

BOROUGH OF ROSELAND  
NEW JERSEY

FEBRUARY 20, 2018  
PUBLIC MEETING ROOM  
19 HARRISON AVENUE  
6:30PM EXECUTIVE SESSION  
7:30PM OPEN SESSION

COUNCIL MEETING MINUTES

CALL TO ORDER & SUNSHINE STATEMENT

The February 20, 2018 Meeting of the Roseland Mayor and Council was called to order at 6:30 PM by Council President Tolli. 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 was 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 (7:12 PM)  
Christopher Bardi, Councilman  
David Jacobs, Councilman  
Richard N. Leonard, Councilman  
Peter M. Smith, Councilman  
Michelle Tolli, Council President  
Thomas Tsilionis, Councilman (6:51 PM)

ALSO IN ATTENDANCE:

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

PUBLIC COMMENT

Councilman Leonard made a motion to delay closing to Executive Session in order to allow public comment from a former Councilman. The motion was seconded by Councilman Smith and approved by a 5-0 voice vote (Tsilionis absent).

John Derites 72 Freeman Street

EXECUTIVE SESSION

Borough Attorney Sheffet read Resolution No. 51-2018 Approval to Close to Executive Session to discuss the following:

1. Personnel
2. COAH Litigation

3. Mike Piltzecker - Unemployment Claim
4. Mitchell v. Roseland

Councilman Jacobs made a motion at 6:55 PM to approve the motion. The motion was seconded by Councilman Bardi and approved by a 6-0 voice vote.

Councilman Jacobs made a motion to close Executive Session and to return open session at 7:28 PM. The motion was seconded by Councilman Tsilionis 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. Mayor Duthie then asked that everyone observe a moment of silence in honor of the victims of the school shooting in Parkland Florida.

### **PRESENTATIONS**

Mayor Duthie read and presented a Proclamation to Vito Mielnicki, Jr. for winning the United States Junior National Boxing Championship in December 2017 in the one hundred forty-five pound division, thereby earning a spot on the 2018 United States Junior National Team.

Mayor Duthie read and presented a Proclamation to Michael Sigler upon his attainment of the rank of Eagle Scout.

Mayor Duthie introduced Sasha Nisbet, Vice President and Real Estate Counsel with ADP. Mayor Duthie thanked ADP for their continued support of the Borough, and for their continued generosity to the Borough's emergency services. Ms. Nisbet presented donations to Bob Riley, President of the Roseland Volunteer Fire Department, Joe Silvia representing the Roseland First Aid Squad, Patrolman Anthony McDavitt representing the Roseland Police Department, and OEM Coordinator John Matheis representing the Roseland Office of Emergency Management.

Jonathan Meeker was not in attendance to receive his Proclamation upon his retirement following forty-seven years of service on the Roseland Shade Tree Commission.

### **PUBLIC COMMENT**

William Tedesco	20 Meeker Court
Ted Glick	500 Broughton Avenue, Bloomfield, NJ

### **INTRODUCTION OF ORDINANCES**

Clerk Watkins read **Ordinance No. 02-2018** for the first time: "An ordinance amending Chapter XIX of the Revised General Ordinances of the Borough of Roseland entitled

“Streets and Sidewalks”. Councilman Tsilionis made a motion to introduce Ordinance No. 02-2018. The motion was seconded by Councilman Bardi and approved by a 5-0 voice vote with Councilman Jacobs abstaining because the ordinance impacts the development that he resides in. The Public Hearing on the ordinance will be held on March 13, 2018.

### **PUBLIC HEARING & ADOPTION OF ORDINANCES**

Clerk Watkins read **Ordinance No. 01-2018** for the second time: “An ordinance amending Chapter II of the Revised General Ordinances of the Borough of Roseland entitled “Administration, Section 2-24 entitled “Department of Police or Police Department”. Councilwoman Tolli made a motion to open the public hearing on Ordinance No. 01-2018. Councilman Smith seconded the motion and the motion was approved by a 6-0 voice vote.

