

BOROUGH OF ROSELAND
NEW JERSEY

FEBRUARY 23, 2016
PUBLIC MEETING ROOM
BOROUGH HALL
7:00 PM

COUNCIL MEETING MINUTES

CALL TO ORDER & SUNSHINE STATEMENT

The February 23, 2016 Council 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, Council President
Richard N. Leonard, Councilman
Thomas Tsilionis, Councilman
Michelle Tolli, Councilwoman
Mark Vidovich, Councilman

ABSENT:

Peter M. Smith, Councilman

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.

PRESENTATION

Mayor Duthie read a proclamation thanking William Shaw for fifteen years of volunteer service as a member of the Recreation Committee, the last five years as Chairman. The proclamation was presented to Mr. Shaw by the Mayor and Recreation Director Colitti. Councilman Tsilionis and Director Colitti both added their praise and thanks.

Mayor Duthie introduced Lisa Gross, Superintendent of the Roseland Board of Education, and Robyn Greenwald, the new Principal of Noecker School. Superintendent Gross announced that Noecker School will be hosting a Career Day next week, and then students will

be participating in Read Across America. MS. Gross then introduced Robyn Greenwald. Principal Greenwald thanked Council for the opportunity to be introduced at a public meeting, and stated that she was honored to be able to serve in the Roseland school district.

Councilman Leonard introduced Sharon Kessel, a volunteer with Eyes of Essex. Ms. Kessel introduced Fallon, her 16 month old Golden Retriever. Ms. Kessel thanked the Governing Body for the use of multi-purpose room at 19 Harrison Avenue for the past twenty-two years. During that time, Eyes of Essex has trained almost 800 dogs for either guiding or breeding. Councilman Leonard recognized Janel Keeler, their club president, for raising 55 dogs. Councilwoman Tolli added that Eyes of Essex will do a demonstration with the dogs at the Roseland Country Fair which will be held on Saturday, June 11th.

Essex County Liaison Dan Salvante reported that Turtleback Zoo expects to receive the giraffes for their new state of the art exhibit in March. The County expects to open the new exhibit in April. The County also plans to open the Savannah Café in April, a new 17,000 square foot restaurant at the Zoo. The County's Cherry Blossom Festival will be held throughout the County from April 9th through April 24th, with over 5,000 cherry trees in bloom. The events will culminate with Festival Day at Branch Brook Park on the 24th from 1:00 am until 5:00 pm.

Councilman Tsilionis commended the County for doing a phenomenal job during the recent storm. Mr. Tsilionis also reported receiving a lot of complaints about the condition of Laurel Avenue following all of the construction. Mr. Salvante advised that Laurel Avenue is on the list for resurfacing at the conclusion of the construction. Mayor Duthie thanked the County for their prompt repair of a very large pothole on Laurel, and for the invitation to the State of the County Address which was held last night.

PUBLIC COMMENT

Martin Greenwald, President of Roseland Green Board asked about the status of plans for the Fernwood property. Mayor Duthie answered that the property has been acquired using open space and recreation trust funds. The property will be dedicated to open space and recreational use. The Mayor continued that there have been conceptual discussions, but no specific plans are being considered yet. A survey needs to be done so the Borough can determine what facilities can fit on the property. Councilman Tsilionis added that the Borough would like the plan to include a soccer facility. Mr. Greenwald asked if residents will be able to provide input. Mayor Duthie stated that anyone interested in providing input should send an e-mail to Mayor or the Administrator. Mayor Duthie added that several structures, including a pool and fuel tanks have already been removed from the property.

Councilman Leonard expressed his concern about the County Board of Election's proposed relocation of two polling places from Noecker School to the First Aid Squad building. Councilman Leonard asked if Roseland Green would consider allowing one of the polling places to be located to their complex. Mr. Greenwald stated the he would discuss the matter with their Board.

Roseland resident Bob Czvornyek questioned the status of state mandated affordable housing in Roseland. Mayor Duthie answered that the reason for his recent comments was to put residents on alert about a recent state Supreme Court ruling that could have a serious impact on the Borough. The Borough acknowledges that there is an affordable housing obligation that must be met. However, the independent organization that is providing guidance to the Courts has determined that Roseland's fair share is over 400 affordable units. Those units will represent a small percentage of the market share units that builders want to build. The Borough has engaged its own consultant to identify a more reasonable number of units.

