

Regular Meeting of Mayor and Council October 20, 2005

PRESENT: Mayor DeIorio; Councilmembers Badillo (in at 7:45 p.m.), Harms, Murphy, Zeglarski and Rubilla; Borough Attorney Bill Lane

ABSENT: Councilman Matarante (absent on business)

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, C172. (NJAC 17:27).

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

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

COMMUNICATIONS & PETITIONS

Request from Superintendent of Schools Pat Spagnoletti for Council to consider the placement of temporary “No Parking” signs during construction at Sherman School. (Referred to Council).

Councilman Harms moved to grant permission to place temporary “No Parking” signs during construction at Sherman School; seconded by Councilman Murphy and adopted.

Copy of Ordinance introduced by the Township of Cranford amending Chapter 136 (Land Development) of their Code to clarify the parking requirement for offices of physicians. (Received and filed).

Letter from Superintendent of Schools Pat Spagnoletti requesting permission to keep the Green Acres Recreational Complex lighting on for the Halloween season. (Referred to Council).

Copy of two Ordinances introduced by the Township of Union proposing amendments to their Land Use Ordinance. (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).

Councilman Murphy moved with regret to accept the resignation of Kathy Doyle as part-time Senior Citizen Bus Driver for retirement purposes, effective March 31, 2006; seconded by Councilman Rubilla and adopted.

APPROVAL OF MINUTES

Councilman Harms moved that the reading of the minutes of the Regular Meeting of July 21, 2005, the Special Meeting of July 18, 2005, the Executive Session and Special Meeting of August 4, 2005 and the Closed Session Meeting of September 15, 2005 and October 6, 2005, be dispensed with as all members have received copies and they be approved as recorded; seconded by Councilman Murphy and adopted.

PAYMENT OF BILLS

The following routine bill listed on a consent agenda were offered by Councilman Murphy and seconded by Councilman Harms.

Current Account Cks. #5370-5500 (Void #5373) #90152-90157

2004 Reserve	\$ 17,700.00	
2005	2,336,830.16	
Reserve for Grants	<u>27,574.55</u>	2,382,104.71

Capital Account Ck. #311-323 99,493.30

Animal Control Trust account Ck. #141 1,660.17

Recreation Trust Account Cks. #216-218 1,130.00

Sewer Utility Account Cks. #289-218

Sewer Utility Account	2004	.00	
Sewer Utility Account	2005	110,802.55	
Blue Cross/Blue Shield		2,414.60	
U.S. Healthcare		1,722.69	
Debt Service		7,153.13	
Roselle Park Payroll Debit	09/16/05	11,849.63	
Roselle Park Payroll Debit	09/30/05	10,537.09	
Roselle Park Payroll Debit	10/14/05	<u>11,039.69</u>	155,519.38

Hud Trust Account Ck. #210-215

Hud Trust Account		2,662.32	
Roselle Park Payroll Debit	09/16/05	872.20	
Roselle Park Payroll Debit	09/30/05	964.76	
Roselle Park Payroll Debit	10/14/05	<u>968.32</u>	5,467.60

Trust Others Account Ck. #33-34

Trust Others Account		2,681.00	
Roselle Park Payroll Debit	09/16/05	4,124.01	
Roselle Park Payroll Debit	09/30/05	3,246.51	
Roselle Park Payroll Debit	10/14/05	<u>5,657.26</u>	15,708.78

Public Assistance Trust Cks. #1133-1152 (Void #1150, 1152) 7,926.05

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RESOLVED: The Tax Collector is authorized to reduce the sewer charges on the following account for the year 2005:

<u>NAME</u>	<u>BLOCK</u>	<u>LOT</u>	<u>AMT. BILLED</u>	<u>ACTUAL</u>	<u>AMT. REDUCED</u>	
C&K Vail	604	20	221	19	202	\$349.95
C&K Vail	604	20 T0160	208	50	158	276.50
J.F. Downey	909	23	415	50	365	638.75
Costa Rental						
Properties	608	19	222	151	71	124.25
Knoepfel, R.	124	13	123	114	9	15.75
Cove, M.	1105	2	220	72	148	259.00

Paperwork confirming the above figures is available in the tax office.

