

**BOROUGH OF ROSELLE
MAYOR & COUNCIL
REGULAR MEETING – AGENDA
JULY 15, 2020 – 6:30 P.M.
[Subject to Change]**

MEETING CALLED TO ORDER

**FLAG SALUTE
INVOCATION**

STATEMENT OF COMPLIANCE

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

Councilman Bernier, Councilwoman Thomas, Councilwoman Sousa Councilman Fortuna, Councilwoman Johnson, Acting Mayor Wilkerson

PROCLAMATIONS

APPROVAL OF MINUTES OF MEETINGS

Minutes of the Mayor and Council Workshop Meeting – June 10, 2020
Minutes of the Mayor and Council Closed Executive Session – June 10, 2020
Minutes of the Mayor and Council Regular Meeting – June 17, 2020

COMMITTEE REPORTS

PUBLIC COMMENTS (on Pending resolutions only)

INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES

ORDINANCE ON SECOND READING & FINAL PASSAGE - Ordinance 2625-20

AN ORDINANCE AMENDING CHAPTER 595-48 “EXTERIOR MAINTENANCE REQUIREMENTS” SECTION E. “EXTERIOR APPEARANCE STANDARDS.” SUBSECTION 1, “LANDSCAPING” CREATING A DUTY ON TO MAINTAIN THE PROPERTY BETWEEN THE CURB AND THE SIDEWALK [Public Hearing – July 15, 2020]

ORDINANCE ON SECOND READING & FINAL PASSAGE – Ordinance 2626-20

AN ORDINANCE AMENDING CHAPTER 595-26 “EXTERIOR APPEARANCE STANDARDS.” SECTION A, “LANDSCAPING” CREATING A DUTY ON TO MAINTAIN THE PROPERTY BETWEEN THE CURB AND THE SIDEWALK [Public Hearing – July 15, 2020]

ORDINANCE ON SECOND READING & FINAL PASSAGE – 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 [Public Hearing – July 15, 2020]

ORDINANCE ON INTRODUCTION AND FIRST READING – Ordinance 2628-20

AN ORDINANCE TO REPEAL AND REPLACE BOROUGH CODE CHAPTER 295, NOISE CONTROL [Proposed Public Hearing – August 19, 2020 Pending Approval]

PUBLIC HEARING ON THE 2020 MUNICIPAL BUDGET

Presentation by CFO Anders Hasseler

2020-181	Adoption of the 2020 Municipal Budget [Pending Approval from the State]
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CONSENT AGENDA

Borough Administrator	
2020-191	Resolution Hiring Donald Auriema as a Part-Time Electrical Inspector in the Building Department at the Salary of \$45.00 Per Hour to Begin Work on July 16, 2020
2020-192	Resolution Authorizing the Mayor And Municipal Clerk of the Municipality of the Borough of Roselle to Execute An Agreement With the County of Union to Modify the Cooperative Agreement Dated June 2014, as Amended July 2019
Borough Attorney	
2020-193	Amending Resolution Number 2020-038- Resolution Appointing Antonelli Kantor as Litigation Defense Counsel Not To Exceed \$60,000.00
2020-194	Amending Resolution Number 2020-100- Resolution Appointing Shain Schaffer as Special Counsel – Labor for the Borough Not To Exceed \$30,000.00
2020-195	Amending Resolution Number 2020-054- Resolution Appointing Florio Perrucci Steinhart & Fader, LLC as Litigation Defense Counsel Not To Exceed \$30,000.00
Clerk's Office	
2020-196	Acceptance of the Resignation of Keyanna Jones
2020-197	Authorizing Renewal of A.B.C. Licenses and Authorizing the Borough Clerk to Issue Same

2020-198	Resolution Approving A.B.C. Person-to-Person License Transfer – T&J Liquors
Engineering	
2020-199	Resolution Authorizing Professional Planning Services in Connection With the Preparation of a Master Plan And Development Regulations Reexamination Report
Police Department	
2020-200	Resolution Appointing Victor D. Conti, III to the Position of Police Lieutenant
2020-201	Resolution Appointing Na'zeek A. Hurling to the Position of Police Sergeant
Purchasing	
2020-202	Resolution Increasing the Minimum Bid & Quote Thresholds
2020-203	Resolution Appointing Substitute Prosecutor for the Municipal Court - DeVito
2020-204	Resolution Appointing Substitute Prosecutor for the Municipal Court - Montilus
2020-205	Resolution Appointing Substitute Prosecutor for the Municipal Court - Muftau
2020-206	Resolution Appointing Substitute Prosecutor for the Municipal Court - Nelson
Tax Assessor	
2020-207	Resolution Authorizing Settlement of the 2016, 2017, 2018 & 2019 Tax Appeals Entitled Market Street Realty Corporation V. Borough Of Roselle, Docket Nos.: 012766-2016, 011687-2017, 010896-2018, 010590-2019, Block 3701, Lot 15, Commonly Known as 613 St. George Avenue
Tax Collector	
2020-208	Authorize Tax Title Lien Redemptions

NON-CONSENT

2020-209	Mayor & Council of the Borough of Roselle Stands With the Sponsors of Bill ACR 145 – Permanently Abolishing Slavery And Involuntary Servitude in New Jersey
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PAYMENT OF BILLS

2020-210	A Bill List Dated July 15, 2020
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PUBLIC COMMENT

COUNCIL COMMENT

MAYOR'S COMMENTS

ADJOURNMENT

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2625-20

AN ORDINANCE AMENDING CHAPTER 595-48 "EXTERIOR MAINTENANCE REQUIREMENTS" SECTION E. "EXTERIOR APPEARANCE STANDARDS." SUBSECTION 1, "LANDSCAPING" CREATING A DUTY ON TO MAINTAIN THE PROPERTY BETWEEN THE CURB AND THE SIDEWALK

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.**

Recorded Vote on Introduction Ordinance No. 2625-20 – June 17, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson			x			
Councilman Bernier			x			
Councilwoman Thomas			x			
Councilwoman Sousa		x	x			
Councilman Fortuna	x		x			
Councilwoman Johnson				x		

Recorded Vote on Final Passage Ordinance No. 2625-20 – July 15, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson						
Councilman Bernier						
Councilwoman Thomas						
Councilman Sousa						
Councilman Fortuna						
Councilwoman Johnson						

____ Approved

____ Vetoed and returned to the Municipal Clerk with the following statement and objections:

Denise Wilkerson, Acting Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2625-20 was passed and adopted on second reading and final passage at a Regular meeting of the Mayor and Council on July 15, 2020 after 6:30 p.m., 210 Chestnut Street, Roselle, NJ.

