

BOROUGH OF ROSELAND  
NEW JERSEY

AUGUST 15, 2017  
PUBLIC MEETING ROOM  
19 HARRISON AVENUE  
6:30 PM EXECUTIVE SESSION  
7:30PM OPEN SESSION

COUNCIL MEETING MINUTES

**CALL TO ORDER & SUNSHINE STATEMENT**

The August 15, 2017 Meeting of the Roseland Mayor and Council was called to order at 7:30 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 official newspapers, 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, Councilwoman  
Thomas Tsilionis, Councilman (6:40 PM)  
Mark Vidovich, Council President

**ALSO IN ATTENDANCE:**

Maureen Chumacas, Borough Administrator  
Jock H. Watkins, Borough Clerk (7:00 pm)  
Ethan Jesse Sheffet, Borough Attorney

Councilman Jacobs made a motion at 6:40 PM to approve Resolution No. 227-2017 Approval to Close to Executive Session to discuss the following:

1. Mitchell v. Roseland Appeal
2. Gorman v. Roseland Lawsuit
3. Scott Gorman v. Roseland Lawsuit

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

Councilman Jacobs made a motion to close Executive Session and to return open session at 7:20 PM. The motion was seconded by Councilman Vidovich and approved by a 6-0 voice vote. Mayor Duthie read the Sunshine Statement again at 7:30 PM and called the public meeting to order. Clerk Watkins called the roll with there being no changes.

**SALUTE TO THE FLAG**

Mayor Duthie led the Salute to the Flag.

## COMMITTEE REPORTS

### ADMINISTRATION & FINANCE

Councilman Vidovich noted that Council decided to hold the meeting in the Public Meeting room rather than a larger venue, because the television broadcast would reach a larger audience and the broadcast could not be accommodated at other venues.

Mr. Vidovich provided an update and overview of the COAH process and the COAH history in Roseland. Mr. Vidovich then introduced Borough Redevelopment Attorney William Northgrave from the law firm of McManimon and Scotland, and Kristen Russell standing in for Borough Planner Joe Layton from the engineering firm of Maser Consulting.

Mr. Northgrave summarized the events and actions leading up to the public hearing scheduled tonight on the two redevelopment ordinances.

### PUBLIC COMMENT

Mayor Duthie asked that public comment be limited to items on the agenda other than the ordinance, advising that the public hearing on each ordinance will provide an opportunity for public comment specific to the respective ordinances.

Public comment from:

Myron Kowal, 46 Leonard Terrace  
Dominic Bertoldi, 10 Roseland Place  
James Turteltaub, representing 168 Roseland Avenue LLC, owners of the Shell station at the corner of Eagle Rock and Roseland Avenues  
Lou Maskey, representing Lukoil North America, owners of the service station at 525 Eagle Rock

### PUBLIC HEARING OF ORDINANCES

Clerk Watkins read **Ordinance No. 11-2017** for the second time: An Ordinance of the Mayor and Council of the Borough of Roseland, County of Essex, State of New Jersey, adopting the Redevelopment Plan for 6 Becker Farm Road, otherwise known as Block 30, Lot 2. Councilman Jacobs made a motion to open the public hearing on Ordinance No. 11-2017. Councilman Vidovich seconded the motion and the motion was approved by a 6-0 voice vote.

Mayor Duthie reintroduced Borough Redevelopment Attorney William Northgrave from the law firm of McManimon and Scotland, and Kristen Russell standing in for Borough Planner Joe Layton from the engineering firm of Maser Consulting.

Public comment from:

Randy Kramer, 11 Mitchell Avenue  
Paul Vichness, 24 Morgantine Road  
Ron Heinemann, the Eagle Rock  
Michael Sooknanan, 23 Godfrey Avenue

Claudia Reis, 4 Cooper Avenue  
Emmanuel Ewenike, 17 Green Avenue  
Don Morsillo, 22 Conover Avenue  
Robin Cassidy, 2 Cooper Avenue  
Donald Ershow, 14 Holmehill Lane  
Scott Gorman, 4 Cooper Avenue  
Christopher LaBianca, 20 Thackeray Drive  
Laura LaBianca, 20 Thackeray Drive

There being no one else wishing to be heard, Councilman Smith made a motion to close the public hearing. The motion was seconded by Councilman Jacobs and approved by a 6-0 voice vote.