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$432.02 payable to:

Eric Ambrose
551 Cabot Hill Road
Bridgewater, NJ 08807

For redemption of Tax Sale Certificate #9-04, held by Eric Ambrose on Block 712, lot 14 (otherwise known as 726 Galloping Hill Road, Roselle Park, NJ) and assessed in the name of Vincent Gardner

Lien #9-04 (dated 10/14/04)	\$227.09
2% Flat Penalty	4.54
Subsequent Charges Paid by Lienholder:	
Sewer paid 10/26/04	185.78
Interest on above from 10/26/04-10/20/05 @ 18% interest	14.61

Total redemption amount \$432.02

The Treasurer is further authorized to issue a check from the premium account in the amount of \$400.00 for return of premium.

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$409.86 payable to:

Park Finance, LLC
PO Box 109
Cedar Knolls, NJ 07927

For redemption of Tax Sale Certificate #16-05 held by Park Finance, LLC on Block 1008, lot 8 (otherwise known as 422 Woodland Avenue, Roselle Park, NJ) and assessed in the name of C&L Raamirez & Gloria Rojas, which was redeemed within ten days of the sale.

Lien #16-05 (dated 10/4/05) \$408.70
Interest on certificate @ 17% 1.16

Total redemption amount \$409.86

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

(Councilman Badillo arrived at 7:45 p.m.)

PRESENTATIONS

Mayor DeIorio invited Jonathan Regan and members of the Roselle Park Auxiliary Police to the Dais. He said this presentation was offered by Councilman Zeglarski for Mr. Regan’s exemplary effort in assisting a woman during an event in Springfield. Mayor DeIorio read and presented Mr. Regan with a Certificate of Appreciation for his exemplary performance while representing the Borough of Roselle Park as an Auxiliary Police Office at the “Battle of Springfield” and answering an emergency call to provide assistance to a woman who collapsed in the crowd. Mr. Regan thanked Mayor and Council and said it is an honor to represent the Borough of Roselle Park.

Mayor DeIorio invited Carl Pluchino, his family and Councilman Badillo to the dais. He said many people have heard of the Pluchino Family and said tonight Council wanted to recognize Carl for his accomplishments and helping to put Roselle Park on the map. Mayor DeIorio read and presented a Certificate of Achievement to Carl Pluchino

for being awarded his 10th degree black belt in Martial Arts at a World Sokeship Council, Karate Organization in Orlando, Florida. Mr. Pluchino thanked Mayor and Council and said he loved living and working with the people in this town. Mrs. Pluchino thanked Mayor and Council for their support.

Mayor DeIorio read a proclamation declaring October 23 through October 31, 2005 as “Red Ribbon Week” in the Borough of Roselle Park and asked all residents to join in a personal commitment to a drug-free America by wearing and displaying red ribbons during Red Ribbon Week.

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

An Ordinance (#2161) entitled, “AN ORDINANCE AMENDING ORDINANCE NO. 1930 REGARDING CHANGES IN BOROUGH OF ROSELLE PARK COMMUNITY CENTER RENTAL FEES”, was brought up and read by title only on its second reading and public hearing.

Councilman Badillo moved that the public hearing on Ordinance #2161 be opened; seconded by Councilman Harms and adopted.

Jacob Magiera, 612 Sheridan Avenue, asked when the Community Center started renting out the facility? Mayor DeIorio said the ordinance being presented tonight will allow them to open their doors to the public and allow them to use the facilities during non-operating hours. He said this is also a means to generate some funds.

There being no one else wishing to speak, Councilman Badillo moved to close the public hearing; seconded by Councilman Harms and adopted.

Councilman Badillo moved that Ordinance #2161 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

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

An Ordinance (#2165) entitled, “ORDINANCE VACATING A PORTION OF WOODSIDE ROAD IN THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION, STATE OF NEW JERSEY”, was brought up and read by title only on its second reading and public hearing.

Councilman Badillo moved that the public hearing on Ordinance #2165 be opened; seconded by Councilman Harms and adopted.

There being no one wishing to speak, Councilman Badillo moved to close the public hearing; seconded by Councilman Harms and adopted.

Councilman Badillo moved that Ordinance #2165 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Harms.

