

BOROUGH OF ROSELAND  
NEW JERSEY

SEPTEMBER 20, 2016  
PUBLIC MEETING ROOM  
19 HARRISON AVENUE  
7:00 PM

COUNCIL MEETING MINUTES

The September 20, 2016 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  
Michelle Tolli, Councilwoman  
Mark Vidovich, Councilman

ABSENT:

Peter M. Smith, Councilman  
Thomas Tsilionis, Councilman

ALSO IN ATTENDANCE:

Maureen Chumacas, Borough Administrator  
Ethan Jesse Sheffet, Borough Attorney  
Jock H. Watkins, Borough Clerk  
Mike Colitti, Recreation Director

SALUTE TO THE FLAG

Mayor Duthie and members of Boy Scout Troop 3 from Caldwell led the Salute to the Flag.

PRESENTATIONS

Mayor Duthie and Recreation Director Colitti introduced the members and coaches of the Roseland Yankees Baseball Team. A proclamation was read and members of the team were presented with their championship trophies.

Mayor Duthie and Recreation Director Colitti introduced the members and coaches of the West Essex Knights Junior Wrestling Team. A proclamation was read acknowledging the team's second, undefeated season as champions of the Suburban Wrestling League.

Mayor Duthie read and presented a proclamation to representatives of the Livingston Elks, thanking the Benevolent and Protective Order of Elks Lodge No. 1855 for their recent donation in the amount of \$2,000.00, and their continuing financial support of Roseland recreation programs.

Mayor Duthie introduced Anna Gordon, President of the Roseland Board of Education. Ms. Gordon thanked Council for their continuing support of the Board of Education. Ms. Gordon then introduced Ms. Deanne Somers, newly appointed Superintendent of the Roseland Board of Education. Ms. Somers thanked Council for the opportunity to meet and expressed her excitement about working with students, parents, administrators, and teachers at Noecker School.

### **PUBLIC COMMENT**

Roseland resident Steven Hoffman appealed to Council to work with the residents of the Roseland Green Condominium complex to develop an agreement whereby the Borough of Roseland would assist with the maintenance of the private roads in the Roseland Green complex.

Mr. David Veneri, another resident of the Roseland Green complex, made a similar appeal to Council.

Mr. David Veneri, Sr., another resident of the Roseland Green complex, supported the appeals presented by his son and Mr. Hoffman.

Mr. Martin Greenwald, president of the Roseland Green Association, summarized previous meetings with Council and expressed hope that the governing body would meet with representatives of the Roseland Green complex to work out some kind of compromise.

Roseland Green residents Philip Lynch, Ellen Samson, and Joel Katz echoed the sentiments of the previous speakers.

Mayor Duthie and Borough Attorney Sheffet explained the legal and practical limitations hindering the Borough's assuming responsibility for maintenance of the private roads within the Roseland Green complex. The Mayor and Mr. Sheffet also explained to the interested parties that the terms of the Developer Agreement between the Borough and the developer of the complex appear to suggest that the Condominium Association must take the first, specific steps to initiate any consideration by the Borough. All members of Council expressed their desire to treat all private residential complexes equally, but cautioned that an agreement with Roseland Green would potentially set a precedent that might have significant property tax implications for all Roseland property owners. Council agreed to take the matter up at the committee level to determine a course of action.

Borough resident William Tedesco expressed concern that residents be given the opportunity to provide input prior to the Borough selling the water and sewer systems. Mayor Duthie explained that Council approved the first steps toward performing a feasibility study. The feasibility study is being performed in response to an order by the NJ DEP to make significant system improvements. Council added that following the feasibility study, a financial evaluation will be made so that the Borough can evaluate the best course of action for the Borough. Councilman Leonard stated that should the Borough decide to sell the water and sewer systems, that he would oppose any potential sale of the systems to any foreign operators.

### **INTRODUCTION OF ORDINANCES**

Borough Clerk Watkins read Ordinance No. 12-2016 for the first time: "An Ordinance of the Borough of Roseland, in the County of Essex, State of New Jersey, providing for the acquisition

of public works vehicles and related equipment in and by the Borough, appropriating \$115,000 therefore, and authorizing the issuance of \$109,250 in general improvement bonds or note of the Borough to finance the same”.

Councilman Jacobs made a motion to introduce Ordinance No. 12-2016. The motion was seconded by Councilman Leonard and approved by a 4-0 roll call vote with Councilmen Smith and Tsilionis absent. The public hearing on the ordinance is scheduled for the October 18, 2016 meeting of the Mayor and Council.

