

BOROUGH OF ROSELAND
NEW JERSEY

APRIL 21, 2015
PUBLIC MEETING ROOM
BOROUGH HALL
7:00 PM

COUNCIL MEETING MINUTES

CALL TO ORDER & SUNSHINE STATEMENT

The April 21, 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
Tom Tsilionis, Councilman (7:32)
Mark Vidovich, Councilman

ABSENT:

Michelle Tolli, 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.

PUBLIC COMMENT

Howell resident Peter Dorchak introduced himself and his sisters Susan and Chris, both Roseland residents. Mr. Dorchak explained that his family approached the governing body a year ago and requested that Council consider naming a street in honor of the family, having lived in Roseland for over one hundred years. Since that time, the Mayor and Council dedicated Dorchak Drive in the Avalon Bay complex. Mr. Dorchak, stated that the family is honored to have a street named after them and wanted to thank the Mayor and Council. Councilman Leonard added that one of the contributing factors in the decision to name a street after the Dorchak family was the long time membership of Joe Dorchak in the Roseland Volunteer Fire Department. Joe Dorchak is one of only a few fire department members to have served fifty or more years.

Roseland resident Michele Bucci asked if Tec-Con posted a maintenance bond at Bond Force Park because it appears that all of the sod has died. Mayor Duthie responded that he spoke to the Borough Engineer on Saturday and the Engineer will look in to the situation and advise Council. Ms. Bucci asked if the dugouts were complete. Mayor Duthie answered that the walls are up, but the roofs are not installed yet. Ms. Bucci asked about the final color of the dugouts and Mayor Duthie responded that he understands that the dugouts will be painted to match the color of the exiting bathroom building.

INTRODUCTION OF ORDINANCE

Councilman Leonard made a motion to introduce **Ordinance No. 5-2015** entitled “An ordinance amending Chapter X of the Revised General Ordinances of the Borough of Roseland and Entitled “Building and Housing”, Amending Section 10-2 Entitled “Certificate of Occupancy” to add the requirements of a gas detector as a condition for the issuance of a certificate of continued occupancy. The motion was seconded by Councilman Smith and approved by a 3-1 roll cote vote with Councilmen Jacobs, Leonard and Smith voting a favor, Councilman Vidovich voting against, and Councilman Tsilionis and Councilwoman Tolli absent. The public hearing was scheduled for May 19, 2015

PUBLIC HEARING

Borough Clerk Watkins read Ordinance No. 04-2015 for the second and final time: “An ordinance to Exceed the Municipal Budget Appropriation Limits and Establish a Cap Bank in accordance with N.J.S.A. 40A:4-45.14 in the Borough of Roseland, New Jersey”.

Councilman Jacobs made a motion to open the public hearing on Ordinance No. 04-2015. The motion was seconded by Councilman Vidovich and approved by a 4-0 voice vote (Tolli, Tsilionis absent). With nobody wishing to be heard on the ordinance, Councilman Smith made a motion to close the hearing. The motion was seconded by Councilman Vidovich and approved by a 4-0 voice vote (Tolli, Tsilionis absent).

Councilman Smith made a motion to adopt Ordinance No. 04-2015. The motion was seconded by Councilman Jacobs and approved by a 4-0 roll call vote (Tolli, Tsilionis absent). Notice of adoption of the ordinance will be published in the April 30, 2015 edition of The Progress and will become official on May 20, 2015.

PRESENTATION – 2015 BUDGET

Councilman Vidovich offered a PowerPoint presentation on the 2015 Municipal Budget with the assistance of Administrator Chumacas. Councilman Tsilionis arrived during the presentation.

PUBLIC HEARING ON 2015 MUNICIPAL BUDGET

Borough Clerk Watkins read Resolution No. 143-2015 Resolution to Read Budget by Title. Councilman Vidovich made a motion to adopt the resolution and the motion was seconded by Councilman Jacobs. The motion was approved by a 5-0 roll call vote (Tolli) absent.

Councilman Tsilionis made a motion to open the public hearing on the 2015 Municipal Budget. The motion was seconded by Councilman Leonard and approved by a 5-0 roll call vote (Tolli absent).

Borough resident Michele Bucci questioned how the Borough was able to reduce the cost of employee health benefits. Councilman Vidovich explained that a state law adopted a few years ago required that employees make escalating contributions to the cost of their health benefits each year. With most employees making the maximum contribution, those costs will like increase again next year.

There being no further questions or comments on the Budget, Councilman Smith made a motion to close the public hearing. The motion was seconded by Councilman Jacobs and approved by a 5-0 roll call vote (Tolli absent).

