

**BOROUGH OF ROSELLE
MAYOR & COUNCIL
MINUTES OF THE REGULAR MEETING
JUNE 17, 2020**

Council President Wilkerson 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 June 17, 2020 at 6:30 p.m. The flag salute was done, and the invocation was given by Council President Wilkerson.

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 posting and maintaining the annual notice of Regular and Workshop Meetings on the Borough Hall Bulletin Board, by emailing the Annual Notice of Regular and Workshop meetings for 2020 to the Union County Local Source and The Home News Tribune in 2019, by posting on 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	P	
Isabel Sousa	Councilwoman	P	
John Fortuna	Councilman	P	
Cynthia Johnson	Councilwoman	P	
Christine Dansereau	Mayor	A	

ALSO PRESENT:

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

ROLL CALL

Councilwoman Wilkerson, Councilman Bernier, Councilwoman Thomas, Councilwoman Sousa Councilman Fortuna, Councilwoman Johnson, and Mayor Dansereau

PROCLAMATIONS

Scoliosis Awareness Month – read into record by Councilman Bernier
Men’s Health Month – read into record by John Fortuna
In Honor of Juneteenth – read into record by Councilwoman Sousa
In Memory of George Floyd – read into record by Council President Wilkerson
LGBTQ – read into record by Councilwoman Thomas

APPROVAL OF MINUTES OF MEETINGS

Minutes of the Mayor and Council Special Meeting – May 7, 2020
Minutes of the Mayor and Council Closed Executive Session – May 7, 2020
Minutes of the Mayor and Council Workshop Meeting – May 13, 2020
Minutes of the Mayor and Council Closed Executive Session Workshop – May 13, 2020
Minutes of the Mayor and Council Special Redevelopment Agency Meeting – May 20, 2020
Minutes of the Mayor and Council Closed Executive Session – May 20, 2020
Minutes of the Mayor and Council Regular Meeting – May 20, 2020
Minutes of the Mayor and Council Closed Executive Session – May 20, 2020

Motion by Councilman Bernier, seconded by Councilwoman Thomas, to approve the minutes as written.

Vote Record – June 17, 2020 – Approval of Minutes				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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				

COMMITTEE REPORTS

Councilman Fortuna reported from the DPW Committee that the contract for the Sidewalk Project would be awarded that night. He said that the paving for West 9th Avenue, Wheatsheaf Road and William Street would be completed. He iterated that metals should not be put out with bulk trash. He reminded residents that all mattresses and toilet bowls put out with bulk must be wrapped in plastic.

Councilwoman Johnson reported from Public Safety, that the Police and Fire Departments are operating at 100% capacity; and that both departments are addressing focusing on apparatus repair, so that they can continue to provide a high level of service. She asked her council colleagues to support hiring for the Police Department.

Councilman Bernier reported from the Finance Committee that the budget would be introduced that night with no increase from the Borough; and reminded the public that the Borough does not control the County or board of Education Budgets. He reported that there had been no Planning Board Meetings.

INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES

ORDINANCE ON INTRODUCTION AND FIRST READING – Ordinance 2625-20

AN ORDINANCE AMENDING CHAPTER 595-48 “EXTERIOR MAINTENANCE REQUIREMENTS’ SECTION E. “EXTERIOR APPEARANCE STANDARDS.”

SUBSECTION 1, ‘LANDSCAPING” CREATING A DUTY TO MAINTAIN THE PROPERTY BETWEEN THE CURB AND THE SIDEWALK [Proposed date of Public Hearing – July 15, 2020 Pending Approval]

595-48 Exterior Maintenance Requirements

E. Exterior appearance standards.

- (1) Landscaping. Where exposed to public view the landscaping of premises shall be maintained in an orderly state, with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property. **For the purposes of this section the duty to maintain the lawn shall include a duty to maintain any strip of property located between the curb and the sidewalk or other man-made impediment which would otherwise be connected to the lawn, and or property, regardless of ownership, or easement.**

Council President Wilkerson read Ordinance Number 2625-20 by title, and asked for a motion to approve.

Motion by Councilman Fortuna, seconded by Councilwoman Sousa, to adopt Ordinance Number 2625-20, on First Reading and Introduction.

Vote Record – Ordinance Number 2625-20 – 1st Reading and Introduction				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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				

ORDINANCE ON INTRODUCTION AND FIRST READING – Ordinance 2626-20
AN ORDINANCE AMENDING CHAPTER 595-26 “EXTERIOR APPEARANCE
STANDARDS” SECTION A. “LANDSCAPING” CREATING A DUTY TO MAINTAIN THE
PROPERTY BETWEEN THE CURB AND THE SIDEWALK [Proposed date of Public
Hearing – July 15, 2020 Pending Approval]

595-26 Exterior appearance standards.

The exterior of the premises shall be maintained so that the appearance thereof shall reflect a level of maintenance in keeping with the standards of the neighborhood or such higher standards as may be adopted by the Borough of Roselle and such that the appearance thereof shall not constitute a blighting effect upon neighboring properties nor an element leading to a progressive deterioration and downgrading of neighboring properties with an accompanying diminution of property values, including the following:

A.

Landscaping. Where exposed to public view, the landscaping of premises shall be maintained in an orderly state, with lawns and bushes trimmed and free from becoming overgrown, littered and unsightly where such would constitute a blighting effect, depreciating adjoining and nearby property. Open areas shall be graded evenly to eliminate holes, depressions, gullies, mounds, accumulations of debris or other unsightly or unsafe conditions. For the purposes of this section the duty to maintain the lawn shall include a duty to maintain any strip of property located between the curb and the sidewalk or other man-made impediment which would otherwise be connected to the lawn, and or property, regardless of ownership, or easement.

Council President Wilkerson read Ordinance Number 2626-20 by title, and asked for a motion to approve.

