

Executive Meeting of Mayor and Council October 6, 2005

PRESENT: Councilmen Badillo (in at 8:15 p.m.), Harms, Murphy, Matarante, Zeglarski and Rubilla; Borough Attorney Bill Lane; Borough Engineer Ed Dec (in at 7:35 p.m.)

ABSENT: Mayor DeIorio (Back to School Night); Chief Finance Officer Greg Mayers

President of Council, Councilman Matarante, sat for Mayor DeIorio. Acting Mayor Matarante 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, C172. (NJAC 17:27).

As required by the Fire Prevention Code, he indicated the fire exits and procedure to be followed in case of fire.

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

COMMUNICATIONS & PETITIONS

Resolution from the Township of Clark urging the State Legislature to amend the Senior Property Tax Freeze Protection Act to provide for higher income limitations. (Received and filed).

Resolution from the Township of Clark calling upon all State agencies to investigate allegations of profiteering and price gouging due to damages caused by Hurricane Katrina. (Received and filed).

Letter of resignation from Kathy Doyle, for retirement purposes, as part-time Senior Citizen Bus Driver, effective March 31, 2006. (Referred to Council).

Resolution from the Township of Riverside supporting renewal of the New Jersey Transportation Trust Fund and increased dedication for local aid. (Received and filed).

Resolutions from the Township of Union and Town of Westfield requesting legislation to impose limits on the annual New Jersey State Budget to include spending limitations comparable to Municipalities and Counties. (Received and filed).

Notice of Hearing to Property Owners that an application to erect an 8' fence on property located at 30 West Clay Avenue will be heard by the Board of Adjustment on October 26, 2005. (Received and filed).

Request from the Westfield Regional Health Department for permission to place a banner on the side of the Municipal Building advertising the Fall Health Fair on October 29<sup>th</sup>. (Referred to Council).

**Councilman Murphy moved to approve the request from the Westfield Regional Health Department to place a banner on the side of the Municipal Building advertising the Fall Health Fair on October 29<sup>th</sup>; seconded by Councilman Harms and adopted.**

#### REPORT & RECOMMENDATIONS OF MAYOR

Acting-Mayor Matarante said he had a general question involving grievances, but did not want to discuss the individuals and was not sure if it was something for closed session. Mr. Lane suggested consulting with Labor Attorney Linda Niedweske. Councilman Zeglarski suggested getting something in writing from Linda as to whether it should come before Council. Mr. Lane said he was asking for an opinion letter to set up a procedure for handling individual grievances. Councilman Zeglarski said in the past whoever is the liaison to the committee that was related to the issue would bring it to Council, who would have a vote on whether or not they would meet the demand or deny the grievance and from that denial it would get accelerated, but he guessed this situation has not been put before Council. Councilman Harms said there were two that in question and the others went to committee where they said no with the advisement of Council. Councilman Zeglarski said he did not understand why the ones that went to committee were not brought to the full Council to make a determination. Mr. Lane said Ms. Niedweske could set up procedures on how they are handled, and said if they are not documented they should be.

#### REPORT OF DEPARTMENTS

##### DPW

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

Councilman Zeglarski asked if he could give a general overview of how the Borough deals with town trees that are on or adjacent to property when the resident believes they are either hazardous or dead. Mr. Wirzbicki asked if he was talking about 718 Pine Street, saying he spoke with the gentleman and he had an outside tree outfit come in and take a look. He said his expert told him they do need a trim, but are otherwise very healthy and stated that the resident was notified. Mr. Wirzbicki said if a tree is dead it will be put on the list for removal.

### Police Department

Received report from Lieut. Paul Cusmano. (See app. pg. # ).

### Broadcast Technician

Broadcast Technician Keith Heyman said he submitted his report to Council and announced that TV34 is back on their Monday schedule for Council meetings. He said he was getting equipment together for the live feeds to try to get them going. He said since the power went down, he was down a deck and sent it out for repair. He said he was working with the TV34 Committee to get more air time for Council meetings. Mr. Lane said he received a copy of a memo in which Keith had suggested rules and regulations for public access channels such as no commercial or obscene transmissions. He said he checked with other municipalities, but has not been able to find one. Mr. Heyman said Cranford has it and they were not allowed on the air until it was passed. When Mr. Lane asked if he had a contact there, Keith said his contact was Ed Davenport.