Roseland resident Hillary Foster asked for clarification on what the state is requiring, and whether there is an equitable way to determine the number of units that must be permitted. Borough Attorney Sheffet responded that the state Supreme Court has determined that an obligation exists for every municipality. All parties have hired consultants, and the Court will determine what each municipalities obligation will be.

Roseland resident Phillip Lynch asked if there are any applications before the Planning Board that include affordable units. Mayor Duthie answered no. Borough Attorney Sheffet added that there are developers who have intervened in the Borough's Declaratory Judgement Action, basically waiting in the wings to file a builder's remedy lawsuit. Mr. Lynch also questioned how many affordable units have been constructed within the last five to ten years. Mr. Sheffet answered that there have been none because the incumbent Governor abolished COAH. Mayor Duthie added that Roseland had met its prior obligations before the Supreme Court case was filed. Councilman Vidovich noted that if the Borough's affordable unit obligation is 440 units as the Fair Share Housing Center contends, then the total number of units the Borough would be forced to accept would be in the range of 2,200 – a significant impact on a small community like Roseland.

Roseland resident Ross Brooks asked if the affordable units in Roseland Green counted toward the Borough's obligation. Mr. Sheffet answered that they do. Mr. Brooks also expressed concern that the expedited schedule set by the Court would prevent the Borough from having any timely input. Mr. Sheffet stated that the time limit is on preparation of a viable plan. Any developments would still have to go through the land use approval process.

INTRODUCTION OF ORDINANCES

Clerk Watkins read Ordinance No. 03-2016 for the first time by Title only: ORDINANCE NO. 3-2016 – An Ordinance Amending Chapter I Entitled “General Provisions”; Chapter II entitled “Administration”; Chapter VIII Entitled “Personnel”; Chapter X Entitled “Building and Housing”; Chapter XI Entitled “Property Maintenance”; Chapter XIII Entitled “New Jersey Uniform Fire Code”; and Chapter XVII Entitled “Water and Sewer”. Councilman Jacobs made a motion to introduce Ordinance No. 03-2016, the motion was seconded by Councilman Smith, and the motion was approved by a 6-0 Roll Call Vote. The public hearing on the ordinance is scheduled for Tuesday, March 23, 2016 at 7:00 PM.

Clerk Watkins read Ordinance No. 04-2016 for the first time by Title only: ORDINANCE NO. 4-2016 – An Ordinance of the Borough of Roseland to Repeal Ordinance

No. 17-2015 as Amended Which Provided for Salaries and Compensation to be Paid to Non-Union Employees of the Borough of Roseland and Substitute Therefore Salaries and Compensation for the Year 2016. Councilman Smith made a motion to introduce Ordinance No. 04-2016, the motion was seconded by Councilman Jacobs, and the motion was approved by a 6-0 Roll Call Vote. The public hearing on the ordinance is scheduled for Tuesday, March 23, 2016 at 7:00 PM.

PUBLIC HEARING OF ORDINANCES

Clerk Watkins read Ordinance No. 1-2016 – “An Ordinance Amending Chapter II of the Revised General Ordinances of the Borough of Roseland Entitled “Administration”, Amending Section 2-33 Entitled “Director of Recreation, Parks and Playgrounds” to Amend the Duties of the Recreation Director” by title only for the second time. Councilman Vidovich made a motion to open the public hearing. The motion was seconded by Councilwoman Tolli and approved by a 6-0 voice vote. There being no comments or questions on the ordinance, Councilman Jacobs made a motion to close the public hearing. The motion was seconded by Councilman Vidovich and approved by a 6-0 voice vote. Clerk Watkins read the ordinance for the third and final time. Councilman Tsilionis made a motion to adopt the ordinance. The motion was seconded by Councilman Smith and approved by a 6-0 roll call vote.

Clerk Watkins read Ordinance No. 2-2016 – “An Ordinance to Amend Chapter VI of the Revised General Ordinances of the Borough of Roseland Entitled “Alcoholic Beverage Control” Amending Section 6-3.4 Entitled “License Fees; Maximum Number”. Councilman Jacobs made a motion to open the public hearing. The motion was seconded by Councilwoman Tolli and approved by a 6-0 voice vote. There being no comments or questions on the ordinance, 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 the ordinance for the third and final time. Councilman Smith made a motion to adopt the ordinance. The motion was seconded by Councilman Jacobs and approved by a 6-0 roll call vote.