Clerk Watkins read **Ordinance No. 11-2017** for the third and final time: An Ordinance of the Mayor and Council of the Borough of Roseland, County of Essex, State of New Jersey, adopting the Redevelopment Plan for 6 Becker Farm Road, otherwise known as Block 30, Lot 2. Councilman Smith made a motion to adopt Ordinance No. 11-2017. The motion was seconded by Councilman Tsilionis and approved by a 5-1 roll call vote, with Councilman Leonard voting against adoption.

Clerk Watkins read **Ordinance No. 12-2017** for the second time: An Ordinance of the Mayor and Council of the Borough of Roseland, County of Essex, State of New Jersey, adopting the redevelopment plan for 85 Livingston Avenue, otherwise known as Block 30.1, Lot 14. Councilman Jacobs made a motion to open the public hearing on Ordinance No. 12-2017. Councilman Smith seconded the motion and the motion was approved by a 6-0 voice vote.

Public comment from:

Robin Cassidy, 2 Cooper Avenue

There being no one else wishing to be heard, Councilman Jacobs made a motion to close the public hearing. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

Clerk Watkins read **Ordinance No. 12-2017** for the third and final time: An Ordinance of the Mayor and Council of the Borough of Roseland, County of Essex, State of New Jersey, adopting the redevelopment plan for 85 Livingston Avenue, otherwise known as Block 30.1, Lot 14. Councilman Tsilionis made a motion to adopt Ordinance No. 12-2017. The motion was seconded by Councilman Jacobs and approved by a 5-1 roll call vote, with Councilman Leonard voting against adoption.

Clerk Watkins read **Ordinance No. 07-2017** for the second time: An Ordinance to Amend Chapter XXX "Land Development" regarding Fast Service Restaurants and Convenience Stores. Councilman Smith made a motion to open the public hearing on Ordinance No. 07-2017. Councilman Jacobs seconded the motion and the motion was approved by a 6-0 voice vote.

Public comment from:

James Turtletaub, representing 168 Roseland LLC, the Shell Station at the corner of Eagle Rock and Roseland Avenues

There being no one else wishing to be heard, Councilman Jacobs made a motion to close the public hearing. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

Clerk Watkins read **Ordinance No. 07-2017** for the third and final time: An Ordinance to Amend Chapter XXX "Land Development" regarding Fast Service Restaurants and Convenience Stores. Councilman Smith made a motion to adopt Ordinance No. 07-2017. The motion was seconded by Councilman Jacobs and approved by a 5-1 roll call vote, with Councilman Leonard voting against adoption.

Clerk Watkins read **Ordinance No. 08-2017** for the second time: An Ordinance of the Borough of Roseland, in the County of Essex, New Jersey, providing for the acquisition of fire truck and related equipment in and by the Borough, appropriating \$935,000 therefore, and authorizing the issuance of \$883,200 in General Improvement Bonds or Notes of the Borough to finance the same. Councilman Leonard made a motion to open the public hearing on Ordinance No. 08-2017. Councilman Jacobs seconded the motion and the motion was approved by a 6-0 voice vote.

There being no one wishing to be heard, Councilman Vidovich made a motion to close the public hearing. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

Clerk Watkins read **Ordinance No. 08-2017** for the third and final time: An Ordinance of the Borough of Roseland, in the County of Essex, New Jersey, providing for the acquisition of fire truck and related equipment in and by the Borough, appropriating \$935,000 therefore, and authorizing the issuance of \$883,200 in General Improvement Bonds or Notes of the Borough to finance the same. Councilman Jacobs made a motion to adopt Ordinance No. 08-2017. The motion was seconded by Councilman Leonard and approved by a 6-0 roll call vote.

Clerk Watkins read **Ordinance No. 09-2017** for the second time: An Ordinance of the Borough of Roseland, in the County of Essex, New Jersey, providing for acquisition of vehicle for the Office of Emergency Management in and for the Borough and appropriating \$31,500 to fund the same. Councilman Jacobs made a motion to open the public hearing on Ordinance No. 09-2017. Councilwoman Tolli seconded the motion and the motion was approved by a 6-0 voice vote.

There being no one wishing to be heard, Councilman Smith made a motion to close the public hearing. The motion was seconded by Councilman Jacobs and approved by a 6-0 voice vote.