### Borough Engineer

Borough Engineer Ed Dec said Meadow Street has been completed well under budget. He said \$136,000.00 has been appropriated by the State for Madison Avenue improvements. He said all the survey control and stake out has been done and Markthaler Place is ready for construction. He reported that the Casano Center contract for the fire suppression system has been finalized and is now in the budgeting office. Mr. Dec mentioned sewer connection fees for new projects, saying the municipality does not charge for them and felt it was time to start. Councilman Zeglarski asked Mr. Dec if he could get something drafted and explain what it means. Mr. Dec said it is a onetime fee that is assessed to the builder that grants the right of that new project to utilize the sewer system and only affects new development. Acting-Mayor Matarante asked if there was any news on the flood zone. Mr. Dec said they have gotten definitive response from FEMA that the delineation that they have come up with as far as using the computer programs and map done by the Borough's consultant was accepted, and he hopes to hear from them any day with the letter of map revision. Councilman Harms asked if the Borough will then know if the people in that mapped area will be taken out of the flood zone, and Mr. Dec said yes. He said the zone will also be reduced in size and re-designated. He said those still in the flood area will have the opportunity to have a case by case study done to see if their structure is above the flood plain. Councilman Harms inquired about the fencing along the bikepath and asked Mr. Dec to get estimates, because he is watching all that stone wash down into the bikepath and is concerned someone could get hurt. Mr. Dec said he wanted to meet with Councilman Harms regarding the sinking area on W. Clay Avenue and take a look at it together. Councilman Harms asked how to get the contractor to come back and repair the sinkholes. Mr. Lane said it seems the problem was caused by the house contractor and asked if the Borough required a bond when they opened the street. Mr. Dec said he would have to see if that was still available, and Mr. Lane said they were usually good for a year and that if Council wanted he would take a look at them. Councilman Harms asked what they

would do if the bond was no longer good. Mr. Lane said the Borough would still have a claim against the contractor. Councilman Harms said he was concerned with the liability since winter was coming. Mr. Lane said to contract out the repair work of those depressed areas, and that the price could be the subject matter of a suit against the contractor. Councilman Harms asked Ed to do whatever he has to do as far as getting quotes or bids in order to get the work done.

#### Borough Attorney

Borough Attorney Bill Lane said at the last meeting Council passed Ordinance #2165 regarding a vacation of Pinewood. He said he received an e-mail in which one of the property owners requested they make a small modification. He said there is a 50 foot right of way which will be split in half and 25 feet will be given to the adjacent property owners. He said the original ordinance said they could not build or improve upon that 25 feet. He said one of the property owners questioned why he could not use a least 10 feet, and Mr. Lane said that would be a legislative discretion and Council would have to decide. Acting-Mayor Matarante suggested submitting it to Committee for discussion. Councilman Zeglarski said the next meeting would be the Municipal Services Committee meeting but felt because it was not substantive they could discuss it now. Mr. Lane said it was more restrictive than the Zoning Ordinance; however, it is 10 feet more. He said he had a draft revised ordinance that he had left at his office, but would forward it to Council prior to the second reading.

**Councilman Zeglarski moved to amend the request; seconded by Councilman Harms and adopted.**

Mr. Lane said he received periodic, but numerous requests for Zoning Ordinance changes. He said the Borough may want to consider revising it in its entirety as opposed to tweaking here and there. He said he had two closed session items to discuss involving litigation: Spagnoli vs. The Borough of Roselle Park, and a claim the Borough recently filed involving the contractor of the Youth Center.

#### Borough Clerk

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

Councilman Zeglarski said Borough Hall has been reserved for October 24<sup>th</sup> for a debate and asked if Council needed to do anything formal to approve the use of the facility.

**Councilman Zeglarski moved to grant permission to reserve Council Chambers for a debate on October 24<sup>th</sup>; seconded by Councilman Harms.**

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

### 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 reported that the Westfield Board of Health will hold their annual Health Fair on October 29<sup>th</sup>, at the Roselle Park High School.

Councilman Harms said he had about 30 land use ordinances that he would like reviewed by the Municipal Services Committee. He said the Borough has a lot of outdated ordinances and is being underpaid for certain permits. He said the Planning Board had a five year plan on what will be allowed to be built in the Borough. He said in the five year plan it was suggested that building 2 family homes would not be allowed. He said it is his understanding that if the town wants this to be in effect they have to have an ordinance, and he would like to have that discussed by Committee. Borough Attorney Bill Lane said it was an excellent suggestion and would bring in more revenue. He said ultimately it does have to be visited by the Planning Board because they have a master plan. He said the master plan is not the law, it is the ordinance that counts, but the Planning Board could be of some assistance. Councilman Harms said these decisions cannot be made at one meeting, but said he really wanted to get it going and Council agreed to discuss it at the next Municipal Services Committee Meeting and to invite John Risso.

(Councilman Badillo arrived at 8:15 p.m.)