### **PUBLIC HEARING AND ADOPTION OF ORDINANCES**

Clerk Watkins read Ordinance No. 08-2016: “An ordinance amending Chapter II of the Revised General Ordinances of the Borough of Roseland entitled “Administration”, amending section 2-55 entitled “Senior Citizens’ Advisory Board” to reduce the number of members from twelve (12) to eight (8)” by title only for the second time.

Councilman Jacobs made a motion to open the public hearing on Ordinance No. 08-2016. The motion was seconded by Councilwoman Tolli and approved by a 4-0 voice vote (Smith, Tsilionis absent). There being nobody wishing to be heard on the ordinance, Councilman Jacobs made a motion to close the hearing. The motion was seconded by Councilwoman Tolli and approved by a 4-0 voice vote (Smith, Tsilionis absent).

Clerk Watkins read the ordinance by title only for the third and final time. Councilman Jacobs made a motion to adopt Ordinance No. 08-2016. The motion was seconded by Councilwoman Tolli and approved by a 4-0 roll call vote with Councilmen Smith and Tsilionis absent. Notice of adoption of the ordinance will be published in the September 29, 2016 edition of The Progress and will take effect upon publication.

Clerk Watkins read Ordinance No. 09-2016: “An Ordinance amending Chapter XVII of the Revised General Ordinance of the Borough of Roseland entitled “Water and Sewer”, implementing requirements for hydrant meter permits” by title only for the second time.

Councilman Jacobs made a motion to open the public hearing on Ordinance No. 09-2016. The motion was seconded by Councilwoman Tolli and approved by a 4-0 voice vote (Smith, Tsilionis absent). With nobody wishing to be heard on the ordinance, Councilman Jacobs made a motion to close the hearing. The motion was seconded by Councilwoman Tolli and approved by a 4-0 voice vote (Smith, Tsilionis absent).

Clerk Watkins read the ordinance by title only for the third and final time. Councilman Jacobs made a motion to adopt Ordinance No. 09-2016. The motion was seconded by Councilman Vidovich and approved by a 4-0 roll call vote with Councilmen Smith and Tsilionis absent. Notice of adoption of the ordinance will be published in the September 29, 2016 edition of The Progress and will take effect upon publication.

Clerk Watkins read Ordinance No. 10-2016: “An Ordinance of the Borough of Roseland, in the County of Essex, New Jersey, providing for the acquisition of equipment for use in and by the Borough, appropriating \$100,000 therefore, and authorizing the issuance of \$57,000 in general improvement bonds or notes of the Borough to finance the same” by title only for the second time.

Councilman Vidovich made a motion to open the public hearing on Ordinance No. 10-2016. The motion was seconded by Councilman Jacobs and approved by a 4-0 voice vote (Smith, Tsilionis absent). With nobody wishing to be heard on the ordinance, Councilman Vidovich made a motion to close the hearing. The motion was seconded by Councilwoman Tolli and approved by a 4-0 voice vote (Smith, Tsilionis absent).

Clerk Watkins read the ordinance by title only for the third and final time. Councilman Jacobs made a motion to adopt Ordinance No. 10-2016. The motion was seconded by Councilman Leonard and approved by a 4-0 roll call vote with Councilmen Smith and Tsilionis absent. Notice of adoption of the ordinance will be published in the September 29, 2016 edition of The Progress and will take effect as provided by law.

### **ADOPTION OF RESOLUTIONS**

Councilman Jacobs made a motion to approve all eighteen resolutions and the five items on the consent agenda:

Resolution No. 249-2016 authorizing the Refund of Overpayment in the amount of \$1,442.92 for 2015 rent for electric and gas charges to the ARC of Essex

Resolution No. 250-2016 awarding a contract for Cleaning Services in the amount of \$20,247.33 to First Community Development of New Jersey from October 1, 2016 through May 31, 2017

Resolution No. 251-2016 approving the purchase of five hundred and four (504) twenty (20) gallon recycling receptacles out of the Recycling Tonnage Grant for a total cost of \$6,955

Resolution No. 252-2016 establishing an AD-HOC committee to make recommendations to Council for improvements of the Dockrell Property

Resolution No. 253-2016 authorizing the Closing of Title on the Railroad property

Resolution No. 254-2016 awarding contracts with the Morris County Cooperative Pricing Council for a contract period from July 1, 2016 through June 18, 2018

