

Regular Meeting of Mayor and Council September 6, 2007

PRESENT: Councilmembers Badillo, Harms, Matarante, Rubilla, Dinardo and Yakubov;
CFO Ken Blum; Borough Attorney Bill Lane

ABSENT: Mayor DeIorio

Council President Harms 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.

PUBLIC HEARING FOR CY 2007 BUDGET AMENDMENT

Councilman Badillo moved to open the public hearing for the 2007 Budget Amendment, seconded by Councilman Yakubov.

Jacob Magiera, 612 Sheridan Avenue

- He asked about the pay increase for Mayor and Council for the year 2007.

Bill Crossett, 412 Galloping Hill Road

- He asked about the money for the crosswalks on Chestnut Street.
- He asked about the \$500,000 increase to be raised by taxes which would be approximately \$120 per house.

There being no one else wishing to speak, Councilman Rubilla moved to close the public hearing for the 2007 Budget Amendment; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

Councilman Matarante moved the following resolution, seconded by Councilman Badillo.

RESOLUTION NO. 199-07

SECTION 2 - UPON ADOPTION FOR YEAR 2007
(ONLY TO BE INCLUDED IN THE BUDGET AS FINALLY ADOPTED)
RESOLUTION 199-07

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION THAT THE BUDGET HEREIN BEFORE SET FORTH IS HEREBY ADOPTED AND SHALL CONSTITUTE AN APPROPRIATION FOR THE PURPOSES OF THE SUMS THEREIN AS SET FORTH AS APPROPRIATIONS, AND AUTHORIZATION OF THE AMOUNT OF:

(a) \$ 9,029,580.79 (ITEM 2 BELOW) FOR MUNICIPAL PURPOSES,

(b) \$ 0.00 (ITEM 3 BELOW) FOR SCHOOL PURPOSES IN TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 18A:9.2) TO BE RAISED BY TAXATION AND,

(c) \$ _____ (ITEM 4 BELOW) TO BE ADDED TO THE CERTIFICATE OF AMOUNT TO BE RAISED BY TAXATION FOR LOCAL SCHOOL PURPOSES IN TYPE II SCHOOL DISTRICTS ONLY (N.J.S. 18A:9-3) AND CERTIFICATION TO THE COUNTY BOARD OF TAXATION OF THE FOLLOWING SUMMARY OF GENERAL REVENUES AND APPROPRIATIONS.

(d) \$ _____ (SHEET 43) OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND LEVY

RECORDED VOTE:

(Insert last name)	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Badillo				Mayor DeIorio
Harms				
Matarante				
Yakubov				
Rubilla				
Dinardo				

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated	08-100	1,300,000.00	
Miscellaneous Revenues Anticipated	40004-10	2,625,237.44	
Receipts from Delinquent Taxes	15-499	252,000.00	
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (item 6(a), Sheet ii)			
	07-190	9,029,580.79	
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 41	07-195	0.00	
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)	07-191	0.00	
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only			0.00
4. To Be Added To the Certificate for Amount to be Raised by Taxation for Schools in Type II School Districts Only:			
Item 6(b), Sheet 11 (N.J.S. 40A:4-14)			
TOTAL REVENUES			13,206,818.23

Roll called, all members present voting Aye, said resolution was adopted.

COMMUNICATIONS AND PETITIONS

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

- Request from the residents of the 600 block of Filbert Street to hold a “Block Party” on Saturday, September 29, 2007 from 12:00 Noon until 9:00 p.m.
- Request from the residents of the 700 block of Hamilton Place to hold a “Block Party” on Saturday, September 22, 2007 from 2:00 pm until 10:00 pm, with a rain date of Sunday, September 23, 2007.

- Request from the residents of the 100 block of East Clay Avenue to hold a “Block Party” on Saturday, September 15, 2007 from 12:00 Noon until 10:00 pm, with a rain date of Sunday, September 16, 2007.

Councilman Badillo moved the following communication; seconded by Councilman Matarante, all members present voting Aye, said motion was adopted.

- Request from the residents of the 100 block of West Lincoln Avenue to hold a “Block Party on September 15, 2007 from 12:00 Noon until 10:00 p.m., with a rain date of September 16, 2007.

Councilman Badillo moved the following communication; seconded by Councilman Matarante, all members present voting Aye, said motion was adopted.

