

**BOROUGH OF ROSELLE
MAYOR & COUNCIL
MINUTES OF THE SPECIAL MEETING
JANUARY 27, 2020**

Mayor Dansereau called the Borough of Roselle, Union County, New Jersey, Mayor and Council Regular meeting of the Borough of Roselle, Union County, New Jersey, held at Borough Hall, 210 Chestnut Street, Roselle, New Jersey to order on January 27, 2020 at 7:31 p.m. The flag salute was done, and Mayor Dansereau gave the invocation.

Acting Municipal Clerk, Lydia Massey then read the below Statement of Compliance into Record:

This is to state for the record that this meeting is being held according to the requirements of the Open Public Meetings Act, Section 5, Chapter 231, P.L. 1975, by emailing Notice to the Home News Tribune and Star Ledger Newspaper, by posting on the Borough Hall Bulletin Board and the Borough of Roselle website, and by filing said notice in the Office of the Municipal Clerk.

ROLL CALL:

Attendee Name	Title	Status	Arrived
Denise Wilkerson	Councilwoman	P	
Brandon Bernier	Councilman	P	
Cindy Thomas	Councilwoman	A	
John Fortuna	Councilman	P	
Cynthia Johnson	Councilwoman	P	
Christine Dansereau	Mayor	P	

ALSO PRESENT:

Jack Layne, Borough Administrator; Mohamed Jalloh, Borough Attorney; Anders Hasseler, CFO; Lydia D. Massey, Acting Municipal Clerk

Motion by Councilman Bernier, seconded by Councilman Fortuna to adopt Resolution Number 2020-073, and go into Closed Executive Session.

CLOSED EXECUTIVE SESSION

RESOLUTION NUMBER 2020-073

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:
 - 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, Lydia D. Massey, Acting Municipal 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 Special meeting of said Council held January 27, 2020.

Vote Record – Resolution Number 2020-073				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilman Fortuna	x			
Councilman Johnson	x			
X Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

The Governing Body went into Closed Executive Session at 7:35pm.

The Governing Body came out of Executive Session at

Motion by Councilman Bernier, seconded by Councilwoman Johnson to adopt Resolution Number 2020-074.

RESOLUTION NUMBER 2020-074

RESOLUTION DESIGNATION A QUALIFIED PURCHASING AGENT

WHEREAS, there is a need in the Borough of Roselle for the position of Qualified Purchasing Agent in order to efficiently maintain financial operations; and

WHEREAS, Eric Walker was previously appointed Temporary Purchasing Agent on March 13, 2019 according to N.J.S.A 40A:11-9(7)(g); and

WHEREAS, Eric Walker has obtained all required certifications necessary to be the Qualified Purchasing Agent; and

WHEREAS, local units can designate a Qualified Purchasing Agent pursuant to N.J.S.A. 40A:11-9; and

WHEREAS, N.J.A.C. 5:34-5 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Eric Walker possesses the designation of Qualified Purchasing Agent as issued by the Director of the Division of Local Government Services in accordance with N.J.A.C 5:34-5 et seq as of June 27,2019.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND GOVERNING BODY OF THE BOROUGH OF ROSELLE:

1. Eric Walker is hereby designated as the Qualified Purchasing Agent, commencing January 28, 2020 at a salary of \$65,000.00 to exercise the duties of qualified purchasing agent pursuant to N.J.S.A. 40A:11-2(30), with specific relevance to the authority, responsibility, and accountability of the purchasing activity of the contracting units; and
2. The Borough of Roselle designates to the Qualified Purchasing Agent and delegates to him the authority to act on behalf of the Borough of Roselle and make, negotiate, and award all contracts and goods and services which do not exceed the bid threshold of \$40,000.00 as provided for in N.J.S.A. 40A:11-1 et seq; and
3. In accordance with N.J.A.C. 5:34-5.2 the local unit Clerk is hereby authorized and directed to forward a certified copy of this resolution and a copy of Eric Walker's certification to the Director of the Division of Local Government Services.

