

Executive Meeting of Mayor and Council December 1, 2005

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

ABSENT: None

Mayor DeIorio called the meeting to order at 7:30 p.m. and said it is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, 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

Letter from New Jersey Citizen Action advising that they will be in the area sometime between December 1, 2005 and September 30, 2006. (Received and filed).

Copy of Ordinance from the Township of Cranford amending the Township Code to establish procedures for the replacement of trees in connection with applications for development which is scheduled for final reading and public hearing on December 13th. (Received and filed).

Copy of Resolution from the Township of Clark establishing September 11th as a day of observance and remembrance. (Received and filed).

Notice of Hearing regarding proposed tariff and rate revisions from the Union County Utilities Authority. (Received and filed).

Letter of resignation from Arlene Triano, as Borough Clerk, for retirement purposes, effective December 30, 2005. (Referred to Council).

REPORT AND RECOMMENDATIONS OF MAYOR

Mayor DeIorio reported that on Friday, December 2nd there will be a Tree Lighting Ceremony held in Michael Mauri Park at 6:30 p.m. He said on December 3rd the Holiday Parade will begin at 1:00 p.m., starting at Sherman School. He said the Rotary Pancake Breakfast will be the same day at the Community United Methodist

Church, and after the parade everyone is invited to the Casano Center for an international tasting of foods representing different countries. Mayor DeIorio said at the New Jersey State League of Municipalities Conference he was fortunate enough to moderate a session regarding the new laws on training Planning Board and Zoning Board members. He said he would forward details to Councilmembers and both boards. He said the State has now mandated training with certain exemptions for certain class members. He said within the next 18 months every board member will have to be paid and the funds will come from development fees that this Governing Body will have to impose on new applicants. He said the estimated cost of each training session to be \$50.00 per person. Mayor DeIorio said the Governing Body also has the option of training Roselle Park members ourselves in-house. He said after the training, there is a test to ensure that the members present do understand the topics and procedures. He said the information about those who passed will be forwarded to the State, so that each municipality falls in compliance with the new regulations. He said they expect the resolutions to be published sometime in March, and the Governing Body will need to impose development fees. Mayor DeIorio said the Borough of Roselle Park is participating to help the victims of Hurricane Katrina. He said he has been in contact with the Boys and Girls Club to participate in collecting school supplies for a legislative district in Alabama. He said anyone wishing to participate can drop the items off at any of the Municipal Buildings. He said many residents have taken the opportunity to decorate their homes for the holidays. He thanked them for decorating their homes and said many residents have offered their assistance to sponsor a holiday decorating recognition contest. He said he has asked those residents as part of an ad-hoc committee to go out and identify those homes, and Council would invite them in at a later meeting to recognize them and thank them with a Certificate of Appreciation.

REPORT OF DEPARTMENTS

Police Department

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

Chief Wielgus requested permission to cover the parking meters during the Holiday Season. He said meter parking would resume on January 1st.

Councilman Badillo moved to authorize the Police Department to cover the downtown parking meters during the Holiday Season; seconded by Councilman Harms and adopted.

Chief Wielgus said all but two of the meters are now working and the parts for the other two were on order. Councilman Badillo said Officer Tony Mascaro sent a letter asking Mayor and Council to waive the permit fees to move the tower. He said the old cell tower would be moved for free and the Borough will have two. He said in order to have it moved, Mayor and Council has to formally request to have the fees waived. Chief Wielgus said the old tower will go behind the Emergency Management Building and the Borough will have a backup tower for radio for Fire, Police, and First Aid. Mayor

DeIorio said the applicant is the Borough, and the fees that would be waived would be our own. Chief Wiegus said yes and the Mayor asked to make a motion and have it confirmed in a resolution at the next meeting.

Mayor DeIorio asked for the consensus of Council on whether to waive the permit fees and Council agreed. He said a written resolution would be prepared for the December 15th Regular Council Meeting.