- Request from the residents of the 100 block of West Lincoln Avenue to hold a Yard Sale on Saturday, September 15, 2007 from 9:00 am until 8:00 pm, with a rain date of Sunday, September 16, 2007.

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

Councilman Badillo moved that bills and payrolls not be read and passed for payment, seconded by Councilman Rubilla; all members present voting Aye, said motion was adopted.

REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Matarante

- He said that during Closed Session they will discuss negotiations with the PBA.
- They will discuss contract negotiations with the Boys and Girls Club.
- There will be a meeting on September 13th at 6:00 p.m. regarding Acker Park.
- Mr. Lane will provide an ordinance to the Municipal Services Committee to be added to the agenda modifying the Land Use B-2 Zone adding insurance and real estate agencies.

PUBLIC COMMENT

Councilman Badillo moved at 8:25 p.m. to open the public comment portion of the meeting; seconded by Councilman Yakubov and adopted.

Jacob Magiera, 612 Sheridan Avenue

- He asked about the pigeon droppings at the bridges.
- He asked about rain water in the storm water basin.
- He asked for an explanation of Ordinance #2217.

- He asked about stop signs.
- He asked about bicycle riding on the sidewalks.
- He asked about the repair invoice for the sweeper.
- He asked how much we receive from Comcast.
- He asked what percentage of the budget goes for garbage pick up.
- He said there are 13 parking meters out of order.
- He asked about the Police Chief being out.
- He asked about money for bonding ordinances to fix the parking meters.

Daniel Nydick, 237 Sherman Avenue

- He asked about the flooding on Sherman Avenue.

Bill Crossett, 412 Galloping Hill Road

- He asked about Ordinance #2217.
- He asked about the Click-It Program.
- He asked about speed limit warnings and radar they were using in Westfield.

Councilman Rubilla said that was turned over to Officer Antonucci to check on.

Councilman Badillo said every patrolman during his shift is now accountable to be out there for at least one hour to do radar.

Ray Arocha, 715 Walnut Street

- He said he wrote to the County Sheriff asking for support on the County roads with speeding.
- He asked about Hotel development and his company called Creative Development.

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

REPORTS OF DEPARTMENTS

Borough Engineer – Nick Villano

- He said the Chester Avenue project is basically completed.
- He said there is some difficulty starting on Madison Avenue and the contractor will be put on notice if it does not start soon.
- He said the Westbrook Stream project needs the Mayor's signature before it can go out to the DEP. He said there is a portion of the application that talks about the owner of the property. He said they have not done a title search and there are no easements that are shown. He said there may be an item that will be questioned by the DEP and it will be addressed at that time.

- He said they are nearing the completion of the design on Webster Avenue and it should be done within the next week or so.
- He said regarding the generator for the First Aid Squad, they now have the size of the generator. He said a company called Universal has the state contract and it is only for repair so he not allowed to do the purchase; we have to go out for public bid.
- He said there were two phases of the Stormwater Management Plan and we have addressed the annual report and the DEP pointed out certain items that need to be addressed. He said they are now finalizing the County's portion of that.
- He said regarding the Union Road Storm Sewer Repair, it will be phased into two parts. He said there is the roadway work out for bid and they will be accepted on September 19th. He said then we can focus on the downstream section, which will take a little bit more time.
- He said regarding the Faitoute Avenue Firehouse Bathrooms there was a preconstruction meeting and the contractor is aware we want to complete this prior to the November Election. He said as soon as he files the building permits the work will begin.

Councilman Harms asked if the trees have been taken care of on Chester Avenue.

Mr. Villano said there are some minor things that need to be cleaned up before it can be signed off on.

Councilman Harms asked if we are having difficulty getting Jenicar back to take care of some of these things. Mr. Villano said it was primarily the clean up and we have put them on notice.

Councilman Harms asked how long they have to wait before this can be taken care of. Mr. Villano said they are still within the timeframe. He said if it takes too long then they will have a letter sent from the Borough Attorney.

Councilman Harms said he wants to make sure the work is done in a reasonable amount of time and while the weather is still good for paving.

Councilman Badillo asked what would be the timeframe to tell a contractor that they have lost their bid, and would we take the second lowest or do we have to rebid it?

