

BOROUGH OF ROSELAND  
NEW JERSEY

JANUARY 24, 2017  
PUBLIC MEETING ROOM  
BOROUGH HALL  
6:30 PM

COUNCIL MEETING MINUTES

The January 24, 2017 Meeting of the Roseland Mayor and Council was called to order at 6:30 PM by Mayor Duthie. Adequate notice of the meeting was provided in accordance with the Open Public Meeting Act in that the date, time and location of the meeting were included in the Annual Meeting Schedule, was sent to The Progress and the Star Ledger, posted on the public bulletin board in the Municipal Building and filed in the office of the Borough Clerk.

IN ATTENDANCE:

John Duthie, Mayor  
David Jacobs, Councilman  
Richard N. Leonard, Councilman  
Peter M. Smith, Councilman  
Thomas Tsilionis, Councilman  
Michelle Tolli, Councilwoman  
Mark Vidovich, Council President

ALSO IN ATTENDANCE:

Maureen Chumacas, Borough Administrator  
Ethan Jesse Sheffet, Borough Attorney  
Jock H. Watkins, Borough Clerk

SALUTE TO THE FLAG

Mayor Duthie led the Salute to the Flag.

EXECUTIVE SESSION

Mayor Duthie read Resolution No. 35-2017 Approval to Close to Executive Session to discuss the following:

1. Locust Avenue
2. Settlement Fine Wall
3. Professional Services
4. Tax Appeals

Councilman Smith made a motion to close to Executive Session at 6:35 PM. The motion was seconded by Councilman Jacobs and approved by a 6-0 voice vote.

Councilman Leonard made a motion to appoint members to the Senior Citizens' Advisory Board and the Board of Health:

APPOINTMENTS – MAYOR WITH APPROVAL OF COUNCIL

Senior Citizens' Advisory Board

Mary Ann Cicchino	3 Years	1/1/2017-12/31/2019
Dorothy Coccoziello	3 Years	1/1/2017-12/31/2019
Deborah LaMonica	3 Years	1/1/2017-12/31/2019

MAYORAL APPOINTMENTS

Board of Health

Patrick Conte, MD	4 Years	1/1/2017-12/31/2020
Ann Freeman	4 Years	1/1/2017-12/31/2020
John Matheis	4 Years	1/1/2017-12/31/2020

Councilman Jacobs seconded the motion and the resolution was approved by a 6-0 voice vote.

PRESENTATIONS

Mayor Duthie read a Proclamation acknowledging Robert Iandiorio for achieving the rank of Eagle Scout. Councilwoman Tolli provided a brief history of the Eagle Scout designation and presented Mr. Iandiorio with a plaque from the Roseland Junior Women's Club.

Mayor Duthie introduced 3<sup>rd</sup> grader Anika Johnson. The Mayor informed the audience that Ms. Johnson decided that she wanted to buy donuts for the Roseland Police Department with her own money. Councilwoman Tolli read a thank you letter from Chief McDonough and presented the letter to Ms. Johnson.

MAYOR'S ANNUAL ADDRESS

Mayor Duthie welcomed back returning members of Council, the Borough Administrator, the Borough Attorney, and the Borough Clerk. Mr. Duthie congratulated Councilmen Leonard and Jacobs their re-election to Council, and congratulated Councilman Vidovich on his election as Council President.

Mayor Duthie reported that the State of Borough is strong. Mr. Duthie's goals for 2017 are to maintain the Borough's "small town charm", "keep up with the ever changing environment, effectively manage the Borough and provide a high level of service, and to protect the Borough from any harm".

Mayor Duthie announced that Council plans to expand on existing activities with the intent to bring the community and its leaders together to "get to know one another and to share ideas and opinions in a causal environment".

The Mayor reported that labor negotiations have been going well with recent contract cycles, adding that the negotiating teams understand one another, resulting in contracts which have been good for all parties. Mayor Duthie stressed that Council appreciates all that the employees do to keep the Borough “running like well-oiled machine”.

Mr. Duthie reported that the Borough has contracted with an independent contractor to inventory, assess, and determine the requirements to keep the water and sewer systems operational. Once the assessment has been completed, the contractor will report back on the condition of the systems, assist with development of a long term plan for maintenance and improvement of the systems, and assist with evaluation to determine if it is in the best interest of the Borough to maintain ownership of the systems, or to seek third party bids to sell the systems as has been done in some other communities. Council will keep the public apprised throughout the process.

Mayor Duthie was pleased to report that the Borough closed on the 12 acre Fernwood property last year and recently closed on the Railroad property. The Railroad property is located behind Noecker School, bisects the Fernwood property, and continues down to Harrison Avenue. The purchase of both parcels was made with funds from the Open Space and Recreation Trust Fund. Using the Trust enabled the Borough to purchase both sites without the need to increase local property taxes. The reason for the purchases is to preserve open space and provide recreation facilities.