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2626-20

AN ORDINANCE AMENDING CHAPTER 595-26 "EXTERIOR APPEARANCE STANDARDS." SECTION A, "LANDSCAPING" CREATING A DUTY ON TO MAINTAIN THE PROPERTY BETWEEN THE CURB AND THE SIDEWALK

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.**

Recorded Vote on Introduction Ordinance No. 2626-20 – June 17, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson			x			
Councilman Bernier		x	x			
Councilwoman Thomas			x			
Councilwoman Sousa			x			
Councilman Fortuna	x		x			
Councilwoman Johnson				x		

Recorded Vote on Final Passage Ordinance No. 2626-20 – July 15, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson						
Councilman Bernier						
Councilwoman Thomas						
Councilman Sousa						
Councilman Fortuna						
Councilwoman Johnson						

_____ Approved

_____ Vetoed and returned to the Municipal Clerk with the following statement and objections:

Denise Wilkerson, Acting Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2626-20 was passed and adopted on second reading and final passage at a Regular meeting of the Mayor and Council on July 15, 2020 after 6:30 p.m., 210 Chestnut Street, Roselle, NJ.

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 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

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:

SECTION 1.

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.

SECTION 2.

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").

SECTION 3.

(a) 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	

(b) 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.

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

SECTION 4.

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.

SECTION 5.

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.

SECTION 6.

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

(a) 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.

(b) 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.

(c) 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.

(d) 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.

SECTION 7.

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.

SECTION 8.

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.

SECTION 11.

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

Recorded Vote on Introduction Ordinance No. 2627-20 – June 17, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson			x			
Councilman Bernier	x		x			
Councilwoman Thomas			x			
Councilwoman Sousa			x			
Councilman Fortuna		x	x			
Councilwoman Johnson			x			

Recorded Vote on Final Passage Ordinance No. 2627-20 – July 15, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson						
Councilman Bernier						
Councilwoman Thomas						
Councilman Sousa						
Councilman Fortuna						
Councilwoman Johnson						

____ Approved

____ Vetoed and returned to the Municipal Clerk with the following statement and objections:

Denise Wilkerson, Acting Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2627-20 was passed and adopted on second reading and final passage at a Regular meeting of the Mayor and Council on July 15, 2020 after 6:30 p.m., 210 Chestnut Street, Roselle, NJ.

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2628-20

AN ORDINANCE TO REPEAL AND REPLACE BOROUGH CODE CHAPTER 295, NOISE CONTROL

WHEREAS, the Borough of Roselle endeavors to simplify Chapter 295 of the Borough Code and revise the Noise Control ordinances of the Borough in accordance with the New Jersey Noise Control Act, N.J.S.A. 13:1G-1, *et seq.*

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and the Borough Council of the Borough of Roselle that Chapter 295 of the Borough Code shall be repealed and replaced with the following:

Article I. Restrictions

§ 295-1. Noise Prohibited.

It shall be unlawful for a person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others.

§ 295-2. Permit(s) Required for Loudspeakers and Sound Amplifiers.

Any person, firm or corporation residing in or doing business in the Borough of Roselle may apply for permission to operate a loudspeaker or sound amplifier with the Borough Clerk upon forty-eight (48) hours' notice of the date on which the use of the loudspeaker or other sound amplifier is intended to be used. Application information can be found at § 295-13 of this Code.

§ 295-3. Location and Time of Loudspeaker and/or Sound Amplifier Use Restricted.

- a. No person shall use or operate a Loudspeaker or Sound Amplifier within the Borough of Roselle, except weekdays between 10:00 a.m. and 5:30 p.m., prevailing time, nor within a radius of five hundred (500) feet of any house of worship while funeral services are being held there;
- b. This section shall not apply to charitable, political or civic organizations of the Borough of Roselle, nor shall it apply to radios in homes or private pleasure vehicles when the same are operated in such a manner as not to be audible at a distance of fifty (50) feet from such vehicle nor to noise devices, bands or other musical devices used in any public parade or procession which is operated under a permit in accordance with the ordinances of the Borough of Roselle.

§ 295-4. Motor Vehicles and Motorcycles.

- a. The making, creating or permitting of any noise of such character, intensity or duration from a motor vehicle and/or motorcycle as to be detrimental to the

life, health or welfare of any individual or which either steadily or intermittently annoys, disturbs, injures or endangers the comfort, repose, peace or safety of any individual or which creates a noise disturbance outside the vehicle as to be plainly audible at a distance of fifty (50) feet is hereby prohibited.

- b. The sounding of any horn or other auditory signaling device in any motor vehicle or motorcycle on any public right-of-way or public space—except as a warning of danger or where the motor vehicle statutes of New Jersey require the sounding of such horn or signaling device is hereby prohibited.
- c. The sounding of any horn or other auditory signaling device from any motor vehicle or motorcycle that produces a sound level that is plainly audible at a distance of fifty (50) feet or more is hereby prohibited.
- d. No person shall cause, suffer, allow or permit the operation of any motor vehicle or motorcycle not equipped with original muffler or equivalent replacement in good working order and in constant operation.
- e. No person shall remove or render inoperative or cause to be removed or rendered inoperative, other than for purposes of maintenance, repair or replacement, any muffler on a motor vehicle or motorcycle.

§ 295-5. Time Restrictions for Use of Domestic Power Tools, Lawn Mowers, Automobile Tools and Agricultural Equipment When Operated with a Muffler.

Use of domestic power tools, lawn mowers, automobile tools and agricultural equipment when operated with a muffler, shall be restricted to the hours between 7:00 a.m. and 8:00 p.m. on weekdays (excluding legal holidays), and shall be restricted to the hours between 8:30 a.m. and 8:00 p.m. on weekends and legal holidays.

§295-6. Animals.

Owning, possessing or harboring any animal or bird that frequently or for a continuous duration makes a sound that creates a noise disturbance as defined in § 295-10 of this Code is hereby prohibited.

§295-7. Explosives, Firearms, Fireworks and Similar Devices.