Motion by Councilman Fortuna, seconded by Councilman Bernier, to adopt Ordinance Number 2626-20, on First Reading and Introduction.

Vote Record – Ordinance Number 2626-20 – 1st Reading and Introduction				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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				

ORDINANCE ON INTRODUCTION AND FIRST READING – Ordinance 2627-20

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$3,644,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,896,576 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, NEW JERSEY [Proposed date of Public Hearing – July 15, 2020 Pending Approval]

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvements described in Section 3 of this bond ordinance (the “Improvements”) are hereby authorized to be undertaken by the Borough of Roselle, New Jersey (the “Borough”) as general improvements. For the said Improvements there is hereby appropriated the amount of \$3,644,000, such sum includes the (a) the sum of \$60,000 expected to be received as grant monies from the Union County Municipal Infrastructure Grant in connection with the Columbus Avenue described in Section 3(a)(1); (b) \$467,604 expected to be received as a grant from the New Jersey Department of Transportation in connection with sections of Walnut Avenue and East 9th Avenue described in Section 3(a)(1); (c) the sum of \$120,000 expected to be received as grant monies from a Community Development Block Grant in connection with the Columbus Avenue described in Section 3(a)(1); (d) \$1,000,000 expected to be received as a Green Acres Grant in connection with Arminio Field described in Section 3(a)(2); and (e) the sum of \$99,820 as the down payment (the “Down Payment”) required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the “Local Bond Law”). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

In order to finance the cost of the Improvements not covered by application of the Down Payment and the grants set forth in Section 1 of this bond ordinance, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,896,576 pursuant to the provisions of the Local Bond Law (the “Bonds”). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$1,896,576 pursuant to the provisions of the Local Bond Law (the “Bond Anticipation Notes” or “Notes”).

The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Useful Life
1. Resurfacing and reconstruction of various roads, including but not limited to Columbus Avenue (from 11 th Avenue to Spruce Street), Walnut Avenue (from 5 th Avenue to 10 th Avenue), East 9 th Avenue (from Chestnut Street to Chandler Avenue), Sheridan Avenue (from 7 th Avenue to St. Georges Avenue), East 7 th Avenue (from Walnut Street to Thompson Avenue), including curbing, milling, paving, driveway aprons, sidewalks, handicap ramps, sanitary sewer, storm sewer and other miscellaneous improvements, including traffic safety study and all structures and appurtenance, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Clerk.	2,106,000	1,413,976	12. 50 years
2. Improvements to various parks, including but not limited to Grove Street Park, Pine Street Park and Arminio Field, including all structures and appurtenance, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Clerk	\$1,610,000	\$482,600	15 years
TOTAL:	\$3,644,000	\$1,896,576	

The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$1,896,576.

The estimated cost of the Improvement is \$3,644,000 which amount represents the initial appropriation made by the Borough.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such from as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial

Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Borough Council of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Clerk and is available for public inspection.

The following additional matters are hereby determined, declared, recited and stated:

The Improvement described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The period of usefulness of the Improvement, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 13.13 years.

The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$1,896,576 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

An aggregate amount not exceeding \$624,333 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

Any funds received from time to time by the Borough as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations

shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking

SECTION 10.

This Section 9 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$1,896,576.

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Council President Wilkerson read Ordinance Number 2627-20 by title, and asked for a motion to approve.

Motion by Councilman Bernier, seconded by Councilman Fortuna, to adopt Ordinance Number 2627-20, on First Reading and Introduction.

Vote Record – Ordinance Number 2627-20 – 1st Reading and Introduction				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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				

PUBLIC COMMENTS (on pending resolutions only)

Seeing no-one in queue, Council President Wilkerson closed the public comment portion on pending resolutions only.

Motion by Councilman Bernier, seconded by Councilman Fortuna, to add walk-on resolutions 2020-183 and 2020-184 to the agenda.

Vote Record – Motion to add Resolutions 2020-183 and 2020-184 to the Non-Consent Agenda				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	x		x-2020-170	
X Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

Motion by Councilman Fortuna, seconded by Councilman Bernier, to adopt the consent agenda as written.

CONSENT AGENDA

RESOLUTION NUMBER 2020-169

**MAYOR’S APPOINTMENT OF A MEMBER TO THE ZONING BOARD OF
ADJUSTMENT WITH THE CONSENT OF COUNCIL**

WHEREAS, this Council has previously established the Roselle Zoning Board of Adjustment;
and

WHEREAS, pursuant to N.J.S.A. 40:55D-69 and Section 650-80 of the Borough Code, Zoning Board members are appointed by the Mayor with the consent of Council.

NOW, THEREFORE, BE IT RESOLVED, that the consent of Council is granted for the following appointment to the Zoning Board of Adjustment who is a Roselle resident effective 2020:

<u>Name</u>	<u>Member Type/Term Duration</u>	<u>Term</u>
Kevin McFarlane	Member / 4 years (Filling the unexpired term of Maria Hegener)	Ending 2022

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately, and all newly appointed members will receive a copy of this resolution.

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 as a Regular meeting of said Council held June 17, 2020.

RESOLUTION NUMBER 2020-170

**MAYORS'S APPOINTMENT OF A MEMBER TO THE BOARD OF HEALTH WITH THE
CONSENT OF COUNCIL**

WHEREAS, the Mayor has deemed it necessary and in the best interest of the Borough of Roselle to appoint members to the Health Board; and

WHEREAS, the Mayor has nominated an individual for appointment as a member to the Board of Health for a three-year term effective June 17, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle, County of Union, State of New Jersey, that the following Roselle resident is hereby appointed to the Borough of Roselle Health Board:

<u>Name/Appointment Type</u>	<u>Member Type/Term Duration</u>	<u>Term</u>
Anthony Esposito	Member / 3 years (Filling the unexpired term of Pamela Rey)	Ends 2021

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately, and all newly appointed members will receive a copy of this resolution.

