

BOROUGH OF ROSELAND
NEW JERSEY

NOVEMBER 29, 2016
PUBLIC MEETING ROOM
19 HARRISON AVENUE
7:00 PM

COUNCIL MEETING MINUTES

The November 29, 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
Peter M. Smith, Councilman
Thomas Tsilionis, Councilman
Michelle Tolli, Councilwoman
Mark Vidovich, Councilman

ALSO IN ATTENDANCE:

Maureen Chumacas, Borough Administrator
Ethan Jesse Sheffet, Borough Attorney
John Matheis, OEM Coordinator

SALUTE TO THE FLAG

Mayor Duthie led the Salute to the Flag.

PUBLIC COMMENT

Mr. Martin Greenberg, president of the Roseland Green Association, expressed his concern that a recent sewer backup at the Roseland Green pump station went undetected by the Borough. Mr. Greenberg was advised that the monitoring system was apparently disconnected by Roseland Green and that the Borough has not yet been asked to formally take over operation of the station. Mayor Duthie reminded Mr. Greenberg that as per the discussion at last month's meeting, the Borough will be contacting Mr. Greenberg to meet to discuss various infrastructure concerns, but that the Borough needs a little time to gather the necessary information.

Borough resident Hillary Foster asked about the plans for the Fernwood property, listing the rumored uses that she has heard. Mayor Duthie responded that a committee has been formed to study the possible uses of the property and that all residents who expressed an interest were put on the committee. Mayor Duthie advised that the committee just held their first meeting and will be visiting fields in Fairfield, Cedar Grove and Verona tomorrow. Mayor Duthie added that the committee's next meeting will be at 7:00 PM on December 21st at 140 Eagle Rock Avenue and invited Ms. Foster and any other interested residents to attend.

PUBLIC HEARING AND ADOPTION OF ORDINANCES

Clerk Watkins read **Ordinance No. 13-2016** ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELAND, COUNTY OF ESSEX, STATE OF NEW JERSEY, ADOPTING THE REDEVELOPMENT PLAN FOR 165 EAGLE ROCK AVENUE, OTHERWISE KNOWN AS BLOCK 38, LOT 56.

Councilman Jacobs made a motion to open the public hearing. The motion was seconded by Councilwoman Tolli and approved by a 5-0 voice vote (Leonard abstain).

Borough resident William Tedesco expressed his opposition to the ordinance citing his belief that a tax exemption for a parking lot is not warranted. Council explained the anticipated benefits for the business community and the anticipated financial benefits for the Borough.

There being no more comments or questions on the ordinance, Councilman Jacobs made a motion to close the public hearing. The motion was seconded by Councilman Smith and approved by a 5-0 voice vote (Leonard abstain).

Clerk Watkins read the ordinance for the third and final time. Councilman Vidovich made a motion to adopt the ordinance. The motion was seconded by Councilman Jacobs and was approved by a 5-0 roll call vote (Leonard abstain).

Clerk Watkins read **Ordinance No. 14-2016** AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELAND, COUNTY OF ESSEX, STATE OF NEW JERSEY APPROVING THE EXECUTION OF A FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF ROSELAND AND 165 ERA URBAN RENEWAL, LLC FOR A LONG TERM TAX EXEMPTION RELATIVE TO THE PROPERTY LOCATED AT 165 EAGLE ROCK AVENUE, OTHERWISE KNOWN AS BLOCK 38, LOT 56.

Councilman Smith made a motion to open the public hearing. The motion was seconded by Councilwoman Tolli and approved by a 5-0 voice vote (Leonard abstain).

Borough resident Eileen Lenihan expressed concern about the length of the agreement and asked if the tax exemption would apply if the property was to be sold in the future. Borough Attorney Sheffet explained the payment in lieu of taxes (PILOT) concept. Mr. Sheffet also explained that if use remains the same, whether with the current owner or a future owner, the exemption would continue. However, if the owner or future owner wished to develop the lot into something other than a parking lot, then the PILOT agreement would terminate.

Mr. Tedesco expressed his concerns about the amount of the annual payment. Mayor Duthie explained that approximately ninety-five percent of the PILOT would go to the Borough, and the County would receive the remaining five percent. As a result, the amount that the Borough receives will actually increase. The PILOT agreement also eliminates the potential of any tax appeals during the course of the agreement.

There being no more comments or questions on the ordinance, Councilman Jacobs made a motion to close the public hearing. The motion was seconded by Councilman Smith and approved by a 5-0 voice vote (Leonard abstain).

