

**BOROUGH OF ROSELLE
MAYOR & COUNCIL
REGULAR MEETING – AGENDA
FEBRUARY 17, 2021 – 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 2021 to the Union County Local Source and The Home News Tribune in 2020, by posting on the Borough of Roselle website and by filing said notice in the Office of the Municipal Clerk.

ROLL CALL

Councilman Villeda, Councilman Bernier, Councilwoman Johnson, Councilwoman Thomas, Councilman Fortuna, Councilwoman Wilkerson, Mayor Shaw

PROCLAMATION

Black History Month
Heard African American Episcopal Church 100th Anniversary

APPROVAL OF MINUTES OF MEETINGS

Minutes of the Mayor and Council Special Meeting – December 30, 2020
Minutes of the Mayor and Council Reorganization Meeting – January 6, 2021
Minutes of the Mayor and Council Closed Executive Session – January 13, 2021
Minutes of the Mayor and Council Closed Executive Session – January 20, 2021

COMMITTEE REPORTS

INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES

ORDINANCE ON SECOND READING & FINAL PASSAGE –Ordinance Number 2640-21

ORDINANCE AUTHORIZING THE EXECUTION AND ACKNOWLEDGMENT AND DELIVERY BY THE BOROUGH OF ROSELLE OF CERTAIN AGREEMENTS IN

RELATION TO BOROUGH GUARANTEED LEASE REVENUE BONDS, SERIES 2021 (ROSELLE LIBRARY BUILDING PROJECT) OF THE UNION COUNTY IMPROVEMENT AUTHORITY [Public Hearing - February 17, 2021]

ORDINANCE ON SECOND READING & FINAL PASSAGE—Ordinance Number 2641-21

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF ROSELLE, NEW JERSEY OF PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BOROUGH GUARANTEED LEASE REVENUE BONDS, SERIES 2021 (ROSELLE LIBRARY BUILDING PROJECT) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$6,500,000 [Public Hearing - February 17, 2021]

ORDINANCE ON INTRODUCTION & FIRST READING —Ordinance Number 2642-21

ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE ADOPTING THE REDEVELOPMENT PLAN FOR THE PROPERTY COMMONLY KNOWN ON THE BOROUGH TAX MAPS AS BLOCK 3801, LOTS 2.01, 4, 5, AND 6 [Proposed Public Hearing March 17, 2021 pending Approval]

ORDINANCE ON INTRODUCTION & FIRST READING —Ordinance Number 2643-21

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$4,378,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,694,424 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, NEW JERSEY [Proposed Public Hearing March 17, 2021 pending approval]

PUBLIC COMMENTS (on Pending resolutions only)

CLOSED EXECUTIVE SESSION

- 2021-102 Resolution for Closed Executive Session
- Personnel Matters
 - Contract Negotiations
 - Contractual Matters
 - Litigation Matters
 - Matters Falling Within Attorney Client Privilege

CONSENT AGENDA

Acting Borough Administrator	
2021-103	Appointment of Michael Tisdale as the Interim Land Use Administrator
2021-104	Resolution Adjusting the Salary of Duane Patterson Retroactively to December 1, 2020

Borough Attorney	
2021-105	Resolution Appointing a Chief Prosecutor for the Municipal Court
2021-106	Resolution Appointing an Assistant Prosecutor for the Municipal Court
Engineering	
2021-107	Resolution Authorizing Final Payment Based on As-Built Quantities and Release of Retainage for the 2020 Roselle Sidewalk Improvements Project Funded by the Municipality Within the Borough of Roselle, Union County, New Jersey
2021-108	Resolution Authorizing Professional Engineering Design Services in Connection With the Conceptual Plan and Vendor Co-ordination for the Warren Street Park Funded by the Municipality Within the Borough of Roselle, Union County, New Jersey
2021-109	Resolution Authorizing Survey and Professional Engineering Design Services in Connection With the Field House at Ralph Arminio Field Athletic Complex Improvements Funded by the Green Acres Program and the Municipality Within the Borough of Roselle, Union County, New Jersey
2021-110	Resolution for a Change Order Amendment to the Contract for Your Way Construction Inc., Regarding Additional Site Work for the Completion of the Ralph Arminio Field Improvements Project
2021-111	Resolution for a Change Order Amendment to the Contract for American Asphalt & Milling Services, LLC., Regarding Additional Site Work for the Completion of the 2018 Various Municipal Roadway Improvements Project
Purchasing Agent	
2021-112	Amending Resolution 2021-071 Awarding a Contract to Maser Consulting, Inc., as Borough Engineering of Record Not to Exceed \$90,000.00
Tax Collector	
2021-113	Authorize Tax Title Lien Redemptions

