

**BOROUGH OF ROSELLE  
MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
MAY 17, 2023**

Mayor Shaw called the Regular Meeting of the Mayor and Council of the Borough of Roselle, Union County, New Jersey, held at Borough Hall, 210 Chestnut Street, Roselle, New Jersey to order on May 17, 2023 at 6:30 p.m. The flag salute was done and the invocation was given by Councilwoman Wilkerson.

Municipal Clerk Sanchez read the “Open Public Meetings Act” compliance statement.

**STATEMENT OF COMPLIANCE**

The requirements of N.J.S.A. 10:4-6 et seq., “Sunshine Law” has been met. A notice of this meeting was sent to the Star Ledger, published in the Home News Tribune on December 23, 2022, posted on the Bulletin Board in Borough Hall and on the Borough’s website and filed in the Office of the Municipal Clerk.

**ROLL CALL**

**Present:**

Councilman Richard Villeda, First Ward  
Councilman John Fortuna, Fifth Ward  
Councilwoman Denise Wilkerson, At-Large  
Council President Brandon Bernier, Second Ward  
Mayor Donald Shaw

**Also Present:**

Lisette Sanchez, Borough Clerk  
Mohamed Jalloh, Esq., Borough Attorney  
Shanel Robinson, Acting Borough Administrator

**Absent:**

Councilwoman Cindy Thomas, Fourth Ward

**PROCLAMATIONS**

Upward Mobility Made Possible By Roselle First Program for Duvenson Cetoute proclamation read into the record by Councilman Fortuna.

Proclamations were also prepared for Keniya Edwards and Measha Sewell and accepted by Pastor Pam, who made congratulatory remarks of Duvenson Cetoute.

**RESOLUTION**

**RESOLUTION NUMBER 2023-171**

**RESOLUTION PROMOTING WILLIAM D. LORD TO THE POSITION**

## OF POLICE CAPTAIN

**WHEREAS**, there is a need in the Borough of Roselle Police Department for the position of Captain in the Police Department, in order to efficiently maintain the health, welfare and safety of the public and to provide public services; and

**WHEREAS**, the Certifying Official of the Borough of Roselle has verified the promotional certification from the Civil Service Commission for the position of Police Captain; and

**WHEREAS**, William D. Lord is a permanent employee in the Borough of Roselle Police Department, presently holding the title of Police Lieutenant, who is qualified for the position of Captain.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Roselle, in the County of Union, State of New Jersey, that William D. Lord is hereby appointed to the position of Police Captain, effective May 17<sup>st</sup>, 2023, subject to the ninety (90) day working test period, as required by Civil Service regulations; and

**BE IT FURTHER RESOLVED** that the compensation for William D. Lord shall be that of a Captain, pursuant to the collective bargaining agreement between the Borough and the Roselle Police Benevolent Association, Local 99A, presently \$147,527.00, prorated for calendar year 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

**Motion to adopt by Council President Bernier, second by Councilman Fortuna.**

Vote Record – Approval of Minutes				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilwoman Johnson	X			
Councilwoman Thomas				X
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
Council President Bernier	X			

☒ **Adopted**   ☐ Adopted as Amended   ☐ Defeated   ☐ Tabled   ☐ Withdrawn

### **OATH OF OFFICE ADMINISTERED TO PUBLIC SAFETY PERSONNEL**

Mayor Donald Shaw administered the oath of office to Police Captain William D. Lord. Thereafter, a five (5) minute recess was taken at 6:52 p.m. returning at 6:57 p.m.

### **APPROVAL OF MINUTES OF MEETINGS**

Minutes of the Mayor and Council Workshop Meeting – April 12, 2023

Minutes of the Mayor and Council Regular Meeting – April 19, 2023

**Motion to adopt by Councilwoman Johnson, second by Councilman Villeda.**

<b>Vote Record – Approval of Minutes</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilwoman Johnson				X
Councilwoman Thomas	X			
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
Council President Bernier	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

### **CORRESPONDENCE / APPOINTMENTS**

#### **PUBLIC COMMENTS**

**Mayor Shaw opened up the public comments portion of the meeting; thereafter the following public comments were made:**

1. **Elizabeth Chavez** expressed her concerns for children crossing the street and cars not stopping to observe crossing guards.
2. **Barbara Dixon** expressed her support of medical marijuana and her concerns about cannabis businesses operating in the Borough of Roselle
3. **Kim Shaw** expressed her love for Mayor Shaw and commented that he is doing a commendable job for the Borough of Roselle to move the town forward.

#### **COMMITTEE REPORTS**

**DPW Committee– Councilman Fortuna reported the following:**

- Resolution to hire seasonal workers for the summer months is on the agenda for approval
- DPW will undertake the cleaning of all brooks shortly
- The second street sweeper is being repaired and due back to the Borough the end May

**Public Safety Committee– Councilman Fortuna reported the following:**

**Fire Department**

- The new tower truck will be ordered this month and because of Acting Borough Administrator Shanel Robinson, she saved the Borough \$200K by having the vendor hold the pricing of the truck to the end of April 2023
- Three ambulances have been refurbished and are all operational and up \$24K this year in ambulance billing

**Police Department**

- With the promotion of Captain Lord, the Police Department has three Police Captains
- In the final stages of hiring five new police officers
- The Junior Police Academy members will graduate in late May
- Interested parties can join the Junior Police Academy in 2024 by contacting the Community Policing Unit
- Police have the suspect in custody for the double homicide in the 5<sup>th</sup> Ward
- Secured charges regarding an armed robbery in town

**Finance Committee – Councilwoman Wilkerson reported the following:**

- The capital budget was adopted and the 20-day estoppel period is over
- The Borough can start the initiatives that were included in the capital budget
- The Annual Financial statement is done
- The Annual Budget is being worked
- Passing a temporary budget tonight
- Received a grant for \$124K for the North Chestnut Street redevelopment
- The Borough has \$10.6M in surplus funds
- The Borough has an A+ plus credit score as a result of paying down debt

**Redevelopment Committee – Councilwoman Wilkerson reported the following:**

- Held an economic forum to talk about economic redevelopment with business owners and redevelopers sharing the vision of the Borough of Roselle
- Discussed ways of improving marketing and promoting the businesses
- The UEZ Program which is over \$800K available to support the growth of businesses
- Completed Area in Need Study for St. Georges Avenue, North Chestnut Street, and Locust Street

**Governance Committee – Council President Bernier reported the following:**

- The promotion of Captain William Lord will make the Police Department more efficient
- Supports turning Rails to Trails to help move the project forward
- William Wilkins will be kept on as a part-time Building Code Official
- Joy Leaf received a resolution of support from the Borough but not a local retail cannabis license

**Planning Committee – Council President Bernier reported the following:**

- The Planning Board met on May 3, 2023 and approved an application for Penelope Bergen
- The Planning Board recommended that Council adopt the Locust Street Area in Need of redevelopment
- The next meeting of the Planning Board will be June 7, 2023 in the Council Chambers at 7:00 p.m.

**INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES**

**ORDINANCE ON SECOND READING/PUBLIC HEARING**

**ORDINANCE NUMBER 2709-23**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE XI, ADMINISTRATION, ENFORCEMENT AND FEES, SECTION 650-86.1, FEES, AND ESCROW DEPOSITS; TO AMEND THE CODE TO REQUIRE ALL APPLICANTS TO SUBMIT AN ESCROW AGREEMENT**

**WHEREAS**, the Borough is experiencing an increase in the number of submitted development applications;

**WHEREAS**, to aid applicants in understanding the review process and associated escrows required to be funded under the Municipal Land Use Law, the Borough believes an escrow agreement will provide applicants information and clarity.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Chapter 650 Land Use is hereby amended as follows (additions in underline; deletions in ~~strikeout~~):

**SECTION I.** The Code of Borough of Roselle, Chapter 650 Land Use, Article XI Administration, Enforcement and Fees, Section 650-86.1 Fees and escrow deposits, is hereby amended and supplemented as follows:

B. Fees and escrow.

(4) Escrow account.

- (e) All applications for development within the Borough of Roselle shall be accompanied by an executed Escrow Agreement. No application for development shall be deemed complete unless an executed Escrow Agreement is received. The Escrow Agreement is attached hereto and known as Attachment 8 – Escrow Agreement.

**SECTION II.** If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefore.

**SECTION III.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby replaced and/or repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect at the time and in the manner provided by law.