#### **Public Comment**

Mike Pacio 23 Stonegate Road

There being no additional public comment, 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. 01-2018** for the third and final time: “An ordinance amending Chapter II of the Revised General Ordinances of the Borough of Roseland entitled “Administration, Section 2-24 entitled “Department of Police or Police Department”. Councilman Smith made a motion to adopt Ordinance No. 01-2018. The motion was seconded by Councilman Tsilionis and approved by a 6-0 roll call vote.

Clerk Watkins read **Ordinance No. 03-2018** for the second time: “An ordinance amending Chapter XVII of the Revised General Ordinances of the Borough of Roseland entitled “Water and Sewer”. Councilman Smith made a motion to open the public hearing on Ordinance No. 03-2018. Councilman Bardi seconded the motion and the motion was approved by a 6-0 voice vote.

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

After discussion, Councilman Smith made a motion to amend the ordinance and to advertise another public hearing to be held at the March 13<sup>th</sup> meeting:

- Correct the duplicate paragraph numbering in Section 17-6.1a. by changing the second paragraph number 4 to paragraph number 5; and
- Add the wording “Failure to comply with this paragraph shall result in the commercial user being billed at a rate during that quarter that correlates to the highest amount of

consumption in the commercial user's past four quarters." to the end of renumbered paragraph 5.

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

### **ADOPTION OF RESOLUTIONS**

Councilman Smith made a motion to approve the thirty-seven resolutions and the seven items on the Consent Agenda:

Resolution No. 52-2018 Ratification of Salaries – January 2018

Resolution No. 53-2018 Authorizing Refunds, Overpayments or Cancellations in the Tax Office

Resolution No. 54-2018 Emergency Temporary Budget

Resolution No. 55-2018 Recreation Fee Schedule – 2018

Resolution No. 56-2018 Transfer Trust Funds to Current Fund Surplus

Resolution No. 57-2018 Authorize New Recreation Track and Field Program

Resolution No. 58-2018 Authorizing the Purchase of Two Semi-Automatic Rifles and Accessories from Atlantic Tactical for the Police for an amount not to exceed \$6,950.38

Resolution No. 59-2018 Authorizing the Purchase of Wireless Service and Air Cards in the amount of \$11,570.92 for the Police, Public Works, and Recreation Departments with Verizon through State Contract 82583

Resolution No. 60-2018 Appointment of Apruzzese, McDermott, Mastro & Murphy as Special Counsel for Labor Issues for 2018 for an amount not to exceed \$25,000.00

Resolution No. 61-2018 Appointment of Capehart & Scatchard as Bond Counsel for 2018

Resolution No. 62-2018 Appointment of Hendricks Appraisal Co. as Real Estate Tax Appraisal Services for 2018 for an amount not to exceed \$10,000.00

Resolution No. 63-2018 Appointment of Jeffrey Surenian as COAH Attorney for 2018 for an amount not to exceed \$100,000.00

Resolution No. 64-2018 Appointment of Nisivoccia LLP as Borough Auditors for 2018 for an amount not to exceed \$34,700.00

Resolution No. 65-2018 Appointment of Ralph Tango of Maser Consulting as Borough Engineer for 2018 for an amount not to exceed \$12,000.00

Resolution No. 66-2018 Appointment of Robert Zelle of Maser Consulting as Municipal Environmental Engineer and LSRP for 2018 for an amount not to exceed \$5,000.00

Resolution No. 67-2018 Appointment of Shirley Bishop as COAH Professional Planner for 2018 for an amount not to exceed \$20,000.00

Resolution No. 68-2018 Appointment of Vincent Loughlin as Affordable Housing Attorney for 2018 for an amount not to exceed \$5,000.00

Resolution No. 69-2018 Appointment of Kaufman, Semeraro, Bern, Deutsch & Leiberman as Borough Tax Appeal Attorney for 2018 for an amount not to exceed \$75,000.00

Resolution No. 70-2018 Appointment of Remington, Vernick and Verango as Water and Sewer Engineer for 2018 for an amount not to exceed \$45,000.00

Resolution No. 71-2018 Appointment of Settembrino Architects as Borough Architect for 2018

