zeglarski accepted a \$20,000.00 raise and he was extremely vocal about that and the minutes of the meeting will prove him out. He said he still feels the same way after being told the children's programs were hanging in the balance one month, and then the following month the School Business Administrator and Superintendent get huge raises. Councilman Badillo said he has worked extremely hard in this town not only with the Board of Education, since he has been elected, but with the kids programming and anyone that knows him knows that he is out there doing what he can to help these children. He thanked everyone for their indulgence and apologized.

Councilman Badillo said there will be an Al Jolson Revival Luncheon at the Casano Center on July 16<sup>th</sup>. Councilman Badillo said the Little League Tournament has been going on and will run through July 16<sup>th</sup>. He said he would like to have a plaque made for Ryan Henry, saying Ryan is a 14 year old whose dedication to the tournament is amazing. Councilman Badillo said he attended the backing in of the new fire truck at Lorraine Fire House. He thanked Rocky Carle and his committee, saying they did a great job. He advised everyone to avoid Walnut Street between Charles Street and Grant Avenue until the sewer work is finished. He said the Public Safety Committee met and give their recommendation to Chief Wielgus for a new hire in the Police Department.

Councilman Zeglarski reported on the website saying they were trying to schedule a training session that works for the Borough staff, saying they were trying to coordinate it for a department head meeting. Mayor DeIorio said it is not good to have it at the department head meeting because they only meet for an hour. Mayor DeIorio said whenever he goes for computer training it takes a full day and suggested that Councilman Zeglarski find out how long it will take and what equipment will be needed. Councilman Zeglarski said, as his closing comment, that he could not resist addressing Councilman Badillo, saying he had a thick skin so he does not get upset, but to set the record straight the man was asking about coverage when he was interrupted and said he should try to recall the facts a little bit clearer next time.

Finance Officer Greg Mayers said, being that the Board of Education now has a school construction program, the Borough is going to give them the same amount of money. He said in order for them to meet a debt service payment on August 15<sup>th</sup> they have requested, instead of 6 checks in equal installments, to reduce it by \$366.00 and give them that by August 8<sup>th</sup> so they could meet that obligation. Mayor DeIorio suggested that a resolution be prepared for the July 21<sup>st</sup> meeting. He said Councilman Murphy made some recommendations about banking services, and if anyone is in agreement or not in agreement about this provision, to let him know as Finance Chairman. Mayor DeIorio said it will be on for the 21<sup>st</sup> and if any member of Council has any questions either in writing or verbally discuss it with Mr. Murphy or Mr. Mayers. Mr. Mayers said he was trying to make the switch in banks a smooth transmission.

Councilman Murphy said the ordinance establishing the parking enforcement position states the party that occupies this position will have 11 holidays. He said the Borough has 14 holidays and the question that came up was what are those 11 holidays. Mayor DeIorio said it should follow the holidays the dispatchers receive. Councilman Murphy said it needed to be formalized in writing, and to let the Supervisors know, so they can pass it down to whomever holds that position.

There being no further business to come before the meeting, at 10:55 p.m., Councilman Matarante moved to adjourn; seconded by Councilman Badillo and adopted.

Attest:

Borough Clerk