Councilman Harms said Councilmembers have received a schedule for leaf pickup on County Roads. He said leaves could be put out 7 days prior to the scheduled pickup, and they do not have to be in open vessels, containers or biodegradable paper bags. He said they can be put out loose but cannot be put on the street and they must be on the grass at the curb area. He said the other schedule will go to all other property owners which states you cannot put them out at the curb and they must be in open containers or biodegradable paper bags along with pick up dates and instructions for landscapers. He said he would have the schedules shrunk down to postcard size. He said he will call the Superintendent of Schools to get the okay to put them in the backpack program. He said it will be scrolled on TV34 and said he would need help to put it on the web page.

Councilman Rubilla complimented Councilman Harms on his initiative and said he wholeheartedly supported the revision of some ordinances. He said he wanted Council to know he was working with members of Code Enforcement and the Building Department compiling a list of all summonses, warnings and dispositions written from

January through September. He said the enforcement has been aggressive. He said he expects to have a full computer printout of what the infractions were and what the disposition was in court.

Councilman Badillo said he was at Back-to-School Night and apologized for being late. He asked for a moment of silence for Dorothy Davis who was a long-time volunteer at the Casano Center and will be sorely missed. He said he received some phone calls from residents at Woodside Gardens regarding garbage being dumped on their property. He said he took pictures and Code Enforcement Officer, Judy Mack, called the Management Company of Woodside Gardens and was assured that the big dumpster will be picked up on Friday and the refrigerators, washers, dryers and old couches will be out by Tuesday. He said he has been in contact with the Westfield Board of Health because it has been causing a health hazard. Councilman Badillo said the Central Jersey Cheerleading Team will be having a tricky tray fundraiser in December and if no one has any objections he would like to have it scrolled on TV34. He congratulated the Roselle Park High School Band who hosted a competition and did a great job. He said he received a request for Council's permission for the Roselle Park Youth Baseball League to hold a plant sale at the gazebo on October 15<sup>th</sup>.

**Councilman Badillo moved to grant permission for the Roselle Park Youth Baseball League to use the gazebo for a plant sale on October 15<sup>th</sup>; seconded by Councilman Harms and adopted.**

Councilman Badillo said he had the opportunity to go to the Boys & Girls Club where Joe DeMaio showed him around the computer room. He said it is very impressive and mentioned one of the programs being sponsored is called Money Matters. He said they are a group that comes in and teaches young men and women how to save and invest money. Councilman Badillo said he had the honor of being part of the groundbreaking ceremony over at Sherman School and thanked the Board of Education.

Councilman Zeglarski said he attended an Environmental Commission meeting, and the Chairman wanted him to convey to the town that there is currently a drought going on and asked residents to be conscious of the water they are using. He questioned if the DPW have been putting discs on the sewers. Councilman Harms said some towns use paint and some put stickers on. Councilman Zeglarski said the Environmental Commission has offered to volunteer their time to help. Councilman Harms thanked him and stated they had several ideas on getting the community involved. Councilman Zeglarski said the Environmental Commission also beautified the train station by planting some mums. He said for next years budget Council would consider coming up with more of a beautification plan. He said he knows that after planting shrubs it is difficult to maintain and there has been endless problems on the medium of Westfield Avenue. Councilman Zeglarski said he was going to try to get the different lawn maintenance companies to volunteer to do a little work around the town. He said they needed to discuss a couple of minor things on the website. He said as Chairman of the committee he has been trying to put more organization behind it and said he wanted to discuss it further at a committee meeting. Councilman Zeglarski said he had a question about the

Blackstone litigation the Borough initiated. He asked how much the Borough was seeking, and Mr. Lane said only the deficiencies, which consist of a number of damages. Mr. Lane said one of which is the unpaid subcontractors, offsite damage that has not been corrected, water penetration from the east portion of the building and other smaller damages like lighting problems. He said he did not have the exact amount with him, but said it was in the thousands. Councilman Zeglarski asked for a discussion at the next Public Services & Administration Committee meeting and Council agreed.

Councilman Badillo said he has spoken to several contractors who live in town and donate a lot of time to the various organizations. He said he would like to create a preference list for anything under the \$17,500.00 governmental threshold law. Borough Attorney Bill Lane said as long as the Borough complies with the governmental contract law, which is the lowest and most responsible bidder. Councilman Badillo said other towns are doing it and he would like to do it too. He said Roselle Park has a lot of talented individuals in this town that are professionals in all the trades and he would like those individuals to be able to reap the benefits. Acting-Mayor Matarante suggested putting it on the agenda for discussion at the Finance & Administration Committee meeting. He thanked the County who is going to donate mulch to the Recreation Department for Acker Park.

#### PUBLIC COMMENT

Councilman Harms moved, at 8:45 p.m., to open the public comment portion of the meeting; seconded by Councilman Rubilla and adopted.