Mr. Duthie reiterated that the New Jersey State Supreme Court ruled that Roseland must add to its inventory of affordable housing. The Mayor acknowledged that Roseland has always complied with state mandates to fulfill its obligations. However, this round has unique challenges. Intervenors have filed with the Court to develop very dense residential developments, some of which Council feels are not suitable for the Borough. Council will continue to do all in its power to do what is best for Roseland. Regardless, the Mayor made it very clear that no matter what, there will be residential development coming to Roseland.

Mayor Duthie closed by addressing each member of Council individually, identifying some of their specific strengths, noting to each that “it is pleasure to serve with you”. The Mayor thanked his colleagues for working together to “navigate the storms”, adding that together, they will “find calmer waters”. Mr. Duthie added that he believes the Governing Body will continue to do what is best for community, stating that he is grateful to work with each of them and that he looks forward to much success in 2017.

### **ADOPTION OF RESOLUTIONS**

Councilman Jacobs made a motion to approve the twenty-five resolutions on the agenda and the five consent agenda items:

Resolution No. 36-2017 amending Resolution No. 239-2016 modifying the 2017 Meeting Schedule

Resolution No. 36A-2017 approving the Emergency Temporary Budget

Resolution No. 36B-2017 approving Budget Transfers

Resolution No. 37-2017 to appoint LeeAnn Leonard as Secretary to the Board of Adjustment

Resolution No. 38-2017 approving the reduction of the Performance Bond for the Avalon Bay Complex

Resolution No. 39-2017 authorizing the Mayor to Sign an agreement with Language Line Solutions for a contract term of one year beginning February 1, 2017 through January 31, 2018 for a total cost of \$700.00

Resolution No. 40-2017 approving a \$12,000.00 salary increase for Ashley Passafiume from \$32,000.00 per year to \$44,000.00 per year effective January 1, 2017, upon passing the New Jersey state exam to become a Registered Municipal Clerk

Resolution No. 41-2017 moving Public Works Utility Worker Louis Zagada from Grade 3 to Grade 3B and approving a \$1,646.00 salary increase from \$51,274.00 per year to \$52,920.00 per year effective January 1, 2017

Resolution No. 42-2017 authorizing submission of strategic plan and grant application for the Governor's Council on Alcoholism and Drug Abuse for the Fiscal Grant Cycle beginning July 2014 through June 2019

Resolution No. 43-2017 authorizing refunds of Water & Sewer Overpayments

Resolution No. 44-2017 authorizing an expense limit not to exceed \$11,665.00 for the purchase of auto parts from P&A Auto under Essex County Co-Op No. 16-118

Resolution No. 45-2017 approving the declaration of an emergency on January 10, 2017 for water service replacement at 197 Eagle Rock Avenue and awarding a contract to Thomas J. O'Beirne & Company

Resolution No. 46-2017 authorizing the Mayor to sign the Hold Harmless Agreement with Essex County for the installation of traffic generators

Resolution No. 47-2017 awarding a purchase order to Agra Environmental Services to provide Water Operator Services, Waste Water Operator Services, and Potable Water Analytical Testing Services for calendar year 2017 in accordance with the quote submitted

Resolution No. 48-2017 cancelling Water Sewer Billing Balances and Refunds

Resolution No. 49-2017 appointing the Vincent Loughlin Law Firm as Affordable Housing Attorney for 2017 for an amount not to exceed \$5,000.00

Resolution No. 50-2017 appointing Shirley Bishop as COAH Professional Planner for 2017 for an amount not to exceed \$20,000.00

Resolution No. 51-2017 appointing Jeffrey Surenian and Associates as COAH Attorney for 2017 for an amount not to exceed \$50,000.00

Resolution No. 52-2017 appointing Hendricks Appraisal Company as Real Estate Tax Appraiser for 2017 for an amount not to exceed \$20,000.00

Resolution No. 53-2017 approving the hiring of Gym Supervisors and Time-Score Keepers

Resolution No. 54-2017 authorize the Mayor to sign an annual service agreement with Corpro for maintenance and repair of the Cathodic Protection System in the amount of \$2,690.00

Resolution No. 55-2017 authorizing the use of Essex County Co-Op Contract Bid No. 16-152 to furnish and deliver rock Salt from Morton Salt Inc. for the contract period beginning October 1, 2016 through September 30, 2017 for a total contract amount not to exceed \$60,000.00, and also not to exceed \$15,000.00 for calendar year 2017

Resolution No. 56-2017 to reject certain Professional Service proposals and to approve advertising for new RFP's for the unfilled Professional Service positions

Resolution No. 57-2017 approving the January 20, 2017 Bill List

Resolution No. 58-2017 approving the January 20, 2017 Open Space Bill List

### **CONSENT AGENDA**

Accept with regret the resignation of Officer Boban Korunoski from the Roseland Auxiliary Police effective December 31, 2016

