

BOROUGH OF ROSELAND
NEW JERSEY

FEBRUARY 24, 2015
PUBLIC MEETING ROOM
BOROUGH HALL
7:00 PM

COUNCIL MEETING MINUTES

CALL TO ORDER & SUNSHINE STATEMENT

The February 24, 2015 Meeting of the Roseland Mayor and Council was called to order at 7:00 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
Michelle Tolli, Council President
Mark Vidovich, Councilman

ABSENT:

Thomas Tsilionis, Councilman

ALSO IN ATTENDANCE:

Maureen Chumacas, Borough Administrator
Ethan Jesse Sheffet, Borough Attorney
Jock H. Watkins, Borough Clerk
John Matheis, OEM Coordinator

SALUTE TO THE FLAG

Mayor Duthie led the Salute to the Flag.

PUBLIC COMMENT

Borough resident Jane Quinn introduced herself as a forty year resident of the Borough, and member of the Library Board of Trustees for the past nine years. Ms. Quin requested clarification on resolution item #22 on the agenda [Resolution No. 71-2015]. Mayor Duthie responded that the resolution is in response to a request from the President of the Library Board of Trustees for the Library to become an autonomous entity. The resolution will enable the Library to take over as custodian of their own funds. The Borough will continue to collect the Library portion of the taxes and will then turn the funds over to the Library in accordance with the Library statutes.

Ms. Quinn suggested that it was her understanding that Council agreed to continue health benefits and pension benefits for library employees. Mayor Duthie responded that Council did agree to continue payments for a short period of time, until April 1st, until the Library Board had time to get their new procedures in order.

Borough Attorney Sheffet added that the Library is a separate and distinct entity from the Borough, and that the Library is not a department of the Borough. The reason for adoption of the subject resolutions is due to the Library Board's continuous communications to the Mayor and Council that they want the Library to be autonomous. Mayor Duthie acknowledged that the Library's by-laws may need to be changed to allow that to happen, which is why the date of April 1st was chosen.

Borough resident Charlene Vichness, also a member of the Library Board of Trustees, asked that Council defer passage of Resolution No. 71-2015 in order to allow the Library Board to further investigate the payroll ramifications of autonomy.

Borough resident William Tedesco, the Mayor's representative on the Library Board asked that Council not adopt Resolution No, 71-2015 until there was a mutual agreement on the transfer of duties to the Library Board. Mr. Tedesco, as a member of the Affordable housing Board, supported Ordinance No. 1-2015.

INTRODUCTION OF ORDINANCES

Councilman Jacobs made a motion to introduce **Ordinance No. 01-2015** entitled "An Ordinance Amending Chapter II entitled "Administration", Section 2-46 entitled "Affordable Housing Board", Increasing Membership from Seven (7) Members to Nine (9) Members" Councilwoman Tolli seconded the motion and the motion was approved by a 5-0 roll cate vote, with Councilman Tsilionis absent. The public hearing was scheduled for Tuesday, March 17, 2015 at 7:00 PM.

Councilwoman Tolli made a motion to introduce **ORDINANCE No. 02-2015** entitled "An Ordinance amending Chapter IV of the Revised General Ordinance of the Borough of Roseland entitled "Licensing and Business Regulations", replacing Section 4-4 entitled "Solicitors and Canvassers" with new Section 4-4 entitled "Solicitation". Councilman Vidovich seconded the motion and the motion was approved by a 5-0 roll cate vote, with Councilman Tsilionis absent. The public hearing was scheduled for Tuesday, March 17, 2015 at 7:00 PM.

Councilman Jacobs made a motion to introduce **ORDINANCE No. 03-2015** entitled" An Ordinance Amending Chapter VII entitled "Traffic", Section 7-20 Entitled "Stop Intersections" (Intersection of Canoe Lane and Oak Drive). Councilman Smith seconded the motion and the motion was approved by a 5-0 roll cate vote, with Councilman Tsilionis absent. The public hearing was scheduled for Tuesday, March 17, 2015 at 7:00 PM.