Clerk Watkins read the ordinance for the third and final time. Councilman Vidovich made a motion to adopt the ordinance. The motion was seconded by Councilman Jacobs and was approved by a 4-1 roll call vote (Jacobs, Smith, Tolli, and Vidovich Aye, Tsilionis Nay, Leonard Abstained).

Clerk Watkins read **Ordinance No. 15-2016** AN ORDINANCE OF THE BOROUGH OF ROSELAND, IN THE COUNTY OF ESSEX, NEW JERSEY, PROVIDING FOR IMPROVEMENTS TO BOROUGH PARK AND RECREATIONAL FACILITIES IN AND BY THE BOROUGH, APROPRIATING \$66,000.00 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$62,700.00 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME.

Councilman Vidovich made a motion to open the public hearing. The motion was seconded by Councilman Smith and approved by a unanimous 6-0 voice vote.

Mr. Tedesco expressed his support of this ordinance. There being no more comments or questions on the ordinance, Councilman Jacobs made a motion to close the public hearing. The motion was seconded by Councilman Smith and approved by a unanimous 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 was approved by a 6-0 roll call vote.

Clerk Watkins read **Ordinance No. 16-2016** 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 COMPENSTATION FOR THE YEAR 2016.

Councilman Vidovich made a motion to open the public hearing. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

There being no comments or questions on the ordinance, Councilman Vidovich 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 Vidovich made a motion to adopt the ordinance. The motion was seconded by Councilman Smith and was approved by a 6-0 roll call vote.

Clerk Watkins read **Ordinance No. 17-2016** AN ORDINANCE OF THE BOROUGH OF ROSELAND, IN THE COUNTY OF ESSEX, NEW JERSEY, PROVIDING FOR THE RECONSTRUCTION OF BECKER FARM ROAD IN AND BY THE BOROUGH, APPROPRIATING \$676,210 THEREFORE, AND AUTHORIZING THE ISSUANCE OF \$224,210 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME.

Councilman Jacobs made a motion to open the public hearing. The motion was seconded by Councilman Leonard 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 Leonard and approved by a 6-0 voice vote.

Clerk Watkins read the ordinance for the third and final time. Councilman Vidovich made a motion to adopt the ordinance. The motion was seconded by Councilman Leonard and was approved by a 6-0 roll call vote.

ADOPTION OF RESOLUTIONS

Resolution No. 311-2016 to approve the Investment Advisory Agreement between Envestnet Retirement Solutions, LLC and the Borough of Roseland was tabled for discussion until executive session. Councilwoman Tolli made a motion to approve the remaining twenty-eight resolutions and the one consent agenda item:

Resolution No. 299-2016 approving the return of unused Developers Escrow to Gage House LLC in the amount of \$21.32

Resolution No. 300-2016 authorizing the auction of surplus property

Resolution No. 301-2016 amending Article XII Salary and Wages of the Employment Agreement between the Borough of Roseland and Richard McDonough to reflect policy adopted on October 18, 2016 eliminating longevity for non-union employees

Resolution No. 302-2016 approving the return of unused escrow in the amount of \$2,217.89 to Winchester/Roseland Green

Resolution No. 303-2016 approving the execution of a Redevelopment Agreement with 165 ERA LLC for the property located at Block 38, Lot 56, also known as 165 Eagle Rock Avenue

Resolution No. 304-2016 approving the hiring of gym supervisors and score/time keepers

Resolution No. 305-2016 authorizing the Commercial Tax Appeal Attorney to settle the 2011 tax appeal on Block 32, Lot 13

Resolution No. 306-2016 authorizing the Mayor to sign an agreement with Accountable Assets Inc. to perform a Fixed Assets Inventory

Resolution No. 307-2016 amending Resolution No. 264-2016 to include additional work on Roseland Shade Tree Commission Project 2016F, increasing the contract with Tamke Tree Experts Inc. by \$2,545.00 for a total amount not to exceed of \$30,300.00

Resolution No. 308-2016 amending Resolution No. 384-2015 authorizing the extension of the contract to Allied Oil LLC under State Contract No. 82770 for the purchase of diesel fuel for the period beginning November 1, 2016 through October 31, 2017 for an amount not to exceed \$41,000.00

Resolution No. 309-2016 approving the release of the Performance Bond in the amount of \$2,000.00 to Greg Piscitello for 34A Glen Avenue

Resolution No. 310-2016 eliminating Longevity and setting non-union employee salaries effective December 12, 2016