**Mayor Shaw read Ordinance Number 2709-23 by title and opened the public hearing on the ordinance. Seeing no one come forward, Mayor Shaw closed the public hearing on the ordinance.**

**Motion to adopt Ordinance 2709-23 on Second Reading/Public Hearing by Councilman Fortuna, second by Councilwoman Johnson.**

<b>Vote Record – Ordinance 2709-23</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilwoman Johnson	X			
Councilwoman Thomas				X
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
Council President Bernier	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

## **ORDINANCE ON FIRST READING & INTRODUCTION**

### **ORDINANCE NUMBER 2710-23**

#### **CALENDAR YEAR 2023 ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.50% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

**WHEREAS**, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

**WHEREAS**, the Borough Council of the Borough of Roselle, County of Union, hereby determines that this difference in the amount of \$352,698.00 that is not appropriated as part of the final 2023 budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

**Motion to adopt Ordinance 2710-23 on First Reading/Introduction by Councilwoman Wilkerson, second by Councilman Villeda.**

Vote Record – Ordinance 2710-23				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilwoman Johnson	X			
Councilwoman Thomas				X
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
Council President Bernier	X			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

**Public Hearing scheduled for June 21, 2023.**

### **ORDINANCE NUMBER 2711-23**

#### **AN ORDINANCE APPROVING AMENDMENT TO NORTH CHESTNUT STREET REDEVELOPMENT PLAN**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("**Redevelopment Law**"), authorizes municipalities to determine whether certain parcels of land

located therein constitute areas in need of redevelopment; and

**WHEREAS**, on March 23, 2000, the Mayor and Borough Council (the “**Borough Council**”) of the Borough of Roselle (the “**Borough**”) adopted a resolution designating the properties identified on the tax maps of the Borough as Block 3001, Lots 3 - 6 inclusive; Block 3002, Lots 1.01, 2.01, 16 - 22 inclusive, 23.01, and 24 - 30 inclusive; Block 3101, Lots 1 - 9 inclusive, 23 - 32 inclusive, 33.01, 34.01, 35 and 36; Block 3802, Lots 11 - 16 inclusive; and Block 3901, Lots 11.01, 12, 13, 14, 16 and 17, as an area in need of redevelopment (now known, collectively, as the “**Original North Chestnut Street Redevelopment Area**”) pursuant to the Redevelopment Law; and

**WHEREAS**, on March 19, 2014, the Borough Council adopted an ordinance approving a redevelopment plan for the Original North Chestnut Street Redevelopment Area, which plan is entitled “North Chestnut Street Redevelopment Plan” (the “**Original Redevelopment Plan**”); and

**WHEREAS**, on June 9, 2021, by Resolution No. 2021-207, after appropriate study and consideration by the Borough’s Planning Board (the “**Planning Board**”), the Borough Council designated the properties identified as Block 3902, Lots 19 and 20 on the Borough’s tax maps (the “**First Supplemental Redevelopment Area**”), adjacent to the Original North Chestnut Street Redevelopment Area, as an “area in need of redevelopment”; and

**WHEREAS**, on June 21, 2021, by Ordinance No. 2657-21, the Borough Council adopted that certain amendment to the redevelopment plan entitled, “North Chestnut Redevelopment Plan Amendment Number 2” (the “**Second Amendment**”), which, among other things, added the First Supplemental Redevelopment Area to the Original North Chestnut Street Redevelopment Area; and

**WHEREAS**, on June 21, 2021, by Ordinance No. 2659-21, the Borough Council adopted that certain amendment to the redevelopment plan (the “**Third Amendment**”), which, among other things, prohibits all classes of cannabis establishments in the North Chestnut Street Redevelopment Area; and

**WHEREAS**, on February 16, 2022, by Resolution No. 2022-092, after appropriate study and consideration by the Planning Board, the Borough Council designated the properties identified as Block 3902, Lots 14, 15, 16, 17, and 18 on the Borough’s tax maps (the “**Second Supplemental Redevelopment Area**” and, together with the Original North Chestnut Street Redevelopment Area and the First Supplemental Redevelopment Area, the “**North Chestnut Street Redevelopment Area**”), adjacent to the Original North Chestnut Street Redevelopment Area, as an “area in need of redevelopment”; and

**WHEREAS**, the Borough’s Planner, Colliers Engineering and Design, prepared a further amendment to the redevelopment plan, entitled the “North Chestnut Redevelopment Plan Amendment # 4” (the “**Fourth Amendment**” and, together with the Original Redevelopment Plan, the Second Amendment and the Third Amendment, the “**North Chestnut Street Redevelopment Plan**”) dated May 10, 2023, and attached hereto as **Exhibit A**, which, among



other things, adds the Second Supplemental Redevelopment Area to the area governed by the North Chestnut Street Redevelopment Plan; and

**WHEREAS**, the Borough Council has reviewed, and now desires to approve and adopt the Fourth Amendment, which provides a comprehensive development plan that will allow and encourage the redevelopment of the North Chestnut Street Redevelopment Area in a manner that is consistent with the Borough's Master Plan and the character of the area, allow for the orderly transition from residential to commercial land uses as appropriate, and which amendment seeks to redevelop the Roselle Public Library into a modern, attractive, and essential community building; and

**WHEREAS**, pursuant to the Redevelopment Law, the Planning Board must review the Fourth Amendment and transmit its recommendations relating to the Fourth Amendment to the Borough Council in accordance with the provisions of *N.J.S.A. 40A:12A-7(e)* of the Redevelopment Law; and

**WHEREAS**, the Planning Board reviewed the Fourth Amendment and transmitted its recommendations relating to the Fourth Amendment to the Borough Council in accordance with the provisions of Section 7 of the Redevelopment Law; and

**WHEREAS**, upon receipt of the Planning Board's recommendations relating to the Fourth Amendment, the Borough Council believes that the adoption of the Fourth Amendment is in the best interests of the Borough.

**NOW THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, STATE OF NEW JERSEY AS FOLLOWS:**

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Fourth Amendment, attached hereto as **Exhibit A**, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7*.

**Section 3.** The zoning district map included in the zoning ordinance of the Borough is hereby amended to reference and delineate the property described and governed by the Fourth Amendment. All of the provisions of the Fourth Amendment shall supersede the applicable development regulations of the Borough's municipal code, as and where indicated.

**Section 4.** If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

**Section 5.** A copy of this Ordinance and the Fourth Amendment shall be available for public inspection at the office of the Borough during regular business hours.

**Section 6.** This Ordinance shall take effect in accordance with all applicable laws.

**Motion to adopt Ordinance 2711-23 on First Reading/Introduction by Councilman Fortuna, second by Council President Bernier.**

<b>Vote Record – Ordinance 2711-23</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilwoman Johnson	X			
Councilwoman Thomas				X
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
Council President Bernier	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

**Public Hearing scheduled for June 21, 2023.**

**CONSENT AGENDA**

**RESOLUTION NUMBER 2023-172**

**RESOLUTION OF THE BOROUGH OF ROSELLE COUNCIL SUPPORTING MOM & POP SHOP, LLC’S APPLICATION TO THE NEW JERSEY CANNABIS REGULATORY COMMISSION FOR A CLASS 5 CANNABIS RETAILER LICENSE AND CONFIRMING THAT THE INTENDED SITE IS SUITABLE FOR THE OPERATIONS OF THE PROPOSED CANNABIS RETAILER**

**WHEREAS**, Mom & Pop Shop, LLC (“Mom & Pop Shop”) plans to apply to the New Jersey Cannabis Regulatory Commission (“CRC”) for a Class 5 cannabis retailer license with a proposed retail site (the “Site”) to be located at 605 W. 1st Avenue, Roselle, identified as Block 6502, Lot 3 on the current Official Tax Map of the Borough of Roselle (“Borough”); and

**WHEREAS**, Mom & Pop Shop has provided the Borough with information regarding their proposed cannabis business at the Site; and

**WHEREAS**, the Site is located in the Business/Commercial Zone, where “Cannabis Retailer” is a conditionally permitted use pursuant to Borough Code § 650-94(B)(4)(L), provided that the following conditions set forth in Borough Code § 650-102(B)(8) are met:

- (a) All other regulations applicable to the zoning district are complied with;
- (b) The establishment is licensed and located more than 1,000 feet from the property line of any elementary or secondary school property; and
- (c) The establishment does not include an outdoor consumption area; and

**WHEREAS**, the zoning officer of the Borough has analyzed the applicable law and public records and has made such other inquiries as necessary and opined that the Site permits the operation of a cannabis retailer if the conditions contained in Borough Code § 650-102(B)(8) are met; and

**WHEREAS**, pursuant to Borough Code § 155-5(I) and (J), a maximum of three (3) Class 5 cannabis retailers may obtain a local license to operate within the Borough (with two (2) additional Class 5 licenses available for businesses that qualify as a microbusiness under N.J.S.A. 24:6I-33); and

**WHEREAS**, the issuance of a Class 5 cannabis retailer license to Mom & Pop Shop would not exceed the applicable limit of three (3) Class 5 licensed cannabis retailers within the Borough; and

**WHEREAS**, N.J.S.A. 24:6I-36 and N.J.A.C. 17:30-7.10 require applicants to the CRC for a state cannabis business license to submit proof of local support for the suitability of a cannabis business's proposed location, which is demonstrated by a resolution adopted by the municipality's governing body; and

**WHEREAS**, provided that all applicable conditions and requirements of the Borough Code are met, the Site permits the operation of a Class 5 licensed cannabis retailer; and

**WHEREAS**, the Borough Council believes that permitting Mom & Pop Shop to operate a cannabis retailer at the Site will satisfy patients' and consumers' interests and help create jobs and economic opportunity within the Borough.

**THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, that above recitals are incorporated as though set forth at length herein, and that the Borough of Roselle supports Mom & Pop Shop's application to the CRC for a Class 5 Cannabis Retailer Annual License.

**BE IT FURTHER RESOLVED** that, while the Borough Code establishes a limit of three Class 5 cannabis retailers that may operate within the Borough (with two additional licenses available for microbusinesses), license applicants that receive CRC approval first in time shall be deemed approved by the municipality until the local license limit is reached.

**BE IT FURTHER RESOLVED** that this Resolution of Support does not obligate the Borough to issue a license to this applicant in the event the Borough determines that issuance of such license is inconsistent with the evaluation criteria set forth in the Borough Code.

**BE IT FURTHER RESOLVED** that the zoning officer or appropriate official of the Borough be authorized to issue any required letter or affidavit confirming that the proposed Site is located within a zone that permits cannabis retailers upon the satisfaction of the conditions set forth hereinabove.

**BE IT FURTHER RESOLVED** that a copy of this resolution be sent to Jeff Brown, Executive Director of the New Jersey Cannabis Regulatory Commission, together with a request that the CRC timely inform the Borough prior to the CRC's approval of any annual license application (including an application to convert a conditional license to an annual license) that would result in the above-described local license limit being reached or exceeded, so that the Borough may advise the CRC of the number of remaining available licenses and provide the CRC with the Borough's preferences as to licensure.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held May 17, 2023.

**IN WITNESS WHERE OF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of May 2023.

**RESOLUTION NUMBER 2023-173**

**RESOLUTION EXPRESSING SUPPORT FOR UNION COUNTY CONNECTS  
SEEKING TO TURN INACTIVE STATEN ISLAND RAPID TRANSIT RAIL LINE  
INTO TRAIL**

**WHEREAS**, the Mayor and Borough Council of the Borough of Roselle wish to support expanded means and methods for connectivity, transportation, and passive recreation within the municipality and the greater Union County area; and

**WHEREAS** there exists a non-profit organization "Union County Connects" that seeks to advocate and fundraise in support of Union County Parks' Master Plan to convert unused railroads into greenways for walking and biking trails under the "Rails to Trails Union County" Program; and

**WHEREAS**, the Staten Island Rapid Transit (SIRT) railway line that extends from Cranford to Staten Island, New York, including a portion traveling through the Borough of Roselle, has been out of service for several years; and

**WHEREAS**, the pathway travels along former SIRT rail lines in the Borough connecting the municipality with the neighboring City of Linden and Township of Cranford. This railway is now owned by the New Jersey Department of Transportation and is included in Union County Parks' 2010 Master Plan; and

**WHEREAS**, the Mayor and the Council believe that the aforementioned objective of "Rails to Trails Union County" is valuable and necessary for creating a community and a region that is more walkable and bikeable.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Roselle, in the County of Union, New Jersey, do hereby express support for the "Union County

Connects” group in their pursuit of transformation of the unutilized railroad lines into walking and biking trails between the City of Linden and the Township of Cranford.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the county of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

**RESOLUTION NUMBER 2023-174**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
TO NATIONAL FITNESS CAMPAIGN**

**WHEREAS**, the Borough of Roselle has a need to acquire fitness court goods and services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and,

**WHEREAS**, the Purchasing Agent has and certified in writing that the value of the acquisition will exceed \$17,500.00; and

**WHEREAS**, National Fitness Campaign has submitted a proposal indicating they will provide goods and services to the Borough; and

**WHEREAS**, National Fitness Campaign has completed and submitted a Business Entity Disclosure Certification which certifies that National Fitness Campaign has not made any reportable contributions to a political or candidate committee in the Borough of Roselle in the previous one year, and that the contract will prohibit National Fitness Campaign from making any reportable contributions through the term of the contract; and

**WHEREAS**, pursuant to N.J.A.C. 50:30-5.5(e) the award of the contract shall be subject to the availability and appropriation of funds in the CY 2023 budget in account C-04-270-008-010.

**NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF  
THE BOROUGH OF ROSELLE:**

1. That the Borough Council awards a contract to National Fitness Campaign with a mailing address of P.O. Box 2367, San Francisco, CA 94126 to provide goods and services for a fitness court and national campaign services to the Borough, for an amount not to exceed \$160,000.00.

2. That this Contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law (N.J.S.A. 40A: 11-5(1)(a)(i)).

3. That a notice in accordance with this resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough as required by law, within twenty (20) days of execution of the contract.

4. That an executed copy of the Contract between the Borough and National Fitness Campaign with a mailing address of P.O. Box 2367, San Francisco, CA 94126, and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for public inspection in accordance with law.

5. This Resolution is adopted and shall be instituted as part of a Non-Fair and Open Process established and exercised pursuant to N.J.S.A. 19:44A-20.5.

6. All previous Resolutions and/or orders and directives of Borough employees or officials, which are contrary to or inconsistent with the terms of this instant Resolution, are hereby rescinded, repealed and otherwise deemed ineffectual, to the extent of their inconsistency.

7. That this Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED**, that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of May, 2023.

**RESOLUTION NUMBER 2023-175**

**RESOLUTION AUTHORIZING THE TAX ASSESSOR AND THE TAX APPEAL  
ATTORNEY TO FILE COUNTERCLAIM REGARDING BLOCK 999, LOT 1, PU PP**

**WHEREAS**, an appeal on property known and designated as Block 999, Lot 1, on the tax map of the Borough of Roselle, commonly known as PU PP has been filed by the taxpayer, Verizon New Jersey, Inc., under Docket Number 005074-2023; and

**WHEREAS**, the Borough of Roselle asserts that the property is underassessed and that the assessed value of said property should be increased; and

**WHEREAS**, a method exists in the Tax Law for the Municipality to counterclaim from the current assessment to seek an increase in the assessed value;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Roselle, that the Tax Assessor, Pamela Steele, and Tax Appeal Attorneys, Renaud Colicchio, LLC, be and are hereby authorized and directed to file such counterclaims or appeals and/or take such other actions as are appropriate to increase the assessed value of said property to the value which the Tax Assessor deems to more properly reflects the value of said property for the year 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey, this 17<sup>th</sup> day of May, 2023.

**RESOLUTION NUMBER 2023-176**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE,  
COUNTY OF UNION, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH  
OF ROSELLE TO JOIN WITH THE STATE OF NEW JERSEY AND OTHER LOCAL  
GOVERNMENTAL UNITS AS A PARTICIPANT IN THE FORMAL AGREEMENTS  
IMPLEMENTING A UNIFIED PLAN FOR THE PROPOSED ALLOCATION AND USE  
OF OPIOID LITIGATION SETTLEMENT PROCEEDS**

**WHEREAS**, the Borough of Roselle (“Borough”) has suffered harm from the opioid epidemic; and

**WHEREAS**, the Borough recognizes that the entire State of New Jersey has suffered harm as a result of the opioid epidemic; and

**WHEREAS**, there is currently pending a class action lawsuit entitled National Prescription Opiate Litigation bearing Case No. 1:17-md-2804 (N.D. Ohio) (the “Opioid Litigation”); and

**WHEREAS**, the State of New Jersey has opted into a proposed settlement of the Opioid Litigation with multiple National Prescription Opioid Litigation Defendants; and

**WHEREAS**, participation in the New Jersey Plan by a large majority of New Jersey municipalities and counties will materially increase the amount of funds to New Jersey and should improve New Jersey’s relative bargaining position during additional settlement negotiations; and

**WHEREAS**, failure to participate in the New Jersey Plan will reduce funds available to the State, the Borough, and every other New Jersey municipality and county;

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE, NEW JERSEY, AS FOLLOWS:**

1. Adoption of Representations. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.
2. Participation in the New Jersey Plan. The Governing Body of the Borough finds that participation in the New Jersey Plan would be in the best interests of the Borough and its citizens in that the plan ensures that almost all the settlement funds go to abate and resolve the opioid epidemic and that each and every municipality and county receives funds for the harm that it has suffered.
3. Support for the Unified Plan. The Borough hereby expresses its support of the proposed unified plan for the allocation and use of opioid settlement proceeds.
4. Authorization. The Borough Administrator is hereby expressly authorized to execute the New Jersey Plan. The Borough Counsel or his designee is also authorized to execute any Formal Agreements implementing a unified plan for the allocation and use of opioid settlement proceeds that is not substantially inconsistent with the New Jersey Plan and this Resolution.
5. Effective Date. This Resolution shall be retroactively effective to January 1, 2022 upon its passage and adoption.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of May 2023.