A discussion ensued regarding the March 17th meeting which resulted in a suggestion that the meeting be rescheduled to March 24th. Councilman Jacobs made a motion to reschedule the March 17, 2015 meeting to March 24, 2015. The motions was seconded by Councilman Smith and approved by a 5-0 voice vote (Tsilionis absent). *[Note: The date of the Public Hearing for the three ordinances introduced was rescheduled to March 24, 2015]*

ADOPTION OF RESOLUTIONS

1. Resolution No. 59-2015 approving the refund of Overpayment of Taxes
2. Resolution No. 60-2015 approving the refund of a performance bond in the amount of \$500.00 to C.G. Moressi, Inc. for a street opening permit at 3 McGovern Court
3. Resolution No. 61-2015 approving a contract with Agra Environmental and Laboratory Services for Michael Furrey to serve as Water Operator, Christopher Steelman to serve as Waste Water Collection Operator, and to provide 2015 Water Analysis Services for the period from January 1, 2015 through December 31, 2015
4. Resolution No. 62-2015 approving renewal of the Interlocal Agreement with Verona for construction code services for the term of contract from January 1, 2015 through December 31, 2015 at an annual cost of \$127,293.00
5. Resolution No. 63-2015 approving a contract with the Hanover Manor for the annual Senior Citizen Luncheon on May 15, 2015 for a cost of \$2,495.00
6. Resolution No. 64-2015 approving a contract with Thirst Quenchers for vending machines at Bond Force Park
7. Resolution No. 65-2015 approving a lease with the ARC of Essex
8. Resolution No. 66-2015 approving an agreement between the Borough of Roseland and Phoenix Advisors LLC to serve as Continuing Disclosure Agent Services for an annual fee of \$650
9. Resolution No. 67-2015 awarding a contract for the Morris County Co-Op Contract No. 16 for Office Supplies for the period from January 1, 2015 through December 31, 2015
10. Resolution No. 68-2015 awarding a two (2) year contract to MetLife to provide Employee Basic Life Insurance and Accidental Death and Dismemberment Insurance for the period from April 1, 2015 through March 31, 2017
11. Resolution No. 70-2015 approving the Emergency Temporary Budget
12. Resolution No. 73-2015 accepting the quote from Sunnyside Home Improvements for the roofing and siding at the Harrison Field House at a cost of \$2,775.00 under P/O 15-00216
13. Resolution No. 74-2015 ratifying January 2015 salaries
14. Resolution No. 75-2015 approving the advertisement for bids to construct a new Salt Shed
15. Resolution No. 76-2015 approving cancellation of Water/Sewer billing in the amount of \$2,321.07 on account no. 122450-0 at 2 Canoe Lane

16. Resolution No. 77-2015 approving Budget Transfers
17. Resolution No. 79-2015 accepting the quote from Russo Bros. at a cost not to exceed \$5,000 under P/O 15-00254 for plumbing service work throughout the Borough for 2015
18. Resolution No. 80-2015 accepting the quote from Air Intek for an amount not to exceed \$13,765.00 under P/O 15-00249 for HVAC services
19. Resolution No. 81-2015 approving renewal of a software support contract with Edmunds & Associates, Inc. in the amount of \$13,765.00 under P/O 15-00173
20. Resolution No. 82-2015 approval of the February 20, 2015 Bill List
21. Resolution No. 83-2015 approval of the February 20, 2015 Space Bill List
22. Resolution No. 71-2015 to discontinue providing payroll services to the Roseland Public Library in response to their request for autonomy
23. Resolution No. 78-2015 adopting the redevelopment plan for 165 Eagle Rock Avenue

CONSENT AGENDA

1. Approval for Michael Colitti to attend the Annual New Jersey Recreation Parks & Associations Conference in Atlantic City from March 8, 2015 through March 11, 2015 at a cost of \$360.00 under P/O 15-00089
2. Appointment of Gloria Colitti as a volunteer to the Roseland Recreation Department for 2015
3. Approval of the Baseball, Softball, and T-ball opening day parade on April 18, 2015
4. Approval of DPW employee for field maintenance on Saturdays
5. Approval for the Recreation Department to place four (4) signs to promote recreational activities at the Harrison Complex, Bond Force Park, Noecker School, and Tedesco Park
6. Approval of Towing Permits for 2015

M & M Road Side Service
Mountain Auto Body Inc.
Panek's Servicenter
C & L Towing
Ajaco Towing Inc.
7. Approval for Maureen Chumacas to attend the "Ethical Culture 2015" workshop on April 10, 2015 at a cost of \$89.00 under P/O 15-00277
8. Approval of the Treasurer's Report

Prior to voting on the resolutions or the consent agenda, Council pulled the Library resolution [*Resolution No. 71-2015*] from consideration pending additional discussion.