PAYMENT OF BILLS

2021-114	A Bills List Dated February 17, 2021
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PUBLIC COMMENT**COUNCIL COMMENT****MAYOR'S COMMENTS****ADJOURNMENT**

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2640-21

ORDINANCE AUTHORIZING THE EXECUTION AND ACKNOWLEDGMENT AND DELIVERY BY THE BOROUGH OF ROSELLE OF CERTAIN AGREEMENTS IN RELATION TO BOROUGH GUARANTEED LEASE REVENUE BONDS, SERIES 2021 (ROSELLE LIBRARY BUILDING PROJECT) OF THE UNION COUNTY IMPROVEMENT AUTHORITY

WHEREAS, the Union County Improvement Authority (the "Authority") has been duly created by an ordinance of the Board of Chosen Freeholders (subsequently renamed as the "Board of County Commissioners") of the County of Union, New Jersey (the "County"), as a public body corporate and politic of the State of New Jersey (the "State") pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the "Act"); and

WHEREAS, the Borough of Roselle, New Jersey (the "Borough") has requested that the Authority finance and undertake the planning, design, construction and equipping of the renovation and expansion of the Borough's existing library located at Block 3902, Lots 19 and 20 in the Borough (the "Improvements") and

WHEREAS, the Authority is desirous of assisting in the financing of the Improvements, to the extent permitted by law; and

WHEREAS, the Authority expects to obtain funds to assist the financing of the Improvements through the issuance of its bonds in an amount not to exceed \$6,500,000 Borough Guaranteed Lease Revenue Bonds, Series 2021 (Roselle Library Building Project) (the "Bonds") issued pursuant to a Bond Resolution to be adopted by the Authority entitled "BOROUGH GUARANTEED LEASE REVENUE BOND RESOLUTION (ROSELLE LIBRARY BUILDING PROJECT)" (the "Bond Resolution"); and

WHEREAS, pursuant to the Act, specifically Section 34 thereof (N.J.S.A. 40:37A-77), the Authority is authorized to enter into and perform any lease or other agreement with the Borough for the lease to or use by the Authority of all or any part of any public facility or facilities as determined in Section 11 of the Act (N.J.S.A. 40:37A-54); and

WHEREAS, the Borough intends to lease the real property upon which the Improvements are situated to the Authority pursuant to the terms of a Ground Lease to be dated as of the first day of the month of issuance of the Bonds between the Borough, as lessor, and the Authority, as lessee (together with any amendments thereof or supplements thereto in accordance with its terms, the "Ground Lease");

WHEREAS, pursuant to the Act, specifically Section 35 thereof (N.J.S.A. 40:37A-78), the Authority is authorized to enter into and perform any lease or other agreement with the Borough for the lease to or use by the Borough of all or any part of any public facility or facilities as determined in Section 11 of the Act (N.J.S.A. 40:37A-54); and

WHEREAS, the Authority intends to lease the Improvements and the real property upon which the Improvements are situated to the Borough pursuant to the terms of a Lease and Agreement to be dated as of the first day of the month of issuance of the Bonds between the Authority, as lessor, and the Borough, as lessee (together with any amendments thereof or supplements thereto in accordance with its terms, the "Lease Agreement"); and

