

Regular Meeting of Mayor and Council August 2, 2007

PRESENT: Mayor DeIorio; Councilmembers Badillo (in at 7:45 p.m.), Harms, Matarante (in at 7:45 p.m.), Rubilla, Dinardo, and Yakubov; Borough Attorney Bill Lane; CFO Ken Blum

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 recorded as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, C.172. (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 Doreen Cali read a short prayer followed by the Pledge of Allegiance.

Mayor DeIorio asked for a moment of silence for Laura Lyle, a member of the Board of Health and an active member in the community, and also for Skip Kreie who was a member of the First Aid Squad and an active member of the community.

COMMUNICATIONS

Councilman Harms moved the following communications; seconded by Councilman Rubilla, all members voting Aye, said motion was adopted.

- Request from West End Community Center to hold Annual Family Picnic on Saturday, August 25, 2007 from 1:00 p.m. until 7:00 p.m. and to use the Girl Scout Park for children's activities.

REPORT AND RECOMMENDATIONS OF MAYOR

Mayor DeIorio made a public statement regarding a police investigation of allegations made by Monica Montoya. He said that a full and complete police investigation must be made in the matter. He also said the Union County Prosecutor's Office will be conducting a full and complete investigation.

Borough Attorney Lane said that he does not want to comment prematurely on this matter and will refrain from making any statements regarding this incident until the full investigation is completed.

- Mayor DeIorio announced that the Special Improvement District election has taken place with the businesses. He said the results are being calculated by the Deputy

Borough Clerk and will be available the following day. He thanked everyone and the interested business owners that asked to be on the Special Improvement District.

- He said the paving of Chestnut Street has been completed by the County, and it will receive a facelift within several months. He said the County will come back to complete additional work on Chestnut Street between Westfield Avenue and Warren that has not yet been completed. He said we are also moving forward with the crosswalks on Chestnut Street. This will not only provide safety for the pedestrians, but also improve our central business area.
- He said they received a \$5,000 donation from Schering Plough for the purchase of new winter banners on Chestnut Street. He said the new banners will say “Proud to be Roselle Park” to show our devotion to the community.
- He said the tree wells on Chestnut Street have also been improved.
- He said the Frank Wirzbicki has painted the meters black to coincide with the antique lamps. He said the bulbs on the lamps have also been changed by PSE&G.
- He said one of our community businesses will be lending us a power cleaner to clean the sidewalks. He said once they are cleaned; they will install new benches and flower pots on Chestnut Street, particularly the area between Westfield and Grant Avenues.
- He announced there will be a meeting on August 22nd at 7:00 p.m. in the Council Chambers for the public to listen to the progress being made by our redevelopment efforts.
- He said this evening they will be discussing solar panels, which are the wave of the future. This provides savings on utilities and now residents are taking it upon themselves to improve their homes. He said they have received a request from a resident interested in installing solar panels on their home and are considering an amendment to allow having solar panels.
- He said August 7th is “National Night Out” and a raindate for the fireworks; he encouraged the public to attend the event.
- He said they have received a report about the changes in Union Hospital. He said a meeting will take place on August 16th in Union Hospital to discuss the changes. He asked the public to attend that meeting about the changes.
- He said the Homestead Rebate and Senior Citizen Property Freeze Act have been extended until October 31st. He said if anyone is not sure if they have applied or if they are eligible, please contact our offices.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Yakubov

- He said since the Neighborhood Watch Meeting, Councilman Dinardo and he have received a number of complaints from the residents regarding issues in that area. He said he has forwarded them to the Police Department.
- He said Carl Pluchino and he have been very aggressive in the cleaning up of the grove behind the High School. He said the tables and chairs will be painted and other

- areas have been cleaned up. He also said the nets on the basketball rims have been replaced.
- He said there are two meetings scheduled regarding Woodside and Webster Gardens and the complaints that have been received regarding those complexes. He said they are meeting with the Property Manager to discuss the many areas that need to be addressed.
 - He said they are also addressing speeding in that area and would like to put speedometer signs on Colfax Avenue, Valley Road and W. Webster Avenue.

Councilman Rubilla

- He thanked the Department of Transportation for their quick action on the installation of the no turn on red sign on Westfield Avenue in front of McDonald's.

Councilman Matarante

- He asked to schedule a meeting on Wednesday, August 15th at 6:00 p.m. for the proposal of the renovations to Acker Park. He asked that notices be sent to all the residents in the area.
- He also said he would like to discuss a matter for potential litigation during closed session.