Redevelopment Counsel Kara Kaczynski provided some additional background information regarding the resolution to approve the redevelopment plan for 165 Eagle Rock Avenue [*Resolution 78-2015*]:

- November 19, 2013 – Council adopted Resolution No. 39-2013 authorizing the Planning Board to determine if 165 Eagle Rock Avenue was an area in need of redevelopment.
- February 24, 2014 – Planning Board Planner Dave Roberts from Maser Consulting prepared a report recommending that the entire area be designated as an Area in Need of rehabilitation, and that 165 Eagle Rock Avenue be designated as an Area in Need of Redevelopment.
- April 21, 2014 – The Planners report was presented to the Planning Board at which time amendments were suggested.
- July 14, 2014 – Dave Roberts prepared a revised report based on recommendations from Planning Board’s April 21st meeting.
- August 19, 2014 – Council adopted Resolution No. 252A-2014 designating 165 Eagle Rock Avenue as an area in need of redevelopment and authorizing preparation of a redevelopment plan. Council decided not to accept the planner’s recommendation to designate the entire area as an Area in Need of Rehabilitation.
- December 9, 2014 - Council passed Resolution No. 402-2014 referring the draft redevelopment plan to the Planning Board for consideration. The redevelopment plan was prepared by Attorney Kaczynski’s office along with cooperation of the Planner and the property owner. The plan details what uses will be permitted on the property and set the standards for an overlay zone.
- December 15, 2014 – The Planning Board reviewed the draft redevelopment plan. The Planner was directed to put the Board’s comments into a report. New Jersey statute N.J.S.A. 40A:12A-7.e. requires that the Planning Board review the plan and submit their recommendations to Council within forty-five (45) days, or by January 23, 2015. Ms. Kaczynski stated that according to the minutes of that meeting, the Board’s planner provided an overview of the plan, the Board discussed the plan and commented on the plan, but opted to table the vote on the plan. As a result, the Board’s recommendations were not submitted to Council within the 45 day requirement.
- December 22, 2014 – Planning Board Planner prepared a report dated 12/22/2014 incorporating the Planning Board’s comments on the draft redevelopment plan.
- January 26, 2015 – Although after the 45 day deadline, the Planning Board was scheduled to review the Planner’s report dated 12/22/14 at their January 26th meeting. However, the meeting was cancelled because a major snow storm had been predicted for that day.

- January 28, 2015 – A memo was prepared by the Planning Board secretary indicating that a proxy vote had been taken via telephone and e-mail and that a majority of the Planning Board members were in favor of forwarding the report and the recommendations to Council for their review. Ms. Kaczynski noted that the vote was taken after the 45 deadline to respond, was not taken at a public meeting, and that there was no subsequent formal written action on the vote. Ms. Kaczynski also noted that regardless, the memo was forward to Council and is now a public record.
- Councilman Leonard suggested that Council should postpone a vote on this resolution [*Resolution No. 78-2015*] as they did with the Library resolution [*Resolution No. 71-2015*].
- Councilman Leonard asked what recommendations were contained in the January 28th memo. Ms. Kaczynski referred to the report prepared by the Planner and explained the nine (9) recommendations/comments. Ms. Kaczynski added that pursuant to N.J.S.A. N.J.S.A. 40A:12A-7.e., failure of the Planning Board to transmit a report to Council within the forty-five day time period relieved the Council from any obligation to consider or vote on the report.

After discussion, Councilman Leonard made a motion to recommend to the Planning Board that the entire B-1 Zone District be considered as an Area in Need of Redevelopment. The motion did not receive a second. Councilman Vidovich then made a motion to approve the redevelopment plan with the condition that the proposed parking lot be available to all of the businesses referenced in the redevelopment plan. The motion was seconded by Councilman Smith and approved by a 4-1 voice vote, with Councilman Leonard voting against and Councilman Tsilionis absent.