WHEREAS, during the term of the Lease Agreement, title to the Improvements will reside with the Borough; and

WHEREAS, in accordance with the terms of the Lease Agreement, (i) the Borough will manage and operate the Improvements, collect and disburse the revenues realized and pay the expenses incurred in connection therewith; and

WHEREAS, in order to induce the prospective purchasers of the Bonds to purchase same, and to provide additional security, the Bonds shall otherwise be secured by a guarantee ordinance adopted by the Borough unconditionally and irrevocably guaranteeing the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds, all pursuant to Section 37 of the Act (N.J.S.A. 40:37A-80); and

WHEREAS, in accordance with Section 13 ("Section 13") of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority shall make a detailed report with respect to such financing to the Board of County Commissioners of the County, which report shall include copies or a description of, without limitation, the various financing documents; and

WHEREAS, in accordance with N.J.S.A 40A:5A-6 and N.J.S.A. 40:37A-80 the Authority shall make application, on behalf of the Authority and the County to the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State (the "Local Finance Board") for the Local Finance Board's review of the financing, including, *inter alia*, the Bond Resolution, the Lease Agreement, the Ground Lease, the Borough Guaranty, and Continuing Disclosure Agreement (the "Financing Documents"); and

WHEREAS, in accordance with the terms of Section 37 of the Act (N.J.S.A. 40:37A-80) and the Borough Guaranty, the Borough shall be obligated, if necessary, to levy *ad valorem* taxes upon all the taxable property within the Borough without limitation as to rate or amount to make the timely payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds; and

WHEREAS, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the Borough; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing for the needs of the inhabitants of the Borough and will not create an undue financial burden to be placed upon the Borough.

NOW, THEREFORE, BE IT ORDAINED BY THE BROUGH COUNCIL OF THE BOROUGH OF ROSELLE, NEW JERSEY, as follows:

Section 1. The Mayor, Borough Administrator, Chief Financial Officer or such other authorized officer of the Borough (each an "Authorized Officer") are hereby each severally authorized and directed, upon the satisfaction of all the legal conditions precedent to the execution

or acknowledgment and delivery by the Borough, of the Financing Documents to be so executed or acknowledged by the Borough.

Section 2. The Clerk of the Borough is hereby authorized and directed, upon the execution or acknowledgment of the Financing Documents in accordance with the terms of Section 1 hereof, to attest to the Authorized Officer's execution or acknowledgment of such documents and is hereby further authorized and directed to thereupon affix the seal of the Borough to such documents.

Section 3. Upon the execution or acknowledgment and attestation of and if required, the placing of the seal on the Financing Documents as contemplated by Sections 1 and 2 hereof, the Authorized Officer is hereby authorized and directed to (i) deliver the fully executed or acknowledged, attested and sealed documents to the other parties thereto and (ii) perform such other actions as the Authorized Officer deems necessary, desirable or convenient in relation to the execution and delivery thereof.

Section 4. The Borough Council of the Borough hereby authorize the performance of any act, the execution or acknowledgment and delivery of any other document, instrument or closing certificates, which the Authorized Officer, deems necessary, desirable or convenient in connection with this contemplated transaction, and the Borough Council hereby directs the Authorized Officer to execute or acknowledge, and cause the Clerk of the Borough to attest and affix the seal to any such documents, instruments or closing certificates, the authorization of which actions shall be conclusively evidenced by the execution or acknowledgment, attestation, affixation and delivery, as the case may be, thereof by such persons. Such closing certificates shall include, without limitation, (a) a determination that any information provided by the Borough in connection with the preparation and distribution of (i) any preliminary official statement or supplement with relation to the Bonds is "deemed final" for the purposes and within the meaning of Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended ("Rule 15c2-12") and (ii) any official statement or supplement with relation to the Bonds constitutes a final Official Statement for the purposes and within the meaning of Rule 15c2-12, (b) a determination that the Continuing Disclosure Agreement complies with Rule 15c2-12, (c) a determination that any information provided by or on behalf of the Borough or relating to the Borough, the Improvements, the Financing Documents or the transactions contemplated thereby in connection with the preparation and distribution of any such Preliminary Official Statement or the Official Statement complies with Section 10 and Rule 10b-5 of the Securities Exchange Act, and (d) any representations, warranties, covenants, certificates or instruments required by any issuer of a municipal bond insurance policy or any other form of credit enhancement securing all or a portion of the Bonds or the issuer of a rating on all or a portion thereof.