Resolution No. 312-2016 amending Resolution No. 31-2016 increasing the ceiling on the contract for Legal Services Provided by Kaufman, Semeraro & Liebermann as Tax Appeal Attorney for 2016 by \$7,500.00 for a new amount not to exceed of \$57,500.00

Resolution No. 313-2016 approving the hiring of seasonal employees for the Recreation Youth Arts & Crafts Program from January 21, 2016 through February 18, 2017

Resolution No. 314-2016 approving the purchase of new basketball uniforms from Lerro Enterprises for a total of \$5,373.10

Resolution No. 315-2016 approving the refund of water & sewer overpayments

Resolution No. 316-2016 authorizing refunds, overpayments or cancellations in the tax office

Resolution No. 317-2016 amending Resolution No. 259-2016 DS Services of America Bottled Water

Resolution No. 318-2016 approving the purchase of ten (10) computers from Dell Marketing, LP under State Contract No. 89967

Resolution No. 319-2016 approving the declaration of an emergency for the sewer line backup at 45, 48, and 50 Oak Drive

Resolution No. 320-2016 approval of 2015 condominium reimbursements

Resolution No. 321-2016 approving Tax Lien Redemption Certificate No. 15-00004

Resolution No. 322-2016 ratification of Salaries – October 2016

Resolution No. 323-2016 approving the hiring of seasonal recreation basketball officials

Resolution No. 324-2016 approving the November 23, 2016 Bill List

Resolution No. 325-2016 WITHDRAWN – NO OPEN SPACE BILL LIST

Resolution No. 326-2016 approving Budget Transfers

Resolution No. 327-2016 supporting Senate/Assembly bills S2254/A3821 to affirm the language and legislative intent of the Fair Housing Act

CONSENT AGENDA

Permission for Jock Watkins to attend Electronic Filing Systems seminar on December 16, 2016 from 2:00 pm - 4:00 pm in Hanover Township at a cost of \$89.00

Councilman Leonard abstained from voting on Resolution No. 303-206, and Councilman Jacobs abstained from voting on Resolution No. 320-2016. Councilman Vidovich explained the reason

why Council was adopting Resolution No. 327-2016, and Councilman Leonard expressed support for Resolution No. 319-2016, adding his commendation to the public works department for their handling of the emergency sewer line repair. There being no further comments, Councilman Jacobs seconded the motion and the motion was approved by a 6-0 voice vote.

MAYOR'S REPORT

Mayor Duthie reported that he recently attended the annual Holmehill Association meeting. The Mayor thanked the association for the invitation and stated that he found the event to be very informative.

Mr. Duthie advised that the Open Space Advisory Committee for the Fernwood property had their first meeting earlier this month. As stated earlier in the meeting, the committee will be visiting three local fields tomorrow. The next committee meeting is scheduled for December 21st at 140 Eagle Rock Avenue.

Mayor Duthie acknowledged that the Holiday decorations are up in the center of town and thanked the Beautification Committee for preparing the decorations and the Department of Public Works (DPW) for erecting them. Mr. Duthie also complimented the DPW for their efforts with leaf cleanup, observing that local streets look great.

Mayor Duthie closed his report thanking the Senior Citizen Advisory Board for providing refreshments at the recent Veteran's Day celebration held at the Roseland VFW hall.

COMMITTEE REPORTS

PUBLIC WORKS

Councilman Smith commended the DPW for a great job repairing a recent sewer line break. Mr. Smith also commended the DPW for their ongoing leaf pickup efforts. Councilman Smith reminded residents that the pickup of leaves will end next week and encouraged residents to get their leaves out by then. Mr. Smith closed his report adding that the DPW will be picking up discarded Christmas trees in January.

PUBLIC AFFAIRS

Councilwoman Tolli reminded residents that leaf pickup is for leaves only. Some residents have apparently been depositing other yard refuse in the street which clogs the leaf vacuum, slowing the pickup efforts. Mrs. Tolli also advised residents who live on county roads that they are eligible for twenty-four free leaf bags which can be picked up at the DPW building. The last day for leaf bag pickup is this coming Wednesday. Councilwoman Tolli reported that the annual tree lighting will take place this Friday at 6:30 PM and the annual Menorah lighting is scheduled for Tuesday, December 27th. Mrs. Tolli added that she attended a Veterans Day celebration at the Solana that acknowledged thirty-four veterans and spouses for their service. Mrs. Tolli concluded her report by announcing that the annual Municipal Youth Guidance Committee Breakfast with Santa will be Held this Sunday from 10:00 am until noon at the Roseland First Aid Squad building.