- a. "Dangerous fireworks," as defined in N.J.S.A. 21:2-3 are strictly prohibited.
- b. No person shall use or fire explosives, firearms, fireworks or similar devices which create impulsive sound so as to cause a noise disturbance as defined in § 295-9 of this Code, without first obtaining a permit issued pursuant to § 295-13 of this chapter.
- c. Sparkling devices and novelties are authorized for use by persons sixteen (16) years of age or older at all hours on January 1st and July 4th, but the use of the same is restricted to the hours between 6:00 p.m. and 11:00 p.m. (local time) for all other dates. No permit shall be required for the use of sparkling devices and novelties. Sparkling devices and novelties as set forth in N.J.S.A. 21:3-2, shall include:
 - (1) Wood sticks or wire sparklers of not more than 100 grams of pyrotechnic mixture per item;
 - (2) Hand held or ground based sparkling devices which are non-explosive and non-aerial, which may produce a crackling or whistling effect, and

contain 75 grams or less of pyrotechnic composition per tube or a total of 500 grams or less for multiple tubes; and

- (3) Snakes and glow worms, smoke devices, and trick noisemakers, which include party poppers, snappers, and drop pops, each consisting of 25/100 grains or less of explosive mixture.

§ 295-8. Testing and maintenance of Emergency Signaling Devices.

Testing of any emergency signaling device shall take place at the same time of the day for each test and shall be performed during the hours between 10:00 a.m. and 5:30 p.m. and shall not exceed thirty (30) seconds. Emergency warning/signaling devices shall be maintained in good repair to prevent repeated accidental alarms.

Article II. Definitions.

§ 295-9. Noise.

Without intending to limit the generality of § 295-1, the following acts are hereby declared to be examples of loud, disturbing, and unnecessary noise in violation of § 295-1:

- a. The playing use or operation of any radio receiving set, television, musical instrument, phonograph, stereo, or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph, machine or device so that it is clearly audible at a distance of one hundred (100') feet from the building, structure, or vehicle in which the sound originates shall be prima facie evidence of a violation of § 295-1.
- b. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place which annoys or disturbs the quiet, comfort or repose of any persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.
- c. The keeping of animals or birds which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity; but nothing herein contained is intended to apply to a dog pound or kennel licensed in accordance with applicable law and regulations.
- d. No person shall sound a horn, warning or signaling device on any vehicle, residence or structure which emits an unreasonably loud or harsh sound for an unnecessary or unreasonable period of time. Provisions shall be made by the owner of an emergency warning/signaling device for that device to be turned off in a timely manner after the device has served its purpose of signaling an emergency.

Article III. Exceptions

§295-10. General Exceptions.

The provisions of Chapter 295, Article I shall not apply to:

- A. The emission of sound from any loudspeaker or similar device for the purpose of conducting a party, BBQ or other social event outside of a quiet zone between the

hours of 12:00 p.m. and 10:00 p.m. on weekdays and Sundays and 11:00 a.m. and 11:00 p.m. of Saturdays throughout the spring and summer months beginning on the Saturday immediately preceding Memorial Day through the last Sunday in September.

- B. Any public performance, concert, gathering, rally revival, parade or other outdoor activity for which a permit has been obtained from the Borough of Roselle or to any block event or neighborhood activity for which approval has been obtained from the Borough of Roselle.
- C. Any event sponsored or conducted by the Borough of Roselle, the County, the State of New Jersey, or any of their governmental agencies.
- D. Any performance, concert practice, athletic game or public activity sponsored or conducted by the Roselle School District.
- E. Any public performance, concert, gathering, parade or other outdoor activity sponsored or conducted by the Borough of Roselle, its agents, boards or commissions.
- F. Church bells and church chimes.
- G. Noise from approved construction activity.
- H. Noise from air-conditioning and air-handling devices.
- I. Noise from snow blowers, snow throwers and snowplows when operated with a muffler for the purpose of snow removal.

§ 295-11. Emergency Exceptions and Variances.

- A. Emergency Exceptions. The provisions of this article shall not apply to:
 - (1) The emission of sound for the purpose of alerting persons to the existence of an emergency.
 - (2) The emission of sound in the performance of emergency work.
- B. Special Variances.
 - (1) The Mayor and Council shall have the authority, consistent with this section, to grant special variances which may be requested for good cause shown.
 - (2) Any person seeking a special variance pursuant to this section shall file an application with the appropriate department within the Borough. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this article would constitute an unreasonable hardship on the applicant, on the community or on other persons. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the department containing any information to support his or her claim. If the department head finds that a sufficient controversy exists regarding an application, such department head may recommend that appropriate action be taken by Mayor and Council.
 - (3) In determining whether to grant or deny the application, the Mayor and Council shall balance the hardship to the applicant, the community and other persons, the special health, safety and welfare of persons affected, the adverse impact on property affected and any other adverse impact in granting the special variance. Applicants for special variances may be required to submit any information the reviewing department or Directors may reasonably require. In granting or denying an application, the Mayor and Council shall maintain copy of the

decision and reasons for granting or denying the special variance, in accordance with the State law.

- (4) Variances in time to comply shall be granted to the applicant containing all necessary conditions, including a schedule for achieving compliance. The variance in time to comply shall not become effective until all conditions are agreed to by the applicant. Noncompliance with any condition of the variance shall terminate the variance and subject the person or entity holding it to those provisions of this Chapter for which the variance was granted.
- (5) Application for extension of time limits specified in variances in time to comply or for modification of other substantial conditions shall be treated like applications for initial variances under this section, except that the Mayor and Council must find that the need for extension or modification clearly outweighs any adverse impact of granting the extension or modification.
- (6) The department head may issue guidelines defining the procedures to be followed in applying for a variance in time to comply and the criteria to be considered in deciding whether a variance will be recommended to the Mayor and Council.

§295-12. Loudspeaker and/or Sound Amplifier Permit.

- A. Application information. The application for a Permit to operate a loudspeaker or other sound amplifying device within the Borough of Roselle must be submitted, in writing, to the Borough Clerk. Said application shall contain the name and address of the applicant, the name and address of the owner of the loudspeaker and/or sound amplifier, the date on which said device is intended to be used and the purpose of the use of the same.
- B. Issuance of Permit. Upon receipt of the foregoing information and after a routine police check to satisfy the requirements of this Chapter, the Borough Clerk, following approval by the Mayor and Council, shall issue a permit for the use of the loudspeaker or sound amplifier.