**RESOLUTION NUMBER 2023-177**

**RESOLUTION AUTHORIZING SETTLEMENT OF THE 2022 TAX APPEALS ENTITLED  
SHERIDAN ESTATE URBAN RENEWAL ENTITY, LLC v. BOROUGH OF ROSELLE,  
DOCKET NOS: 000111-2022 & 006124-2022 BLOCK 407 LOT 10, COMMONLY KNOWN AS  
533 E 2<sup>nd</sup> AVENUE**

**WHEREAS**, an appeal of the real property tax assessment for tax years 2021, via an added assessment appeal, and 2022, involving Block 407 Lot 10 has been filed by the taxpayer, Sheridan Estate Urban Renewal Entity, LLC and

**WHEREAS**, the Borough of Roselle desires to settle the tax appeals for the tax years 2021, and 2022, and the proposed settlement agreement has been reviewed and recommended by the Borough Special Tax Counsel and Tax Assessor; and



**WHEREAS**, settlement of said matter as more fully set forth below is in the best interests of the Borough of Roselle;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Roselle that the tax appeal settlement for the property and tax year herein is hereby authorized as follows:

1. Settlement of the 2021 Added Appeal and 2022 Appeal are hereby authorized as follows:

533 E 2<sup>nd</sup> Avenue

**2021 Added Assessment**

	<u>Original Added Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Added Assessment Tax Court Judgment</u>
Land	\$ 0	\$ 0	\$ 0
Improvements	\$ 1,006,700	\$ 112,400	\$ 0
Total	\$ 1,006,700	\$ 180,000	\$ 0
Prorated Months	6 Months	6 Months	0 Months
Prorated Amount	\$ 503,350	\$ 503,350	\$ 0

**Tax Year 2022**

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 258,400		\$ 158,400
Improvements	\$ 801,100	N/A	\$ 801,100
Total	\$ 1,059,500		\$ 959,500

2. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall be applicable to the assessment on the property for the tax year 2022. The 2023 assessment shall be reduced to the level on the Tax Court Judgment for the 2022 tax year.

3. The Mayor, Borough Clerk and Special Tax Counsel are hereby authorized and directed to execute and deliver such agreements, pleadings stipulations or other documentation as is reasonably necessary and/or appropriate to memorialize the settlement authorized herein;

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held May 17, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

**RESOLUTION NUMBER 2023-178**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE  
DESIGNATING THE AREA IDENTIFIED AS BLOCK 3802, LOTS 25, 26, 27, & 28,  
BLOCK 4802, LOTS 2 & 3, AND LAUREL STREET, A “PAPER STREET”, ON THE  
BOROUGH’S TAX MAP AS A CONDEMNATION AREA IN NEED OF  
REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND  
HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

**WHEREAS**, by Resolution No. 2022-182, adopted on May 18, 2022 and Resolution No. 2022-345, adopted on November 9, 2022, the Borough Council (the “**Borough Council**”) of the Borough of Roselle (the “**Borough**”) authorized and directed the Borough’s Planning Board (the “**Planning Board**”) to conduct a preliminary investigation to determine whether the properties identified as Block 3802, Lots 25, 26, 27 & 28, Block 4802, Lots 2 and 3, and Laurel Street, a “paper street” on the Borough’s official tax map (the “**Study Area**”) meet the criteria set forth in the Redevelopment Law for designation as an area in need of redevelopment; and

**WHEREAS**, said resolutions also authorized and directed the Borough’s Planning Consultant, Colliers Engineering & Design Inc. (the “**Planning Consultant**”), to perform the preliminary investigation and prepare a report containing its findings; and

**WHEREAS**, the Planning Consultant undertook the preliminary investigation and prepared a report containing its findings entitled “Redevelopment Area with Condemnation: Determination of Need Study Block 3802, Lots 25-28, Block 4802, Lots 2 & 3, Laurel Street” dated April 4, 2023 (the “**Report**”); and

**WHEREAS**, on May 3, 2023, after providing due notice, the Planning Board conducted a public hearing in accordance with the Redevelopment Law to determine whether the Study Area qualifies as a condemnation area in need of redevelopment and whether to recommend the Borough Council designate the Study Area as a condemnation area in need of redevelopment; and

**WHEREAS**, at the public hearing, the Planning Board reviewed the findings of the Planning Consultant set forth in the Report, heard expert testimony from the Planning Consultant, and gave members of the public and interested parties an opportunity to be heard regarding the potential designation of the Study Area as a condemnation area in need of redevelopment; and

**WHEREAS**, the Planning Consultant concluded in the Report, and testified to the Planning Board at the public hearing, that there is evidence to support the conclusion that the

properties in the Study Area satisfy the criteria set forth in the Redevelopment Law for designation as a condemnation area in need of redevelopment; and

**WHEREAS**, at the conclusion of the public hearing, the Planning Board determined and recommended, for the reasons set forth in the Report and explained during the public hearing as memorialized in a resolution of the Planning Board , that the properties in the Study Area meet the criteria set forth in the Redevelopment Law and recommended that the Borough Council designate the Study Area as a condemnation area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

**WHEREAS**, the Borough agrees with the Planning Board's findings and the Planning Consultant's conclusions in the Report, and desires to designate the Study Area as a condemnation area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6*.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, in the County of Union, New Jersey, as follows:

**Section 1.** The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

**Section 2.** After considering the conclusions set forth in the Report and the Planning Board's findings and recommendations, the Borough hereby finds that the Study Area meets the statutory criteria pursuant to *N.J.S.A. 40A:12A-5* for designation as a condemnation area in need of redevelopment, and the Study Area is hereby designated as a condemnation area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6* (the "**Condemnation Redevelopment Area**").

**Section 3.** The designation of the Study Area as a condemnation area in need of redevelopment shall authorize the Borough to exercise all of its powers under the Redevelopment Law in the Condemnation Redevelopment Area, including the power of eminent domain.

**Section 4.** The Borough Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to Section 6b(5)(c) of the Redevelopment Law.

**Section 5.** The Borough Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Condemnation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person who filed a written objection prior to the hearing held by the Planning Board, service to be in the manner provided by Section 6 of the Redevelopment Law.

**Section 6.** This Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held on May 17, 2023.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May 2023.

**RESOLUTION NUMBER 2023-179**

**RESOLUTION AUTHORIZING THE BOROUGH OF ROSELLE TO APPLY FOR THE NPP AMERICAN RESCUE PLAN GRANT**

**WHEREAS**, the Borough of Roselle desires to apply for the NPP American Rescue Plan (ARP) Grant from the New Jersey Department of Community Affairs for TWO HUNDRED THIRTY-FIVE THOUSAND SIX HUNDRED DOLLARS (\$235,600) to carry out a project to support the economic recovery of local merchants located in the NPP district by:

- 1) contracting with several of the merchants to supply free refreshments (snacks, food and beverages), and free giveaway items (balloons, glowing light sticks, and Roselle-labeled novelties) that will be freely distributed to visitors that attend Roselle's 2023 outdoor public events;
- 2) requiring event attendees with interest in the free refreshments and giveaway items to register with the Borough at the entrance to the outdoor event by providing adult name and email contact info and authorizing future marketing outreach;
- 3) supplying registered 2023 outdoor event attendees with a temporary plastic bracelet or similar object identifying them as eligible for free items;
- 4) promoting 2023 outdoor events with marketing initiatives (social media advertisements, email outreach, website postings, and temporary signage) that will stimulate visitor attendance, and inform potential visitors of the free items provided by Roselle merchants;
- 5) creating and distributing bounce-back coupons (coupons that are valid for limited dates following the event date) to 2023 outdoor event attendees; the coupons will offer discounts on purchases in participating businesses in Roselle's NPP district; merchants that accept the coupons and make sales at a discount shall redeem the used coupon (with accompanying sales receipt as proof of purchase) with the Borough to be reimbursed with NPP-ARP grant funds for the discounted amount;
- 6) further stimulate attendance at Roselle's outdoor events by using grant funds to obtain a portable performance stage to be used at the events, as well as portable outdoor chairs and tables to be available to event attendees for seating at the outdoor events; and
- 7) utilizing the visitor registration information and the coupon redemption information to track and measure the success of this program to both stimulate visitor attendance

at outdoor events, and to drive the visitors attending those events into the businesses in Roselle's NPP district.