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

RESOLUTIONS

The following routine resolutions, listed on a consent agenda, were offered by Councilman Murphy and seconded by Councilman Harms. (See app. pg. #).

- #118-05 – Requesting approval from the Union County Board of Chosen Freeholders to close East Lincoln Avenue, from Sherman Avenue to Chestnut Street and Chestnut Street, from East Lincoln Avenue to Charles Street on December 3, 2005 to hold Annual Holiday Parade and related activities
- #119-05 – Appointment of part-time staff members to the Information and Crisis Center for CAASA (Janet Oeskovic and Patricia Sanchez)
- #120-05 – Appointment of Purchasing Clerk (Mary Richers)
- #121-05 – Accepting Final Change Order with Jenicar Builders Contractors for the reconstruction of Meadow Street from Warren Avenue to West Grant Avenue (minus #11,405.51)
- #123-05 – Appointment of full time Clerk in the Police Department Records Room (Lisa Benson)
- #124-05 – Authorizing standard mileage expense for automobile business usage, \$0.485 per mile, effective September 1, 2005
- #125-05 – Accepting Final Change Order with T. Grosso & Son for the replacement of the Walnut Street Sanitary Sewer from Grant Avenue to East Westfield Avenue (minus \$7,013.61)
- #126-05 – Authorizing contract under State Cooperative Purchasing Program with Winner Ford for the purchase of two 2006 Ford Crown Victoria police cars lease-purchase financed by Ford Motor Credit
- #127-05 – Appointment of Civilian Dispatcher in the Roselle Park Police Department (Barbara Bermingham)

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

Resolution #122-05, accepting Final Change Order with Jenicar Builders Contractors for the reconstruction of Colfax Avenue from Hemlock Street to Galloping Hill Road (minus \$4,654.36), was offered by Councilman Badillo and seconded by Councilman Murphy.

Councilman Badillo said there were questions about the grass area between the curb and sidewalk. He said before Council accepts this final change order, he wanted to know if they are going to take care of it this year or in the early Spring. Mayor DeIorio said Councilman Badillo could postpone the resolution until the next Regular Meeting and Councilman Badillo said he would like to do that.

Councilman Badillo moved to amend the motion and postpone Resolution #122-05 until the next meeting on November 14, 2005; seconded by Councilman Murphy.

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

MATTERS FOR REFERRAL

Councilman Murphy said tonight prior to coming to this meeting he represented the Municipality at the Joint Meeting. He said the Joint Meeting is made up of 12 Municipalities and the Joint Meeting services them via the water and sewage. He said at the meeting the draft budget was introduced and is going to be in excess of 21 million dollars. He said 6 million comes out of the City of Elizabeth and the remaining 11 municipalities are assessed the difference. He said the budget is a 4.3 increase over last year and if it is an equal share Roselle Park is looking at a \$43,000.00 increase. He asked Councilmembers to review the budget since they will be voting on it next month.

Councilman Harms said the Municipal Services Committee met last Monday and went over 14 ordinances which he has given to the Borough Attorney. He said Borough Engineer Ed Dec and the Construction Official John Risso assisted with the ordinances and Mr. Risso is going to continue to look at the Land Use Law to see if there are any more codes that should be updated. Mr. Lane asked if the Planning Board was part of the process and Councilman Harms said no. Mayor DeLorio said to send copies of what he has to the Planning Board, so they have ample time to officially process them. He said he wanted them ready for Introduction on November 14, 2005. Councilman Harms invited the Zoning Board Chairperson, the Planning Board Chairperson and their Counselors to attend the next Municipal Services Committee Meeting to have these ordinances put in place. He said in order to make these ordinances work, they have to be on board and they need to have communication between Mayor, Council and the Boards. Councilman Harms said Councilman Matarante asked him to give his report. He said they both attended the Recreation Committee meeting the other night and said the Halloween Party at the Casano Center ages Pre-K to Fifth Grade will be on October 26th from 6:00 p.m. to 7:30 p.m., basketball signups are November 16th and 27th. He said roller hockey will be held on October 30th at the Commuter Parking Lot and volunteers will be needed to setup and break down the rink. He said Councilman Matarante would also like to recognize Linda Scutary for her years of service to the Recreation Committee at the next Council Meeting. Councilman Harms asked if Paul Endler could send something to Councilmembers in regards to this letter they received from Ms. Reilly from the State of New Jersey regarding records of office disclosure of equalized valuation in Municipalities that exceed 10%. He said he needed it in some kind of language, so he could understand what it is for. He said the word exceeds must mean something. Mayor DeLorio said they were probably referring to re-evaluation of the community, which requires a considerable expense to the Borough and not one that meets the pleasure of the residents at the time. Councilman Harms said he would like to put on the agenda a discussion regarding the lot on Jerome Street at the next Municipal Services Committee