§ 295-13. Permits for Explosives, Firearms, Fireworks or Other Impulsive Devices.

- A. Permits for the use and/or detonation of explosives or fireworks which violate § 295-9 shall be obtained prior to the use and/or detonation of the same; however, under no circumstances shall a permit be issued for the use and/or detonation of dangerous fireworks, as defined in N.J.S.A. 21:2-3.
- B. A completed application shall be submitted to the Roselle Fire Department with an application fee of \$500 no less than forty-five (45) days prior to the event or a late charge shall be assessed as follows:
 - (1) 31 to 44 days prior to the event: \$50.00
 - (2) 16 to 30 days prior to the event: \$100.00
 - (3) 10 to 15 days prior to the event: \$150.00
 - (4) Less than 10 days prior to the event: \$250.00
- C. Application requirements. All applications for permits in accordance with this section shall set forth the following:
 - (1) The date, time and place of making such display or discharge;
 - (2) The name, address, telephone number, ID or social security number of any person making the display and/or in charge of igniting, firing, setting-off, exploding or causing to be exploded such fireworks or explosives;

- (3) The experience of any person making the display and/or in charge of igniting, firing, setting-off, exploding or causing to be exploded such fireworks or explosives, including references.
- (4) Whether any person making the display and/or in charge of igniting, firing, setting-off, exploding or causing to be exploded such fireworks, has ever been convicted of a crime, indicating the date and type of conviction (if any); and
- (5) A list of fireworks and/or explosives to be displayed or discharged, and where same are to be stored prior to the display or discharge.
- (6) Applications for a permit under this section will be considered incomplete unless the following has been submitted:
 - a. Site plan;
 - b. Surety in the form of a certified check or money order payable to the Roselle Fire Department in the sum of (\$2,500.00) conditioned for payment of all damages to persons or property by reason of the event.
 - c. Certification of insurance naming the Borough of Roselle as co-insured stating that the insured shall indemnify the Borough of Roselle and hold the Borough of Roselle harmless in the amount of one million (\$1,000,000.00) dollars.
 - d. A copy of the explosives/fireworks vendor's "Permit to Manufacture Explosives" and/or "Permit to Use Explosives."

D. Permit Issuance. A resolution authorizing a permit shall be obtained from the Borough of Roselle prior to the sale, display or discharge of any fireworks within the Borough of Roselle.

- (1) Permit Fee. The fee for such permit is \$300.00, which shall be payable upon approval of a completed application under this section but in any event must be paid prior to the first day of the event/display for which the applicant applied.
- (2) Conditions for Issuance. The display and/or discharge of fireworks and explosives shall be handled by a competent operator approved by the Chiefs of the Police and Fire Department of the Borough of Roselle. Such display shall be of such a character, and so located, discharged, or fired, as in the opinion of the Chiefs of Police and Fire Department, after proper inspection, shall not be hazardous to property or endanger any person(s). The location of the storage place of the fireworks or explosives shall be subject to the approval of the Chief of the Fire Department. Prior to the issuance of a permit, the application for same, including the Certificate of Insurance must be reviewed and approved by designated legal counsel for the Borough of Roselle. The sale, possession, use and distribution of fireworks for such display shall be lawful under the terms and conditions approved with the permit and for that purpose only. No permit issued hereunder shall be transferable. Upon issuance of the permit, the Roselle Fire Department shall immediately notify the Police Department of the same.

Article IV. Enforcement.

§ 295-14. Designated Enforcement Authorities. This Chapter shall be enforced by the Board of Health, the Department of Engineering, Codes and the Police Department. The

provisions of this Chapter affecting motor vehicles shall be enforced solely by the Police Department.

§ 295-15. Notice of Violation. Violations of any provisions of this Chapter shall be cause for a notice of violation to be issued by an authority identified in § 295-14 of this Article.

§ 295-16. Abatement Orders and Impoundment.

- A. In conjunction with the issuance of a notice of violation, the relevant department head(s) shall issue an order requiring abatement of any source of sound alleged to be in violation of this chapter within a reasonable time period and according to the guidelines which the department heads may prescribe.
- B. An abatement order shall not be issued:
 - (1) For any willful or knowing violation of this chapter.
 - (2) If the department heads have reason to believe that there will be no compliance with the abatement order.
- C. Any motor vehicle found to be operated in violation of this chapter shall be impounded forthwith by the Police Department. The operator of said motor vehicle shall be issued a summons that shall inform him or her of their right to a hearing regarding the violation of this chapter and in regard to the obligation to pay any towing and impoundment charges that accrue as a result of said violation.
- D. Any person who violates § 295-3 of this chapter shall:
 - (1) Have the noise-producing equipment impounded by the Roselle Police Department; and
 - (2) Be subject to the issuance of a summons by the Roselle Police mandating a court appearance by the violator in order to retrieve said impounded equipment.

§ 295-18. Violations and Penalties.

- A. Any person who violates the provisions contained in Article I of this chapter shall be fined \$100 for the first offense, \$300 for the second offense and \$500 for the third and subsequent offenses, upon conviction.
- B. Any person who willfully or knowingly violates any provision of this Chapter shall, upon conviction be fined for each offense not less than \$100 and not more than \$500.
- C. Each day of a violation of any provision of this chapter shall constitute a separate offense.
- D. Any violation of the conditions for approval of a permit under § 295-14 will result in the seizure and removal of all stocks of fireworks and/or explosives at the expense of the owner. Any person violating any of the provisions of § 295-14 shall be subject to penalties as set forth in N.J.S.A. 21:3-8.

All Ordinances and parts of Ordinances inconsistent with the terms hereof are hereby repealed to the extent that same are inconsistent herewith.

If any part, sections, provisions, or the total of any of the above-mentioned publications are held to be invalid by any court, the finding or judgements of which court are applicable in the State of New Jersey, that the balance and remainder of such publication shall remain in full force and effect as and Ordinance of the Borough of Roselle.

THIS ORDINANCE shall take effect in the time and manner prescribed by law.