**BE IT THEREFORE RESOLVED** that the Borough of Roselle does hereby authorize the application for such grant; and, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of the grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of said agreement between the Borough of Roselle and the New Jersey Department of Community Affairs.

**BE IT FURTHER RESOLVED** that the Borough of Roselle recognizes and accepts that the Department may offer a lesser amount and therefore will accept any potential award amount pursuant to the execution of a grant agreement.

**BE IT FURTHER RESOLVED** that the persons whose names and signatures appear below are authorized to sign the application, the agreement, and any other documents in connection therewith.

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(Signature)  
DONALD R. SHAW  
Mayor

---

(Signature)  
SHANEL Y. ROBINSON  
Acting Business Administrator

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of May, 2023.

**RESOLUTION NUMBER 2023-180**

**RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SURVEY  
SERVICES IN CONNECTION WITH THE BIRCH DRIVE SURVEY PROJECT  
FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION  
COUNTY, NEW JERSEY**

**WHEREAS**, the Borough of Roselle is desirous in performing survey services for the Borough-owned property located at Block 5702, Lot 12 located within the Borough; and

**WHEREAS**, Colliers Engineering & Design dba Maser Consulting is familiar with the survey services necessary to perform said task as delineated in the March 6, 2023 correspondence for the survey services; and

**WHEREAS**, the Borough issued a Request for Qualifications for such services and received responses from several firms; and

**WHEREAS**, on January 6, 2023, the Borough Council, after review of the responses deemed certain firms as “Qualified” in accordance with the terms of the Request for Qualifications (Resolution No. 2023-012) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2023-050); and

**WHEREAS**, the Borough Council has deemed it necessary and in the best interest of the Borough to retain the services of an engineering firm for said purposes and has selected Colliers Engineering & Design dba Maser Consulting from the “Qualified” firms; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically, within bond ordinance number 2708-23 for said engineering services for the various roadway improvements.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design) is authorized to perform professional engineering survey services in the amount of \$19,500.00 for the Birch Drive Survey Project.

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey, this 17<sup>th</sup> day of May, 2023.

#### **RESOLUTION NUMBER 2023-181**

#### **RESOLUTION AUTHORIZING REFUND OF AMBULANCE FEES**

**WHEREAS**, Lorene Nash has requested a refund of the ambulance fees paid on March 20, 2023. Borough resident paid balance in error; and

**WHEREAS**, the Fire Department has approved the refund for the ambulance fees.

**NOW, THEREFORE, BE IT RESOLVED**, by Mayor and Council of the Borough of Roselle that the Municipal Finance Officer is hereby authorized to refund the ambulance fees in the amount of \$200.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May 2023.

**RESOLUTION NUMBER 2023-182**

**RESOLUTION FOR THE PURCHASE OF A SPARTAN 4-DOOR CUSTOM 93' MID-MOUNT FIRE APPARATUS UNDER THE HOUSTON-GALVESTON AREA COUNCIL FOR THE BOROUGH OF ROSELLE FIRE DEPARTMENT**

**WHEREAS**, the Borough of Roselle wishes to purchase a Spartan 4- Door Custom 93' Mid-mount tower ladder from Spartan ERV, an authorized vendor under Houston Galveston Area Council Contract number 113021-RVG-4; and

**WHEREAS**, Spartan ERV, 64 Cocalico Creek, Ephrata, PA, 17522 is an authorized vendor under the Houston Galveston Area Council Contract with the Borough of Roselle; and

**WHEREAS**, the Purchasing Agent recommends the utilization of this Co-op Contract on the grounds that it represents the best means available to obtain the equipment needed by the Borough

**NOW THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. That the Borough Council a contract to Spartan ERV, 64 Cocalico Creek, Ephrata, PA, 17522 for a Spartan 4- Door Custom 93' Mid-mount tower Apparatus not to exceed \$2,025,000.00
2. The Chief Financial Officer has certified that sufficient funds are available within the 2023 Capital Budget in the amount of \$2,025,000.00 in Account#C-04-270-008-002.
3. Pursuant to N.J.A.C. 50:30-5.5(e), the award of the contract shall be subject to the availability and appropriation of funds in the 2023 capital budget in account# C-04-270-008-002; and

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a council meeting held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

**RESOLUTION NUMBER 2023-183**

**RESOLUTION ACKNOWLEDGING END OF SEASONAL TEMPORARY LABORERS' ASSIGNMENT**

**WHEREAS**, Justin Hardrick, Kelsee Holloway, and Brandon John were hired as Part Time Seasonal Temporary Laborers in the Department of Public Works effective June 13, 2022, and

**WHEREAS**, the term of said employees' Part Time Seasonal Temporary work has ended effective April 28, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, hereby acknowledges the end of the Part Time Seasonal Temporary Laborers assignments effective April 28, 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held May 17<sup>th</sup>, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

**RESOLUTION NUMBER 2023-184**

**RESOLUTION ACKNOWLEDGING NEW JOB STATUS OF SEASONAL LABORERS IN THE DEPARTMENT OF PUBLIC WORKS**

**WHEREAS**, the below-named employees were hired in the position of Laborer 1 on a seasonal basis within the Department of Public Works; and

**WHEREAS**, the term of said employees' seasonal work has concluded within the Borough of Roselle; and

**WHEREAS**, there remains an ongoing need for employees in the position of Laborer 1 within the Borough of Roselle; and

**WHEREAS**, the below-named employees have proven themselves capable of fulfilling the responsibilities of the position of Laborer 1 and have indicated their availability and intention to continue fulfilling such duties.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, hereby acknowledges a conversion of job status for the following Laborers from Seasonal to Part-time effective May 18<sup>th</sup>, 2023:

- |                     |                 |
|---------------------|-----------------|
| 1. Garrett Anderson | 5. Hubert Jones |
|---------------------|-----------------|



2. Lyndon Barrett
3. Kanye Crockett
4. Brian Holt
6. Dontay Payne
7. Robert Petty

**NOW, THEREFORE, BE IT FURTHER RESOLVED**, that said Laborers shall work on a Part-Time basis, and will retain permanent status subject to successful completion of a 3-month Working Test Period, pursuant to the provisions of N.J.A.C. 4A:4-5, after which time they will be afforded all rights and privileges of a permanent employee, pursuant to the provisions of N.J.S.A. 11A:1-1, et seq, pertaining to non-competitive titles.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held May 17<sup>th</sup>, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

#### **RESOLUTION NUMBER 2023-185**

#### **RESOLUTION ACCEPTING THE RESIGNATION OF WILLIAM G. WILKINS**

**WHEREAS**, William G. Wilkins has, within an appropriate timeframe, notified the Borough of Roselle that he will be resigning from the position of Construction Official, effective May 1, 2023; and

**WHEREAS**, the Borough Council of has determined that it has appropriate staffing within the Building Department to meet the needs of the Borough and its residents at this time; and

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough to accept the resignation of William G. Wilkins.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, hereby accepts the resignation of William G. Wilkins effective May 1<sup>st</sup>, 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held May 17<sup>th</sup>, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

#### **RESOLUTION NUMBER 2023-186**

#### **RESOLUTION APPOINTING BUILDING SUBCODE OFFICIAL**

**WHEREAS**, there is a need Borough of Roselle to supplement its workforce with the position of Building Subcode Official; and

**WHEREAS**, William G. Wilkins has the requisite knowledge, experience, and license to perform the duties of a Building Subcode Official, and has indicated his availability for and willingness to fill said position.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, hereby appoints William G. Wilkins to the position of Building Subcode Official on a temporary basis at a rate of pay of \$45.00 per hour, payable on a bi-weekly basis, until such time as a permanent Building Subcode Official is appointed.