Approval for Maureen Chumacas to attend "Budget, Ethics and DLGS Update on Procurement and Best Practice"

Approval for Michael Colitti to attend the annual NJRPA Conference in Atlantic City from March 5, 2017 through March 8, 2017 for a total cost of \$375.00

Approval for Kent Yates to attend the 2017 NJIAAI Annual Training Conference in Atlantic City from March 8, 2017 through March 10, 2017 for a total cost of \$450.00

Approval for Christopher Critchett to attend the Public Works Manager review class on March 13, 20, 21 and April 2, 2017 in Bordentown, NJ for a total cost of \$511.00

After discussion, Councilmen Smith and Vidovich abstained from voting on Resolution No. 48-2017. Councilman Leonard abstained from voting on Resolution Nos. 37-2017, 49-2017, 50-2017 and 51-2017. All abstentions considered, Councilwoman Tolli seconded the motion and the motion was approved by a 6-0 voice vote.

## **COMMITTEE REPORTS**

### **PUBLIC WORKS**

Councilman Smith thanked the Mayor for his comments in the Mayor's annual address.

Councilman Smith made a motion to approve Resolution No. 59-2017 to appoint Nisivoccia LLP as Borough Auditor for 2016 and Resolution No. 60-2017 to appoint Nisivoccia LLP as Borough Auditor for 2017. The motion was seconded by Councilman Tsilionis. After a brief discussion, Councilman Vidovich abstained from the vote, and the resolution was approved by a 5-0 voice vote.

Councilman Smith thanked the DPW and other Borough emergency services for their prompt emergency responses during the recent inclement weather.

Mr. Smith reminded residents of all ages to take advantage of the excellent resources and facilities offered by the Roseland Public Library.

### **PUBLIC SAFETY**

Councilman Jacobs thanked Mayor Duthie for his kind words.

Councilman Jacobs reported that the Borough just received \$96,000 from FEMA as partial compensation for emergency expenses incurred during and after the storm in 2011. Mr. Jacobs thanked John Matheis and Gary Schall for their diligence in submitting the paperwork and their follow up with FEMA for the past five years.

Councilman Jacobs commended the efforts of the Shade Tree Commission and Borough Forrester for their efforts in identifying and pruning dead limbs and removing dead trees. As a result of their efforts, only one tree was reported down as a result of the recent Nor'easter. Mr. Jacobs also thanked the DPW and all emergency services for their work during and following inclement weather.

Councilman Jacobs indicated that the police department has been receiving a lot of non-emergency calls on the 9-1-1 system. Mr. Jacobs reminded residents that the 9-1-1 system is for emergencies only and asked residents not to call 9-1-1 for non-emergency inquiries as this ties up resources in the event of a true emergency.

Councilman Jacobs reported that the Office of Emergency Management is in process of completing the required quadrennial update of the Borough's Emergency Operations Plan.

Councilman Jacobs thanked members of the Police and Fire Departments for their efforts during recent ice storms, and thanked them for always being available when summoned. Mr. Jacobs also thanked the DPW for their response during inclement weather, in particular salting the roads during the recent ice storm.

### RECREATION

Councilman Tsilionis reported that the Borough continues to have success communicating with residents during emergency situations. Mr. Tsilionis reminded residents to log into the Swift 9-1-1 system on Borough's website and either update their contact information or sign up for emergency notifications.

Councilman Tsilionis added that the Recreation Committee is discussing the possibility of bringing Little League Baseball to West Essex area with neighboring communities. Mr. Tsilionis reminded residents that baseball and softball registration will open on February 10<sup>th</sup> and advises all interested to sign up early.

Mr. Tsilionis announced that Mother of the Year applications are due by April 7<sup>th</sup>. Mr. Tsilionis was pleased to add that seventy-eight applications were submitted last year.

### CAPITAL IMPROVEMENTS

Councilman Leonard reported that he recently participated in the second inspection of water and sewer infrastructure. The engineering firm expects to submit their report within a month.

Mr. Leonard asked that Mr. Sheffet and Mr. Watkins prepare an ordinance for discussion in February regarding maintenance of private roads in Roseland Green complex. Councilman Leonard thanked PSE&G for recent emergency repairs when water got into gas pipes resulting in frozen gas meters on Davenport Avenue. Mayor Duthie responded that he and the chairman of the Administration and Finance Committee are meeting tomorrow night with representatives of Roseland Green to determine what steps are necessary before the Borough can assume maintenance responsibility of infrastructure within the Roseland Green Complex.

Mr. Leonard added that the Planning Board has recently declared 85 Livingston Avenue and 6 Becker Farm Road as areas in need of rehabilitation.

Councilman Leonard congratulated local residents who participated in recent events including the Inauguration in Washington and subsequent women's rights marches.