Resolution No. 72-2018 Appointment of Campbell Petrie Inc. as Broker of Record and Consultant for Employee Benefits for 2018

Resolution No. 73-2018 Appointment of John Jahr of Bright View Engineering as Traffic Engineer for 2018

Resolution No. 74-2018 Authorizing Contracts with Approved Morris County Pricing Council Contract for Vendors from 1/1/18 through 12/31/18

Resolution No. 75-2018 Authorizing the Creation of William Transco Gateway Expansion Project Ad Hoc Committee

Resolution No. 76-2018 Approval to Extend Contract with Custom Bandag for Tires, Tubes and Services through State Contract 82528

Resolution No. 77-2018 Authorizing the Recreation Department to Conduct a New Youth T-Ball Program

Resolution No. 78-2018 Return of Performance Bond to All County Sewer and Drain Services Inc. in the amount of \$500.00 for 16 Stonegate Drive

Resolution No. 79-2018 Approval of the February 20, 2018 Bill List

Resolution No. 80-2018 Approval of Extension of Allied Oil Unleaded Fuel Delivery through State Contract until 04/30/18

Resolution No. 81-2018 Accepting Avalon Bay's Share of Roadway Resurfacing Contribution

Resolution No. 82-2018 Approval of Outdoor Facility Use Policy and Fee Schedule

Resolution No. 83-2018 Accept Quote in the amount of \$4,500.00 from Robert W. Wogisch Landscape Co. for Field Preparation Work on Thomas J. O'Beirne and Harrison Field

Resolution No. 84-2018 Memorializing the Borough's Commitment to the Goals of the Paris Climate Accord

Resolution No. 85-2018 Approval to Advertise Notice to Bidders for NJDOT Municipal Aid Project - Reconstruction of Locust Avenue

Resolution No. 86-2018 Authorizing Referral of Proposed Amendments to Chapter XXX "Land Development" to the Borough of Roseland's Planning Board

Resolution No. 87-2018 Approval of Proposal from Maser Consulting to Complete Community Impact Study for 85 Livingston Avenue and 6 Becker Farm Road for an amount not to exceed \$6,500.00

Resolution No. 88-2018 Approval Proposal from Maser Consulting to Complete Traffic Impact Study for 85 Livingston Avenue and 6 Becker Farm Road for an amount not to exceed \$19,500.00

### **CONSENT AGENDA**

Approval for Angela Russomano to Attend "Pension Workshop" Seminar on April 20, 2018 in Neptune, NJ for a total cost of \$99.00

Approval for William Yates to Attend IAAI Annual Training Conference on March 7, 2018 through March 9, 2018 in Atlantic City, NJ for a total cost of \$495.00

Accept with Regret the Resignation of Carmen Koshnick from the Beautification Committee effective February 13, 2018

Approval for P. Bilancia, K. Jezewski and D. Yates to Represent the Borough of Roseland at "Revolutionary Fools Training" Seminar for Fire Training on March 3, 2018 from 8AM-3PM at the Pike County Emergency Management Training Center in Lords Valley, PA at no cost to the Borough

Approval for William Johnson to Represent the Borough of Roseland at "Newly Appointed Planning Board Members" Seminar on April 14, 2018 in Paramus, NJ for a total cost of \$85.00

Approval for Maureen Chumacas to Attend the "Strategic Communications" Seminar on March 13, 2018 and March 15, 2018 in New Brunswick, NJ for a total cost of \$500.00

Appointment of Dr. Vincent Barba as the new Chair of the Affordable Housing Board

The motion was seconded by Councilman Bardi and approved by a 6-0 voice vote with Councilman Leonard abstaining from the vote on Resolution No. 52-2018 and voting no on Resolution No. 68-2018, Resolution No. 87-2018, and Resolution No. 88-2018.

### **MAYORAL APPOINTMENT**

Councilman Smith made a motion for Council to consent to the Mayor's appointment of Katy Boettinger to the Affordable Housing Board to fill the unexpired term of William Tedesco through 12/31/18. The motion was seconded by Councilwoman Tolli and approved by a 6-0 voice vote.