meeting and suggested selling it. He asked the Borough Clerk to send a letter to Ed Dec inviting him to that meeting.

Councilman Badillo said the Chairman of the Municipal Services Committee asked him to have a letter sent to the residents letting them know what Sunrise Village had proposed and requesting their input.

Councilman Rubilla said along with Councilmen Zeglarski and Murphy, they attended a lengthy Finance and Administration Meeting on Wednesday night. He said there were a few things the Borough Attorney was reviewing.

APPROVAL OF TREASURER'S REPORT

Councilman Badillo moved that the Treasurer's Report for August 31, 2005 and September 30, 2005, be accepted and spread upon the minutes with the exception of the budget detail; seconded by Councilman Murphy and adopted. (See app. pg. #).

Councilman Badillo moved that a raffle license be granted to the Roselle Park Community Center Association for an on-premise 50/50 raffle to be held on October 22, 2005; seconded by Councilman Harms and adopted.

Councilman Badillo said the Sherman School PTA is hosting a Holiday Bizarre on November 18th at 7:00 p.m. He said vendors and crafters are wanted and asked the Borough Clerk to have it posted on TV34.

Councilman Badillo said the Dad's Club discussed a new camera for the school to use for sports, plays and other activities. He said the camera is the low end of a professional and cost about \$2,500.00. He said he had the specs and the Dad's Club would be able to donate some money. He said the town gets money from Comcast and suggested the town match the donation from the Dad's Club. Mayor DeIorio said the town has already donated funds to the school from that and he did not know how that would effect the budget because anything out of that would effect taxpayer dollars. Councilman Murphy suggested having it discussed by the Technology Committee to check the specs on the camera. Councilman Badillo said the work has been done with the technology personnel and said he had all of the specs with him. He said that work was done by Nick Florio and the TV34 members from the high school. Mayor DeIorio said to send it to committee and have our Broadcast Technician, Keith Heyman, available. He said Keith was also aware of the Comcast provisions. Councilman Badillo said there is a family in need from Sherman School who were victims of a fire and are in need of clothing for a second grade boy and a fifth grade girl. He said Mr. Faria said he would accept clothing at the school and anyone wanting to help could contact the school or Antonette Signorello at 245-6441. He said Sherman School PTA has requested having their meetings broadcast on TV34. He said he attended the little league mum sale on Saturday, which was very well run and thanked the ladies auxiliary for the great job. He said the Historical Society has an event featuring the Roselle Park fire equipment and its history and thanked Nick and Pat Pagnetti. He said on behalf of the Dad's Club they

wanted to wish the Soccer team luck. Councilman Badillo said at the next meeting he would like to honor 3 young men who took a day to stand on a corner and solicit funds for Hurricane Katrina victims. He said they are 10 and 11 years old and collected a total of \$86.00. He said he attended the Middlesex Taxpayer Burn. He said their fire department actually has a set up that looks like a downtown area where they go through cycles of putting out fires. He encouraged all Councilmembers to attend those drills in the future. He said it is important for our volunteers that are putting their lives on the line to know that Council is backing them and behind them 100 percent.