Recorded Vote on Introduction Ordinance No. 2628-20 – July 15, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson						
Councilman Bernier						
Councilwoman Thomas						
Councilwoman Sousa						
Councilman Fortuna						
Councilwoman Johnson						

Recorded Vote on Final Passage Ordinance No. 2628-20 – August 19, 2020

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson						
Councilman Bernier						
Councilwoman Thomas						
Councilwoman Sousa						
Councilman Fortuna						
Councilwoman Johnson						

____ Approved

____ Vetoed and returned to the Municipal Clerk with the following statement and objections:

Denise Wilkerson, Acting Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2628-20 was passed and adopted on second reading and final passage at a Regular meeting of the Mayor and Council on August 19, 2020 after 6:30 p.m., 210 Chestnut Street, Roselle, NJ.

Lydia D. Massey, Acting Municipal Clerk

SECTION 2 - UPON ADOPTION FOR YEAR 2020

RESOLUTION 2020-181

Be it Resolved by the ROSELLE County of UNION BOROUGH that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$ 32,689,518.24 (Item 2 below) for municipal purposes, and
 (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
 (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
 (d) \$ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
 (e) \$ 518,689.60 (Item 5 Below) Minimum Library Tax

RECORDED VOTE
(Insert last name)

Ayes	Nays	Abstained
Absent		

SUMMARY OF REVENUES

1. General Revenues			
Surplus Anticipated	06-100	\$	2,675,000.00
Miscellaneous Revenues Anticipated	13-099	\$	6,947,681.98
Receipts from Delinquent Taxes	15-499	\$	1,950,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$	32,689,518.24
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-195		
	07-191		
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$	-
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE II SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX			
Total Revenues	07-192	\$	518,689.60
	13-299	\$	44,680,869.82

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS:				
<u>Within "CAPS"</u>				
	(a & b) Operations Including Contingent			XXXXXXXXXXXXXX
	(e) Deferred Charges and Statutory Expenditures - Municipal			XXXXXXXXXXXXXX
	(g) Cash Deficit			
	Excluded from "CAPS"			XXXXXXXXXXXXXX
	(a) Operations - Total Operations Excluded from "CAPS"			
	(c) Capital Improvements			
	(d) Municipal Debt Service			
	(e) Deferred Charges - Municipal			
	(f) Judgments			
	(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)			
	(g) Cash Deficit			
	(k) For Local District School Purposes			
	(m) Reserve for Uncollected Taxes			
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)				
Total Appropriations				

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the _____ day of _____, 2020. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2020 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this _____ day of _____, 2020, _____, Clerk
Signature

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-191

RESOLUTION HIRING DONALD AURIEMA AS A PART-TIME ELECTRICAL INSPECTOR IN THE BUILDING DEPARTMENT AT THE SALARY OF \$45.00 PER HOUR TO BEGIN WORK ON JULY 16, 2020

WHEREAS, there is a need in the Borough of Roselle to fill the position of Part-Time Electrical Inspector in the Building Department; and

WHEREAS, Donald Auriema was recommended by the Construction Code Official and deemed by the Appointing Authority as qualified for employment as a Part-Time Electrical Inspector in the Building Department.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Roselle that Donald Auriema is hereby appointed to the position of Part-Time Electrical Inspector in the Building Department in the Borough of Roselle, effective July 16, 2020, as needed but not to exceed eighteen (18) hours per week, at the salary of \$45.00 per hour, subject to the successful completion of the ninety (90) day working test period as required by Civil Service Regulations and a residency waiver is granted due to the technical nature of the position and the fact that no Roselle residents applied; and

BE IT FURTHER RESOLVED, that the hiring of Donald Auriema is subject to the satisfactory completion of a criminal background check, the initial cost of which is to be borne by the prospective part-time employee and will be reimbursed by the Borough so long as the check is satisfactory and employment is continued.

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 July 15, 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 15th day of July, 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account# 0-01-25-240-000-111)

Anders Hasseler, CFO 01 Jul 2020
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-192

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF
THE MUNICIPALITY OF THE BOROUGH OF ROSELLE TO EXECUTE AN
AGREEMENT WITH THE COUNTY OF UNION TO MODIFY THE
COOPERATIVE AGREEMENT DATED JUNE 2014, AS AMENDED JULY 2019**

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the Home Investment partnership program; and

WHEREAS, substantial Federal funds provided through subtitle B of Title IV of the McKinney-Vento Homeless Assistance Act commonly known as the Emergency Solutions Grants programs (ESG) are allocated to prevent homelessness and to enable homeless individuals and families to move toward independent living; and

WHEREAS, it is necessary to amend an existing Cooperative Agreement for the County of Union and its people to benefit from this program; and

WHEREAS, it is in the best interest of the Municipality of Roselle and the County of Union in cooperation with each other to enter into a modification of the existing Cooperative Agreement pursuant to N.J.S.A. 40A:65-1 et seq;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Governing Body of the Municipality of Roselle that the agreement entitled **“COOPERATIVE AGREEMENT BETWEEN THE COUNTY OF UNION AND CERTAIN MUNICIPALITIES FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES,”** dated June 2014, as amended July 2019 for the Purpose of Inserting a Description of Activities for Fiscal Year 2020-2021 of the Union County Community Development Block Grant program, the HOME Investment Partnership program, and the Emergency Shelter Grant Program (ESG), a copy of which is attached hereto; be executed by the Mayor and Municipal Clerk in accordance with the provisions of law;

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

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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held July 15, 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 15th day of July 2020.

Lydia D. Massey, Acting Borough Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-193

AMENDING RESOLUTION NUMBER 2020-038- RESOLUTION APPOINTING ANTONELLI KANTOR AS LITIGATION DEFENSE COUNSEL NOT TO EXCEED \$60,000.00

WHEREAS, the Borough Council of the Borough of Roselle has by Resolution approved a list of qualified vendors as part of a Fair and Open Process established and exercised pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council desires to appoint certain professionals conditioned upon the negotiation and execution of a satisfactory contract; and

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

1. That the Borough Council appoints Antonelli Kantor, 1000 STUYVESANT AVE, UNION, NJ 07083 as Litigation Defense Counsel in the Borough, subject to the negotiation and execution of a satisfactory contract as approved by this council, and unless expressly set forth herein otherwise, such contract shall be at the Borough's hourly rate of \$150.00 per hour for a total contract amount not to exceed \$60,000.00, said contract to be for the period from January 16, 2020 through December 31, 2020.

2. The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2020 adopted budget in account 0-01-20-155-000-228

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# 0-01-20-155-000-228; 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. 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.