I, Lydia D. Massey, Acting 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 Special meeting of said Council held January 27, 2020.

Vote Record – Resolution Number 2020-074				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilman Fortuna	x			
Councilman Johnson	x			
X Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

Motion by Councilman Bernier, seconded by Councilman Fortuna to adopt Resolution Number 2020-075.

RESOLUTION NUMBER 2020-075

**RESOLUTION TO DECLARE THE ROSELLE DEMOCRATIC COMMITTEE'S SELECTION OF
THREE INDIVIDUALS TO BE CONSIDERED TO REPLACE THE FIRST WARD SEAT NULL
AND VOID**

WHEREAS, on January 1, 2020, Denise Wilkerson ("Wilkerson") resigned her position as Councilwoman of the 1st Ward on the Borough Council of the Borough of Roselle and was sworn in to the position of Councilwoman at Large; and

WHEREAS, the resignation of Councilwoman Wilkerson created a vacancy of an office on the Borough Council of the Borough of Roselle (hereinafter referred to as the "Vacancy"); and

WHEREAS, the term of the office of 1st Ward Council previously held by Councilwoman Wilkerson expires, as a matter of law, on December 31, 2020; and

WHEREAS, the Borough of Roselle is a municipality which holds general elections for the offices of the Mayor and members of the Borough Council; and

WHEREAS, N.J.S.A. 40A:16-5(a) provides, in pertinent part, that if a vacancy occurs in accordance with N.J.S.A. 40A:16-3 and if such a vacancy occurs at any time subsequent to September 1 of the next-to-the last year and up to the expiration of the term of the officer whose office has become vacant, the vacancy may be filled for its unexpired term by appointment by the governing body; and

WHEREAS, N.J.S.A. 40A:16-11 further provides that when there is an appointment to fill a vacancy where the incumbent was a nominee of a political party, the municipal committee of the political party of which the incumbent was the nominee shall, no later than 15 days after the occurrence of the vacancy, present to the governing body the names of three nominees for the selection of a successor to fill the vacancy; and

WHEREAS, N.J.S.A. 40A:16-11 further provides if the municipal committee which nominated the incumbent fails to submit the names of the nominees within the prescribed 15 days, the governing body may, within the next 15 days, fill the vacancy by the appointment of a successor from the same political party; and

WHEREAS, Councilwoman Wilkerson was the nominee of the Democratic Party for the 1st Ward Council seat when she won that office in the general election held on November 7, 2017; and

WHEREAS, the Roselle Democratic Committee ("RDC") purported to hold a meeting on January 14, 2020, for the purpose of selecting three nominees to fill the borough council vacancy, and after which the chairman of the committee, on behalf of himself, emailed the names of three candidates to fill the vacancy to the Acting Borough Clerk; and

WHEREAS, the meeting of January 14, 2020, was called pursuant to and in compliance with the Bylaws of the RDC, Article V, Chairpersons, which states the Chairperson shall have the power to call all special meetings of the Committee and all regular meetings at such time or times as may seem to her/him to be advisable, subject only to the vote of the Committee in fixing the number of the regular meetings to be held during the course of the year; and

WHEREAS, the Bylaws of the RDC, Article VIII, Correspondence Secretary, requires that the Correspondence Secretary shall issue notice by mail to each member of each meeting at least 7 days prior to the date of the meeting; and

WHEREAS, the failure to properly notice Committee members of a meeting as required by the Bylaws renders any transaction of business null and void; and

WHEREAS, the Bylaws of the RDC, Article VIII, Quorum and Voting, Paragraph "A", requires twenty (20) of the members of the Committee to constitute a quorum for the transaction of business; and

WHEREAS, the Bylaws of the RDC, Article VIII, Quorum and Voting, Paragraph "B", requires a valid Committee "vote" to be made by a majority of the members present for a voting quorum; and

WHEREAS, the absence of a quorum of the Committee members as required by the Bylaws renders any transaction of business null and void; and