PUBLIC COMMENT

Councilman Harms moved, at 8:30 p.m., to open the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Mike Granger, 143 Sherman Avenue, said he and his family have been exposed to 4 years of construction including the noise and health threatening debris. He said this has been an ongoing event with no end in sight. He said he strongly feels that some changes in the ordinances needed to be addressed. He proposed the following changes: containment of construction debris, use of effect barriers, tarps, etc., timely completion of repairs, improvements and upgrades, an estimated completion or time of completion on the permit and a fine if you exceed that time, and construction vehicles or materials on another person's property should be limited to the job site. He suggested noise ordinances should be 8:00 a.m. to 8:00 p.m. on Monday through Friday and 9:00 a.m. to 8:00 p.m. on Saturday and no construction on Sunday, or if that was not practical perhaps 10:00 a.m. to 3:00 p.m. on Sunday. He suggested neighbors in the surrounding neighborhoods should be notified and if agreed sign an affidavit approving the project, especially if it is effecting the quality of life in and around the outside of a home. He said sometimes a project could look good and be in code, but the application could be wrong due to houses being so close together. Mr. Granger asked Council if someone could continually build and tear down a recently completed project and then continue to build again? Mayor DeIorio said the Borough Attorney would research that for him. Mr. Lane asked Mr. Granger for his home number and address. Mr. Granger said he felt strongly that these changes needed to be made and made swiftly. Mayor DeIorio asked Mr. Granger for a copy of his suggestions for the Borough Attorney. Councilman Badillo said the Borough does have a nuisance ordinance in place that the noise problem would fall under. Mr. Granger said during the nice weather, they would like to keep their doors open and sit on the porch, which they cannot do right now and said what is going on is beyond normal and no one should have to endure it. Councilman Zeglarski said it would be a good idea to contact the Borough when he is experiencing it so there is a record. He thanked him for his wonderful thought out presentation, along with the added proposals.

Diane Granger, 143 Sherman Avenue, said her family was under attack and the construction site next door has greatly diminished their quality of life. She said they bought a wonder home with a porch, deck and pool which her family greatly enjoyed, but in the fall of 2001 all of that began to change. She said she is under a doctor's care for asthma and has been for a number of years. She said the exhaust pipe next door spurs a

stream of smoke that has caused her and her daughter to grasp for breathe on many occasions, because as soon as they open their back door it fills their lungs. She said due to the pipe she has had to seek emergency medical help on many occasions. She said a large amount of masonry work has also contributed to breathing problems and has coated their property with a fine white powder, which they believe contributed to their pool filter breaking. Mrs. Granger said for three summers they have not had full use of their property. She said the noise is so that the children cannot study and have gone to the library so they could concentrate. She said her daughter suffered an anxiety attack due to all the noise. Mrs. Grainger said when they came to Roselle Park they expected a better quality of life, but the projects have been going on for over 4 years and according to the Construction Official, there will be more in the future. She said they are asking for Council's help in asking them to implement the ordinances presented by her husband. Mayor DeLorio asked how often the Construction Code Department has been there and she said she could not count the times. She said the construction site is in code and the applications of some of the things they have done are in her opinion crazy and inconsiderate. Mayor DeLorio said beyond a construction code issue there also seems to be a peace and good order ordinance that would relate to the noise issue and a health issue. He said there are some missing pieces that have not been addressed that could assist because there are already laws in place. Mrs. Granger said a Board of Health person came yesterday, but she has not yet had an opportunity to speak with her. Mayor DeLorio said he was going to demand that the departments she has encountered look for violations and respond back to him in writing. He said he would also have the Construction Code Official call her tomorrow. She said the code may be fine for the furnace and good with the engineers, but common sense-wise it does not belong that close in that type of neighborhood. Mayor DeLorio said after he receives the written responses, he will give her and her husband copies. Councilman Badillo asked if there was anyway they can bring the individual in through the Code Department and find out what he is doing. Mayor DeLorio said that was his reason for wanting a written report, because his experience tells him that if violation notices haven't been issued, then someone is not doing their job. He said there has to be something in place to protect them from this problem. Borough Attorney Bill Lane said unless there is a violation of code, then the Health Department and Construction Code Department believes there is no violation of code. He said the Borough is not an arbitrator between neighbors and they cannot resolve every dispute between them. He said if there is no violation of any code, then Council would have to modify or enact a new one. Mr. Lane said there were other civil liberties that are available for that.