DPW

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

Mr. Wirzbicki said leaf season is going beautiful. He said he rides through the town all day long, even on Saturdays, to see if everyone is complying with the New Jersey regulations. He said if he sees leaves in the street, he leaves a notice and writes the address down. The second time he leaves a second notice and the third time a final notice, and after that, he calls the Code Enforcement Officer to leave a summons. He said during the last rain, there was no flooding in Roselle Park like they had in other towns. Mr. Wirzbicki said they are having a problem with the bus shelter on Chestnut Street and Westfield Avenue because it was severely damaged awhile back. He said Lt. Paul Morrison is going to send a letter to New Jersey Transit to see if they can have it replaced. He said the problem right now is that it would never hold a snow load and he has a list of parts to replace it, but you're talking quite a few dollars. He requested permission to remove it before someone gets hurt. Mayor DeIorio said his recommendation concurs with the Police Department, and he should go ahead and do it. Councilman Harms asked how the booth was damaged, and Mr. Wirzbicki was told a sign fell off of the bank on Chestnut Street which fell on it. Councilman Harms said the insurance company of who caused the damage should cover it. Mr. Wirzbicki said hopefully with the letter and explanation of how the damage was caused, NJ Transit will replace it. Councilman Harms said how he understands it, the Borough is responsible for maintaining the bus stop shelters. He questioned if liability of the shelter would fall on the Borough once they remove it. He asked if it is removed before the insurance company from the bank sees it will they pay for it. Mr. Wirzbicki said since NJ Transit put it there, the Borough was made responsible for maintenance of it. Borough Attorney Bill Lane asked if they knew the cause of the damage. Mr. Wirzbicki said he was told during a heavy, windy day a sign came off a building and hit the shelter. Mr. Lane said if you can determine the owner of the building, the Borough could make a claim for damages against them. Mr. Wirzbicki said he would go back and revisit the incident. Mr. Lane said the Borough does not own the shelter, but is the responsible party to repair it. Councilman Murphy said on November 15th he received a phone call and he was told the damage came from the Family Dollar Store. He said the Fire Department responded and suggested that he check with them. Councilman Zeglarski asked if they could do a temporary repair. Mayor DeIorio said since Council had so many questions, he requested that Mr. Wirzbicki call NJ Transit tomorrow. Mr. Wirzbicki said he also wanted to clarify that the Department of Public Works is open from 7:00 a.m. to 3:30 p.m. and the Clerk leaves at 3:00 p.m. He said they have an answering machine and a number to call

in case of emergency. He said he is not in the office, but on the road checking complaints and supervising work. Councilman Murphy said he was hardened by the fact that the children's playhouse was damaged. Mr. Wirzbicki said the windows of the playhouse were made of plexiglas and every time the older kids kicked them out, the DPW would replace them but recently they have kicked out the whole frame. He said it has become unsafe and recommended having it removed.

Borough Engineer

Borough Engineer Ed Dec said the Community Development Grant applications have been submitted for the upcoming year. He said the Borough has requested grants for Chester Avenue and Roosevelt Street. He suggested that next year Council introduce an Ordinance for street opening permits. He said that would be impeccable to any roads that have been paved within the last 5 years and that permits be obtained by submitting an escrow to the Borough to make sure that the pavements are restored properly. Councilman Harms said he is working on an ordinance for any street opening, whether they are newly paved or not. He said Roselle Park is the only municipality in Union County that does not charge for a street opening permit. Councilman Badillo said the Ducker's on Spruce Street are experiencing a leak coming from their lawn. He said the sump pump is working properly, but there is some type of sinkhole and asked Mr. Dec to take a look. Mr. Dec said he spoke with them and left a message for the water company, because it sounded like a leak in one of the water lines. Councilman Matarante thanked Mr. Dec for doing the survey at Acker Park and asked for an update of what the next steps are. He asked the Mayor to decide on if it could be put on the agenda for the next meeting. Mr. Dec said he was asked to find out how much property the Borough would have in excess from Acker Park where the fence line is now. He said after doing a survey of both properties, the Borough is able to provide 18 feet that is outside of the fence line. He said it has been that way since the park was established, which would be the portion conveyed to lot 12 from lot 11 and is approximately 1,900 square feet from lot 11 which would be conveyed to lot 12. He said he spoke to the Borough Attorney who recommended having provisions for an access easement along that proposed property line relocation to provide the ability to repair the fence. Borough Attorney Bill Lane said they also believed that the cost involved in the preparation of the survey, the subdivision and drafting the deed would be assessed to the adjacent property owner who is going to acquire the title. He asked Council if they would like him to proceed. Councilman Matarante asked what the cost would be and Mr. Dec said \$2,500.00. Councilman Matarante also asked if changing the lot size from 3,100 to 5,000 feet will have an effect on his property tax, and Tax Assessor Paul Endler said yes. Councilman Zeglarski said this is adjacent to Acker Park and not taking part of Acker Park. Councilman Matarante said one of the questions was if Council wanted to do all of the 18 feet or just some portion. He said the Borough has never used anything outside that fence area and the resident has always maintained it. Councilman Murphy asked Paul Endler if he knew what the fair market value would be for that piece of property. Councilman Harms recommended discussing that in closed session. Mr. Dec said the cell tower relocation of the existing antenna tower is being replaced by the OEM. He said Officer Mascaro is taking a lot of time on his own to make sure it is being done correctly and he is being