### PUBLIC AFFAIRS

Councilwoman Tolli thanked Mayor Duthie for his remarks in his address and congratulated Councilmen Leonard and Jacobs on their re-election, and Councilman Vidovich on his election as Council President.

Councilwoman Tolli thanked all volunteer committee members for their service to the Borough. Mrs. Tolli announced that appointments have been made to fill vacancies on various boards and committees, but volunteers are still needed to serve on the Senior Transportation Committee, the Municipal Youth Guidance Committee, and the Beautification Committee. Mrs. Tolli thanked the employees of the DPW for watering the plants during the hot summer months.

Mrs. Tolli closed her report with special thanks to members of the Roseland First Aid Squad, advising that the first aid squad responded to six hundred emergency calls within Roseland and twenty-six mutual aid calls to neighboring communities in 2016.

#### ADMINISTRATION & FINANCE

Councilman Vidovich thanked Mayor Duthie for the comments made during his address. Mr. Vidovich also thanked the Mayor and other members of Council for addressing the challenging issues that arose last year. Mr. Vidovich acknowledged that dealing with COAH matters appears to be the toughest challenge facing the Borough in 2017.

Councilman Vidovich advised residents that Council has changed the start time of their meetings this year. Council meetings will begin at 6:30 PM with executive session, followed by the public portion of the meeting at 7:30. The reason for the change is to allow action on executive session matters to be done during the televised portion of the meeting.

Councilman Vidovich thanked the Roseland VFW for having him as a guest at their recent beefsteak dinner. Mr. Vidovich reported that the local VFW is a small group of very dedicated veterans who are reaching out for new members.

Mr. Vidovich stated that the Star Ledger recently reported that for the fifth year in a row, New Jersey continues to lead the nation in people leaving the state and, and that this year, the state leads the nation in residential foreclosures. Mr. Vidovich advised that it is for reasons such as these that Council continues to strive to spend tax dollars wisely, adding that all budget meetings are open to the public. Mr. Vidovich suggested that Council hold a special budget meeting at 7:00 PM on Thursday, February 2<sup>nd</sup>, preceded at 6:30 PM with Executive session, and suggested another budget meeting at 6:30 on Tuesday, February 21<sup>st</sup>. Mr. Vidovich closed his report by noting that Council is required by statutory deadlines to introduce the 2017 budget at the March 21<sup>st</sup> meeting and adopt the budget at the April 18<sup>th</sup> meeting.

Ms. Chumacas reminded residents that there have been upgrades made to the online tax collection system. Resident can now project interest payments if their payment is going to be late, or they can pay online. Residents can also print out a copy of their current tax bill. The system can be accessed by selecting the Tax/Water Sewer payment tab on the borough's website at [www.roselandnj.org](http://www.roselandnj.org).



**APPROVAL OF MINUTES**

Councilman Jacobs made a motion to approve the minutes of the December 13, 2016 Council Meeting, the January 3, 2017 Reorganization Meeting, and the January 3, 2017 Caucus Meeting. The motion was seconded by Councilman Vidovich and approved by a 6-0 voice vote.

**PUBLIC COMMENT**

None

**ADDITIONAL EXECUTIVE SESSION OF NECESSARY**


Borough Attorney Sheffet read Resolution No. 35-2017 Approval to return to Executive Session. Councilman Smith made a motion at 8:42 PM to return to Executive Session. The motion was seconded by Councilwoman Tolli and approved by a 6-0 voice vote.

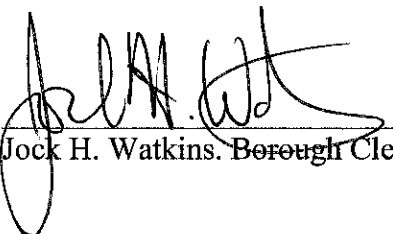
Councilman Jacobs made a motion at 9:05 PM to reopen the public portion of the meeting. The motion was seconded by Councilman Tsilionis and approved by a 6-0 voice vote.

Councilman Vidovich made a motion to approve resolution No. 61-2017 authorizing submission of an application for the 2017 NJDOT Road Improvement Project for Locust Avenue. The motion was seconded by Councilman Jacobs and approved by a 6-0 voice vote.

Councilman Jacobs made a motion to approve resolution No. 62-2017 authorizing execution of the settlement agreement with Fine Wall Corporation in accordance with the Settlement Term Sheet dated January 6, 2017. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

Councilman Jacobs made a motion to close the meeting at 9:09 PM. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

  
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Mayor John Duthie

  
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Jock H. Watkins, Borough Clerk

Approved: February 7, 2017

**ROLL CALL**

- Aye: Jacobs, Leonard, Smith, Tolli, Tsilionis
- Nay: None
- Abstain: None
- Absent: Vidovich