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 Regular meeting of said Council held June 17, 2020.

RESOLUTION NUMBER 2020-171

**RESOLUTION AWARDING CONSTRUCTION CONTRACT FOR THE 2020 ROSELLE
SIDEWALK IMPROVEMENT PROGRAM FUNDED BY THE MUNICIPALITY WITHIN
THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY**

WHEREAS, bids were received and opened up by Qualified Purchasing Agent, Eric Walker on Tuesday, June 2, 2020, at 11:00 A.M. for the above-referenced project; and

WHEREAS, there were nine bids received with the low bidder for the project being Cifelli & Son General Contracting, Inc., 81 Franklin Avenue, Nutley, NJ 07110, with a Base Bid of \$79,350.00; and

WHEREAS, Maser Consulting P.A. and other appropriate Borough Officials have reviewed the bids and recommend award of contract for this project to Cifelli & Son General Contracting Inc., and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose capital budget and/or grant appropriations; specifically within Bond Ordinance Number 2541-16 for said construction services; and

WHEREAS, this Project is funded by the Borough of Roselle; and

WHEREAS, this project is in the best interest of the health, safety and welfare of the general public in the Borough of Roselle.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced construction project is awarded to Cifelli & Son General Contracting Inc., with a Base Bid of **\$79,350.00**.

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

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing 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 on June 17, 2020.

RESOLUTION NUMBER 2020-172

RESOLUTION AUTHORIZING REFUND OF FEES PAID

WHEREAS, Sullivan Funeral Home has requested a cancellation of 6 death certificates and a refund of \$72.00; and

WHEREAS, the Health Department has provided documentation of deposits for the order of the death certificates.

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 monies.

I, Lydia 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held June 17, 2020.

RESOLUTION NUMBER 2020-173

**RESOLUTION APPOINTING SUBSTITUTE PROSECUTOR FOR THE MUNICIPAL
COURT – HOWARD**

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to provide for a Substitute Municipal Prosecutor for the Municipal Court; and

WHEREAS, Christopher M. Howard, 312 North Avenue East, Ste 1 Cranford, New Jersey 07016 is an attorney at law of the State of New Jersey and experienced as a Substitute Municipal Prosecutor.

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

1. That the Borough Council awards a contract to Christopher M. Howard, Esq. as Substitute Municipal Prosecutor to the Borough, said contract to be for the period from June 18, 2020 through June 18, 2021.

2. The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2020 adopted budget Account#0-01-25-275-000-227.

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 2020 budget in **account#0-01-25-275-000-227**; and

WHEREAS, if funds are not available for the contract in the 2020 permanent budget, the contract will be terminated.

1. The remaining balance of the contract will be made available in the CY 2020 Permanent Budget.

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)) because legal services are a recognized profession licensed and regulated by law.

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 said Contract.

4. That an executed copy of the Contract between the Borough and Christopher M. Howard, Esq. 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 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. This Resolution shall take effect immediately.

I, Lydia 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held June 17, 2020.

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 June, 2020.

RESOLUTION NUMBER 2020-174

RESOLUTION APPOINTING SUBSTITUTE PROSECUTOR FOR THE MUNICIPAL COURT – HUEGEL

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to provide for a Substitute Municipal Prosecutor for the Municipal Court; and

WHEREAS, Russell J. Huegel, 190 Middlesex Essex Turnpike, Ste 200 Iselin, New Jersey 08830 is an attorney at law of the State of New Jersey and experienced as a Substitute Municipal Prosecutor.

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

1. That the Borough Council awards a contract to Russell J. Huegel, Esq. as Substitute Municipal Prosecutor to the Borough, said contract to be for the period from June 18, 2020 through June 18, 2021.

2. The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2020 adopted budget Account# 0-01-25-275-000-227.

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 2020 budget in Account#0-01-25-275-000-227; and

WHEREAS, if funds are not available for the contract in the 2020 permanent budget, the contract will be terminated.

1. The remaining balance of the contract will be made available in the CY 2020 Permanent Budget.
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)) because legal services are a recognized profession licensed and regulated by law.
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 said Contract.
4. That an executed copy of the Contract between the Borough and Russell J. Huegel, Esq. 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 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. This Resolution shall take effect immediately.

I, Lydia 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held June 17, 2020.

RESOLUTION NUMBER 2020-175

RESOLUTION APPOINTING SUBSTITUTE PROSECUTOR FOR THE MUNICIPAL COURT – MASON LAW FIRM, LLC

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to provide for a Substitute Municipal Prosecutor for the Municipal Court; and

WHEREAS, Mason Law Firm, LLC, 1812 Front Street, Scotch Plains, NJ 07076 is an attorney at law of the State of New Jersey and experienced as a Substitute Municipal Prosecutor.

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

1. That the Borough Council awards a contract to Mason Law Firm, LLC,. as Substitute Municipal Prosecutor to the Borough, said contract to be for the period from June 18, 2020 through June 18, 2021.

2. The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2020 adopted budget Account#0-01-25-275-000-227.

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 2020 budget in **account#0-01-25-275-000-227**; and

WHEREAS, if funds are not available for the contract in the 2020 permanent budget, the contract will be terminated.

1. The remaining balance of the contract will be made available in the CY 2020 Permanent Budget.

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)) because legal services are a recognized profession licensed and regulated by law.

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 said Contract.

4. That an executed copy of the Contract between the Borough and Mason Law Firm, LLC, 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 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. This Resolution shall take effect immediately.

I, Lydia 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held June 17, 2020.

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 June 2020.