assisted by one of the volunteer fireman. He said they are doing a lot of the work and if this was to be done by the rigging company or outside contractor, it would cost about \$15,000.00 but because of their help, it will only cost about \$3,000.00. Mayor DeIorio said they should be recognized for their efforts and asked the Borough Clerk to invite them to the next meeting.

Borough Attorney

Borough Attorney Bill Lane said he had one item regarding the land use ordinance amendment. He said it is his understanding that after talking with Councilman Harms that the Planning Board has some concerns about the proposed amendment. He said in correcting one part of the ordinance, you may complicate another. He said there are three separate and distinct areas where definitions are and he felt they should be consolidated. Mr. Lane suggested a Joint Meeting between the Municipal Services Committee and the Planning Board. He also suggested pulling that ordinance until it could be perfected. He said he had two items to discuss in closed session, one of which is a very brief update on the Blackstone litigation and a request from the Board of Education to use the senior van on a biweekly basis.

Borough Clerk

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

Finance Officer

Mayor DeIorio said the Chief Financial Officer has moved on to another job and Ken Blum is the Borough's interim CFO. He said the Borough is still advertising for the position of CFO and are currently securing additional resumes and letters of interest.

Administrative Assistant

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

REPORT OF STANDING COMMITTEES

Councilman Murphy said while he was away on business there was a news release about Independence Community Bank being in the process of merging with Sovereign Bank. He said as a result, he contacted Independence Community Bank to try to get some feedback as to what it was all about. He said he personally was involved in a bank merger in 1991 and 1992 and stated that they can be ugly. He said he was concerned with the overall effect on the Borough and he wanted to get a letter of guarantee from the bank saying that should a merger occur, the new acquiring bank would honor all the commitments agreed upon with Independence Community Bank. He said he did receive a letter from Independence signed by the Senior Vice President of the Bank. He said the inquiring institution will honor the pricing and cost of services and rate of interest. He said the Borough is guaranteed for two years regardless of what

happens and he submitted the letter to the Borough Clerk for her records. He said he received an e-mail from resident James Vigliotti regarding a problem with his oil burner and the carbon monoxide detector sounded that night. He said in his e-mail that as a result of the Police and Fire Department's response, they must be commended. He said as it turned out, his boiler was faulty and had to be replaced. Councilman Murphy said he wanted to pass on Mr. Vigliotti's comments for a job well done. He said this is the time of year when carbon monoxide can be a deadly thing for homeowners. He said Bob Knapp will be giving a presentation at the Rotary Club, 7:30 a.m., on December 29th of this month at their breakfast, which will be held at the Caviler Dinner in Roselle and is open to anyone wanting to attend. He said Mr. Knapp is going to speak specifically on carbon monoxide poisoning, which is something that should not be taken lightly.

Councilman Harms said he just had one item which the Borough Attorney mentioned regarding the land use ordinance. He asked the Borough Clerk to send a letter out to Bill Lane, Joel Reed, Mike Tripodi, John Risso and Ed Dec. He said if any of them cannot make the next Municipal Services Committee Meeting, they need to send someone else in their place. He stated that the meeting will be held on December 12th at 5:45 p.m.