Borough Clerk Watkins read Resolution No. 147-2015 Adoption of 2015 Municipal Budget. Councilman Vidovich made a motion to adopt the resolution. The motion was seconded by Councilman Smith and approved by a 5-0 rollcall vote (Tolli absent).

Councilman Vidovich asked Clerk Watkins to read Section 2 of the Budget, the adopting resolution. Clerk Watkins read Section 2 of the 2015 Roseland Municipal Budget. Councilman Vidovich made a motion to approve the foregoing resolution. The motion was seconded by Councilman Smith and approved by a 5-0 roll call vote (Tolli) absent.

PRESENTATION

Keith Harrison from Total Home Technologies at 183 Eagle Rock Avenue offered to install and maintain the hardware necessary inside and outside of business along Eagle Rock Avenue, between Livingston Avenue and Harrison Avenue, to provide Wi-Fi service to business customers. Mr. Harrison suggested that the cost of the equipment could be paid for by the Borough or from advertising displayed when customers access the system. The units would access the internet through the individual business connections where the devices where installed.

After considerable discussion, the consensus of Council was positive to the concept, but Council was concerned about endorsing or promoting a system that could be subject to potential hacking. Therefore, Council wished Mr. Harrison well on his endeavor, but declined making a formal endorsement of the project

ADOPTION OF RESOLUTIONS

Councilman Leonard made a motion to approve the nineteen resolutions and the two items on the Consent Agenda:

Resolution No. 127-2015 approving the April 17, 2015 Bill List

Resolution No. 128-2015 awarding a contract to Piazza and Associates for an amount not to exceed \$7,500.00 as Affordable Housing Administrative Agent from January 1, 2015 through December 31, 2015

Resolution No. 129-2015 awarding a contract to Shirley Bishop at a cost of \$165.00 an hour, for an amount not to exceed \$7,500.00, to serve as Affordable Housing Consultant

Resolution No. 130-2015 accepting the low quote from Environmental Renewal at a cost of \$19.00 per cu/yard for an amount not to exceed \$8,550.00 for removal of the vegetative waste after collection by the Department of Public Works for the contract period of April through October 2015

Resolution No. 131-2015 approving the purchase of three picnic tables and two park benches at a cost of \$3,794.50 from Ben Shaffer and Associates under State Contract No. A81415 and P/O 15-00289 from the Open Space Trust Fund

Resolution No. 132-2015 appointing Umpires for 2015 Men's Softball League

Resolution No. 133-2015 approving submission of an application for a 2015-2016 Municipal Alliance Grant

Resolution No. 134-2015 awarding the 2015 Videographer service to Golden Star Video for a total cost \$6,500.00

Resolution No. 135-2015 approving Change Order Number No. 1, Fine Wall Corp., to increase the contract for the First Aid Squad Bathroom Renovation Project by an amount of \$1,620.00

Resolution No. 136-2015 authorizing a refund to Running 4 Answers of an over payment in the amount of \$104.44 of the service fee as charged pursuant to Resolution No. 96-2014

Resolution No. 137-2015 approving Tax Lien Redemption Certificate 14-00004, for Block 21 Lot 57, 67 Harrison Avenue

Resolution No. 138-2015 requesting a waiver of the 2014 Annual Financial Disclosure fines from the Local Finance Board

Resolution No. 139-2015 appointing John Linson as Borough Forester for an amount not to exceed \$3,000.00 for the contract year from January 1, 2015 through December 31, 2015

Resolution No. 140-2015 ratifying salaries

Resolution No. 141-2015 approving additions to the 2015 Recreation Fee Schedule

Resolution No. 142-2015 authorizing establishment of policies and procedures for the Borough's Cable Television and Web Site

Resolution No. 144-2015 approving the second April Bill List

Resolution No. 145-2015 authorizing the Commercial Tax Appeal Attorney to Settle the 2011, 2012, 2013, and 2014 Tax Appeals US Land Resources v. Borough of Roseland, Block 1, Lot 3 (Eisenhower Parkway, Roseland, NJ)

Resolution No. 146-2015 authorizing the use of Open Space Trust funds in the amount of \$4,790.30 for various projects

CONSENT AGENDA

Approval for Rosemary Sayers to attend "Awareness in the Workplace" Seminar on Friday, May 15, 2015 at the NJ Law Center in New Brunswick for a total cost \$99.00 including mileage reimbursement

Treasurer's Report

After discussion, Councilman Vidovich seconded the motion and the motion was approved by a 5-0 voice vote, with Councilmen Tsilionis, Smith and Vidovich abstaining from Resolution No. 138-2015, and Councilwoman Tolli absent.