Mayor DeIorio said the renovations to the park are in line with a grant that has been submitted to the County for funds to complete the project.

Councilman Matarante said that our application for extraordinary aid has been denied.

Mayor DeIorio said Fanwood and Kenilworth are the only two towns in Union County that have received aid.

Councilman Badillo

- He asked that the 400 block of Hemlock Street be acknowledged for having their tenth annual block party this year.

Mayor DeIorio said there have been complaints about areas having continuous block parties. He said if anyone is not sure if a particular block party should be taking place, to contact the Clerk's Office.

Councilman Dinardo

- He discussed the sewer work done at Pershing and Grant Avenues; there is water accumulating in that area.

REPORTS OF DEPARTMENTS

Borough Engineer – Nick Villano

- He said the Governing Body has awarded a contract to Jenicar Builders Contractors, Inc. in the amount of \$118,520.69. He reported a preconstruction meeting for Chester Avenue reconstruction; Elm Street and Lincoln Avenue drainage was held on Tuesday, June 12th and the contractor indicated that work would commence after July 4th. He said the work has not yet begun, but the contractor assured the work will begin August 6th. He said if it is delayed any further, the Borough Attorney will be notified and the contractor put on notice.
- He said regarding the Madison Avenue Reconstruction that the Governing Body has awarded a contract to Cifelli & Son General Contractor in the amount of \$125,013.50. A preconstruction meeting was held on July 24, 2007 and the work should commence in two weeks.
- He said regarding the West Brook Stream Improvements that the Governing Body approved the proposal for West Brook, E. Grant Avenue to E. Clay Avenue in the amount of \$28,500.00. He said this includes NJDEP Permit Application, and construction management services. He said pursuant to the pre-application meeting of May 8th with the NJDEP Stream Encroachment Section, we have finalized the design and will submit the application to NJDEP the early part of next week.
- He said regarding the Webster Avenue Sanitary Sewer Replacement that the Governing Body approved the proposal for W. Webster Avenue from the DPW yard to Laurel Avenue in the amount of \$13,500.00 which includes design and construction management services. He said they are finalizing their design, while coordinating various uncertainties with the DPW and anticipate a meeting with the NJDEP, next week to discuss the need for a Treatment Works Approval Permit. Once they meet with the NJDEP they will further advise the Governing Body on how quickly they can proceed with the bidding.
- He reported regarding the First Aid Squad Emergency Generator that the Governing Body approved the first proposal for the emergency generator installation of \$4,650 which includes design and construction management services. He said they sized the generator to be a 24W, 120/208 volts, 3 phase, 60 HZ, natural gas, and they have provided the CFO with an estimate to purchase and install this unit under state contract for the cost not to exceed \$20,300. He said they are awaiting Borough CFO's direction and the Governing Body's authorization to purchase and install the unit.
- He said regarding the Lincoln Avenue Train Station Enhancement project that as requested by the Governing Body they met with Steve Nordahl of NJ Transit to discuss the status of the project. He said they presented their engineering proposal to the Borough Clerk to finalize the design. He said they are awaiting authorization by the Governing Body to proceed with this design.
- He said the Governing Body has approved their proposal to prepare a Stormwater Management plan in the amount of \$10,207.00. He said they are working with the County Engineer to finalize the County's comments, and then the Borough can adopt this new plan.