Section 5. The Borough authorizes the Authority to issue its bonds to finance the Improvements.

Section 6. The Clerk of the Borough is hereby directed to publish and post notice of this ordinance as required by law.

Section 7. Upon the adoption hereof, the Clerk of the Borough shall forward certified copies of this ordinance to the Borough Administrator, Chief Financial Officer, Borough Attorney, the Authority, and Bond Counsel to the Authority.

Section 8. This ordinance shall take effect at the time and in the manner prescribed by law.

Recorded Vote on Introduction Ordinance No. 2640-21 – January 20, 2021

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

Recorded Vote on Final Passage of Ordinance No. 2640-21 – February 17, 2021

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

☐ Approved

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

Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2640-21 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council February 17, 2021, after 6:30 P.M., 210 Chestnut St., Roselle, NJ or via ZOOM ID# 882 6020 3500/Phone 1-929-205-6099US (New York).

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2641-21

ORDINANCE AUTHORIZING THE GUARANTY BY THE BOROUGH OF ROSELLE, NEW JERSEY OF PAYMENT OF PRINCIPAL OF AND INTEREST ON THE BOROUGH GUARANTEED LEASE REVENUE BONDS, SERIES 2021 (ROSELLE LIBRARY BUILDING PROJECT) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$6,500,000

WHEREAS, the County of Union, New Jersey (the "County"), pursuant to the Improvement Authorities Law of the State of New Jersey (the "State"), constituting Chapter 183 of the Pamphlet Laws of the State of 1960, as amended and supplemented (N.J.S.A. 40:37A-44 et seq.) (the "Act"), has heretofore duly created a body corporate and politic known as The Union County Improvement Authority (the "Authority"); and

WHEREAS, pursuant to Section 80 of the Act, the Borough of Roselle, New Jersey (the "Borough") is authorized to guaranty unconditionally the punctual payment of the principal of and interest on any obligations of the Authority; and

WHEREAS, the Borough, in order to assist the Authority with the financing and undertaking of the planning, design, construction and equipping of the renovation and expansion of the Borough's existing library located at Block 3902, Lots 19 and 20 in the Borough (the "Project"), has determined to provide for the guaranty of Borough Guaranteed Lease Revenue Bonds, Series 2021 (Roselle Library Building Project) of the Authority or the refunding of said bonds (the "Obligations") under the resolution of the Authority entitled "Borough Guaranteed Lease Revenue Bond Resolution (Roselle Library Building Project)" or the bond resolution(s) authorizing the refunding of said Obligations (the "Bond Resolution");

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

Section 1. This guaranty shall be adopted by the governing body of the Borough in the manner provided for adoption of a bond ordinance as provided in the Local Bond Law, constituting Chapter 169 of the Pamphlet Laws of 1960 of the State, as amended and supplemented (the "Local Bond Law").