3. 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.

4. 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.

5. 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.

6. 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds: _____

Anders T Hasseler
Anders Hasseler, CFO

01 Jul 2020
Date:

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-194

AMENDING RESOLUTION NUMBER 2020-100- RESOLUTION APPOINTING SHAIN SCHAFFER AS SPECIAL COUNSEL – LABOR FOR THE BOROUGH NOT TO EXCEED \$30,000.00

WHEREAS, the Borough Council of the Borough of Roselle has by Resolution approved a list of qualified vendors as part of a Fair and Open Process established and exercised pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council desires to appoint certain professionals conditioned upon the negotiation and execution of a satisfactory contract; and

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

1. That the Borough Council appoints Shain Schaffer with offices at 150 Morristown Road, Suite 105, Bernardsville, NJ 07924 as Special Counsel – Labor in the Borough, subject to the negotiation and execution of a satisfactory contract as approved by this council, and unless expressly set forth herein otherwise, such contract shall be at the Borough's hourly rate of \$150.00 per hour for a total contract amount not to exceed \$30,000.00, said contract to be for the period from February 20, 2020 through December 31, 2020.

2. The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2020 adopted budget account 0-01-20-155-000-228.

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 2019 budget in Account# 0-01-20-155-000-228; 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. 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.

3. 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.

4. 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.

5. 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.

6. 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(0-01-20-155-000-228)

Anders T Hasseler 01 July 2020
Anders Hasseler, CFO Date:

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-195

AMENDING RESOLUTION NUMBER 2020-054- RESOLUTION APPOINTING FLORIO PERRUCCI STEINHARDT & FADER, LLC AS LITIGATION DEFENSE COUNSEL NOT TO EXCEED \$30,000.00

WHEREAS, the Borough Council of the Borough of Roselle has by Resolution approved a list of qualified vendors as part of a Fair and Open Process established and exercised pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the Borough Council desires to appoint certain professionals conditioned upon the negotiation and execution of a satisfactory contract; and

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

1. That the Borough Council appoints Florio Perrucci Steinhardt & Fader, LLC 218 Route 17 North, Rochelle Park, NJ 07662 as Litigation Defense Counsel in the Borough, subject to the negotiation and execution of a satisfactory contract as approved by this council, and unless expressly set forth herein otherwise, such contract shall be at the Borough's hourly rate of \$150.00 per hour for a total contract amount not to exceed \$30,000.00, said contract to be for the period from January 16, 2020 through December 31, 2020.

2. The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2020 adopted budget in account 0-01-20-155-000-228.

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# 0-01-20-155-000-228; 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. 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.

3. 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.

4. 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.

5. 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.

6. 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:

Anders T Hasseler
Anders Hasseler, CFO

01 Jul 2020
Date:

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-196

ACCEPTANCE OF THE RESIGNATION OF KEYANNA JONES

WHEREAS, a Resolution appointed Keyanna Jones, to the position of Keyboarding Clerk, effective November 14, 2011; and

WHEREAS, Keyanna Jones began her employment with the Borough as a full-time Keyboarding Clerk; and

WHEREAS, Keyanna Jones has submitted a letter of resignation, effective at close of business August 1, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Roselle hereby accepts the resignation in good standing of Keyanna Jones, this date.

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 July 15, 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 15th day of July, 2020.

Lydia Massey,
Acting Borough Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-197

**AUTHORIZING RENEWAL OF A.B.C. LICENSES AND AUTHORIZING
THE BOROUGH CLERK TO ISSUE SAME**

WHEREAS, the Division of Alcohol Beverage Control entered an order extending the 2019-2020 license term of all municipal and State licenses and State Issued Permits until September 30, 2020; and

WHEREAS, all Plenary Retail Consumption, Plenary Retail Distribution, Limited Distribution and Club Licenses must complete the renewal process on or before September 30, 2020; and

WHEREAS, the Applicants having complied, in accordance with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and in accordance with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control, and applicable thereto.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey that it hereby authorizes the Borough Clerk to issue the ABC licenses to the following:

CLUB LICENSE - \$50.00 Fee

2014-31-026-001 Unity Post 229 of the American Legion, 115 Grove Street

PLENARY RETAIL CONSUMPTION LICENSES W/Broad- \$900.00 Fee

2014-32-009-012 Big Head Liquors, T/A Skylark Discount Liquors, 350 West First Avenue

PLENARY RETAIL CONSUMPTION LICENSES - \$900.00 Fee

2014-33-021-008 Amikle Restaurant, T/A Central Park, 2401 North Wood Avenue

2014-33-013-006 L JACL, LLC T/A Lun Wah, 587 Raritan Road

2014-33-017-004 Samara, Inc. dba Sphinx Restaurant, 121 East Second Avenue

2014-33-022-007 Weis Buffet Corporation, T/A Wei's Buffet 711 East First Avenue

PLENARY RETAIL DISTRIBUTION LICENSES - \$600.00 Fee

2014-44-001-009 Amipuja, LLC, T/A C&B Liquors, 221 Sheridan Avenue

2014-44-020-014 Anik and Arin, LLC, T/A Liquor Basics, 585 Raritan Road

2014-44-015-009 CSS Liquor, LLC, T/A Paul and Joe Deli Liquors, 500 Chandler Ave.

2014-44-011-006 Jay Corp of NJ, Inc., T/A Rick's Wine & Liquors, 915 Wood Ave.

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 July 15, 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 15th day of July 2020.

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-198

RESOLUTION APPROVING A.B.C. PERSON-TO-PERSON LICENSE TRANSFER

WHEREAS, application has been filed for a Person-to-Person transfer of Plenary Retail Distribution License, License Number 2014-44-023-007 heretofore issued to Kunal Vinay T & J Liquors, Inc; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licenses business and all additional financing obtained in connection with the license business

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle, County of Union, State of New Jersey, do hereby authorize the transfer of the aforesaid Plenary Retail Distribution License, and do hereby authorize the Municipal Clerk to endorse the license to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Roselle Beverage, Inc., T/A TJ Liquors, 1201 St. George Avenue, Roselle, NJ 07203, effective July 15, 2020."

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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held July 15, 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 15th day of July 2020.