Mr. Villano said there are several options. Our specifications are very clear in how many days they have. He said right now he is beyond that and he and Mr. Lane will discuss what can be done. He discourages the bonding company process because that is a long and drawn out process.

Mr. Lane said before you can go to the second bidder, you must first cancel the first one.

Councilman Harms suggested if they do not start by our next Council meeting, can we go to the second bidder.

Councilman Badillo moved to approve the following reports; seconded by Councilman Matarante, all members present voting Aye, said motion was adopted.

- Code Enforcement Report for August & September 2007
- DPW Report for August 2007
- Neglia Engineering Report for September 6, 2007
- Administrative Assistant Report for August 2007

ORDINANCES

Introduction

ORDINANCE NO. 2217

AN ORDINANCE AMENDING THE REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7 FOR THE ROMEROVSKI SITE LOCATED IN THE BOROUGH OF ROSELLE PARK

WHEREAS, by Resolution adopted April 20, 2006, the Borough Council of the Borough of Roselle Park (“Council”) directed and authorized the Planning Board to conduct a preliminary investigation and a public hearing to determine whether an area commonly known as “The Romerovski Site,” and designated as Block 214, Lots 1, & Block 314, Lot 1) on the Official Tax Map of the Borough of Roselle Park is an area in need of redevelopment according to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (“Redevelopment Law”); and

WHEREAS, after due notice and a hearing, the Planning Board, by Resolution adopted September 18, 2006, recommended to the Borough Council that the Romerovski Site be declared an area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, after receipt of the Planning Board’s resolution, the Council, by Resolution 158-06 adopted, designated the Romerovski Site as an area in need of redevelopment pursuant to the Redevelopment Law for reasons stated therein; and

WHEREAS, pursuant to the Redevelopment Law, a redevelopment project must be undertaken pursuant to a “redevelopment plan” adopted by ordinance; and

WHEREAS, the Borough’s consulting planner prepared for the Council a proposed redevelopment plan entitled “Romerovski Site Redevelopment Plan” (“Proposed Plan”) dated February 2007; and

WHEREAS, on February 15, 2007, the Borough Council introduced Ordinance 2201 entitled “AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN PURSUANT TO N.J.S.A. 40A:12A-7 FOR THE ROMEROVSKI SITE LOCATED IN THE BOROUGH OF ROSELLE PARK”; and

WHEREAS, on February 15, 2007, the Borough Council reviewed the Redevelopment Plan attached to Ordinance 2201 and concluded that the Plan met the statutory requirements of N.J.S.A. 40A:12A-1 et seq., and was designed to effectuate the Borough’s Master Plan as it pertains to the Romerovski Site; and

WHEREAS, on March 1, 2007, Ordinance #2201 was adopted on second reading and advertised as prescribed by law; and

WHEREAS, on June 18, 2007, the Borough Planning Board adopted and the Borough Council endorsed its Housing Element and Fair Share Plan; and

WHEREAS, specific provisions of the Borough's Housing Element and Fair Share Plan were inconsistent with provisions of the Borough's adopted Redevelopment Plan; and

WHEREAS, it is the Borough's intention to bring its Master Plan, Housing Element and Fair Share Plan, and Redevelopment Plan into consistency with one another; and

WHEREAS, in addition, one or more provisions of the Borough's Redevelopment Plan have been challenged in a lawsuit currently pending in New Jersey Superior Court, Law Division; and

WHEREAS, specifically, the plaintiff alleges that, under relevant laws, the Borough's Redevelopment Plan is invalid in that it limits the tenure of ownership in the residential units to be constructed on the Romerovski site to condominiums and cooperatively owned units; and

WHEREAS, without commenting on the validity of any of plaintiff's specific legal challenges, the Borough considers it prudent to amend the Redevelopment Plan to remove the allegedly invalid language; and

WHEREAS, nothing herein should be construed as a waiver or abandonment of the rights of the Borough under applicable law.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Roselle Park as follows:

Section 1. Council hereby adopts the attached amendment to the Redevelopment Plan dated September 2007 and prepared by HGA for the Romerovski Site (Block 213, Lots 1, & Block 314, Lot 1) pursuant to the Redevelopment Law, N.J.S.A. 40A:12A-1 et. seq. A copy of the amended Redevelopment Plan shall be maintained in the offices of the Borough Clerk.