Councilman Matarante said he had one referral to the Public Safety Committee. He said he was recently approached by a gentleman who sponsors a series of bicycle races. He said the gentleman lives in Union and would like to come and present to the Public Safety Committee a proposal to run one of his bike races through Roselle Park. He said the gentleman would like to do it in junction with the 4th of July facilities. Councilman Matarante said it has the potential to open facilities for additional donations. He said he wanted to come in on Tuesday with his public relations expert to make a presentation.

Councilman Rubilla said he had no formal report.

Councilman Badillo said at the League of Municipalities he had an opportunity to speak with Vince Belluscio, the former Business Administrator in Roselle and now works for a company that does payrolls, and said he can guarantee the Borough up to 30 percent savings. He said he would give Councilman Murphy the numbers for a discussion at the next Finance Meeting. He said it was his honor to be at the League of Municipalities when Mayor DeIorio was inducted into the Mayors Hall of Fame. Councilman Badillo said the Pop Warner Cheerleaders came in 2nd place which afforded them the opportunity to compete in Disney. He said the senior citizen's annual Christmas party is at the Assumption Church on December 20th. He said on December 10th a spaghetti dinner will be held for The Gomez Family at the Casano Center. Councilman Badillo congratulated the Roselle Park Football Team who came from behind at the Thanksgiving Day Game to defeat Roselle. He said they finished the season at 7-5 and wished all the young men well, especially those who played their last game and will be moving on to college. He said he got a couple of phone calls regarding the train overpass on Westfield Avenue, near Pizza Hut, about how rusted out it looks. He asked who the Borough could contact about getting it painted or even permission for advertising on it. Mayor DeIorio said

Conrail owns that portion of line and said there is a contact number through Congressman Mike Ferguson's Office. Mayor DeIorio suggested sending a letter to Conrail and copy the Congressman's Office. Councilman Zeglarski suggested doing it for all of the overpasses and said the one that crosses over Chestnut Street is in really bad shape as well. Mayor DeIorio said the one way to get their attention is health and safety, because that seems to get a quick response. Councilman Badillo congratulated Robert Tobe who was elected as Fire Chief to the Borough. He said he wanted to have a Certificate of Achievement prepared for outgoing Fire Chief Joe Signorello for the Organization Day Meeting. He said after tomorrow's Tree Lighting Ceremony, the Casano Center will be serving food and refreshments.

Councilman Zeglarski said a committee meeting was held to discuss the relationship between the Borough and Qsend, who host our e-mail and website, and provides the platform for which they are able to get in and manipulate the Borough webpage. He said the conclusion of the committee was that a 6-month contract was approved and it is their recommendation that the Borough continue the relationship with QSend. He said they also put emphasis on it being the Clerk's role, as point person for the webpage, considering the fact that a lot of it has to do with records. Mayor DeIorio requested that QSend provide another training service. Councilman Zeglarski said part of the introductory package came with a certain amount of free training, which was nice to get their feet wet but obviously with new people on board, they will need training. Mayor DeIorio said when he spoke with Keith at the League of Municipalities Conference, it was mentioned there was a cost for training and suggested having that included as part of the contract. Councilman Zeglarski said there may be a problem with the computer hardware, in particular, an e-mail problem. He recommended getting in touch with a consultant to resolve the problem. He said a lot of Borough employees are required to use e-mail as part of the State's requirements of dealing with us. Councilman Matarante said he would contact the Board of Education to see if their technology consultant would look at it.

NEW BUSINESS

Mayor DeIorio said the Borough Clerk has submitted a list of 2006 Council Meeting dates to all members. He said they needed to pick a date for re-organization. Borough Clerk Arlene Triano said Council had until December 15th to decide.