Lydia D. Massey
Acting Borough Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-199

**RESOLUTION AUTHORIZING PROFESSIONAL PLANNING SERVICES IN
CONNECTION WITH THE PREPARATION OF A MASTER PLAN AND
DEVELOPMENT REGULATIONS REEXAMINATION REPORT**

WHEREAS, N.J.S.A. 40:55D-89 requires the governing body within each municipality to, at least every ten years, provide a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination; and

WHEREAS, N.J.S.A. 40:55-89.1 states that the absence of the adoption by the planning board of a reexamination report pursuant to section 89 shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable; and

WHEREAS, the Mayor and Council wish to comply with the requirements of the Municipal Land Use Law and avoid any presumption that the Borough's zoning ordinance is no longer reasonable; and

WHEREAS, Maser Consulting P.A. (the "Planning Consultant") is qualified to prepare such report and has performed such services for various municipalities within the State of New Jersey; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current budget for said purpose; specifically within Account #C-04-55-260-001-005 for said planning services.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, in the County of Union, that the Planning Consultant is hereby authorized to prepare a Master Plan and Development Regulations Reexamination Report in the amount not to exceed \$15,250.00 for the Borough of Roselle.

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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account# C-04-55-260-001-005)

Anders T Hasseler
Anders Hasseler, CFO

01 Jul 2020
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-200

**RESOLUTION APPOINTING VICTOR D. CONTI III TO
THE POSITION OF POLICE LIEUTENANT**

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

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

WHEREAS, Victor D. Conti, III is a permanent employee in the Borough of Roselle Police Department, presently holding the title of Police Sergeant, who is qualified for the position of Lieutenant.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle, in the County of Union, State of New Jersey, that Victor D. Conti, III is hereby promoted to the position of Police Lieutenant, effective August 1, 2020, subject to the ninety (90) day working test period pursuant to Civil Service Regulations, and

BE IT FURTHER RESOLVED that the compensation for Victor D. Conti, III shall be that of a Lieutenant pursuant to the collective bargaining agreement between the Borough and the Roselle Police Benevolent Association, Local 99A, presently \$118,515, prorated for calendar year 2020.

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 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account# 0-01-25-240-000-111)

Anders T Hassler 01/11/2020
Anders Hassler, CFO Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020- 201

RESOLUTION APPOINTING NA'ZEEK A. HURLING TO THE POSITION OF POLICE SERGEANT

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

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

WHEREAS, Na'Zeek A. Hurling is a permanent employee in the Borough of Roselle Police Department, presently holding the title of Police Officer, who is qualified for the position of Sergeant.

NOW THEREFORE BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle, in the County of Union, State of New Jersey, that Na'Zeek A. Hurling is hereby promoted to the position of Police Sergeant, effective August 1, 2020, subject to the ninety (90) day working test period pursuant to Civil Service Regulations, and

BE IT FURTHER RESOLVED that the compensation for Na'Zeek A. Hurling shall be that of a Sergeant pursuant to the collective bargaining agreement between the Borough and the Roselle Police Benevolent Association, Local 99, presently \$103,056, prorated for calendar year 2020.

I, Lydia Massey, Acting Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held July 15, 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 15th day of July, 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account# 0-01-25-240-000-111)

Anders Hassler, CFO 01 Jul 2020
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-202

RESOLUTION INCREASING THE MINIMUM BID & QUOTE THRESHOLDS

WHEREAS, Eric M. Walker was previously appointed as the Borough's Qualified Purchasing Agent pursuant to *N.J.S.A. 40A:11-9(b)*; and

WHEREAS, local units having a Qualified Purchasing Agent are permitted to increase its bid threshold pursuant to *N.J.S.A. 40A:11-3(a)*; and

WHEREAS, the State Treasurer has increased the minimum bid threshold to \$44,000.00 and the minimum quote threshold to \$6,600.00 effective July 1, 2020.

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

1. In accordance with *N.J.S.A. 40A:11-3*, the Borough delegates to Eric M. Walker, the Borough's Qualified Purchasing Agent, the authority to act on behalf of the Borough of Roselle and to make, negotiate and award all contracts, goods and services which do not exceed the bid threshold of \$44,000.00 and/or the quote threshold of \$6,600.00 as provided for in *N.J.S.A. 40A:11-1 et seq.*
2. This Resolution shall take effect immediately.

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 Regular meeting of said Council held July 15, 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 15th day of July, 2020.

Lydia D. Massey
Acting Borough Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-203

RESOLUTION APPOINTING SUBSTITUTE PROSECUTOR FOR THE MUNICIPAL COURT

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, Gina DeVito, Esq., 28 Valley Rd. Ste. #1, Montclair, NJ 07042 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 Gina DeVito, Esq. as Substitute Municipal Prosecutor to the Borough, said contract to be for the period from July 16, 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 and 2021 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 and 2021 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 Gina DeVito, 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account # 0-01-25-275-000-227)

Anders Hasseler, CFO

01/11/2020
Date:

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-204

RESOLUTION APPOINTING SUBSTITUTE PROSECUTOR FOR THE MUNICIPAL COURT

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, Gracia Robert Montilus, Esq., 76 South Orange Avenue, Ste. 107, South Orange, NJ 07079 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 Gracia Robert Montilus, Esq. as Substitute Municipal Prosecutor to the Borough, said contract to be for the period from July 16, 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 and 2021 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 and 2021 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 Gracia Robert Montilus, 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account# 0-01-25-275-000-227)

Anders T Hasseler
Anders Hasseler, CFO

Date:

01 Jul 2020

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-205

RESOLUTION APPOINTING SUBSTITUTE PROSECUTOR FOR THE MUNICIPAL COURT

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, Moshood Muftau, Esq., 247 Conant Street, Hillside, NJ 07205 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 Moshood Muftau, Esq. as Substitute Municipal Prosecutor to the Borough, said contract to be for the period from July 16, 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 and 2021 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 and 2021 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 Moshood Muftau, 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account #0-01-25-275-000-227)

Anders T Hasseler
Anders Hasseler, CFO

01 Jul 2020
Date:

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-206

RESOLUTION APPOINTING SUBSTITUTE PROSECUTOR FOR THE MUNICIPAL COURT

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, Kirk Nelson, Esq., 579B Raritan Road, Suite 1818, Roselle, NJ 07203 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 Kirk Nelson, Esq. as Substitute Municipal Prosecutor to the Borough, said contract to be for the period from July 16, 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 and 2021 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 and 2021 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 Kirk Nelson, 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 July 15, 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 15th day of July 2020.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:
(Account# 0-01-25-275-000-227)