Section 2. The amended Redevelopment Plan shall supersede applicable provisions of the Zoning Ordinance of the Borough of Roselle Park. In all situations where zoning issues are not specifically addressed by the amended Redevelopment Plan, the Zoning Ordinances of the Borough shall remain in full force and effect.

Section 3. Pursuant to N.J.S.A. 40A:12A-7(c), the Zoning Map is hereby amended consistent with Section 1 above, so as to indicate that the amended Redevelopment Plan applies to the redevelopment area depicted in the attached amended Redevelopment Plan.

Section 4. If any provision of this Ordinance shall be held invalid by any court of competent jurisdiction, the same shall not affect the other provisions of this Ordinance, except so far as the provision so declared invalid shall be inseparable from the remainder of any portion hereof.

Section 5. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed.

Section 6. This Ordinance shall take effect immediately upon adoption and publication

Councilman Badillo moved that Ordinance #2217 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 18, 2007 seconded by Councilman Rubilla, all members present voting Aye, said motion was adopted.

RESOLUTIONS

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

RESOLUTION NO. 197-07

WHEREAS, the County of Union and the Governing Body of the Borough of Roselle Park, have agreed to apply for SHARE (Sharing Available Resources Efficiently) assistance through the State of New Jersey Local SHARE Program in the amount of \$332,800.00; and,

WHEREAS, the County of Union has agreed to be the lead agency in this endeavor; and

WHEREAS, the State of New Jersey has made SHARE assistance available to assist local units study, develop and implement new shared and regional services; and

WHEREAS, the purpose of this grant is to promote shared services between our local units through the sharing of describe services, that would be beneficial to both or all local units; and

WHEREAS, the County of Union agrees to execute a Shared Services Agreement with Borough of Roselle Park in order to implement the describe services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of Borough of Roselle Park, that the Borough of Roselle Park does hereby join with the County of Union in applying for a grant for the purpose of implementing: Fiber Optic Connection between the County and Local Municipality.

RESOLUTION NO. 198-07

RESOLVED that the following individuals be and are hereby appointed as an Alternate School Crossing Guards, effective immediately for a term expiring on December 31, 2007, at the rate of \$50.77 per day, pending the completion of training and successful background checks:

Nareschchandra Patel, 159-D Jerome Street, Roselle Park

Franklin Edwards, 427 Murray Street, Elizabeth, New Jersey

Joseph Crivelli, 144 Orchard Street, Elizabeth, New Jersey

Marsha Sklar, 888 Westfield Avenue, Elizabeth, New Jersey

RESOLUTION NO. 201-07

WHEREAS, the Mayor and Council of the Borough of Roselle Park hereby formally refers the attached Ordinance #2217 to the Planning Board for recommendation pursuant to N.J.S.A. 40:55D-26a.

WHEREAS, the Planning Board shall report to the Governing Body within thirty-five (35) days if the proposed amendment is consistent with the Land Use Plan Element and Housing Plan Element of the Master Plan or is designed to effectuate such plan.

The following resolution was offered by Councilman Yakubov; seconded by Councilman Rubilla, all members present voting Aye, with one abstention, said resolution was adopted.

RESOLUTION NO. 200-07

WHEREAS, Gabrielle Olivio, Dispatcher for the Roselle Park Police Department has requested an unpaid leave of absence under the Family Medical Leave Act from September 10, 2007 to September 24, 2007; and

WHEREAS, the Mayor and Council of the Borough of Roselle Park desire to make clear the terms of Gabrielle Olivio'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 Gabrielle Olivio be and is hereby granted an unpaid leave of absence under the Family Medical Leave Act effective September 10, 2007 to September 24, 2007.

Council President Harms read the Closed Session resolution and said Council would be discussing the following matters:

- PBA Negotiations
- Negotiations with the Boys and Girls Club

INTERRUPT THE REGULAR ORDER OF BUSINESS

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

RESUME REGULAR ORDER OF BUSINESS

Councilman Badillo moved to resume the regular order of business, seconded by Councilman Yakubov and adopted.

Council President Harms said during Closed Session, Council discussed the following matters:

- PBA Negotiations
- Negotiations with the Boys and Girls Club

ADJOURNMENT

There being no further business to come before the meeting, Councilman Badillo moved to adjourn; seconded by Councilman Yakubov and adopted.

Attest:

Borough Clerk