WHEREAS, all current members of the governing body are members of the RDC and some have first-hand knowledge that the municipal committee failed to properly notice said meeting and failed to attain a quorum of twenty Committee members at said meeting in accordance with the Committee's Bylaws set forth above, thereby failing to hold an official meeting of the committee that would permit the transaction of business in the prescribed 15 days under N.J.S.A. 40A:16-11; and

WHEREAS, the RDC was therefore unable hold a meaningful vote or take any legitimate action to select three nominees on behalf of the committee and was consequently unable to comply with the provisions set forth under N.J.S.A. 40A:16-11; and

WHEREAS, collectively or individually, the failure to notice all members of the RDC and the absence of a quorum, renders any action taken at the meeting null and void.

WHEREAS, to the extent the Borough Council determines that any action taken at the RDC's meeting on January 14, 2020 to select three nominees to fill the vacancy is null and void, pursuant to N.J.S.A. 40A:16-1, the Borough Council has determined that said inaction amounts to a failure to submit the names of three nominees within 15 days of said vacancy, thus permitting the Borough Council to fill the vacancy by the appointment of a successor from the same political party; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roselle that, pursuant to N.J.S.A. 40A:16-11, the RDC, having failed to properly notice members of

the Committee and the absence of a quorum, renders any action selecting three individuals to replace Wilkerson null and void.

I, Lydia D. Massey, Acting 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 Special meeting of said Council held January 27, 2020.

Vote Record – Resolution Number 2020-075				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilman Fortuna	x			
Councilman Johnson		x		
X Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

Motion by Council President Wilkerson, seconded by Councilman Bernier to adopt Resolution Number 2020-076.

RESOLUTION NUMBER 2020-076

**RESOLUTION TO FILL THE VACANCY FOR THE UNEXPIRED TERM IN THE FIRST WARD
AND TO APPOINT ISABEL SOUSA TO THE COUNCIL SEAT**

WHEREAS, on January 1, 2020, Denise Wilkerson (“Wilkerson”) resigned her position as Councilwoman of the First Ward on the Borough Council of the Borough of Roselle and was sworn in to the position of Councilwoman at Large; and

WHEREAS, the resignation of Councilwoman Wilkerson created a vacancy of an office on the Borough Council of the Borough of Roselle (hereinafter referred to as the “Vacancy”); and

WHEREAS, the term of the office of First Ward Council previously held by Councilwoman Wilkerson expires, as a matter of law, on December 31, 2020; and

WHEREAS, the Borough of Roselle is a municipality which holds general elections for the offices of the Mayor and members of the Borough Council; and

WHEREAS, N.J.S.A. 40A:16-5(a) provides, in pertinent part, that if a vacancy occurs in accordance with N.J.S.A. 40A:16-3 and if such a vacancy occurs at any time subsequent to September 1 of the next-to-the last year and up to the expiration of the term of the officer whose office has become vacant, the vacancy may be filled for its unexpired term by appointment by the governing body; and

WHEREAS, N.J.S.A. 40A:16-11 further provides that when there is an appointment to fill a vacancy where the incumbent was a nominee of a political party, the municipal committee of the political party of which the incumbent was the nominee shall, no later than 15 days after the occurrence of the vacancy, present to the governing body the names of three nominees for the selection of a successor to fill the vacancy; and

WHEREAS, N.J.S.A. 40A:16-11 further provides if the municipal committee which nominated the incumbent fails to submit the names of the nominees within the prescribed 15 days, the governing body may, within the next 15 days, fill the vacancy by the appointment of a successor from the same political party; and

WHEREAS, the Borough Council appoints Isabel Sousa to fill the vacancy in the First Ward for the unexpired term of Wilkerson; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roselle that, pursuant to N.J.S.A. 40A:16-11, the Borough Council hereby appoints Isabel Sousa to fill the vacancy in the First Ward for the unexpired term of Wilkerson.

I, Lydia D. Massey, Acting 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 Special meeting of said Council held January 27, 2020.