Anders T Hasseler
Anders Hasseler, CFO

01 JUL 2020
Date:

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-207

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2016, 2017, 2018 & 2019 TAX APPEALS ENTITLED MARKET STREET REALTY CORPORATION V. BOROUGH OF ROSELLE, DOCKET NOS.: 012766-2016, 011687-2017, 010896-2018, 010590-2019, BLOCK 3701, LOT 15, COMMONLY KNOWN AS 613 ST. GEORGE AVENUE

WHEREAS, appeals of the real property tax assessment for tax years 2016, 2017, 2018, and 2019 involving Block 3701, Lot 15 have been filed by the taxpayer, Market Street Realty Corporation; and

WHEREAS, the Borough of Roselle desires to settle the tax appeal for the tax years 2016, 2017, 2018 and 2019, and the proposed settlement agreement has been reviewed and recommended by the Borough Special Tax Counsel and Tax Assessor; and

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

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

1. Settlement of the 2016, 2017, 2018 and 2019 tax appeals are hereby authorized as follows:
613 St. George Avenue

Year 2016

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 118,700	\$ 118,700	Withdrawn
Improvements	\$ 66,300	\$ 66,300	
Total	\$ 185,000	\$ 185,000	

Year 2017

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 118,700	\$ 118,700	Withdrawn
Improvements	\$ 66,300	\$ 66,300	
Total	\$ 185,000	\$ 185,000	

Year 2018

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 118,700	\$ 118,700	\$ 118,700
Improvements	\$ 66,300	\$ 66,300	\$ 31,300
Total	\$ 185,000	\$ 185,000	\$ 150,000

Year 2019

	<u>Original Assessment</u>	<u>County Tax Board Judgment</u>	<u>Requested Tax Court Judgment</u>
Land	\$ 118,700	\$ 118,700	\$ 118,700
Improvements	\$ 66,300	\$ 66,300	\$ 31,300
Total	\$ 185,000	\$ 185,000	\$ 150,000

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

I, 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 July 15, 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 15th day of July, 2020.

Lydia D. Massey
Acting Municipal Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020 -208 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
ATCF II NJ LLC TAX SERV AS	1104	9		19-00005	\$17,400.00	\$16,374.00	\$33,774.00
US BANK CUST FOR PC7 FIRSTRUST	905	2		18-00010	\$100.00	\$930.20	\$1,030.20
TOTAL					\$17,500.00	\$17,304.20	\$34,804.20

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 July 15, 2020

Lydia Massey, Acting Municipal Clerk

Certification of Availability of Fund _____

Michael J. Schmurr, Tax Collector

Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2020-209

MAYOR & COUNCIL OF THE BOROUGH OF ROSELLE STANDS WITH THE SPONSORS OF BILL ACR 145 – PERMANENTLY ABOLISHING SLAVERY AND INVOLUNTARY SERVITUDE IN NEW JERSEY

WHEREAS, it is fitting that the Mayor & Council of the Borough of Roselle take a stand on issues of national importance and stand for legislation that allows the forward progression of the Roselle residents, and our country at large; and

WHEREAS, the ratification of the 13th Amendment reads: *“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction”*; and

WHEREAS, the 13th Amendment did not completely abolish slavery and indentured servitude, but rather allowed both slavery and indentured servitude to remain legal as punishments for individuals convicted of a crime; and

WHEREAS, wherever the practices and implementations of slavery and involuntary servitude stand in violation of international law, as it reads: *“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”*

WHEREAS, the state of NJ, while leading the nation in reducing prison population, leads the country in racial disparities between black and white prisoners, putting black residents behind bars at 12 times the rate of white residents,

WHEREAS, in order to make a profit, private correctional facilities often rely on low cost labor provided by prison workers; and

WHEREAS, according to the Seventh Circuit Appeals Court, prison workers are not entitled to receive the minimum wage under the “Fair Labor Standards Act,” and the average working inmate’s wage is 93 cents per hour; and .

WHEREAS, most of the work performed by incarcerated individuals does not develop skills that are translatable to the labor market outside of prison; and

Therefore, it is appropriate for the New Jersey legislative branch to call for a referendum to amend the New Jersey Constitution to prohibit the use of slavery and indentured servitude including punishment for individuals convicted of a crime.

NOW, THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of Roselle:

1. Respectfully urges the State of New Jersey to call for a resolution to amend our state constitution to reflect language that eliminates the “exception clause” of the 13th Amendment to prohibit the use of slavery or involuntary servitude for individuals convicted of a crime.
2. Stand with Bill ACR 145 which permanently abolishes slavery and involuntary servitude including as punishment for crime, as sponsored in the General Assembly by Assemblywoman Angela McKnight, and as sponsored in the Senate by Senator Ronald Rice.
3. Copies of this resolution as filed with the Secretary of State shall be transmitted by the Secretary of the Senate to the New Jersey State Senate, the Speaker of the New Jersey State General Assembly, and each member of Congress elected from this State.

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

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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held July 15, 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 15th day of July 2020.

Lydia D. Massey, Acting Borough Clerk

Resolution # 2020-210

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

BILL LIST

15-Jul-20

<u>FUND</u>	<u>AMOUNT</u>
ANIMAL CONTROL	
CAPITAL ACCOUNT	\$ 276,468.90
CDBG TRUST	
CURRENT FUND	\$ 1,040,533.71
ESCROW TRUST	43983.89
FSLEF	
SLEF	\$ 1,649.75
GENERAL TRUST ACCOUNT	\$ 1,560.61
TRUST DCA FEES	
GRANT ACCOUNT	\$ 43,446.80
JUNE 19, 2020 PAYROLL	\$ 659,673.54
JULY 2, 2020 PAYROLL	\$ 631,838.39
MANUAL CHECK	\$ 11,269.51
POAA	
REDEMPTION PREMIUM ACCOUNT	\$ 17,500.00
PUBLIC DEFENDER	
REDEMPTION TRUST	\$ 17,304.20
RESERVE FOR ESCROW	
SALARY DEDUCTION	
SUI	\$ 1,126.23
GRAND TOTAL	<u><u>\$2,746,355.53</u></u>

LYDIA MASSEY
ACTING BOROUGH CLERK

DATED: JULY 15, 2020