RESOLUTION NUMBER 2020-176

RESOLUTION APPROVING A LIST OF QUALIFIED VENDORS FOR PROFESSIONAL SERVICES WITHIN THE BOROUGH OF ROSELLE FOR THE FISCAL YEAR 2020-21

WHEREAS, in accordance with N.J.S.A. 40A:11-2(6) the Borough of Roselle in the County of Union, a municipal corporation of the State of New Jersey, instituted a policy to negotiate agreements for Professional Services on the basis of demonstrated confidence and qualifications for types of Professional Services required by the Borough of Roselle pursuant to the a fair and open process in accordance with N.J.S.A. 19:44A-20.4; and,

WHEREAS, the Borough of Roselle has received in accordance with a published notice, sealed qualifications for various positions; and,

WHEREAS, pursuant to the fair and open process, and based upon review of specifications, qualifications and recommendations therefore, certain professionals are qualified for certain positions for the fiscal year 2020-21:

Substitute Prosecutor Services

Gina DeVito, Esq.

The Law Office of Gina DeVito, LLC
28 Valley Rd., Ste. #1
Montclair, NJ 07042

Kirk Nelson Law
579B Raritan Road, Suite 181
Roselle, NJ 07203

Law Office of Moshood Muftau
Moshood Muftau, Esq.
247 Conant Street
Hillside, NJ 07205

GRM Legal Works, LLC
Gracia Robert Montilus, Esq.
76 South Orange Avenue, Ste. 107
South Orange, NJ 07079

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle, County of Union, State of New Jersey, that in accordance with N.J.S.A. 40A:11-2(6) on such basis as necessary, and for each of the approved and qualified vendors, a resolution approving each individual specified contract shall be considered by the Mayor and Council; and

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

I, Lydia 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held June 17, 2020.

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 June 2020.

RESOLUTION NUMBER 2020-177
AUTHORIZE TAX TITLE LIEN REDEMPTIONS

WHEREAS, at a sale of land for delinquent taxes and all liens held by the Tax Collector of Roselle Borough, Union County, various blocks and lots were sold to the attached persons; and

WHEREAS, said property and/or liens have been redeemed by the owners thereof, and the purchasers of said property are legally entitled to a refund of monies paid at the time of redemption in the attached specific amounts;

NOW, THEREFORE, BE IT RESOLVED that the amounts covering the certificates of sale, together with all the charges due the said individuals at the time of redemption be and the same are hereby ordered refunded to the said individuals, and the proper officials of the Borough of Roselle, Union County, New Jersey are hereby authorized and empowered to execute a voucher to the said individuals in the attached amounts.

LIENHOLDER	BLOCK	LOT	QUAL	CERTIFICATE	PREMIUM	REDEMPTION	TOTAL
FNA DZ, LLC	1701	12		18-00021	\$25,500.00	\$24,840.91	\$50,340.91
MTAG ASCUST FOR ATCF II NJ, LLC	4403	1		16-00043	\$20,000.00	\$78,120.15	\$98,120.15
TOTAL					\$45,500.00	\$102,961.06	\$148,461.06

Redemptions (acct#T18-56-400-000-000)

Premiums (acct#T18-56-500-000-000)

I certify that the foregoing is a true and correct copy of resolution adopted by the Mayor and Council of the Borough of Roselle at a meeting held June 17, 2020.

RESOLUTION NUMBER 2020-178
AUTHORIZE REFUND OF TAX OVERPAYMENTS

WHEREAS, there appears on the books of the Tax Collector, refunds due, resulting from Tax Overpayments; and

WHEREAS, refunds are to be made to the persons who have made these overpayments;

NOW, THEREFORE, BE IT RESOLVED that the Borough CMFO of the Borough of Roselle, Union County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.

NAME	MAILING ADDRESS	BLOCK	LOT	QUAL REASON	TOTAL
LERETA TAX SERVICES	1123 PARK VIEW DRIVE, COVINA, CA 91724	303	13	OVERPAYMENT	\$1,742.15

(acct# 20-01-286-56-001)
(acct#T20-56-400-000-000)
(acct#T20-56-500-000-000)

I certify that the foregoing is a true and correct copy of resolution adopted by the Mayor and Council of the Borough of Roselle at a meeting held June 17, 2020.

Vote Record – Consent Agenda – July 15, 2020				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	x		x-2020-170	
X Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

NON-CONSENT AGENDA

Motion by Councilman Bernier, seconded by Councilwoman Johnson, to adopt Resolution Number 2020-179.

RESOLUTION NUMBER 2020-179

RESOLUTION ASSIGNING EXTRA SESSIONS TO CARL L. MARSHALL, ESQ., IN THE
MUNICIPAL COURT

WHEREAS, the Borough has previously established the Roselle Municipal Court pursuant to N.J.S.A. 2B:12-1, et seq.,

WHEREAS, there is an immediate need for increased court sessions to help mitigate case load; and

WHEREAS, Carl L. Marshall, Esq., is the current Municipal Court Judge, and as such qualified to serve as the Municipal Court Judge for the extra court sessions; and

WHEREAS, the Borough Council has considered such increases in the court.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Roselle, County of Union, and State of New Jersey that, effective June 18, 2020, Carl L. Marshall, Esq., be compensated at the additional rate of \$500.00 per session not to exceed \$27,000.00; and

BE IT FURTHER RESOLVED, that said compensation is a stipend in addition to Mr. Marshall's base compensation.

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 regular meeting of said Council held June 17, 2020.

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 June 2020.

Vote Record – Resolution Number 2020-179				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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 Fortuna, seconded by Councilwoman Johnson, to adopt resolution number 2020-180.