**BE IT FURTHER RESOLVED**, that said temporary appointment shall be effective May 18<sup>th</sup>, 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Workshop Meeting of said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

#### **RESOLUTION NUMBER 2023-187**

#### **RESOLUTION APPROVING 2023 TOWING LICENSE – C & M TOWING**

**WHEREAS**, a complete application for a Towing License from C&M Towing has been submitted to the Borough Clerk; and

**WHEREAS**, the Police Department has reviewed said application and has stated that C&M Towing equipment is in compliance with all the standards of Chapter 514 of the Borough's Ordinance regarding towing, and have thereby approved said application, and the fees have been paid, and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the Borough of Roselle, County of Union, and State of New Jersey that the Borough Clerk is authorized to issue a one (1) year Towing License to C&M Towing and Police Impound located at 372 East Westfield Ave, Roselle Park, NJ 07204, effective January 1, 2023 to December 31, 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey Regular Meeting said Council held May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey, this 17<sup>th</sup> day of May, 2023.

**RESOLUTION NUMBER 2023-188**

**RESOLUTION SUPPORTING THE *CLICK IT OR TICKET*  
MOBILIZATION OF MAY 22 – JUNE 4, 2023**

**WHEREAS**, there were 701 motor vehicle fatalities in New Jersey in 2021; and

**WHEREAS**, approximately 37% of the motor vehicle occupants killed in those traffic crashes were not wearing a seat belt; and

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 22 – June 4, 2023 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of further increasing the seat belt usage rate in the state from the current level of 94%; and

**WHEREAS**, a further increase in seat belt usage in New Jersey will save lives on our roadways;

**NOW THEREFORE BE IT RESOLVED**, that the Borough of Roselle declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 22 – June 4, 2023 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held on May 17, 2023

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May 2023.

**RESOLUTION NUMBER 2023-189**

**RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE  
NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY UNDER ITS FY 2023  
SAFE AND SECURE COMMUNITIES GRANT PROGRAM**

**WHEREAS**, the Mayor and Council of the Borough of Roselle wish to file an application with the New Jersey Department of Law and Public Safety for project funding under its FY2023 Safe and Secure Communities Grant Program identified as Grant Application 23-2014 for the grant term period of November 13, 2022 through November 12, 2023, which will provide \$32,400.00 for use in creating more effective crime reduction strategies; and

**WHEREAS**, the Mayor and Council of the Borough of Roselle are in support of the New Jersey Department of Law and Public Safety FY2023 Safe and Secure Communities Grant Program; and

**WHEREAS**, the project is a joint effort between the Department of Law and Public Safety and the Borough of Roselle; and

**WHEREAS**, the Mayor and Council of the Borough of Roselle are desirous of obtaining a New Jersey Department of Law and Public Safety FY2023 Safe and Secure Communities Grant in the amount of \$32,400.00, with a cash match of fringe benefits; and

**WHEREAS**, the cash match is the current fringe benefits already being paid for the two (2) participating Roselle Police Officers; and

**WHEREAS**, the Mayor and Council of the Borough of Roselle recognize and accept that the Department of Law and Public Safety may offer a greater or lesser amount in connection therewith.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF ROSELLE, UNION COUNTY, NEW JERSEY:**

1. The Mayor and Council of the Borough of Roselle as a matter of public policy, hereby endorse, support and authorize the filing of a FY 2023 New Jersey Department of Law and Public Safety Safe and Secure Communities Grant application and will participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive the funds on behalf of the applicant.
3. The NJ Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the application for said funds.
4. The NJ Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to each applicant.
5. Upon receipt of the Grant Agreement from the New Jersey Department of Law and Public Safety, the signature of the Mayor, Borough Administrator and/or any other municipal official, or their successors in said title, which is required on the agreement and any other documents necessary in connection therewith, is hereby approved.

6. Upon receipt of the fully executed Grant Agreement from the New Jersey Department of Law and Public Safety, the expenditure of funds is hereby authorized pursuant to the terms of the agreement between the Borough of Roselle and the Department of Law and Public Safety.
7. A copy of this resolution shall be sent to the New Jersey Department of Law and Public Safety so that implementation of the grant program may be expedited.
8. No additional Borough funds, other than the cash match equivalent to the current fringe benefits for the participating Roselle Police Officers is required.
9. This Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held on May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey, this 17<sup>th</sup> day of May, 2023.

**Motion to adopt Consent Agenda by Councilman Fortuna, second by Councilwoman Wilkerson.**

<b>Vote Record –Consent Agenda (Resolution Nos. 2023-172 through 2023-189)</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X	(172)		
Councilwoman Johnson	X		(172)	
Councilwoman Thomas				X
Councilman Fortuna	X		(172)	
Councilwoman Wilkerson	X			
Council President Bernier	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

## **NON-CONSENT**

### **RESOLUTION NUMBER 2023-190**

#### **RESOLUTION AMENDING RESOLUTON 2023-162 ESTABLISHING 2023 TEMPORARY EMERGENCY APPROPRIATIONS**

**WHEREAS**, the 2023 Budget has not been adopted and additional temporary appropriations are required in order to provide Borough services until the 2023 budget is adopted; and

**WHEREAS**, N.J.S.A.40A:4-20 of the Local Budget Law provides for the creation of emergency temporary appropriations for purposes mentioned above;

**WHEREAS**, Resolution number 2023-095 establishing the 2023 Temporary Emergency Appropriations was adopted by Borough Council on February 15, 2023; and

**WHEREAS**, Resolution number 2023-129 amended Resolution 2023-095 which established the 2023 Temporary Emergency Appropriations on March 15, 2023; and

**WHEREAS**, Resolution number 2023-162 amended Resolution 2023-129 which established the 2023 Temporary Emergency Appropriations on April 19, 2023; and

**NOW, THEREFORE, BE IT RESOLVED** that the following temporary emergency appropriations be made for the year 2023:

Temporary Emergency Appropriation 2023					
	NJSA 40A:4-19 Temp Budget	Modified Temp Budget 1/18/23	Modified Temp Budget 3/15/23	NJSA 40A: 4-20 Temp Emergency	Modified Temp Budget
General Admin SW	80,000.00	80,000.00	16,670.00		96,670.00
General Admin OE	180,000.00	180,000.00		180,000.00	360,000.00
Human Resources SW	26,000.00	26,000.00	15,000.00		41,000.00
Human Resources OE	12,500.00	12,500.00			12,500.00
Mayor and Council SW	45,000.00	60,000.00	17,000.00		77,000.00
Mayor and Council OE	12,000.00	15,000.00			15,000.00
Municipal Clerk SW	78,000.00	78,000.00	52,000.00		130,000.00
Municipal Clerk OE	35,000.00	35,000.00			35,000.00
Finance Administration SW	105,000.00	105,000.00	90,000.00		195,000.00
Finance Administration OE	63,000.00	63,000.00		30,000.00	93,000.00
Audit	25,000.00	25,000.00			25,000.00
Revenue Administration SW	24,000.00	24,000.00	17,000.00		41,000.00
Revenue Administration OE	4,000.00	4,000.00		4,000.00	8,000.00
Tax Assessment SW	34,000.00	34,000.00	31,000.00		65,000.00
Tax Assessment OE	28,000.00	43,000.00			43,000.00
Legal Services	145,000.00	245,000.00	150,000.00	55,000.00	450,000.00
Engineering Services	52,000.00	52,000.00	45,000.00	53,000.00	150,000.00
Economic Development SW	25,000.00	25,000.00	16,500.00		41,500.00
Economic Development OE	50,000.00	150,000.00	60,000.00	20,000.00	230,000.00
Planning Board SW	1,575.00	1,575.00	2,700.00		4,275.00
Planning Board OE	10,000.00	10,000.00			10,000.00
Zoning Board of Adjustment SW	1,575.00	1,575.00	2,700.00		4,275.00