Resolution No. 255-2016 awarding contracts with the Morris County Cooperative Pricing Council for a contract period from July 1, 2016 through June 18, 2017

Resolution No. 256-2016 ratification of salaries for August 2016

Resolution No. 257-2016 cancellation of Water and Sewer billing balances

Resolution No. 258-2016 amending Resolution No. 67-2016 "Appoint McNally & Kaczynski as Redevelopment Attorney" to reflect the name change of the firm to McNally, Yaros, Kaczynski, Lime (MYKL, LLC)

Resolution No. 259-2016 awarding a contract for the delivery of bottled water for an amount not to exceed \$1,350.00 under State Contract No. A83767 for the contract term from August 1, 2016 through July 31, 2017

Resolution No. 260-2016 authorizing payment of funds for an amount not to exceed \$5,750.00 to Maser Consulting, LLC for the preliminary investigation to determine if 6 Becker Farm Road is an Area in need of Redevelopment, as per the Planning Board approval on September 14, 2016

Resolution No. 261-2016 authorizing execution of an agreement with the Morris County Cooperative Pricing Council to renew membership for the period from October 1, 2016 through September 30, 2021

Resolution No. 262-2016 approving the September 16, 2016 Bill List

Resolution No. 263-2016 awarding a contract to Nature's Choice in the amount of \$35,160.00, the lowest quote for Hauling & Collecting of Leaves for 2016

Resolution No. 264-2016 awarding a contract in the amount of \$27,775.00 to Tamke Tree Experts, the lowest quote for the Shade Tree Project 2016F for Miscellaneous Tree Maintenance and approving the use of the William Transco Grant Fund to finance the same

Resolution 265-2016 approving the release of the Temporary Access Easement at 6 Thackeray Drive for rehabilitation of the Canoe Brook Pump Station

Resolution No. 266-2016 approving the 2016 aid to the Roseland Fire Department in the amount of \$50,000.00

### **CONSENT AGENDA**

Approval for John Matheis, OEM Coordinator, to attend the 2016 Pipeline Safety Program at no cost on October 20, 2016 at Galloping Hills Caterers in Union, NJ

Approval for Maureen Chumacas to attend the 18<sup>th</sup> Annual Saul Wittes Foundation Education seminar in Tinton Falls on October 5, 2016 at a cost of \$35.00

Approval for Kent Yates to attend the Health Care Facility UFC Inspections seminar

Approval for the Roseland Fire Department to use the Dockrell Property to perform annual trench rescue training in October or early November

Approval of the September Treasurer's Report

The motion was seconded by Councilman Leonard and approved by a 4-0 voice vote (Smith, Tsilionis absent).

### **MAYOR'S REPORT**

Mayor Duthie reported that he, Chief McDonough, and other officers of the Roseland Police Department met recently with representatives of Public Service Electric and Gas Company to review concerns presented by the Borough regarding repeated power outages in certain neighborhoods. Mayor Duthie read the report presented by PSE&G and noted that PSE&G was extremely responsive to the Borough's inquiry and demonstrated that the power outages that

occurred were not as frequent as reported, were caused by storm related weather, and were addressed in a timely fashion by PSE&G.

Mayor Duthie asked members of Council for input regarding complaints from neighbors of the Roseland Plaza regarding foul odors coming from dumpsters in the Plaza during extremely hot summer. Mayor Duthie added that businesses in the Plaza have been very responsive to the complaints, but a collective effort to determine a course of action is necessary to satisfy all parties.

## COMMITTEE REPORTS

### PUBLIC WORKS

No report

### PUBLIC SAFETY

Councilman Jacobs reminded drivers to slow down and exercise caution now that schools are open. Mr. Jacobs also emphasized the need for vigilance in the wake of an increase in auto thefts and break-ins, reminding residents to remove keys and valuables from their cars, keep vehicles locked, and not to leave cars running while unattended.

Councilman Jacobs reported that although there is no Shade Tree Commission meeting this month, Shade Tree projects to remove dangerous trees and limbs will be performed throughout the month.

Mr. Jacobs asked residents to remember to replace their smoke, carbon monoxide, and gas alarm batteries when they change their clocks at the end of Daylight Saving Time.

Councilman Jacobs also commended OEM Coordinator John Matheis for the work that he performs.

### RECREATION

No report

### CAPITAL IMPROVEMENTS

Councilman Leonard reported that the Farmer's Market at the corner of Harrison and Roseland Avenues continues to be very successful.