RESOLUTION NUMBER 2020-180

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND
EXECUTION OF A GRANT AGREEMENT WITH NEW JERSEY DEPARTMENT OF
TRANSPORTATION FOR THE 2021 NJDOT VARIOUS STREETS IMPROVEMENT
PROJECT WITHIN THE BOROUGH OF ROSELLE

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Roselle, formally approves the grant application to the New Jersey Department of Transportation for the 2021 NJDOT Various Streets Improvement Project; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to submit an electronic grant application identified as **MA-2021-Various Streets - 2021 - Roselle-00092** to the New Jersey Department of Transportation on behalf of the Borough of Roselle; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Roselle and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Mayor and Council on this 17th day of June, 2020.

Vote Record – Resolution Number 2020-180				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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 2020-181.

RESOLUTION NUMBER 2020-181
INTRODUCTION OF THE MUNICIPAL BUDGET

Vote Record – Resolution Number 2020-181				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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 Councilwoman Thomas, seconded by Councilwoman Johnson, to adopt Resolution Number 2020-183.

RESOLUTION NUMBER 2020-183
ACCEPTANCE OF THE RETIREMENT OF POLICE LIEUTENANT LORI A. SOARES

WHEREAS, Police Lieutenant Lori A. Soares has notified the Borough that she will be retiring from the Police Department; and

WHEREAS, Police Lieutenant Lori A. Soares has been a member of the Roselle Police Department, in good standing, for over twenty-five (25) years.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Roselle hereby accept the retirement of Police Lieutenant Lori A. Soares this date, with an effective retirement date of July 1, 2020; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Council thank Police Lieutenant Lori A. Soares for her service to the Borough and wish her luck in her future endeavors.

I, Lydia 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held June 17, 2020.

Vote Record – Resolution Number 2020-183				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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 Fortuna, seconded by Councilman Bernier, to adopt Resolution Number 2020-184.

RESOLUTION 2020-184

RESOLUTION TEMPORARILY RELAXING THE ENFORCEMENT FOR PROHIBITION OF OUTDOOR DINING IN THE BOROUGH OF ROSELLE TO PROVIDE ASSISTANCE TO LOCAL RETAIL BUSINESSES UNDER THE CURRENT SOCIAL DISTANCING RESTRICTIONS ENACTED IN CONNECTION WITH THE ONGOING, CORONAVIRUS PUBLIC HEALTH EMERGENCY

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the novel coronavirus (COVID-19) to be a Public Health Emergency of International Concern as human-to-human transmission; and

WHEREAS, on January 31, 2020, the United States Department of Health and Human Services Secretary declared the novel Coronavirus to be a United States Public Health Emergency.

WHEREAS, on February 3, 2020, New Jersey's Governor, Philip D. Murphy, issued Executive Order 102 establishing the New Jersey Coronavirus Task Force in an effort to monitor the spread of the Coronavirus within the State of New Jersey, the United States of America, and the entire world in order to facilitate necessary and appropriate action to ensure the safety and security of the residents of the State of New Jersey; and

WHEREAS, on March 4, 2020, the State of New Jersey reported the first confirmed positive case of Coronavirus throughout the State; and

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a State of Emergency and a Public Health Emergency in response to the outbreak of the novel Coronavirus within the State of New Jersey; and

WHEREAS, on March 13, 2020, the President of the United States of America formally declared the outbreak of the novel Coronavirus to constitute a National Emergency pursuant to the National Emergencies Act (50 U.S.C. § 1601. et seq.); and

WHEREAS, on March 16, 2020, Governor Murphy issued Executive Order 104 enacting several “social distancing” regulations, including but not limited to, limiting public gatherings to no more than 50 people, closing educational facilities, closing various recreation and entertainment based businesses, imposed restrictions on scope of service and hours of operation for other non-essential retail, recreational, restaurants/bars and entertainment businesses; and

WHEREAS, on March 21, 2020, Governor Murphy issued Executive Order 107 which expanded the social distancing regulations set forth within Executive Order 104, including but not limited to, directing all New Jersey remain in their home or place of residence with specific limited exceptions, prohibited gatherings of any size, closed all non-essential retail businesses and identified essential businesses permitted to continue to operate subject to specific limitations, and reiterated and strengthened social distancing requirements when in public; and

WHEREAS, on March 21, 2020, Governor Murphy also issued Executive Order 108 which specifically voided and precluded County and Municipal Governments from imposing or enforcing any restrictions/regulations that in any way would or might conflict with any of the provisions of Executive Order 107, with the exception of regulating online marketplaces for arranging or offering lodging, municipal or country parks, and beaches and boardwalks; and

WHEREAS, Executive Order 107 specifically regulated the continued operation of Bars/Restaurants and provided, in part, that “All restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, all bars, and all other holders of a liquor license with retail consumption privileges, are permitted to operate their normal business hours, but are limited to offering only food delivery and/or take-out services in accordance with their existing liquor licenses;” and

WHEREAS, on June 3, 2020, Governor Murphy issued Executive Order 150 permitting restaurants, cafeterias, dining establishments and food courts, with or without a liquor license, and all bars to offer “in person” service at outdoor areas subject to certain requirements and conditions effective June 15, 2020; and

WHEREAS, on June 3, 2020, Judith Persichilli, R.N., B.S.N., M.A., the Commissioner of the State of New Jersey Board of Health issued Executive Directive No. 20-014 providing for “COVID-19 Protocols for Food Establishments Offering Service in Outdoor Areas Pursuant to Executive Order No. 150”; and

WHEREAS, *N.J.A.C.* 13:2-5.5 provides: “The Director [of Alcoholic Beverage Control] for special cause shown, may issue such temporary permits for such contingencies where a license is not expressly provided for by law, and such a permit would be appropriate and consonant with the spirit of the Alcoholic Beverage Control Act” and that “The Director may impose special conditions or requirements on any such permit;” and