Vote Record – Resolution Number 2020-076				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilman Fortuna	x			
Councilman Johnson		x		
X Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

Mayor Dansereau administered the Oath of Office to Isabel Sousa.

Daniel Antonelli, Esq., Special Counsel to the Borough, gave an explanation of Resolution Number 2020-075, saying that the absence of a quorum and insufficient notice of a meeting were the justification for the decision to nullify the actions taken by the Democratic Committee.

Mayor Dansereau then declared the meeting open for public comment.

PUBLIC COMMENT

1. Reginald Atkins, Roselle Democratic Committee, talked about the process for selecting an applicant to fill the vacant First Ward Seat. He posited that it was not the right of the Council to do anything other than choose from the three names submitted by the Committee. He said the meeting was a circus.
2. Cynthia Atkins, talked about the Jezebel Spirit and said that it was a controlling spirit. She said that the hand of God was against the Mayor.
3. Samuel Bishop, said that he didn't understand how the Governing Body had the power to make null and void the actions of a separate body. He commented on the number required for the Democratic Committee to have a quorum and said that the situation was not over yet.
4. Sylvia Turnage said that the meeting was a horse and pony show. She said the Council was breaking the law by making the process undertaken by the Democratic Committee null and void. She proffered that the Council was in violation of the Open Public Meetings Act. She said she felt bad for the person who is now in the First Ward Seat because she must know how she is being used.
5. Anthony Esposito, 414 E. 3rd Avenue, read into record, a letter from the Democratic Committee Chair to the Acting Municipal Clerk; and said that he took offense to the mention of the Democratic Committee's process because the proper process was not followed.

Seeing no-one else come forward, Mayor Dansereau closed the Public Comment Portion of the meeting.

COUNCIL COMMENT

Councilwoman Sousa said that she was extremely excited to have the opportunity to serve the 1st Ward; and said that she would schedule meetings soon so that she could get to know her 1st Ward neighbors.

Councilman Bernier said that the Democratic Committee failed to meet their obligations in submitting names for the 1st Ward Seat. He said that they failed to notice members in the manner outlined by their by-laws. He said that the by-laws had been in effect for the past decade; but had been ignored. He commented on the process of selecting names for the vacancy and called it inadequate; which he said was entirely the fault of those who run the committee. He quipped that he was confident in the decision made by the Council and that he looked forward to working with Councilwoman Sousa.

Councilwoman Johnson greeted the public and said that she totally disagreed with what took place that night. She talked about Ms. Sousa being chosen to fill the 1st Ward seat and said that she was chosen by Councilman Bernier and Councilwoman Wilkerson to sit on Council. She charged Councilman Bernier to practice what he preaches. She said that Ms. Sousa presented without any resume or application to the Democratic Committee.

Councilman Fortuna welcomed Councilwoman Sousa and said he was sure she would do a great job.

Council President Wilkerson said she was quite comfortable with the decision made by Council that night and that she was most concerned about choosing a person to represent the 1st Ward. She said that she believed the new Councilwoman would be accessible to the residents and that she would do

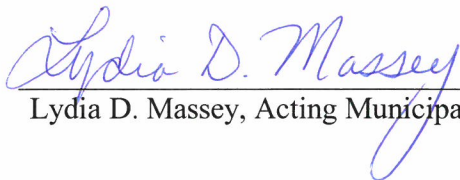
a great job. She said that she, too serves a God, who is a good God and that she is comfortable with her decision.

MAYOR'S COMMENTS

Mayor Dansereau welcomed Ms. Sousa to the Council. She iterated that just because a person says something, it doesn't make it true. She said that she would not debate the law because that is why the Governing Body appoints an attorney. She talked about how she came to know Ms. Sousa and that she was impressed with Ms. Sousa as a representative to the Union County Transportation Advisory Board. She thanked the Council for doing the right thing.

ADJOURNMENT

On a motion by Councilman Bernier, seconded by Councilwoman Johnson, with all in favor and none opposed, the meeting was duly adjourned at 8:45 p.m.


Lydia D. Massey, Acting Municipal Clerk