Section 2. Pursuant to and in accordance with the terms of the Act, specifically Section 37 of the Act (N.J.S.A. 40:37A-80), the Borough is hereby authorized to and hereby shall fully, unconditionally and irrevocably guaranty the punctual payment of the principal of and interest on the Obligations in an aggregate principal amount not exceeding at any time \$6,500,000, which Obligations are to be issued to finance and/or refinance the Project, on such terms and conditions

as may be agreed to by and between the Borough and the Authority and as are reflected in this guaranty and in the guaranty certificate on the face of each Obligation. Upon the endorsement of the Obligations referred to in Section 3 below, the Borough shall be fully, unconditionally and irrevocably obligated to pay the principal of and interest on the Obligations in the same manner and to the same extent as in the case of Obligations issued by the Borough, and, accordingly, the Borough shall be unconditionally and irrevocably obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment thereof, without limitation as to rate or amount, when required under the provisions of applicable law. This full, unconditional and irrevocable guaranty of the Borough effected hereby to pay the principal of and interest on the Obligations when due, in accordance with the terms hereof, shall not be abrogated for any reason. Any Obligations which are no longer considered outstanding under the Bond Resolution shall not be counted for the purpose of the \$6,500,000 limitation contained in this guaranty.

Section 3. The Mayor or Chief Financial Officer of the Borough shall, by manual or facsimile signature, execute an endorsement on each of the Obligations evidencing this guaranty by the Borough as to the punctual payment of the principal thereof and interest thereon. The endorsement on each Obligation shall be in substantially the following form, and absent the fully executed endorsement in such form on any such Obligation, such Obligation shall not be entitled to the benefits of this guaranty:

GUARANTY BY THE BOROUGH OF ROSELLE, NEW JERSEY

The payment of the principal of and interest on the within Bond shall be fully, irrevocably and unconditionally guaranteed by the Borough of Roselle, a body corporate and politic of the State of New Jersey (the "Borough"), in accordance with the provisions of N.J.S.A. 40:37A-80 and the guaranty ordinance of the Borough finally adopted pursuant thereto, and the Borough is fully, irrevocably and unconditionally liable for the payment, when due, of the principal of and interest on this Bond, and if necessary the Borough shall levy *ad valorem* taxes upon all the taxable property within the Borough, without limitation as to rate or amount, in order to make such payment.

IN WITNESS WHEREOF, the Borough of Roselle, New Jersey, has caused this guaranty to be executed by the Mayor or Chief Financial Officer.

BOROUGH OF ROSELLE, NEW JERSEY

By: _____

Mayor or Chief Financial Officer

The Mayor or Chief Financial Officer is hereby further authorized to execute such other certificates or agreements relating to this guaranty that may be required by the Authority to comply with the terms of the financing documents relating to the Obligations, including, without limitation, (i) any agreements or certificates detailing the time and method that payment under this guaranty shall be made by the Borough, (ii) any letters of representations or similar undertakings to be executed in connection with the sale of the Obligations, setting forth certain representations,

warranties and covenants of the Borough as an inducement to the purchase of the Obligations, (iii) any certificates deeming "final" (for the purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission) any Preliminary or final Official Statements of the Authority in connection with the Obligations, and (iv) any bond purchase agreement or continuing disclosure agreement executed in connection with the sale of the Obligations. Such further agreements or certificates shall not abrogate the Borough's responsibilities hereunder.

The Mayor or Chief Financial Officer is hereby further authorized to execute one or more continuing disclosure agreement(s) or other instrument(s) undertaking the secondary disclosure obligations of the Borough required by Rule 15c2-12 of the United States Securities and Exchange Commission in connection with the issuance of any Obligations by the Authority.

Section 4. It is hereby found, determined and declared by the governing body of the Borough that:

(a) This guaranty may be adopted notwithstanding any statutory debt or other limitations, including particularly any limitation or requirement under or pursuant to the Local Bond Law, but the aggregate principal amount of the Obligations that shall be entitled to the benefits of this guaranty, being an amount not to exceed \$6,500,000 outstanding at any time, shall after their issuance be included in the gross debt of the Borough for the purpose of determining the indebtedness of the Borough under or pursuant to the Local Bond Law.