WHEREAS, *N.J.A.C. 13;2-9.1* provides: “The rules of [*N.J.A.C. 13:2-1.1, et. seq.*] may be relaxed by the Director upon a showing of undue hardship, economic or otherwise, on a licensee; that the waiver of the rule would not unduly burden any affected parties; and that the waiver is consistent with the underlying purposes of Title 33 and the implementing rules.”; and

WHEREAS, on June 3, 2020, James Graziano, Acting Director of the Division of Alcoholic Beverage Control of the State of New Jersey, Department of Law and Public Safety issued a Special Ruling Establishing a Temporary COVID-19 Permit to Expand Licensed Premises (“COVID-19 Expansion Permit”) upon application and approval by the Division and the Municipality; and

WHEREAS, in the anticipation of the effective date of the permission granted in Executive Order 150 (June 15, 2020), the Mayor and Council of the Borough of Roselle find it to be appropriate to temporarily relax its Ordinances, including but not limited to the prohibitions relating to outdoor dining in order to permit said establishments to locate tables and chairs out-of-doors, in existing Parking Lots and/or in other locations on site, subject to the requirements and restrictions set forth in Executive Order 150, the Executive Directive No. 20-014 issued by the State of New Jersey Department of Health, and those set forth herein; and

WHEREAS, the Borough of Roselle has determined that it is in the best interests of the Borough to assist and promote the economic development of local business in these extremely difficult times and have determined that the ability for local businesses to expand its available dining space outdoors will economically assist the businesses in the reduction of capacity caused by the social distancing requirements; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough to temporarily relax the outdoor dining restrictions on local business establishments and to extend outdoor dining into Private Parking Lots and areas to be established on private property under specific terms and conditions consistent with guidelines provided by Executive Order 150 and the State of New Jersey Department of Health and upon application and approval by a Committee of Borough Employees and Representatives to be established by the Borough.

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

1. The statements that are set forth in the preamble are true and accurate. All of the statements of the preamble are repeated and are incorporated herein by this reference thereto and are made a part hereof as if each and every statement were set forth fully herein.
2. Effective immediately, a Temporary Outdoor Dining Committee (“TODC”) is hereby established made up six (6) members comprised of the following: (1) the Borough Health Official, (2) the Borough Engineer, (3) the Borough Fire Official, (4) the Borough Clerk, (5) the Police Chief or his designee, and (6) the Borough

Zoning Official. The TODC is hereby authorized to promulgate requirements, rules and regulations pertaining to the application for and the use of outdoor areas, by local business establishments for outdoor dining consistent with the guidelines established by the State of New Jersey including but not limited to all COVID related safety precautions and measures during the effective dates of this Resolution. The TODC is also authorized to grant approval to any business establishment for the use of space for outdoor dining for the time frames contained in the within Resolution.

3. Any and all business establishments of the Borough of Roselle who wish to utilize the existing private parking lots or private property for outdoor dining shall, prior to its use, complete and submit an application to the Borough Zoning Official for review and approval by the TODC. In an effort to assist the local businesses, the Borough has agreed to waive any application and/or approval fees relating its review.

Restaurants/Bars/Food Service Establishment – Outdoor Dining

4. The TODC is hereby granted the authority and discretion to approve Outdoor Dining Plan Applications pertaining to existing “full-service bars/restaurants,” defined as “restaurants engaged in the preparation and service of meals/food,” in order to permit said establishments to relocate existing indoor tables/seating or locate new tables/seats to other locations on site during the designated times, and/or the designated areas of Parking Lots and/or other private locations during the designated times subject to the following requirements and restrictions:
 - A. Applicants who wish to relocate existing approved tables/seats to other locations on site, or to locate newly acquired tables/seats outdoors and/or other locations on site, shall be required to submit an Outdoor Dining Plan application, and a drawing depicting the proposed layout and location of tables/seating outside of said bar/restaurant, which shall also include but not be limited to, confirmation of the number of existing, approved tables/seats, a depiction of all aisles, routes of ingress and egress, clearances/distances between tables and between the seating area outside, the parking areas and any areas designated for “take-out” or “pick-up”, an illustration, rendering, and/or photograph of all proposed furniture, umbrellas, canopies, and trash receptacles, etc. must be of like nature and appearance to what is currently utilized on site. Applicants shall also submit a brief written narrative describing the proposed method of serving food and beverages in the newly proposed areas. The Applicant should also include how the proposed plan conforms to all safety and precautionary measures relating to social distancing and COVID-19 related issues. The approval of any temporary Outdoor Dining Plan in relation to this Resolution shall be subject to the following conditions:

- i. Applicants may be permitted to relocate existing approved tables/seats and/or to locate newly acquired tables/seats to other locations on site, including existing Parking Lots, subject to the review and approval of the TODC. Notwithstanding the provision of the Resolution, no tables/seats shall encroach on or obstruct the free flow of vehicular traffic and/or pedestrian traffic on a pedestrian walkway or any of its approaches. In addition, notwithstanding the provision of the Resolution, Applicants will not be permitted to increase the currently approved capacity for the Premises.
- ii. Applicants may be permitted to utilize the private property of the adjacent property owner for outdoor dining with the express written consent and approval by the adjacent property owner and business, which must be submitted with the Application.
- iii. Applicants who lease or rent their premises must provide written consent of their landlord to the utilization of the property for outdoor dining.
- iv. Tables/seats may be permitted to be located in the existing Parking Lots and other on-site locations provided a minimum six (6) feet pedestrian walkway is maintained at all times and subject to applicable ADA requirements within the outdoor dining areas.
- v. An approved tables/seats located in an “outdoor dining area,” defined as “a designated area on the premises of a retail food establishment or restaurant, but located outside of the principal building, and where patrons may sit at tables while consuming food and beverages ordered from and served by a waiter or waitress,” may be permitted to be utilized between the hours of 9:00 A.M. and 9:00 P.M.
- vi. Applicants must submit a Parking Plan which sets forth the existing number of spaces and the proposed number of parking spaces to be eliminated by the outdoor dining area. The Parking Plan shall also detail the flow of vehicular traffic and parking on-site. The location of the proposed outdoor dining area must be of a sufficient distance from the vehicular traffic to maintain a safe area for dining. Outdoor Dining will only be permitted in the event a sufficient number of parking spaces remain for the safe operations and effective flow of traffic on-site for the operation of the business establishment.
- vii. Applicants must submit a Litter Control Plan, which shall include a description of the number and location of trash receptacles proposed to service the outdoor dining area, and the frequency with which the

outdoor dining area will be policed for litter in order to control the accumulation of trash/recycling.