Zoning Board of Adjustment						
OE	2,000.00	2,000.00				2,000.00
Budling Department SW	115,000.00	115,000.00	105,000.00			220,000.00
Budling Department OE	15,000.00	15,000.00				15,000.00
Code Enforcement SW	80,000.00	80,000.00	74,000.00			154,000.00
Code Enforcement OE	10,000.00	10,000.00				10,000.00
Parking Enforcement SW	18,500.00	18,500.00	5,000.00			23,500.00
Parking Enforcement OE		-				-
Hispanic/Latino Board						
Multicultural	200.00	2,800.00				2,800.00
Senior Advisory board		3,000.00				3,000.00
Other Insurance Premiums	1,319,000.00	1,319,000.00				1,319,000.00
Workers Compensation						
Insurance	325,000.00	325,000.00				325,000.00
Employee Group Insurance	1,549,500.00	1,549,500.00	1,200,000.00			2,749,500.00
Health Benefits Waiver	45,000.00	45,000.00				45,000.00
State Unemployment						
Insurance	60,000.00	60,000.00				60,000.00
Police Department SW	1,885,000.00	1,885,000.00	2,310,000.00			4,195,000.00
Police Department OE	315,000.00	315,000.00				315,000.00
Traffic Control School						
Crossing SW	82,000.00	82,000.00	72,000.00			154,000.00
Traffic Control School						
Crossing OE	4,200.00	4,200.00				4,200.00
Police Dispatch/911 SW	210,000.00	210,000.00				210,000.00
Police Dispatch/911 OE	1,500.00	1,500.00				1,500.00
Fire Department SW	1,090,000.00	1,090,000.00	1,065,000.00			2,155,000.00
Fire Department OE	80,000.00	80,000.00				80,000.00
Office of Emergency						
Management SW	4,200.00	4,200.00	1,000.00			5,200.00
Office of Emergency						
Management OE	11,000.00	11,000.00				11,000.00
Municipal Prosecutor SW	13,500.00	13,500.00	15,500.00			29,000.00
Municipal Prosecutor OE	5,000.00	5,000.00				5,000.00
Shade Tree	18,000.00	18,000.00				18,000.00
Public Works SW	800,000.00	800,000.00	450,000.00			1,250,000.00
Public Works OE	225,000.00	225,000.00				225,000.00
Vehicle Maintenance - Fire	25,000.00	25,000.00				25,000.00
Vehicle Maintenance - Police	25,000.00	25,000.00	2,000.00	10,000.00	5,000.00	42,000.00
Vehicle Maintenance -						
PW/Motor pool	50,000.00	50,000.00	20,000.00	70,000.00		140,000.00
Solid Waste	400,000.00	400,000.00	100,000.00			500,000.00
Recycling	28,000.00	28,000.00	25,000.00		50,000.00	103,000.00
Snow Removal	60,000.00	60,000.00				60,000.00
Municipal Service Act	9,000.00	9,000.00				9,000.00
Public Health Services SW	32,000.00	62,000.00	16,000.00		22,000.00	100,000.00
Public Health Services OE	17,000.00	17,000.00	5,000.00	10,000.00		32,000.00
Community Center SW	10,000.00	10,000.00	14,000.00			24,000.00
Community Center OE	1,000.00	4,000.00				4,000.00
Parks & Playgrounds SW	30,000.00	30,000.00	22,000.00		75,000.00	127,000.00
Parks & Playgrounds OE	40,000.00	40,000.00				40,000.00
Maintenance of Free Public						
Library	175,000.00	175,000.00	175,000.00			350,000.00

Accumulated Leave Compensation	53,500.00	53,500.00				53,500.00
Electricity OE	167,000.00	167,000.00	167,000.00			334,000.00
Telephone	119,000.00	119,000.00	119,000.00		50,000.00	288,000.00
Fire Hydrant Service	100,000.00	100,000.00	100,000.00			200,000.00
Water OE	23,000.00	23,000.00	5,000.00		20,000.00	48,000.00
Natural Gas	25,000.00	25,000.00	25,000.00		40,000.00	90,000.00
Sewerage Disposal						
Lind/Roselle Authority	800,000.00	800,000.00	800,000.00		650,000.00	2,250,000.00
Gasoline	80,000.00	80,000.00	20,000.00	50,000.00	25,000.00	175,000.00
Contingency	10,000.00	10,000.00				10,000.00
PERS		-	773,626.00			773,626.00
Social Security	220,000.00	220,000.00	220,000.00			440,000.00
Police & Fire Retirement		-	3,715,716.57			3,715,716.57
DCRP	3,500.00	3,500.00				3,500.00
Tax Appeals Reserve	7,500.00	7,500.00				7,500.00
Judgements	100,000.00	100,000.00				100,000.00
Shared Service: Dispatch	70,000.00	70,000.00				70,000.00
Shared Service: STD Elizabeth	3,000.00	5,000.00				5,000.00
Shared Service: Health Officer	52,000.00	52,000.00				52,000.00
Shared Service: Animal Control	11,000.00	11,000.00	24,000.00			35,000.00
Municipal Court SW	115,000.00	115,000.00	120,000.00			235,000.00
Municipal Court OE	18,000.00	18,000.00		7,000.00	10,000.00	35,000.00
Public Defendant SW	8,100.00	8,100.00	2,000.00			10,100.00
Public Defendant OE	2,500.00	2,500.00				2,500.00
Capital Improvement - 3rd Ave Sewer					54,000.00	54,000.00
Capital Improvement - Poplar St. and other Parks				94,000.00		94,000.00
Capital Improvement Fund	400,000.00	400,000.00				400,000.00
Bond Principal	1,945,000.00	1,945,000.00				1,945,000.00
Bond Interest	1,217,000.00	1,217,000.00				1,217,000.00
Not Interest	330,000.00	330,000.00				330,000.00
NJEIT Loan	100,000.00	100,000.00				100,000.00
Green Trust Loans	2,600.00	2,600.00				2,600.00
	16,204,950.00	16,478,550.00	12,283,412.57	524,000.00	1,060,000.00	30,345,962.57

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held on May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> of May 2023.

**RESOLUTION NUMBER 2023-191**



**RESOLUTION OF THE BOROUGH OF ROSELLE AUTHORIZING EXECUTION OF  
A USE & OCCUPANCY AGREEMENT WITH FOYA DEVELOPMENT GROUP, LLC  
TO ERECT A FENCE AND SIGNAGE AROUND CERTAIN BOROUGH OWNED  
PROPERTY IDENTIFIED AS BLOCK 2605, LOT 1.01 ON THE BOROUGH'S TAX  
MAPS**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated as in need of redevelopment; and

**WHEREAS**, the Municipal Council of the Borough (the "Borough Council") adopted an ordinance, as amended November 7, 2007, April 14, 2008, July 20, 2011 and April 16, 2014, approving and adopting the Central Roselle Revitalization Plan (as amended, the "Central Roselle Revitalization Plan"), a redevelopment plan applicable to the area described as follows:

The Revitalization Plan Area begins at the corner of Chestnut Street and St. Georges Avenue, north on Chestnut Street to Eighth Avenue, east on Eighth Avenue to Spruce Street, north on Spruce Street to Seventh Avenue, East on Seventh Avenue to Chandler Avenue, south on Chandler Avenue to Morris Place, east on Morris Place to Harrison Avenue, south on Harrison Avenue to Georges Place, east on Georges Place to the western border of Warinanco Park, south along the eastern border of Blocks 1402 and 1404 to St. Georges Avenue, and St. Georges Avenue west to Chestnut Street (the "Central Roselle Revitalization Area"); and

**WHEREAS**, pursuant to the Redevelopment Law, on August 20, 2014, the Borough Council adopted Resolution No. 2014-371 designating the properties identified as Block 2604, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 & 10, and Block 2605, Lots 1, 2, 3, 4, 5, 7.01 & 8 on the official tax map of the Borough (the "Redevelopment Area") as an area in need of redevelopment under Section 5(g) of the Redevelopment Law (*N.J.S.A. 40A:12A-5(g)*), only for the purposes of long-term tax exemption and/or abatement pursuant to *N.J.S.A. 40A:20-1 et seq.* or *N.J.S.A. 40A:21-1 et seq.*, as applicable; and

**WHEREAS**, on September 17, 2014, the Borough Council adopted an ordinance further amending the Central Roselle Revitalization Plan (as amended, the "Redevelopment Plan") to include therein a reference to the redevelopment area designation of the Redevelopment Area for purposes of long-term tax exemption and/or abatement pursuant to *N.J.S.A. 40A:20-1 et seq.* or *N.J.S.A. 40A:21-1 et seq.*, as applicable; and

**WHEREAS**, the Borough presently owns a portion of the Redevelopment Area now identified as Block 2605, Lot 1.01 (formerly identified as Block 2605, Lots 1, 2, 3, 4, 5, 7.01 & 8) on the Borough's maps (the "Project Area"); and

**WHEREAS**, Foya Development Group, LLC (and/or its affiliates, the "Redeveloper") proposes to purchase and redevelop the Project Area by constructing thereon an approximately 3,500 square foot IHOP restaurant with indoor seating and outdoor seating (which will be the first

in the North East), as well as offer takeout together with certain other on-site and off-site improvements and other related obligations (collectively, the “Project”); and

**WHEREAS**, on March 15, 2023, the Borough Council the Borough adopted a Resolution No. 2023-119 authorizing the execution of a redevelopment agreement (the “Redevelopment Agreement”) with the Redeveloper in order to set forth the rights and obligations of the Borough and the Redeveloper with respect to the undertaking of the Project on the Project Area, authorizing the conveyance of the Project Area from the Borough to the Redeveloper, and designating the Redeveloper as “redeveloper” of the Project Area contingent on the Borough entering into said Redevelopment Agreement; and

**WHEREAS**, the Borough and Redeveloper are in the process of finalizing the Redevelopment Agreement; and

**WHEREAS**, closing of title to the Project Area is anticipated by the Borough and the Redeveloper to take place sometime in the year 2023 (the “Closing”) in accordance with the terms of the Redevelopment Agreement once finalized; and

**WHEREAS**, prior to the Closing, the Redeveloper wishes to erect a fence and signage around the Project Area; and

**WHEREAS**, the Borough wishes to grant Redeveloper access to the Project Area for such purposes, subject to reasonable restrictions; and

**WHEREAS**, to achieve these goals, the Borough and Redeveloper now desire to enter into a use and occupancy agreement that will authorize the Redeveloper to use and occupy of the Project Area prior to Closing, set forth insurance requirements, impose continued maintenance obligations of the Project Area on Redeveloper, and to set forth other obligations and restrictions on Redeveloper in connection with its use and occupancy of the Project Area.