(b) The principal amount of Obligations entitled to the benefits of this guaranty and included in the gross debt of the Borough shall be deducted, and is hereby declared to be and to constitute a deduction, from such gross debt under and for all the purposes of the Local Bond Law (i) from and after the time of issuance of the Obligations until the end of the fiscal year beginning next after the completion of the acquisition or construction of the project to be financed from the proceeds of the Obligations, and (ii) in any annual debt statement filed pursuant to the Local Bond Law as of the end of said fiscal year or any subsequent fiscal year, if the revenues or other receipts or moneys of the Authority in such fiscal year are sufficient to pay its expenses of operation and maintenance in such fiscal year and all amounts payable in such fiscal year on account of the principal of and interest on all such guaranteed Obligations, all Obligations of the Borough issued as provided in Section 36 of the Act (N.J.S.A. 40:37A-79), and all Obligations of the Authority issued under the Act.

Section 5. The following matters are hereby determined, declared, recited and stated:

(a) The maximum outstanding principal amount of Obligations of the Authority that are hereby and hereunder guaranteed as to the punctual payment of the principal thereof and interest thereon at any time is \$6,500,000.

(b) The purpose described in this guaranty is not a current expense of the Borough, and no part of the cost thereof has been or shall be assessed on property specially benefited thereby.

(c) A supplemental debt statement of the Borough has been duly made and filed in the office of the Clerk of the Board, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of

Community Affairs of the State, and such debt statement shows that while the gross debt of the Borough, as defined in the Local Bond Law, is increased by this guaranty by \$6,500,000, in accordance with the provisions of the Act, the net debt of the Borough is not increased, and the obligation of the Borough authorized by or incurred pursuant to the terms of this guaranty is permitted by an exception to the debt limitations of the Local Bond Law, which exception is contained in the Act.

(d) All other items to be contained in a bond ordinance adopted pursuant to the Local Bond Law are hereby determined to be inapplicable to the Borough's guaranty of the Obligations hereby.

Section 6. This guaranty shall take effect at the time and in the manner provided by law.

Recorded Vote on Introduction Ordinance No. 2641-21 – January 20, 2021

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

Recorded Vote on Final Passage of Ordinance No. 2641-21 – February 17, 2021

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

☐ Approved

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

Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2641-21 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council February 17, 2021, after 6:30 P.M., 210 Chestnut St., Roselle, NJ or via ZOOM ID# 882 6020 3500/Phone 1-929-205-6099US (New York).

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2642-21

ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE ADOPTING THE REDEVELOPMENT PLAN FOR THE PROPERTY COMMONLY KNOWN ON THE BOROUGH TAX MAPS AS BLOCK 3801, LOTS 2.01, 4, 5, AND 6

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

WHEREAS, in June of 2019, the Council of the Borough of Roselle (hereinafter "Borough Council") adopted Resolution 2019-200 authorizing and directing the Planning Board to determine whether the property commonly known on the Borough tax maps as Block 3801, Lots 2.01, 4, 5, and 6 (hereinafter "Study Area") meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment with condemnation; and

WHEREAS, at a public hearing on March 4, 2020, the Planning Board determined, based on a report from Maser Consulting titled Redevelopment Area with Condemnation: Determination of Need Study dated January 2, 2020, that the Study Area is an area in need of redevelopment pursuant to the statutory criteria set forth in N.J.S.A. 40A:12A-5; specifically, Lot 2.01 (Borough-owned lot) and Lot 5 (laundromat) qualified for designation under Criteria G and H, Lot 4 (warehouse) qualified for designation under Criteria A, B, D, G, and H, and Lot 6 (Knights of Columbus) qualified for designation under Criteria A, D, G, and H; and

WHEREAS, the Planning Board, having found that the Study Area satisfied the statutory criteria to be designated as an Area in Need of Redevelopment **with Condemnation**, recommended that the Borough Council designate the Study Area as such; and

WHEREAS, subsequently, the Borough Council adopted Resolution 2020-135 on April 15, 2020, which designated the Study Area as a **Condemnation Redevelopment Area**; and

WHEREAS, May 20, 2020, the Borough Council adopted Resolution 2020-153 authorizing Maser Consulting to prepare a Redevelopment Plan for the Study Area; and