COMMITTEE REPORTS

PUBLIC WORKS

No report

PUBLIC SAFETY

Councilman Jacobs stated that Police Chief McDonough has reported that auto thefts and break-ins are down. Mr. Jacobs thanked Chief McDonough and members of the police department for their efforts to reduce the number of these incidents.

Mr. Jacobs reported on the volunteer fire department's activities for the past month and thanked Chief Yates and the department members for their many hours of volunteer service. Mr. Jacobs asked that residents help reduce the number of false alarms by maintaining the batteries in their smoke and carbon monoxide alarms. Mr. Jacobs also reminded residents that barbecue season is upon us and asked everyone to exercise good grill safety.

Councilman Jacobs welcomed William Panitch to the Shade Tree Commission. Mr. Jacobs also thanked Shade Tree Chairman McQuirk and Forrester Linson for their assistance with the evergreen screening of Fernwood Field from neighboring residences.

Councilman Jacobs announced that there will be an Arbor Day celebration at Noecker School at 1:30 on March 22nd. Mr. Jacobs thanked Shade Tree Commission member Bob Spero for all of his work on the Arbor Day celebration.

Councilman Jacobs closed his report advising that the Senior Citizens' Advisory Board is sponsoring a presentation on chocolate on Sunday, October 4th, time to be announced.

RECREATION

Councilman Tsilionis reported that the opening day baseball ceremony last Saturday was very successful. Mr. Tsilionis looks forward to being able to host the ceremony on Fernwood Field.

Councilman Tsilionis wanted to promote the Pitch Hit & Run contest on April 24th and the Fishing Derby May 2nd. Mr. Tsilionis noted that the Pitch Hit & Run contest is sponsored by Major League Baseball. Residents should check the recreation website for times and locations for each of these events.

Councilman Tsilionis closed his report by acknowledging the efforts of the Environmental Commission to bring the Farmers Market to Roseland. In response to a question from Mr. Tsilionis, Administrator Chumacas responded that although the Environmental Commission is now a separate, not-for-profit organization, Borough policy allows promoting the Market on TV-35 because it benefits the residents of Roseland.

CAPITAL IMPROVEMENTS

Councilman Leonard congratulated Mayor and Councilman Tsilionis for throwing strikes at the opening day baseball ceremony.

Mr. Leonard reiterated Councilman Tsilionis' support of the Farmers Market and noted that the Market will again be open on Fridays, beginning June 12th.

Councilman Leonard reported that the Planning Board has begun a review of the Borough's Master Plan, noting that this process is especially important at this time due to the many changes taking place in the business zones.

Mr. Leonard expressed his pleasure that the Construction Code Official has requested that Avalon Bay consider voluntarily installing sprinklers in the attic areas of the complex. Mr. Leonard added that sprinklers in the attic were not required by the building code at the time of construction, but recent fires at other Avalon communities warrant this consideration.

Councilman Leonard thanked Council for introducing the gas detector ordinance noting that many people are unaware of the difference between a natural gas detector and a carbon monoxide alarm.

PUBLIC AFFAIRS

No report

ADMINISTRATION & FINANCE

Councilman Vidovich wanted to explain his objection to the natural gas detector ordinance, stating that he agrees with the concept, but is also opposed to too much government regulation.

Councilman Vidovich noted that there is a Step 3 grievance hearing scheduled for Executive Session and asked whether or not there has been any response from the F.O.P. regarding

Council's invitation to conduct the hearing in public session. Borough Labor Attorney Robert Merryman answered that he was not aware of any such response. In response to a question from Councilman Vidovich, Mr. Merryman advised that the contract with the F.O.P. requires that the grievance hearing be conducted in closed session unless mutually agreed upon by both parties. Mr. Vidovich then asked the F.O.P. representatives present if they would agree to hold the hearing in opens session. Fred Hesselbirg, President of Roseland Local 184 answered that the F.O.P wished to have the grievance held in closed session.

PUBLIC COMMENT

None

EXECUTIVE SESSION

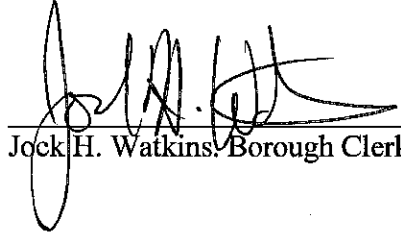
Borough Attorney Sheffet read Resolution No. 126-2015 Approval to Close to Executive Session to discuss the following:

1. Step 3 Grievance Hearing
2. Caldwell Sewer

Councilman Jacobs made a motion to close to Executive Session at 8:25 PM. The motion was seconded by Councilman Smith and approved by a 5-0 voice vote (Tolli absent).



Mayor John Duthie



Jock H. Watkins, Borough Clerk

Approved: March 7, 2017

ROLL CALL

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