ADOPTION OF RESOLUTIONS

Councilman Vidovich made a motion to approve the eighteen resolutions and the six consent agenda items:

Resolution No. 63-2016 approving the purchase of radio equipment at a cost of \$1,857.85 for the new command vehicles, to be funded by Transco Williams Pipeline Grant Funds

Resolution No. 64-2016 approving the Notice of Online Auction

Resolution No. 65-2016 approving the 2016 permit fees for Borough Field/Park Permits

Resolution No. 66-2016 approving cancellation of Water and Sewer Billing in the amount of \$2,000 for 117 Harrison Avenue, \$141.20 for 18 Davenport Avenue, and \$75.27 for 63 Pitcairn Drive

Resolution No. 67-2016 appointing McNally & Kaczynski as Redevelopment Attorney for an amount not to exceed of \$10,000.00, for the 2016 calendar year

Resolution No. 68-2016 appointing McManimon, Scotland & Baumann, LLC as Special Counsel to assist with the possible sale of the municipal water and sewer systems

Resolution No. 69-2016 rescinding Resolution No. 54-2016 entitled "Approval to advertise for RFP for Professional Legal Services for Extraordinary Unspecifiable Services as a consultant on COAH matters and to prepare a Fair Share Plan", and authorizing advertisement of a RFP for a Professional Planner for COAH matters and to prepare a Fair Share Plan

Resolution No. 70-2016 approving 2016 salary increases for non-union employees

Resolution No. 71-2016 authorizing award of the maintenance contract at cost of \$3,255.00 for radio equipment to Northeast Communications under State Contract No. 83898 for the 2016 calendar year

Resolution No. 72-2016 approving advertisement of RFP for Employee Benefit Broker/Consultant

Resolution No. 73-2016 approving the hiring of basketball officials for WEYSA youth recreation leagues

Resolution No. 74-2016 authorizing municipal officials to sign the 2016-2017 contract between the County of Essex and the Roseland Municipal Alliance and to submit a strategic plan for the Roseland Municipal Alliance for the 2016 Fiscal Year in the amount of \$5,900.00

Resolution No. 75-2016 approving the promotion of the supply of low and moderate income housing within the Borough by reaffirming/readopting the prior resolution of the Borough to maintain and extend affordability controls on deed restricted units within the development known as Roseland Glen and to further them as provided for therein

Resolution No. 76-2016 approving the Emergency Temporary Budget

Resolution No. 77-2016 approving Budget Transfers

Resolution No. 78-2016 approving the February 19th Bill List

Resolution No. 79-2016 approving the February 19th Open Space Bill List

Resolution No. 80-2016 approving Payment Applications No. 1 and No. 2 in the amount of \$44,814.60 to Goksu Construction for the bathroom renovation at 19 Harrison Avenue

CONSENT AGENDA

Accept with regret the resignation of Linda Insabella from the Environmental Commission

Approval for Detective Boulard to attend training on domestic violence on May 10th from 9:00 am to 1:00 pm at a cost of \$30.00

Appoint Suzzanne Donohue to the Municipal Alliance Youth Guidance Committee for a term expiring December 31, 2016

Appoint Saumita Lepre to the Municipal Alliance Youth Guidance Committee for a term expiring December 31, 2016

Accept with regret the resignation of Chris Ruesh from the Auxiliary Police effective February 18, 2016

Accept with regret the resignation of Joseph Silvia as Coordinator for the Roseland First Aid Squad

There being no questions or comments on the motion, the motion was seconded by Councilman Jacobs and approved by a 6-0 voice vote.

MAYOR'S REPORT

Mayor Duthie thanked employees who come to work every day and the Public Works Department who handled the record breaking snow fall earlier this month. The Mayor also thanked the police department, fire department, and the first aid squad for responding when called.

Mayor Duthie reported on receipt of correspondence from Smart Asset, a New York financial technology company, reporting their second annual study on best places to retire. Roseland ranked number two this year, after being unranked last year.

Mayor Duthie also noted that the Borough received a letter from Stepping Stone, the tenant at 19 Harrison Avenue, thanking the department of public works for their efforts to get the school opened on time after the recent heavy snow storm.