### **MAYOR'S REPORT**

No report.

### **COMMITTEE REPORTS**

#### **PUBLIC WORKS**

Councilman Smith commended the Public Works Department for their continued good work.

#### **PUBLIC SAFETY**

Councilman Jacobs reported that the construction of the new fire department ladder truck is proceeding on schedule noting that the truck should be ready in approximately twelve months. Mr. Jacobs added that he expects to have a report available at the next meeting on the proposed upgrades to the Borough's phone system. Councilman Jacobs also reported that in response to recent concerns, the Police Department will be continuing their effort to enforce speed limits and the prohibition of cell phone usage while driving a vehicle.

#### **RECREATION**

Councilwoman Tolli announced that there is one opening on the Beautification Committee and one opening on the Senior Transportation Committee. Mrs. Tolli asked Public Safety Chairman Jacobs to advise the police chief that the pedestrian crossing button on Eagle Rock Avenue is still missing.

After discussion, Council sent the matter of exception from background checks required for volunteers over the age of 18 for certain Boards or Committees back to Committee for a more complete recommendation.

After discussion, Council recommended that the permit application for use of Borough facilities be amended to include use of the meeting room at the Roseland First Aid Squad (RFAS) Building, and that the current policy regarding issuance of such permits be applied to use of the RFAS meeting room.

### CAPITAL IMPROVEMENTS

Councilman Leonard commended the Department of Public Works, the Police Department, and Borough residents for their coordinated efforts to keep the town safe during the recent snow storm. Councilman Leonard commented on the sad comparison of television events on Valentine's Day noting the happy events involving the Winter Olympics and the sad events involving the school shooting in Parkland Florida.

### PUBLIC AFFAIRS

Councilman Bardi announced that Council has scheduled a special meeting on Thursday, January 30<sup>th</sup> to discuss the Borough's intervention in the Williams Transco Gateway Expansion Project Application currently before the Federal Energy Commission. Mr. Bardi also announced that the Borough will be mailing out a community newsletter with a target date in April.

### ADMINISTRATION & FINANCE

Councilman Tsilionis announced that there will be a budget meeting on Saturday, February 24<sup>th</sup> at 9:30 AM in the 2<sup>nd</sup> floor conference room at 140 Eagle Rock Avenue and invited anyone interested to attend. Mr. Tsilionis reported that the Borough's application to be an intervenor in the Williams Transco Gateway Expansion Project application has been granted. In response to Mayor Duthie's request for volunteers to serve on the Ad Hoc Committee formed earlier in the meeting, Councilman Bardi, Jacobs, and Leonard all agreed to serve on the Committee. Councilman Tsilionis suggested that the Borough's tax appeal experts attend the March 6<sup>th</sup> meeting. After discussion, Council agree to invite the tax appeal professionals to attend the March 6<sup>th</sup> Executive Session meeting.

### APPROVAL OF MINUTES

Councilman Bardi asked that the February 6, 2018 Caucus Meeting Minutes be amended to reflect that "Mr. Bardi discussed possible changes to the calendar on the Borough's website including adding the recycling days." Councilman Jacobs made a motion to approve the amended February 6, 2018 Caucus Meeting Minutes. The motion was seconded by Councilwoman Tolli and approved by a 6-0 voice vote.

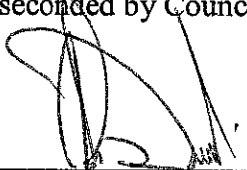
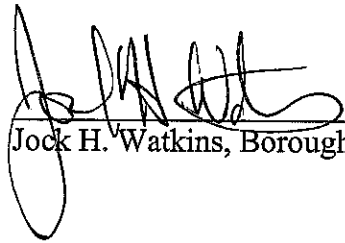


**PUBLIC COMMENT**

Matt Smith	123 Livingston Avenue, New Brunswick
Steve Hoffman	42 Bovenseipen Court
William Tedesco	20 Meeker Court

**ADJOURNMENT**

Councilman Smith made a motion to close the meeting at 8:48 PM. The motion was seconded by Councilman Jacobs 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: March 27, 2018

**ROLL CALL**

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