PUBLIC SAFETY

Councilman Jacobs thanked Roseland voters for their support during the recent election and for his re-election to another three year term. Mr. Jacobs also thanked the Roseland Fire Department for their service, noting that the forty-five department members have responded to two hundred and ten alarms this year to date. Mr. Jacobs also encouraged residents to change the batteries in their smoke and carbon monoxide alarms on a regular basis. Councilman Jacobs noted that the proactive efforts of the Shade Tree Commission to prune dead branches and remove dead trees resulted in the Borough faring very well during recent storms with high winds. Mr. Jacobs again thanked OEM Coordinator John Matheis for his efforts in preparing traffic signals at key intersections to be powered by emergency generators in the event of prolonged power outages as are common during winter months. Councilman Jacobs concluded his report cautioning residents not to leave their cars warming up in the winter months in order to avoid having their vehicle stolen, and reminding residents to keep holiday packages in the trunk of their vehicles, or in the house.

RECREATION

No report

CAPITAL IMPROVEMENTS

Councilman Leonard also thanked Roseland voters for their support during the recent election and for his re-election. Mr. Leonard also thanked Assistant DPW Superintendent Critchett who recently conducted a very informative tour of various sewer facilities. Mr. Leonard closed his report by asking residents to support local businesses during the coming holiday season.

ADMINISTRATION & FINANCE

Councilman Vidovich announced that the next budget meeting will be held at 6:00 PM prior to the December 13th Council meeting. Mr. Vidovich then thanked veterans for their service and commented on the recent, well attended Veteran's Day celebration. Councilman Vidovich added that today is Giving Tuesday and asked residents to support all of the Borough's volunteers.

Councilman Vidovich suggested that Council consider amending the Borough's policy regarding fees for indoor facility permits. Mr. Vidovich recommended discounting indoor permit fees for organizations when more than fifty percent of the participants are Roseland residents. This would mirror the current policy for outdoor facilities. Council agreed to consider a resolution at the next meeting with new fees to take effect January 1, 2017.

CORRESPONDENCE

Mayor Duthie advised that a request has been received from Walgreens for permission to extend their holiday business hours from 7:00 am – midnight beginning on December 12th and ending on December 24th. Councilman Leonard made a motion to approve the request. The motion was seconded by Councilwoman Tolli and approved by a 6-0 voice vote.

APPROVAL OF MINUTES

Councilwoman Tolli made a motion to approve the minutes of the January 5, 2016 Caucus Meeting, the October 11, 2016 Caucus Meeting, the October 18, 2016 Budget Meeting, the October 18,

2016 Council Meeting, and the November 3, 2016 Budget Meeting. The motion was seconded by Councilman Vidovich and approved by a 6-0 voice vote.

PUBLIC COMMENT

Councilman Leonard acknowledged the West Essex Field Hockey team for winning the Tournament of Champions for the first time.

Essex County Liaison Dan Salvante reported on the County's holiday activities and referred residents to the County's website for details.

EXECUTIVE SESSION

Borough Attorney Sheffet read Resolution No. 298-2016 Approval to Close to Executive Session to discuss the following:

1. Interview Remington & Vernick Engineers for financial advisors for the sale of the water/sewer systems
2. Bleakley Financial Group-ERS Advisory Agreement
3. Locust Avenue
4. Personnel

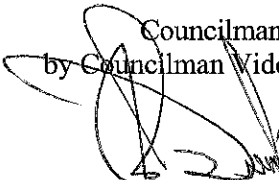
Councilman Jacobs made a motion to close to executive session at 8:05 PM. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

RETURN TO OPEN SESSION

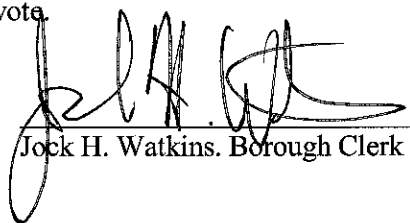
After returning from executive session, Councilwoman Tolli made a motion at 10:08 PM to reopen public session. The motion was seconded by Councilman Jacobs and approved by a 6-0 voice vote.

Councilman Jacobs made a motion to approve Resolution No. 311-2016 to approve the Investment Advisory Agreement between Envestnet Retirement Solutions, LLC and the Borough of Roseland for the Deferred Compensation Plan. The motion was seconded by Councilman Smith and approved by a 6-0 voice vote.

Councilman Smith made a motion to close the meeting at 10:09 PM. The motion was seconded by Councilman Vidovich and approved by a 6-0 voice vote.



Mayor John Duthie



Jock H. Watkins, Borough Clerk

Approved: December 13, 2016

ROLL CALL

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