John Valesquez, 130 Sherman Avenue, is a contractor and his neighbor has a lot of good points. He said when he works beyond his time, he will be fined and he has a certain amount of time to complete a job. He said he has lived in Roselle Park for 3 years and in those years that construction has been constant. He said the dumpster that has been there was just recently removed and that has been in the corner for 3 years. He said he could never get a dumpster on a job site longer then 3 days. Mr. Valesquez said he would use the dumpster as a land mark for people who came to visit him. He said the noise has gone up until 1:00 a.m. Mayor DeLorio said he was getting more annoyed with the more he heard because those ordinances are already in place. He said when he asked

his neighbor, he was told his wife was going to have a baby and that was why he had to work the late hours; but a jack hammer at 7:00 a.m. on a Sunday is ridiculous. He said the sidewalk has been removed twice and this is the second time in 3 years he is ripping out his front steps. Mr. Valesquez said he did file a report against him and told him that he was going to be his worst nightmare. He said if he had to, he will call the police every night and will be on top of the Building Department.

Robert DeNais, 160 Jerome Street, said he wanted to talk about selling the Borough property on Jerome to Sunrise Village for another parking lot. He said when Sunrise Village was built, the number of parking spaces was determined by the number of residents and traffic patterns. He said what has happened is the number of residents have greatly increased putting a strain on municipal services, school systems, etc. He said building them another parking lot would just add another incentive to put more residents there. He said this was all carefully determined when it was built and now they are increasing the residents. Mr. DeNais said the second issue was traffic and the number of accidents on that corner. He said what will happen is the Borough will be feeding two parking lots; one on the right and one on the left. He said now you can go down the street and because there is no parking on one side, you can be safe. He said over the years there has also been flooding issues which are not too bad unless there is serious rain. He said the area also acts as a natural detention basin and absorbs water. He said if that is paved over you are going to have a tremendous amount of runoff into the street. He said when that rainwater filters into the sanitary sewer line, it backs up the system. Mr. DeNais said other things can be done on that property such as putting a house there. He questioned who would monitor those cars and said he could show some that are parked at Sunrise Village and have not been moved for years. Mayor DeIorio said the issue comes up every few years and they take a look at it, but he could tell him there will be no parking lot.

Hank Calabrese, 200 W. Webster Avenue, said he had a problem with the hockey rink the Borough wants to place behind Webster Gardens. He said the town spent a considerable amount of money on that lot and the word roller rink is a thorn in his side. He said the residents at Webster Gardens are afraid to complain and noted there were no available facilities for the people using it. He said the high school kids using that parking lot are causing a hazardous situation and he almost got hit on that street twice. He said they walk across the street and one time the senior citizen bus had to hit the breaks because the kids just walked right in front of it. He said he has made an attempt with the Superintendent of Schools to see if those conditions can be rectified and said something needed to be done. He thanked Councilman Badillo and Chief Wielgus for putting a lock on the gate to the commuter parking lot to keep the young people from going there at night and keeping him awake.

Vinnie Bonassisa, 136 Sherman Avenue, said he lives across the street from the Grangers and was experiencing the same problems. He said they are working by 8:00 a.m. on Sundays and wanted it noted that no one was exaggerating the problems. He stated that he has seen the tractor trailer delivering the dumpster again tonight and said they parked it on Madison Avenue. He said he went on vacation and left his car parked

on Dalton Street and when he came back his tires were marked. He said that was a bad corner to have a dumpster because you cannot see. Mr. Bonassisa said he has lived on that street for 12 years and they like it there, but the quality of life has been changed for the worse. Mayor DeIorio stated that Councilman Harms has made some suggestions to change the ordinance regarding the dumpster issue. Mr. Bonassisa also suggested putting a four way stop sign or a flashing one on that corner. Councilman Badillo said the Grangers are a great family, but this was the first he was hearing of these problems. He said he has seen Mr. Bonassisa on many occasions and as an elected official, he needs to know when things are not working right.

Serkan Apay, 139 Sherman Avenue, said he moved next door to Mike and Diane in February and on their first night they saw the thick smoke coming out of the exhaust pipe. He said they have a four year old daughter and there is constant noise at all hours of the day and night and stated they are all working families that need to get their rest. Mr. Apay said the smoke was bad, but the noise was even worse. Borough Attorney Bill Lane said he did believe there are time periods; one for the length of construction and one for when construction can take place during the day.