Clerk Watkins read **Ordinance No. 09-2017** for the third and final time: An Ordinance of the Borough of Roseland, in the County of Essex, New Jersey, providing for acquisition of vehicle for the Office of Emergency Management in and for the Borough and appropriating \$31,500 to fund the same. Councilman Smith made a motion to adopt Ordinance No. 09-2017. The motion was seconded by Councilwoman Tolli and approved by a 6-0 roll call vote.

Clerk Watkins read **Ordinance No. 10-2017** for the second time: Bond Ordinance of the Borough of Roseland, in the County of Essex, New Jersey amending Bond Ordinance Number 11-2011, finally adopted September 20, 2011, to add additional purposes. Councilman Smith made a motion to open the public hearing on Ordinance No. 10-2017. Councilman Vidovich seconded the motion and the motion was approved by a 6-0 voice vote.

Public comment from:

Michael Sooknanan, 23 Godfrey Avenue

There being no one else wishing to be heard, Councilman Jacobs made a motion to close the public hearing. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

Clerk Watkins read **Ordinance No. 10-2017** for the third and final time: Bond Ordinance of the Borough of Roseland, in the County of Essex, New Jersey amending Bond Ordinance Number 11-2011, finally adopted September 20, 2011, to add additional purposes. Councilman Smith made a motion to adopt Ordinance No. 10-2017. The motion was seconded by Councilman Jacobs and approved by a 6-0 roll call vote.

### **ADOPTION OF RESOLUTIONS**

Borough Attorney Sheffet suggested that Resolution No. 242-2017 be handled separately. Councilman Smith made a motion to approve the remaining fourteen resolutions and the eleven consent agenda items:

Resolution No. 228-2017 authorizing the cancellation of Water and Sewer Billing and Balances

Resolution No. 229-2017 approving the hiring of seasonal employees for Recreation Youth Soccer

Resolution No. 230-2017 amending Resolution No. 182-2017 to increase the amount of the contract with Allied Oil LLC for the Purchase of Fuel Delivery in the amount of \$7,000.00 for a new contract price not to exceed \$27,000.00 through August 31, 2017

Resolution No. 231-2017 approving the August 11, 2017 Bill List

Resolution No. 232-2017 ratification of July 2017 Salaries

Resolution No. 233-2017 approving the close-out of the application of the CDBG for ADA Bathrooms at 140 Eagle Rock Avenue

Resolution No. 234-2017 approving the close-out of the application of the CDBG for the ADA Handicap Ramp project

Resolution No. 235-2017 authorizing the release of Payment No. 1 in the amount of \$295,286.38 to Top Line Construction Corp. for the Becker Farm Road Project

Resolution No. 236-2017 authorizing the sale of surplus personal property no longer needed for public use on an on-line auction website

Resolution No. 237-2017 authorize the extension of State Contract A83767 with DS Services of America for bottled water in the amount of \$875.00

Resolution No. 238-2017 memorializing the approval to purchase the Edmunds software application for Code Enforcement-Permitting-Accounts Receivable and Business Licensing at a cost of \$12,000.00

Resolution No. 239-2017 approving the proposal from Maser Consultant for the design and construction services in the amount of \$27,250.00 for the resurfacing of Locust Avenue

Resolution No. 240-2017 authorizing the Department of Public Works to utilize the Morris County Cooperative Pricing Program for road resurfacing of Phillips Lane, Wingate Way, Clarendon Court & Kincaid Court for an amount no to exceed \$95,000.00

Resolution No. 241-2017 awarding a contract in the amount of \$9,960.00 to Linnett Group, LLC for drain installation for the road resurfacing project on Philips Lane, Wingate Way, Clarendon Court & Kincaid Court

### **CONSENT AGENDA**

Approval for Maureen Chumacas to attend seminar on September 7, 2017 in New Brunswick, NJ for a total cost of \$99.00

Approval for Ashley Passafiume to attend "Title Redacted" seminar on October 20, 2017 in Fairfield, NJ for a total cost of \$89.00

Approval for Ashley Passafiume to attend "Computers Held Hostage" seminar on 9/22/17 in Fairfield, NJ for a total cost of \$89.00