Mr. Leonard also expressed his relief that the police officers recently shot in Linden during the apprehension of a suspected terrorist are recovering.

Councilman Leonard suggested that the memorial bench at the O'Beirne Field appears to be in need of maintenance, and that perhaps the work could be completed before the bonfire in October.

Mr. Leonard concluded his report by announcing that flu shots will be available to residents 18 years of age and older on Tuesday, October 18, 2016 from 11:00 AM to 1:00 PM in the public meeting room at 19 Harrison Avenue. Shots are free to seniors with Medicare, \$20 for all others.

## PUBLIC AFFAIRS

Councilwoman Tolli made a number of announcements: The Ss' Nicholas, Constantine and Helen Greek Orthodox Church is having their annual festival this weekend, September 23<sup>rd</sup>, 24<sup>th</sup>, and 25<sup>th</sup>; the Borough is holding their 2<sup>nd</sup> annual bonfire and movie night at O'Beirne Field on October 7<sup>th</sup>; the Junior Women's Club is having a reunion at 6:30 PM on October 19<sup>th</sup> at the Roseland First Aid Squad; and residents are invited to have Lunch with Sparky at noon on October 8<sup>th</sup> at the Roseland Fire Department.

Councilwoman Tolli reported that the Municipal Youth Guidance Committee held their annual kickoff meeting this month. Mrs. Tolli also advised that the Senior Transportation Committee is still seeking two members. Interested residents should contact the municipal building for details.

Mrs. Tolli noted that according to Motor Vehicle regulations, placards for persons with disabilities are not supposed to be hung from rear view mirrors while the vehicle is in operation because they obstruct the drivers view. Placards are only supposed to be displayed after the vehicle has parked.

Mrs. Tolli cautioned residents to be aware that there have been local sightings of coyotes and coy wolves. Mayor Duthie asked that residents contact the police department and report any sightings so that other area residents can be warned of the animal's presence.

Mrs. Tolli closed her report by announcing that document shredding will be offered in the municipal building parking lot from 9:00 AM to 1:00 PM on Saturday, October 8<sup>th</sup>.

## ADMINISTRATION & FINANCE

Councilman Vidovich reported that labor negotiations with employees of the public works department have come to a successful conclusion with the signing of a new agreement. Mr. Vidovich thanked the members of the department and noted his appreciation for the hard work that they perform for the Borough. The agreement is for five years and includes wage increases of approximately 1.8% over the term of the agreement.

Mr. Vidovich also presented a proposed schedule for the first round of budget meetings on the 2017 municipal budget. After discussion, Council agreed that the first meeting will be held at 6:00 PM on October 18<sup>th</sup> at 19 Harrison Avenue, prior to the regularly scheduled Council meeting. The second meeting will be held at 6:00 PM on Thursday, November 3<sup>rd</sup> in the 2<sup>nd</sup> floor meeting room at 140 Harrison Avenue. The third meeting will be held at 6:00 PM on December 13<sup>th</sup> at 19 Harrison Avenue, prior to the regularly scheduled Council meeting.

## APPROVAL OF MINUTES

Councilman Jacobs made a motion to approve the minutes of the September 6, 2016 Caucus Meeting. The motion was seconded by Councilwoman Tolli and approved by a 4-0 voice vote (Smith, Tsilionis absent).

**PUBLIC COMMENT**

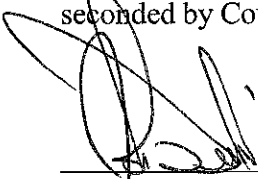
None

**EXECUTIVE SESSION**

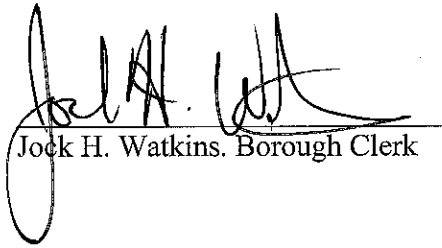
Borough Attorney Sheffet read Resolution No. 248-2016 Approval to Close to Executive Session to discuss the following:

1. Personnel
2. COAH Update

Councilman Jacobs made a motion at 9:09 PM to close to Executive Session. The motion was seconded by Councilwoman Tolli and approved by a 4-0 voice vote (Smith, Tsilionis absent).



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Mayor John Duthie



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Jock H. Watkins, Borough Clerk

Approved: October 18, 2016

**ROLL CALL**

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