**NOW THEREFORE BE IT RESOLVED** by the Borough Council of the Borough of Roselle, in the County of Union, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though set forth at length herein.

Section 2. The Mayor is hereby authorized to execute the use and occupancy agreement (the “U & O Agreement”) in substantially the same form as that attached hereto as Exhibit A, with such additions, deletions or modifications as the Mayor deems necessary upon consultation with the Borough’s counsel.

Section 3. This Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey

at a Regular Meeting of said Council held May 17, 2023.

**IN WITNESS WHERE OF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May 2023.

**RESOLUTION NUMBER 2023-192**

**RESOLUTION APPOINTING CONSTRUCTION OFFICIAL**

**WHEREAS**, there is a need for the Borough of Roselle to fill the position of Construction Official; and

**WHEREAS**, TracyAnn Wenskoski holds the requisite license, pursuant to N.J.A.C. 5:23-5.6 and has been deemed qualified for the position of Construction Official; and

**WHEREAS**, Ms. Wenskoski has indicated here interest in performing the duties of Construction Official for the Borough of Roselle.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, hereby appoints TracyAnn Wenskoski to the position of Construction Official at a rate of pay of \$55.00 per hour, payable biweekly. Said appointment to be effective retroactively on May 1, 2023 for a period of time not to exceed six (6) months.

**BE IT FURTHER RESOLVED**, that the requirements of the Borough Code, Section 5-10.B, regarding residency in the Borough, are hereby waived by the Borough Council as to TracyAnn Wenskoski.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held May 17<sup>th</sup>, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> day of May, 2023.

**Motion to adopt by Councilwoman Wilkerson, second by Councilman Villeda.**

<b>Vote Record –Resolution Nos. 2023-190 through 2023-192</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilwoman Johnson	X			
Councilwoman Thomas				X
Councilman Fortuna	X			

Councilwoman Wilkerson	X			
Council President Bernier	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

## **PAYMENT OF BILLS**

### **Resolution # 2023-193**

RESOLVED: That the following be paid by the borough by checks drawn on  
TD Bank made payable to those persons for whom the warrants are drawn:

#### **BILL LIST**

**17-May-23**

#### **FUND**

ANIMAL CONTROL	\$	28.80
CAPITAL ACCOUNT	\$	19,390.51
CDBG TRUST		
CURRENT FUND	\$	6,315,593.71
ESCROW TRUST	\$	38,167.00
FSLEF		
SLEF		
GENERAL TRUST ACCOUNT	\$	2,675.51
TRUST DCA FEES		
GRANT ACCOUNT		
SUI		
APRIL 21, 2023 PAYROLL	\$	697,749.57
MAY 5, 2023 PAYROLL	\$	710,473.78
MANUAL CHECK	\$	388,051.56

POAA

REDEMPTION PREMIUM ACCOUNT           \$       15,600.00

PUBLIC DEFENDER

REDEMPTION TRUST                         \$       7,061.94

RESERVE FOR ESCROW

SALARY DEDUCTION

GRAND TOTAL                                 \$8,194,792.38

**Motion to adopt by Council President Bernier, second by Councilman Fortuna.**

<b>Vote Record –Resolution No. 2023-193</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilwoman Johnson	X			
Councilwoman Thomas				X
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
Council President Bernier	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

**RESOLUTION NUMBER 2023-194**

**RESOLUTION AUTHORIZING A CLOSED (EXECUTIVE SESSION)**

**WHEREAS**, Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Roselle Council, County of Union, State of New Jersey, as follows:

1. The public shall be excluded from discussions of and action hereinafter specified as:

- Personnel Matters
- Contract Negotiations
- Contractual Matters
- Litigation Matters
- Matters Falling Within Attorney Client Privilege

2. It is anticipated at this time, the above stated subject matters will be made public when it is determined that the need for confidentiality no longer exists.

This resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held on May 17, 2023.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17<sup>th</sup> of May 2023.

**No action taken on Resolution 2023-193.**

### **COUNCIL COMMENTS**

**Councilman Villeda provided the following comments:**

- Issues with traffic accidents in the First Ward on 2<sup>nd</sup> Ave., 3<sup>rd</sup> Ave., Harrison and Sheridan Ave.
- Asked for support from his Council colleagues with traffic issues to have four-way stop signs and speed bumps installed
- Damage to a resident's roof at 548 Sheridan Avenue
- Blessings to all the mothers in the world including his wife and mother

**Councilwoman Johnson provided the following comments:**

- Gave condolences to a police officer who was killed in the line of duty
- Thanked Grant Writer Dave Biunno for securing grants funds
- Congratulated Economic Development Coordinator Victor Klymenko
- Funding for four-way stop signs throughout the Borough
- Thanked the Roselle Fire Department in reference to a fire on E. 8<sup>th</sup> Avenue
- Asked for a sidewalk list
- Thanked Engineering for streets that were repaved

- Congratulated 2023 college graduates and others who will graduate in 2023

**Councilman Fortuna provided the following comments:**

- Congratulated Police Captain William Lord on his promotion
- In touch with engineering rep for construction on West 6<sup>th</sup> Avenue off Pine Street
- In support of the Staten Island Rapid Transit Rail Bike Trial for the 3<sup>rd</sup> and 5<sup>th</sup> Ward
- The next 5<sup>th</sup> Ward meeting will be held on June 26, 2023 from 6:00 p.m. to 8:00 p.m. at the Amalfe Community Center

**Councilwoman Wilkerson provided the following comments:**

- Gave condolences to the Wright and Morris families
- Congratulated Captain William Lord on his promotion
- Talked about the process of getting stop signs and speed bumps
- Thanked Ms. Chavez for comments about Chestnut Street
- Thanked the engineers and grant writer for getting East 8<sup>th</sup> Avenue paved
- Spoke to the grant process and the role everyone plays in it
- Congratulated Victor Klymenko on winning Economic Development Coordinator of the Year

**Council President Bernier provided the following comments:**

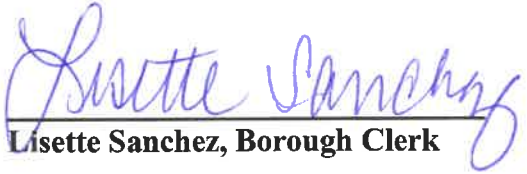
- The next 2<sup>nd</sup> Ward meeting will be held on May 30, 2023 at 7:00 p.m. via Zoom
- The Poplar Street Park playground set was installed
- Council approved a use and occupancy agreement with FOYA Group
- Paving was done on East 10th Avenue, Chandler Avenue
- Arminio Field House is near completion
- Council stands committed to do as much as they can about traffic safety issues
- Four-way stops signs and speedhumps have been installed in the last three years
- 2<sup>nd</sup> Avenue and Walnut Street will be paved in 2023 as part of the NJDOT grant
- Thanked Councilwoman Kim Shaw for her comments
- The Council will continue to work on issues

**MAYOR'S COMMENTS**

- Congratulated Captain William Lord on his promotion
- Gave condolences on the families who lost loved ones in recent months
- Thanked his wife Kim Shaw for her comments
- Supports the bike trail initiative
- Will continue to move the Borough forward by pushing for a great financial structure and ensure that families benefit from what they deserve and pay for
- Congratulated Victor Klymenko on winning Economic Development Coordinator of the Year
- Memorial Day Parade will be held on May 29, 2023 starting at Harrison Ave., and East 2<sup>nd</sup> and ending at Borough Hall

**ADJOURNMENT**

**Motion to adjourn by Council President Bernier, second by Councilwoman Wilkerson.  
Motion was approved by unanimous vote. Meeting adjourned at 8:06 p.m.**

  
**Lisette Sanchez, Borough Clerk**