- The Governing Body has authorized NEA to investigate the existing storm sewer problem and prepare plans and specifications for the repair of the storm system. He said according to the Borough CFO there is a total of \$47,000 available for the design and construction budget, and the Governing Body awarded has awarded Neglia Engineering a design budget in the amount of \$5,000.00. He said pursuant to their May 8, 2007 pre-application meeting with the NJDEP Stream Encroachment Section, and at the direction of the governing body, they are phasing the project whereby Phase I will replace the culvert and correct the drainage issued within the Union Avenue Right of Way, while Phase II will correct the problems within the 24" storm sewer downstream of Union Avenue. He said the phasing plan will address the immediate need to fix the Union Avenue culvert and will allow the Borough time to appropriate funding and secure the necessary easements for the work downstream of the site. He said they are finalizing their design and should have contract documents ready for public bids within one week.
- The Governing Body has accepted bids on July 17th for the Fire Station Bathroom renovations. He said that the lowest of the three bids was submitted by Evergreen Construction Co. of Edison, NJ, however, the bid was rejected because the contractor did not submit a complete bid. Accordingly, the second low bidder was Altec Building Systems of Point Pleasant, NJ. He said the total amount of \$30,986.00 which consists of a Base Bid of \$17,611.00, and an Alternate Bid "A" of \$13,375.00. They recommend that a contract be awarded to Altec Building Systems in the total amount of \$30,986.00 pending verification by the Borough CFO that sufficient funds are available.
- He said that as requested by Mayor DeIorio they have contacted the Union County Engineer regarding the Borough's request to install imprints cross walks along Chestnut Street. Based on the County's recommendation, the Borough would better utilize the \$60,000 appropriation by bidding this work separately rather than issuing a change order through the County's 2007 Road Program. Accordingly, by copy of this report they are providing a copy of the their engineer's proposal to prepare contract documents for this project, and they have begun working on said in anticipation of the Governing Body authorization to proceed.
- He said that as requested by the Governing Body they have prepared their proposal for the design of the E.Clay Avenue resurfacing project based on a grant the Borough received from the NJDOT Municipal Aid Program. We forwarded our engineering proposal to the Borough Clerk and we await authorization by the Governing Body to proceed with the design.
- He said also requested by the Governing Body that they have prepared a concept plan along with cost estimates for the reconstruction and enhancement of Acker Park facility. They have forwarded copies of these documents to the Borough Clerk, and await further direction from the Mayor and Council.
- He said as requested by the CFO they are preparing estimates for Hazel Street (from W. Colfax Avenue to W. Roselle Avenue), East Grant Sanitary Sewer Repairs (from Chesnut Street to Pershing Avenue), and Union Avenue Storm Replacement Phase II. He said they will finalize their estimates and forward copies to Mr. Ken Blum by early next week.

Borough Attorney – Bill Lane

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Mayor DeIorio said that we do have a list of municipalities that do have the ordinances from the League of Municipalities.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

MOTION BILLS & PAYROLLS & PAYROLLS NOT BE READ
MOTION BILLS AND PAYROLLS BE PASSED FOR PAYMENT

PUBLIC COMMENT

PASSAGE OF ORDINANCES

Second Reading and Public Hearing

ORDINANCE NO. 2214

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF
ROSELLE PARK TO PROHIBIT THE FEEDING OF UNCONFINED
WILDLIFE ON PUBLIC LANDS

Councilman Harms moved to open the public hearing on Ordinance #2214; seconded by Councilman Badillo and adopted.

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

Councilman Harms moved that Ordinance #2214 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo, all members present voting Aye, said ordinance was adopted.

ORDINANCE NO. 2215

ORDINANCE AMENDING ARTICLE XXV SECTION 128-110 (OFF STREET PARKING)
TO PROHIBIT OFF STREET PARKING IN UNPAVED AREAS

Councilman Harms moved to open the public hearing on Ordinance #2215; seconded by Councilman Badillo and adopted.

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

Councilman Harms moved that Ordinance #2215 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo, all members present voting Aye, said ordinance was adopted.

ORDINANCE NO. 2216

ORDINANCE AMENDING ARTICLE IV SECTION 75-21.B (CONSUMPTION AND
POSSESSION IN PUBLIC PLACES)

Councilman Harms moved to open the public hearing on Ordinance #2216; seconded by Councilman Badillo and adopted.

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

Councilman Harms moved that Ordinance #2216 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo, all members present voting Aye, said ordinance was adopted.

RESOLUTIONS

The following routine resolutions, listed on consent agenda, were offered by Councilman Harms; seconded by Councilman Badillo, all members voting Aye, said resolutions were adopted.

RESOLUTION NO. 182-07

WHEREAS, Harry Uhrig, Apprentice Operator for the Department of Public Works in the Borough of Roselle Park has requested an unpaid leave of absence under the Family Medical Leave Act from August 8, 2007 to September 7, 2007; and

WHEREAS, the Mayor and Council of the Borough of Roselle Park desire to make clear the terms of Harry Uhrig's leave for the purpose of record keeping;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Harry Uhrig be and is hereby granted an unpaid leave of absence under the Family Medical Leave Act effective August 8, 2007 to September 7, 2007.