Jacob Magiera, 612 Sheridan Avenue, asked the Mayor to read Resolution #112-05 because many residents have been asking him what it is. Councilman Badillo recommended that the resolution be read after Mr. Magiera's comments. Mr. Magiera asked if there was an update on the garbage cans that are on the sidewalk on the public property of Williams Street. Councilman Harms said he spoke with Councilman Rubilla, who is currently working on it. He asked what the cost was to pick up the downtown garbage this year. Acting-Mayor Matarante said due to a death in his family, Mr. Mayers was not in attendance but would get back to him. Mr. Magiera said at the last meeting he questioned Mayor DeIorio regarding an update on energy conservation and the Mayor responded he had nothing as yet. He asked again and gave Council a copy from the Washington Administration Conservation Campaign. Mr. Magiera said at the Youth Center, the gym lights are on all day and that is a tremendous expense for electricity. He asked for an update on parking meters. He asked about the potholes on Chestnut Street between Webster and Grant Avenues, and Councilman Harms said the County has been called. He said PSE&G has replaced the broken decorative lamp and the Borough now has the full 70 lamps. He suggested disconnecting every other one. He said at home he is conserving energy, and asked Mayor and Council to do the same at all the Municipal buildings. He said the grass area on E. Colfax Avenue and Galloping Hill Road has not been addressed by Jenicar. Mr. Magiera said there is grant money for the tree maintenance program.

Councilman Zeglarski said the parking meter issue is something that Chief Wielgus is working on, and he would call the Chief.

Bob Zeglarski, Sr., 521 Chester Avenue, referred to Councilman Badillo's campaign literature, saying he is misleading the public about salaries and getting them wrong. He said several meetings ago he came before Mayor and Council to confront Mr. Badillo when he stated that several years ago the Board of Education gave him a \$20,000.00 a year raise. Mr. Zeglarski said he did get an apology, but it was patronizing and insincere. He said in his campaign literature he brags that he reduced the salaries of Mayor and Council. Mr. Zeglarski said anyone who works with Mayor and Council knows that there was no reduction and it is nothing more than a deliberate account to mislead the public. He said Mr. Badillo claims he instituted the Special Improvement District and did not consider his participation as instituting. He said in the newspaper Mr. Badillo shot it down and called it a new tax. Acting-Mayor Matarante asked Mr. Zeglarski to keep his comments to public meeting matters and not campaign literature. He said they are not there to character assassinate any member of Council, but to bring productive issues to the table.

Councilman Zeglarski said he is seeing an interpretation of the rule and when it happened to him and his character was being assassinated, he did not see the Borough Attorney putting so much effort in to analyzing the rule as he has this evening. He said not one member of Council, including Councilman Matarante, said anything on his behalf. He said this was an example of the rule being abused.

Michael Peterson, 45 E. Colfax Avenue, said what he was there to say was not political or an attack on anybody. He read a statement asking for Councilman Badillo to address the jail scandal problem. He said it was said to be a private matter and had no bearing on his being Councilman, but he did not feel that way. He said most of the people he has spoken with would like Councilman Badillo to publicly address the matter. He said the Councilman's job at the jail and his decisions and actions directly affect the security and safety of the community he serves. Councilman Badillo said this was an extremely private matter, and obviously Mr. Peterson is a Committeeman for the Democratic Party. He noted that there was no violation of any broken jail rules. He said he cannot at this point address the issue and said it was an obvious attempt by the Democratic Party to try and character assassinate him. Councilman Zeglarski asked if Mr. Peterson was going to be allowed to continue and if not, a vote has to be taken on the interpretation of that rule. Mr. Peterson was allowed to continue and questioned his judgement and abilities to perform. He said poor judgement has been the reason for many elected officials to resign or end their campaigns. Councilman Badillo apologized to the residents of Roselle Park. He said the Democratic Party is getting desperate as it gets closer to the election and said it was a shame. He thanked everyone for the support he received and stated he received over 500 phone calls. He said he would be happy to put his campaign literature on TV34 for everyone to see and said salaries for Mayor and Council have been reduced because they were suppose to get a raise this year and did not take it. He said about 3 years ago he was the one that asked for Council to be paid \$1.00 and he was voted down.

Acting-Mayor Matarante read Resolution #112-05 in its entirety.

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

Acting-Mayor Matarante read the Closed Session Resolution and said Council would be discussing the following:

- . Ongoing Litigation – Spagnoli vs. Roselle Park
- . Roselle Park vs. Blackstone

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Harms moved, at 9:15 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Rubilla and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Harms moved, at 9:25 p.m., to resume the regular order of business; seconded by Councilman Zeglarski and adopted.

Acting-Mayor Matarante said during closed session Council discussed matters pertaining to:

- . Ongoing Litigation – Spagnoli vs. Roselle Park
- . Roselle Park vs. Blackstone

There being no further business to come before the meeting, at 9:28 p.m., Councilman Harms moved to adjourn; seconded by Councilman Rubilla and adopted.

Attest:

Borough Clerk