- viii. Applicants must also acknowledge and agree to full compliance with all current and newly imposed safety and precautionary measures and guidelines established by the State of New Jersey relating to COVID - 19.
- ix. The sale/service of alcoholic beverages in these locations shall be permitted, subject to compliance with any and all applicable ABC regulations/statutes, including but not limited to a COVID-19 Expansion Permit application, and subject to the review and approval of the Borough Administrator and Chief of Police and the Division of Alcoholic Beverage Control. The approval of any extension of premises application to permit the sale/consumption of alcoholic beverages in outdoor dining areas shall be temporary and shall automatically terminate upon the expiration of the within Resolution and/or by way of further Resolution of the Mayor and Council and/or direction and/or expiration of the Special Ruling of the Alcoholic Beverage Control.
- x. Applicants proposing to relocate existing tables/seats to the Parking Lots and on-site locations shall indemnify and hold harmless the Borough of Roselle, its employees, agents, and/or officers from all claims, losses, liens, expenses, suits and attorney's fees arising out of the placement, operation, and maintenance of the Outdoor Dining Area. Applicants must name the Borough of Roselle as an additional insured under the Applicant's general liability insurance, bodily injury, property damage, and personal injury insurance policies, on a primary and non-contributory basis in the minimum amount of one million (\$1,000,000.00) Dollars, and provide proof of same to the Borough Administrator, and proof that said policies have been amended to reflect coverage for the proposed outdoor dining area.

Temporary Signs

- 5. Effective immediately, the Borough hereby relaxes enforcement of and permits the usage of temporary signs without the necessity of a permit during the effective dates of the within Resolution. The composition and placement of temporary signs must be approved by the TODC. However, upon expiration of the within Resolution all temporary signs shall be removed and the existing procedures and requirements of the erection and location of temporary signs shall be reinstated.
- 6. Notwithstanding Section 5 hereof, nothing herein shall be construed to allow or permit the erection or location of permanent signs within the Borough of Roselle

without the necessity of the formal application and approval by the Borough as provided for in its existing Resolution.

Canopies

7. In the event the applicant seeks to utilize a canopy or similar covering for outdoor dining, they must provide with the application information regarding such canopy or covering to include the height, width and proposed location. A photograph is recommended but not required. Any such canopy or covering will be required to comply with the International Building Code and International Fire Code.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that it hereby reserves the right to amend, terminate, or repeal this Resolution and/or any approvals granted herein at any point in time, if it determines that it is in the best interest of the health safety and welfare of the Borough, and accordingly no property rights or interests are granted to any person(s) or entities by virtue of this Resolution and/or approval hereunder and any person(s) or entities electing to pursue temporary relief in accordance with the provisions of this Resolution are hereby given notice that the expenditure of any funds, or the incurrence of any costs, in reliance upon this Resolution and any approval hereunder shall be at their sole and exclusive risk and expense. All persons and/or entities are hereby given notice that the risk of loss for any expenditure and/or costs incurred shall be their sole and exclusive responsibility; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that with the exception of the temporary relief and application process set forth herein relating to outdoor dining, existing and proposed retail businesses must comply with any and all other federal, state, county, and local laws and regulations, including any and all other existing zoning ordinances and/or general ordinances governing the operation of bars/restaurants; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that in the event the Borough Administrator, Zoning Officer and/or Police Department determines that a business establishment or person is in violation of the conditions of any temporary Outdoor Dining Plan approved in relation to this Resolution, the TODC is hereby authorized to immediately revoke the approval received in relation to this Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that the Borough Administrator, Zoning Officer and Police Department are hereby authorized and empowered to enforce this Resolution and the several provisions hereof as well as the conditions of approval for the use of outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that the Borough Administrator, Zoning Officer and the TODC are hereby further empowered to enforce the discretionary powers which are considered necessary in order to make the provisions hereof properly effective and useful for the benefit of the Borough and its businesses, including but not limited to the commencement of the application and approval process for outdoor dining; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that in order to avoid injustice or the possible abuse of discretion and to correct the possibility of error in judgment, any Applicant, who's Outdoor Dining Plan application is denied by the TODC, has the right to appeal to the Council by filing a notice of appeal with the Borough Clerk within ten (10) days of the denial of said application. Upon receipt of any such notice of appeal, the Council will hear the appeal at its next scheduled regular meeting which is scheduled at least three (3) calendar days after receipt of the notice of appeal, at which time the owner and any other persons appearing in the matter will be heard or afforded the opportunity to be heard. At the conclusion of said hearing, the Council will consider the matter, determine whether to uphold, overturn or modify the TODC's decision, and thereafter notify the owner of its decision; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that the within Resolution and the authority delegated herein and the effects of any permission and/or approvals hereto are expressly conditioned upon Governor Philip Murphy Executive Order 150 and any other restrictions on residents of the State of New Jersey and essential and non-essential businesses and no action is authorized or permitted that would conflict with the actions and/or Executive Orders of Governor Murphy, or any rules, regulations, requirements, prohibitions, and/or guidance of the State of New Jersey and any of its Departments, Agencies, Divisions, including but not limited to the Office of Emergency Management; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that this Resolution shall take effect immediately, however, any approval for outdoor dining shall not be effective until June 15, 2020. The TODC is authorized and directed to commence immediately the promulgation of requirements, rules and regulations pertaining to the application for and the use of outdoor areas by local business establishments for outdoor dining and the approval of same to be effective June 15, 2020; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that in the event that Executive Order 150 is rescinded and/or modified to prohibit outdoor dining or this Resolution is rescinded and/or expires, any temporary approval afforded by the TODC in accordance with the terms and conditions of this Resolution shall be deemed void and have no further effect and the provision for outdoor dining shall cease; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that, upon the effective date of this Resolution, all requirements of prior ordinances, resolution or parts of ordinances or resolutions inconsistent with this temporary resolution are hereby temporary suspended to the extent of their inconsistencies only; and