PUBLIC COMMENT

Councilman Matarante moved, at 8:55 p.m., to open the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

Keith Heyman, 300 E. Westfield Ave., said he ordered equipment for improvement of the audio and has been in the process of installing it. He inquired if residents needed to fill out an OPRA form if they wanted a copy of a meeting tape. He said Cranford requests that applicants supply a blank tape, along with the \$20.00 fee. Council agreed to charge a \$20.00 fee for tape requests. Keith said he could also copy

meetings onto DVD and the Mayor told him to check into how much that would cost. Borough Clerk Arlene Triano said she would have an ordinance prepared. Mayor DeIorio said the TV34 Committee has requested that Council Meetings be aired on Mondays, Wednesdays and Fridays. He said a letter was sent to the Superintendent of Schools and they are waiting for a response.

Jacob Magiera, 612 Sheridan Avenue, asked who was responsible for any damage at the Youth Center. Mayor DeIorio said the person who caused the damage. He thanked Councilman Harms and DPW Superintendent Frank Wirzbicki for the good job they are doing with the State Regulated Leaf Program. Mr. Magiera said he gave Council an article on conserving energy and asked for an update. Mayor DeIorio said the thermostat is currently set at 68 degrees. Mr. Magiera said it should go down to 60 when no one is in the building. He asked Mayor DeIorio if he spoke with Bill Dressel at the League of Municipalities Conference. He said Mr. Dressel is saying the cost of health benefits and pensions are going up 35 percent. He said he does not mention elected officials, appointed officials and bureaucrats. Mayor DeIorio said the League of Municipalities, of which Mr. Dressel is Executive Director, had issued a notice about the Governor's Benefits and Pension Task Force which issued a report making a recommendation from issues concerning elected officials and moving pension from elected officials to a 401K plan, to removing the opportunity for individuals to be part of the pension for certain professional services, as well as health benefits that may be granted to municipal employees or county employees. He said one thing Mr. Dressel pointed out in his report to the Governing Bodies across the State focused on the PERS system for which the Borough is a part of, but they failed to focus in on the Police and Fire Pension Systems. He said as Mr. Dressel notes in his notice that abuse is in all of the pension systems and the League is going to analyze the report and provide the municipalities some of their opinions. He said in response to Mr. Magiera's 35 percent, it probably encompasses those other 2 pension systems as well. Mr. Magiera brought up double dipping which is having 2 public jobs with pensions based on the highest 5 years salary. He said tipping fees are going up 14%, which is going to be \$12.31 a ton. He said at the last meeting he mistakenly said the trains sound a whistle, but stated they now have horns and the decibels are lower. He asked the Mayor if Comcast has an exclusive contract with Roselle Park. Mayor DeIorio said he was not sure what he meant by exclusive, but they do have a contract with Roselle Park. Mr. Magiera said reading the paper the current law prohibits exclusive contracts and if it is, it is in violation of State law. Mr. Lane said there is current consideration due to a change in the State law to provide for more competitive bidding, but right now the contract they have is because they are the only provider to this municipality. He suggested having Mr. Lane look into it to see if it is an exclusive. Mr. Magiera asked if a person purchases an empty building and its on the tax roles for \$100,000.00 and that person renovates the building to the value of say \$500,000.00, how much will that person be charged in taxes. Tax Assessor Paul Endler said the property would be reevaluated and reassessed.

There being no one else wishing to speak, Councilman Matarante moved, at 9:15 p.m., to close the public comment portion of the meeting; seconded by Councilman Badillo and adopted.

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

- . Litigation – Update on Roselle Park vs. Blackstone
- . Request from Board of Education to use senior van on a part-time basis
- . Renewal of Board of Education’s municipal parking lot lease
- . Personnel - Retirement of Borough Clerk Arlene Triano

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved to interrupt the regular order of business for a closed session meeting; seconded by Councilman Badillo and adopted.

RESUME THE REGULAR ORDER OF BUSINESS

Councilman Matarante moved, at 9:40 p.m., to interrupt the regular order of business for a closed session meeting; seconded by Councilman Harms and adopted.

- . Litigation – Update on Roselle Park vs. Blackstone
- . Request from Board of Education to use senior van on a part-time basis
- . Renewal of Board of Education’s municipal parking lot lease
- . Personnel – Retirement of Borough Clerk Arlene Triano

There being no further business to come before the meeting, at 9:45 p.m., Councilman Matarante moved to adjourn; seconded by Councilman Harms and adopted.

Attest:

Deputy Borough Clerk