Jacob Magiera, 612 Sherdian Avenue, said he has complained about that dumpster a few times. He asked if a person pays taxes when there is a construction job going on or do they pay when the job is finished? He said he felt that was an added benefit for Roselle Park, as well as benefiting the other communities that may be interested. Mr. Magiera read Resolution #112-05 regarding closed session minutes and when they will be available to the public. He asked the Borough Attorney when last months closed session minutes would be available to the public? Borough Clerk Arlene Triano said the Resolution was approved on September 15th and there was a closed session meeting that evening and at the October Executive Session. She said they will be available tomorrow because they were approved by Council tonight. Mr. Magiera said in reference to the Youth Center was there any research done on Blackstone and their work performance? Mayor DeIorio said Blackstone met with all the State requirements and they were the lowest bidder. Mr. Magiera asked if there was a background check with the quality of work they were doing? Mayor DeIorio said it was his understanding that if another municipality had a problem with them on another job, that would not allow the Borough to prohibit them from being the lowest bidder. Borough Attorney Bill Lane said the statutory term is lowest responsible bidder and the burden would be upon the municipality to demonstrate that they were not responsible. He said the Borough is not entitled to simply eliminate somebody because someone made claims that have not been substantiated yet. He said the bond is still active and the litigation has been initiated and the bonding company has been brought in as an essential part of it. Mr. Magiera asked if there was an update on the parking meters, and Mayor DeIorio said he did not have anything. Mr. Magiera asked Councilman Rubilla if there was an update on the garbage cans on the public sidewalk on Williams Street? Councilman Rubilla said two weeks ago when he made his comments regarding that and all the other ordinances that were being tweaked along with the illegal two families, Judy Mack was to get back to him with an answer. However, Judy has been off for two weeks and is due back tomorrow. He said before he meets with the gentleman, the Construction Department does know that

something obviously has to happen there. Councilman Rubilla said he was on Mr. Magiera's side because something had to be done from a safety standpoint. Mr. Magiera asked if there was an update on energy conservation for municipal buildings? Mayor DeIorio said as he has stated at prior meetings, the Borough has attempted to do a test by conducting summer hours and until those bills come in, he cannot give a definitive answer. He said he did not feel that by having less hours there would be significant energy savings that some other towns may experience. He said it was his opinion that the public would rather have the municipal buildings open than closed. Mr. Magiera said to reduce the thermostats and program them down when the building is closed. Mayor DeIorio said that is already in place. Mr. Magiera asked the total cost for all legal fees? Mayor DeIorio said Mr. Mayers would get back to him. Mr. Magiera asked if there was an update on the retraining as per the Sunshine Violations and the agreement with the Prosecutor's Office. Mayor DeIorio said the training has been very positively met with the other municipalities at the last Union County League of Municipalities meeting. He said New Providence Mayor, Al Morgan, presides as president and thought it was an excellent opportunity for all of the Borough, whether it be staff or elected Officials, to be educated and updated. Mayor DeIorio said they will be having it in either February or March so Roselle Park can be host community. He said he felt that was an added benefit for Roselle Park, as well as benefiting the other communities that may be interested. Mr. Magiera said in the October 6th Leader there was an article regarding flood zones. He said in the article Mayor DeIorio said to be removed from the flood zone, the Borough needed about \$300,000.00 to conduct a study to show the homes were not prone to flooding. In addition, the Borough needed another \$300,000.00 to maintain the creek walls. He asked the Mayor what he meant? Mayor DeIorio said the Federal Emergency Management Administration had asked for a study and the Borough has a couple of them done, but because of where some individuals are located, they will still be in a flood zone. He said the only remedy for those individuals would be to do another study. Mr. Magiera said on February 17, 2005 he asked Mayor and Council to rescind pay ordinances and said he should take a little credit in being instrumental in Mayor and Council not taking a pay increase. Mr. Magiera said he supported the Special Improvement District. He asked if there was an update on the Tree Maintenance Program? Mayor DeIorio said the Tree Maintenance Program he is referring to is grant money that is available to inventory trees in the Borough. He said the actual sending of the DPW or a private contractor would not be eligible for the grant. Mr. Magiera said watching the last Council meeting there is a code of conduct for the residents addressing Mayor and Council, but there is no code of conduct responding back. Mayor DeIorio said if Councilmembers are out of line, the public will vote them out.