Mayor Duthie acknowledged receipt of a letter from First Aid Squad Coordinator Joe Silvia that he was stepping down as Coordinator and that Tim Allendorf will be the new coordinator. The Mayor accepted the letter with regret, commending Mr. Silvia on his thirty-

five years of service on the Roseland First Aid Squad, the last twenty-four of which serving as Coordinator

COMMITTEE REPORTS

PUBLIC WORKS

Councilman Smith commended the Department of Public Works and the County for a job well done during the recent snow storm. The DPW also handled the recent water main break exceptionally well. Mr. Smith also reiterated that the Governing Body will keep the public informed on COAH updates as appropriate.

PUBLIC SAFETY

Councilman Jacobs praised Joe Silvia for his many years of dedicated service to the Borough. Mr. Jacobs commended the police department for their excellent work, adding that no cars have been stolen in recent weeks, and there have been no reported vehicle break-ins. Mr. Jacobs reported that the Shade Tree Commission is purchasing between twenty-five and fifty trees to be planted on Borough property. If any resident wishes to have a tree planted on the public property adjacent to their lot, they should notify the Shade Tree Commission. Councilman Jacobs added that Lou LaSalle has been selected as the Chairman of the Planning Board, Michael Oliveira as Vice Chairman, and Joe Lamonica as Chairman of the Board's Technical Review Committee. Mr. Jacobs asked residents to help fire department by shoveling out fire hydrants after snow storms. Councilman Jacobs concluded his report thanking the DPW for their work on the Davenport Avenue water main break, and snow plowing efforts.

RECREATION

Councilman Tsilionis again thanked William Shaw for his fifteen years of service to the Recreation Committee. Mr. Tsilionis explained that Council approved a resolution tonight increasing third party fees for using Borough parks. Mr. Tsilionis concluded his report by announcing that volunteers are need to serve on the Environmental Commission.

CAPITAL IMPROVEMENTS

Councilman Leonard reported that RFAS coordinator Tim Allendorf will be at March 15th meeting to discuss training the first aid squad members in treating heroin overdoses. Mr. Leonard also commended the DPW for quickly locating the source of a water main leak and made the required repairs. repaired

PUBLIC AFFAIRS

Councilwoman Tolli reported on several activities performed by thirteen student members of the Roseland Municipal Youth Guidance Committee. Mrs. Tolli also announced that on March 19th, the Municipal Youth Guidance Committee is hosting breakfast with the Easter Bunny from 10:00 – 11:00 am in the all-purpose room. The Recreation Department

will be hosting the annual Easter egg hunt on the lawn of 19 Harrison Avenue at 11:30 am. Mrs. Tolli added that the Senior Citizens Transportation Committee has openings for two members. The new Senior Transportation bus operated by Caldwell, Roseland, and West Caldwell is due to be delivered in late March – April. Mrs. Tolli concluded her report commenting on attending the Roseland First Aid Squad dinner in January. The first aid squad responded to 659 calls and performed three CPR saves.

ADMINISTRATION & FINANCE

Councilman Vidovich thanked Mr. Silvia for his many years of service on the Roseland First Aid Squad. Mr. Vidovich announced that the Star Ledger has reported that New Jersey property taxes have been going down. Roseland's property taxes have increased on average 1% over the past five years – less than rate of inflation. Mr. Vidovich concluded his report by announcing that the next budget meeting will be held on March 8th at 6:15 PM, prior to the caucus meeting.

PUBLIC COMMENT

Roseland resident June Axelrod expressed concern with putting a soccer field on the Fernwood property, when there is already a nearby soccer field. Ms. Axelrod also suggested that only a walking path be constructed on the Fernwood property. Councilman Tsilionis responded that the nearby soccer field is too small to be a regulation soccer field which is why there is consideration of a soccer field on the Fernwood property. Ms. Axelrod volunteered to serve on the Fernwood committee and was advised to send an e-mail expressing her interest to the Borough Administrator.

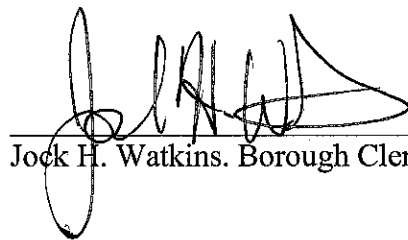
EXECUTIVE SESSION

Mayor Duthie, stating that there was no business for closed session, asked for a motion to adjourn. Councilman Jacobs made a motion at 9:10 PM to close the meeting. The motion was seconded by Councilwoman Tolli and approved by a 6-0 voice vote.



Mayor John Duthie

Approved: August 2, 2016



Jock H. Watkins, Borough Clerk

Roll Call

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