Approval for Melissa Barnes to attend the "Introduction to Planning and Zoning Administration" course on September 11, 2017, September 18, 2017, and September 25, 2017 in Hillsborough, NJ for a total cost of \$764.00

Approval for Melissa Barnes to attend the "Financial and Records Management for Planning and Zoning Offices" course on October 2, 2017 in Hillsborough, NJ for a total cost of \$260.00

Approval for Melissa Barnes to attend the "Understanding Plans: Site Plan and Subdivision Review for Board Secretaries and Admin Offices" on October 16, 2017 and October 23, 2017 in Hillsborough, NJ for a total cost of \$482.00

Approval of Raffle Application No. RA-363 from Ss. Nicholas Constantine and Helen Church for an on-premises 50/50 raffle to be conducted on September 22, 23, and 24, 2017

Approval of Raffle Application No. RA-364 from Ss. Nicholas Constantine and Helen Church for Arcade Games to be conducted on September 22, 23, and 24, 2017

Approval of Raffle Application No. RA-365 from Ss. Nicholas Constantine and Helen Church for an automobile raffle to be conducted on March 18, 2018

Approval for Christopher Critchett and Lou Zagada to attend a Basic Pesticide Training Course on September 19, 2017 in Morristown, NJ for a total cost of \$198.00

Approval for Christopher Critchett and Lou Zagada to attend a Turf Pest Control Course on October 26, 2017 to be held in Morristown, NJ for a total cost of \$290.00

Councilwoman Tolli seconded the motion and the motion was approved by a 6-0 voice vote, with Councilman Leonard abstaining on Resolution No. 232-2017, and Councilman Tsilionis abstaining on the three consent agenda items approving raffle licenses for SS. Nicholas, Constantine and Helen Greek Orthodox Church.

Councilman Smith made a motion to approve Resolution No. 242-2017 approving the award of a contract to NW Financial Group, LLC, 2 Hudson Place, Hoboken to provide financial advisory services, including but not limited to, the review and analysis of financial *pro formas* regarding construction costs and related financings, concerning those certain redevelopment projects in the Borough at 85 Livingston Avenue and 6 Becker Farm Road. Councilman Jacobs seconded the motion and the motion was approved by a 5-0 voice vote with Councilman Leonard abstaining.

### **MAYOR'S REPORT**

No report

### **COMMITTEE REPORTS**

#### **PUBLIC WORKS**

Councilman Smith thanked all in attendance for coming out and for their comments.

#### **PUBLIC SAFETY**

Councilman Jacobs thanked all in attendance for coming out and for their comments. Mr. Jacobs also reminded residents to keep their vehicles locked while unattended.

#### **RECREATION**

Councilman Tsilionis had no report, but commented that he believes that the decisions made by Council tonight will have a longstanding benefit and are in the best interest of the community.

#### **CAPITAL IMPROVEMENTS**

Councilman Leonard reported on his recent meeting with engineers and borough staff to review the water sewer report update noting that he believes that Council is moving in the right direction with water and sewer system improvements.

#### **PUBLIC AFFAIRS**

Councilwoman Tolli thanked all in attendance for coming out and for their comments. Mrs. Tolli added that the annual bonfire will be held on Friday, October 6, 2017 and that more details will be coming in the near future.

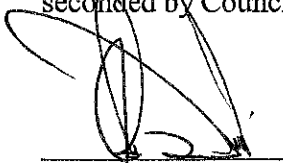
**APPROVAL OF MINUTES**

Councilman Jacobs made a motion to make a correction to the June 20, 2017 Council Meeting minutes: *In the last paragraph under the Consent Agenda heading on page 4, the name of the person seconding the motion to approve the resolutions and consent agenda items was changed to Councilman Vidovich.* The motion to correct the minutes was seconded by Councilwoman Tolli and approved by a 6-0 voice vote.

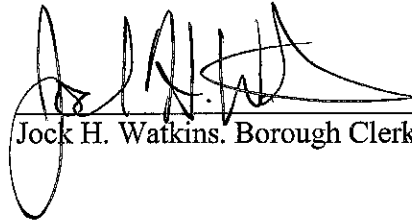
**PUBLIC COMMENT**

Michael Sooknanan, 23 Godfrey Avenue

Councilman Jacobs made a motion to adjourn the meeting at 10:54 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: November 28, 2017

**ROLL CALL**

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