Councilman Jacobs made a motion to approve the other twenty-one resolutions on the agenda [*excluding Resolution No. 71-2015 and Resolution No. 78-2015*], and the eight items on the Consent Agenda. The motion was seconded by Councilman Smith and approved by a 5-0 voice vote (Tsilionis absent).

MAYOR'S REPORT

Mayor Duthie reported that he has been working with Eagle Scout Daniel Sanchez who would like to install a new monument in Monument Park to honor Roseland residents who served in the Iraq/Afghanistan War. Scout Sanchez plans to have the monument completed and installed in time to be dedicated on Memorial Day 2015. Councilman Jacobs made a motion to allow Scout Sanchez to continue with the project. Councilman Smith seconded the motion and the motion was approved by a 5-0 voice vote (Tsilionis absent)

Mayor Duthie advised that he has been asked to create a local judging committee for the New Jersey State League of Municipalities Scholarship Competition on March 1, 2015. Councilman Jacobs, Councilwoman Tolli, and Councilman Leonard volunteered to serve as the local judges.

COMMITTEE REPORTS

PUBLIC WORKS

Councilman Smith thanked the members of the Department of Public Works for their response to recent severe weather events.

PUBLIC SAFETY

Councilman Jacobs thanked the members of the Fire Department and the OEM volunteers for their responses to emergency incidents in the extremely cold weather.

Mr. Jacobs thanked the Shade Tree Commission for their continuing efforts to prune and trim trees, noting that there has been a decrease in problems resulting from downed limbs.

Councilman Jacobs commended the members of the Police Department for their work during the recent spell of brutal weather.

Councilman Jacobs closed his report asking residents to clear snow from around hydrants in their neighborhood, check the batteries in their carbon monoxide alarms, and clear any obstruction to appliance exhaust vents.

PUBLIC AFFAIRS

Councilwoman Tolli thanked all emergency departments for their work and noted that the Roseland First Aid Squad responded to 678 calls in 2014, 154 with medics, 70 mutual aid calls, and performed two CPR saves.

RECREATION

Councilwoman Tolli announced that the deadline to submit applications for the 24th Annual Mother of the Year contest is March 6th, and that the 16th annual Easter Egg Hunt will be held on March 28th.

CAPITAL IMPROVEMENTS

Councilman Leonard thanked all Borough departments for their work, especially those providing services during recent foul weather.

ADMINISTRATION & FINANCE

Councilman Vidovich reported that maintaining the public roads during emergencies by plowing and salting thereby enabling police emergency response was critical to the Borough's mission to provide public safety. In that effort, Councilman Vidovich distributed copies of two proposed policy changes. One policy change would amend the job description of DPW employees to include plowing and salting and require employee phone call check-in with department heads prior to predicted weather events. The other policy change would be to prohibit employees from

calling in sick or taking vacation time in advance of extreme weather in order to work a side job during that storm.

Councilman Vidovich reported on additional work that has been done by the Borough's Commercial Tax Appeal Attorney. Mr. Vidovich recommended that a resolution be put on the March 24th Council Meeting agenda to increase the amount of the not to exceed limit for Kaufmann, Semeraro & Leibman, LLC, Tax Appeal Attorney, from \$25,000.00 to \$60,000.00.

PUBLIC COMMENT

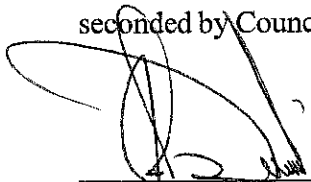
None

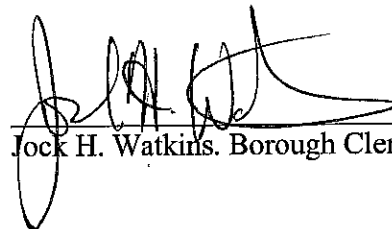
EXECUTIVE SESSION

Borough Attorney Sheffet read Resolution No. 58-2015 Approval to Close to Executive Session to discuss the following:

1. Avalon Bay
2. Contract Matters

Councilman Smith made a motion to close to Executive Session at 9:33 PM. The motion was seconded by Councilman Smith and approved by a 5-0 voice vote (Tsilionis absent).



Mayor John Duthie

Jock H. Watkins, Borough Clerk

Approved: March 7, 2017

ROLL CALL

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