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

MATTERS FOR REFERRAL – (Con't)

Councilman Badillo thanked the Middlesex Taxpayer Burn and he wanted to have a certificate of appreciation for the Deputy Chief, Lathey Wirkus, from Elizabeth who is highly regarded, not only in New Jersey, but nationwide for his knowledge of fires, how

to precede and the training of firemen. He said Lathey gave of himself that evening to ensure our men were getting the best training. He encouraged residents from Jerome Street to respond to his survey regarding use of the Borough lot for tenant parking. He said reflector poles will be placed at Grant Avenue and Bender Avenue to reduce speeding and keep people from crossing over the center line at the bend. Councilman Badillo said he received quite a few phone calls about driveways being blocked, while parents are dropping their children off at school. He said he attended back-to-school night at the high school, which was very well attended and noted that CAASA did a great presentation. He asked for a discussion regarding a backup cell tower at the next Public Safety Committee meeting. Councilman Harms said it will cost approximately \$600.00 just to dig the footing, but felt it was worth discussing. Councilman Badillo said there was an article in The Leader regarding the flood zone and stating that FEMA has accepted the Borough's map revision.

Councilman Zeglarski asked for a copy of the letter regarding the cell tower, saying it was great and would not only help reduce taxes, but would improve public safety. He thanked Frank Wirzbicki and the DPW for taking care of the sewer issue that hampered the Fifth Ward. He said because they flushed the sewer pipe, there were a lot of dry basements this weekend, but stated come budget time he would like Council to consider something long-term. Councilman Zeglarski said there will be a candidates debate this year and stated Roselle Park has not had one since the 80's. He said it will be a bipartisan debate by both the Democrats and Republicans, who have come together to provide this forum and the League of Women Voters will be moderating it. He said it was a great opportunity for Roselle Park and hoped they will do it every year. He said it will be held on Monday, 7:30 p.m., at Borough Hall.

Councilman Harms asked the Mayor to send a letter to TV34. He said the flyer that is on there regarding the leaf program is not legible. He said he spoke with a few residents who said it was hard to read because of the cover and asked for it to be done in black and white.

Mayor DeIorio on the recommendation of the Traffic Safety Officer, appointed the following individuals, effective immediately, for a term expiring on December 31, 2005:

- . Carmen Benavides, 813 Martin Street, Elizabeth, as a Regular School Crossing Guard
- . Marianne Gaydos, 919 West Elm Street, Linden, as a Regular School Crossing Guard
- . John Cunha, 413 Faitoute Avenue, Roselle Park, as an Alternate School Crossing Guard

Mayor DeIorio said the Community Alliance Against Substance Abuse will be sponsoring a Movie Night this Tuesday at Park Theater. He said five dollars will get you

into any movie that evening and the entire five dollars will go to the Alliance. He said tickets need to be purchased ahead of time and you could call 241-4357 for them. Mayor DeIorio said he wanted to recognize Staff Sergeant Bart Trocha who has received a distinguished service metal from the State of New Jersey. He read the Citation given to him for his Service to our Country from Acting-Governor Codey. He said Council was very proud of the Staff Sergeant, along with the other members of our community that are serving in our armed forces. He thanked them for what they did for our Country, in keeping our freedoms alive.

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

. Retirement of Municipal Clerk Arlene Triano

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Harms moved, at 10:00 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 Harms moved, at 10:15 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:

. Retirement of Municipal Clerk Arlene Triano

Mayor DeIorio said there is a Community Development Grant Projects resolution scheduled for the Special Meeting in November. He said usually Council moves up the projects as they get done. He said the next one on the list to be considered is Chester Avenue, between Colfax Avenue and Lincoln Avenue and Roosevelt Street, from Webster Avenue and Lincoln Avenue. He said if anyone has any additional streets, they can send their list to Ed Dec. Councilman Harms said Laurel Avenue, between Seaton Avenue and Webster Avenue and Councilman Murphy recommended Charlotte Avenue, between Madison Avenue and Grant Avenue.

There being no further business to come before the meeting, at 10:20 p.m., Councilman Harms moved to adjourn; seconded by Councilman Murphy and adopted.

Attest:

Deputy Borough Clerk