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Roselle, that the within Resolution and all authorizations contained herein, including but not limited to the delegation of authority and any and all approvals to allow for outdoor dining permitted herein on private property and the permission to locate temporary signs shall lapse and have no further legal effect on November 30, 2020; the State of New Jersey rescinding Executive Order 107 or

eliminating social distance regulations; or by further resolution of the Borough, whichever first occurs; and

BE IT FURTHER RESOLVED by the Mayor and Borough Council of the Borough of Roselle that all Borough officials, employees and agents shall take all necessary actions to in order to effectuate the within Resolution; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Roselle that should any section, paragraph, sentence, clause or phrase of this Resolution be declared unconstitutional or invalid for any reason, or not approved by the State of New Jersey, the remaining portions of this Resolution shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this Resolution are hereby declared to be severable.

I, Lydia 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held June 17, 2020.

Vote Record – Resolution Number 2020-184				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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				

PAYMENT OF BILLS

Motion by Councilman Bernier, seconded by Councilwoman Thomas, to adopt Resolution Number 2020-182.

RESOLUTION NUMBER 2020-182

A BILL LIST DATED JULY 17,2020

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:

<u>FUND</u>	<u>AMOUNT</u>
ANIMAL CONTROL	
CAPITAL ACCOUNT	\$800,317.58
CDBG TRUST	
CURRENT FUND	\$3,406,230.72
ESCROW TRUST	\$7,068.00
FSLEF	\$85.00
SLEF	
GENERAL TRUST ACCOUNT	
TRUST DCA FEES	
GRANT ACCOUNT	\$7,173.00
MAY 22, 2020 PAYROLL	\$624,467.67
JUNE 5, 2020 PAYROLL	\$614,715.02
MANUAL CHECK	\$80,115.55
POAA	
REDEMPTION PREMIUM ACCOUNT	\$45,500.00
PUBLIC DEFENDER	
REDEMPTION	
TRUST	\$102,961.06
RESERVE FOR ESCROW	
SALARY	
DEDUCTION	

GRAND TOTAL	<u>\$5,688,658.30</u>
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Vote Record – Resolution Number 2020-182				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			
Councilwoman Sousa	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				

Council President Wilkerson then declared the meeting open for general public comment.

PUBLIC COMMENT

1. Sylvia Turnage, Roselle Resident, asked why the DPW office workers are on summer hours. She said that residents can't get through and have their issues addressed; and that the situation needed to be remedied. the parks on the west side are open; but Sylvester Land Field on the east side looks terrible.

COUNCIL COMMENT

Councilwoman Sousa talked about the proclamations that were read that night; and said that they were very important. She talked about the recent events, saying that racism is wrong and that there needs to be a major overhaul in society, She talked about the budget, and thanked Mr. Hasseler for his help and explanation thereof. She wished everyone a Happy Father's Day and reminded everyone to complete the 2020 Census.

Councilman Bernier talked about the budget, and asked CFO, Anders Hasseler, to give a brief synopsis of the budget.

Mr. Hasseler said that the Municipal Budget stayed flat, with no increase. He talked about adjustments made due to the COVID-19 Pandemic; and explained the deferred charge, which came as a result of transfers being denied the previous year. He did say that the surplus is slightly up; and most big items (i.e. health insurance and debt service) were comparable to last year. Councilwoman Johnson greeted the public and talked about the proclamations that were read; and said that she would have liked to have read one. She talked about the agenda items that she voted "no" on; and said that she votes her conscience, and in the best interest of the residents.

Councilwoman Thomas greeted everyone and talked about the Black Lives Matter Movement and recent events. She said that her hope was for everyone to be true believers and be the change they want to see in the world.

Councilman Fortuna talked about Public Works initiatives; and said that bulk trash pick-up was back and that road paving would be going on. He gave kudos to Mr. Hasseler and Councilman Bernier for drilling the budget down to a zero percent increase. He said that he was very much in favor of the outdoor dining resolution. He said that he was able to attend the march that the youth organized during the previous week; and that it was good to participate and support the cause.

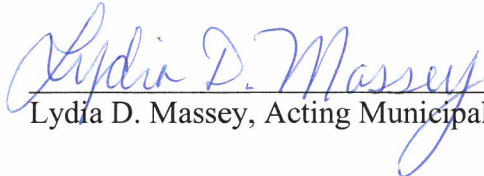
COUNCIL PRESIDENT'S COMMENTS

Council President Wilkerson talked about the Census and said that it is how we drive change. She asked that residents continue to socially distance themselves and wear masks when distancing is not possible. She said that the Administration was working to re-open the Borough

in a safe way. She thanked Finance Chair, Councilman Bernier and Chief Financial Officer, Anders Hasseler for putting together a zero budget.

ADJOURNMENT

On a motion by Councilwoman Johnson, seconded by Councilman Fortuna, with all in favor and none opposed, the meeting was duly adjourned at 7:53 p.m.



Lydia D. Massey, Acting Municipal Clerk