RESOLUTION NO. 183-07

WHEREAS, certain Federal funds are potentially available to the County of Union under Title 1 of the Housing and Community Development Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, it is necessary to amend an existing Interlocal Services Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Roselle Park and the County of Union in cooperation with each other to enter into a modification of the Interlocal Services Agreement pursuant to N.J.S.A. 40:8A-1;

NOW THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of Roselle Park that the agreement entitled "Agreement to Modify Interlocal Services Agreement dated December 15, 1974, for the Purpose of Inserting a Description of Activities for the Year Thirty Three Union County Community Development Block Grant Program, a copy of which is attached hereto, and the Fifteenth Year of HOME Investment Partnership program, a copy of which is also attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

BE IF FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

AN AGREEMENT TO MODIFY INTERLOCAL SERVICES AGREEMENT
DATED DECEMBER 15, 1974, AS AMENDED, FOR THE PURPOSE OF
INSERTING A DESCRIPTION OF ACTIVITIES FOR THE THIRTY-THIRD YEAR UNION
COUNTY COMMUNITY DEVELOPMENT BLOCK PROGRAM AND THE FIFTEENTH
YEAR OF THE HOME INVESTMENT PARTNERSHIPS PROGRAM

WHEREAS, this contract, the Interlocal Services Agreement, dated December 15, 1974 was entered into by various parties, including the Borough of Roselle Park; and

WHEREAS, in order to meet federal requirements there must be a binding agreement in effect; and

WHEREAS, the Interlocal Services Act requires a specific delineation of activities to be included in the Agreement, and it is necessary to amend the said Agreement to insert a description of activities for the Thirty-Third Year Union County Community Development Block Grant Program and the Fifteenth Year of the HOME Investment Partnerships Program;

NOW, THEREFORE, it is mutually agreed that the Interlocal Services Contract dated December 15, 1974 be amended by adding the following Section:

Section D-1 (Agreement as to Specific Activities)

1. Contained in the Action Plan of the 2007 Union County Consortium Consolidated Plan.

RESOLUTION NO. 184-07

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize the agreement between the County of Union and the Borough of Roselle Park for participation at the Leaf Composting Facility for the 2007 leaf season.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the Memorandum of Understanding and an Indemnification Agreement regarding Union County's Leaf Composting Facility.

RESOLUTION NO. 185-07

WHEREAS, pursuant to N.J.S.A. 40A:14-155 Officer Harold Breuninger of the Roselle Park Police Department has requested the retention of attorney James M. Mets, Esq. to represent his interests in a pending matter,

WHEREAS, the said attorney has agreed to provide the necessary legal services at the rate of \$125.00 per hour, now therefore, be it,

RESOLVED, by the Mayor and Council of the Borough of Roselle Park, that:

1. The Borough hereby approves the retention by Officer Harold Breuninger of James M. Mets, Esq. to defend him pursuant to N.J.S.A. 40A:14-155 at the rate of \$125.00 per hour.
2. The total fee shall not exceed \$1,500 unless specifically approved by the Mayor and Council.

RESOLUTION NO. 186-07

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that Lianne Uhrig, 290 Seaton Avenue, Roselle Park, be and is hereby appointed to the temporary seasonal position of Clerk for a period not to exceed sixty (60) days, effective August 6, 2007 at the hourly salary of \$12.00.

RESOLUTION NO. 187-07

WHEREAS, Teresa Mazzeo, Clerk for the Department of Public Works in the Borough of Roselle Park has requested an unpaid leave of absence under the Family Medical Leave Act from July 23, 2007 to August 20, 2007; and

WHEREAS, the Mayor and Council of the Borough of Roselle Park desire to make clear the terms of Teresa Mazzeo's leave for the purpose of record keeping;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Teresa Mazzeo be and is hereby granted an unpaid leave of absence under the Family Medical Leave Act effective July 23, 2007 to August 20, 2007.

Councilman Harms moved the following resolution; seconded by Councilman Badillo.

RESOLUTION NO. 188-07

WHEREAS, resolution #158-07 be and is hereby rescinded, and

WHEREAS, the Borough of Roselle Park wishes to purchase computers, workstations and associated products, and

WHEREAS, the following vendors have been awarded New Jersey State Contracts EPlus Technology Inc, 4 Crossroads Center, Suite 108, Hamilton, NJ 08691, #A81185/T0483, Emtec Inc., 11 Diamond Road, Springfield, NJ 07081, #A81212/T0483 and Hewlett Packard Company, Government/Education Sales, 10810 Farham Drive, Omaha, NE 68154, #A81249/T0483, and,

WHEREAS, the purchasing agent recommends the utilization of this contract on the grounds that it represents the best price available

WHEREAS, the cost for the purchase of the above mentioned equipment is not to exceed \$22,000.00

WHEREAS, the Chief Financial Officer has certified the availability of funds for this contract, Now Therefore, Be It

RESOLVED by the Mayor and Council of the Borough of Roselle Park that a Purchase Order be issued to the above mentioned vendors for said equipment.

MATTERS FOR REFERRAL TO COMMITTEE OR COUNCIL

ADJOURNMENT