WHEREAS, Maser Consulting prepared a redevelopment plan, titled Redevelopment Plan for Block 3801 (hereinafter the "Redevelopment Plan"), attached hereto as **Exhibit A**; and

WHEREAS, the Borough Planner, Darlene A. Green, AICP, PP, of Maser Consulting, at a duly noticed and constituted public meeting on January 21, 2021, presented the Redevelopment

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Plan to the Planning Board and allowed all those present who wished to comment to be heard;
and

WHEREAS, the Planning Board found that the goals and objectives set forth in the Redevelopment Plan are substantially consistent with the Master Plan with the Borough of Roselle; and

WHEREAS, the Planning Board found that the adoption of the Redevelopment Plan is necessary and desirable in order to accomplish the effective redevelopment of the Study Area and that such redevelopment would be in the best interests of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Roselle, in the County of Union, New Jersey that the aforementioned recitals are incorporated herein as though fully set forth at length.

BE IT FURTHER ORDAINED, by the Borough Council hereby adopts the Redevelopment Plan, pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

BE IT FURTHER ORDAINED, the zoning ordinances of the Borough are hereby amended to include the amendments indicated in the Redevelopment Plan and the provisions therein.

BE IT FURTHER ORDAINED, the Borough Council shall serve as Redevelopment Entity for purposes of implementing the Redevelopment Plan and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

BE IT FURTHER ORDAINED, in case any one or more of the provisions of this Ordinance or the Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance or the Redevelopment Plan and this Ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

BE IT FURTHER ORDAINED, if any section, sub-section, paragraph, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

BE IT FURTHER ORDAINED, all ordinances or parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, this ordinance shall take effect 20 days after final passage and publication as prescribed by law.

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Recorded Vote on Introduction Ordinance No. 2642-21 – February 17, 2021

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

Recorded Vote on Final Passage of Ordinance No. 2642-21 – March 17, 2021

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

☐ Approved

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

Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2642-21 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council March 17, 2021, after 6:30 P.M., 210 Chestnut St., Roselle, NJ or via ZOOM ID# 882 6020 3500/Phone 1-929-205-6099US (New York).

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



ORDINANCE NUMBER 2643-21

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AND APPROPRIATING \$4,378,400 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,694,424 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 \$4,378,400, such sum includes the (a) the sum of \$489,533 expected to be received as a grant from the New Jersey Department of Transportation in connection with sections of Drake Avenue and West 4th Avenue described in Section 3(a)(1) and (b) the sum of \$194,443 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 and grant 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 \$3,694,424 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 \$3,694,424 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 Leon Place and Wenz Place between Rosewood Avenue and Thompson Avenue, Morris Street between Grand Street and 12 th Avenue, Spruce Street between East 9 th Avenue and East 7 th Avenue, East 8 th Avenue between Walnut Street and Dead End, Oak Street between East 9 th Avenue and Dead End, East 10 th Avenue between Walnut Street and Dead End, East 5 th Avenue between Harrison Avenue and Chandler Avenue, Harrison Avenue between East 3 rd Avenue and East 7 th Avenue, Melville Terrace between East 6 th Avenue and Dead End, Drake Avenue between East 1 st Avenue and East 7 th Avenue, West 4 th Avenue between Aldene Road and Pine Street, Frank Street between 10 th Avenue and St. George Avenue (Route 27), including curbing, milling, paving, driveway aprons, sidewalks, handicap ramps, sanitary sewer, storm sewer and other miscellaneous improvements, traffic safety improvements at intersection of 2 nd Avenue and Sheridan Avenue, 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.	\$2,828,400	2,221,924	13.19 Years
2. Improvements to Borough Hall, 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.	175,000	\$166,250	15 Years
3. Acquisition of garbage trucks and 95 gallon trash carts for the Department of Public Works.	900,000	855,000	12.22 Years
4. Demolition of Office of Emergency Management Building and installation of pre-	60,000	57,000	15 Years

<u>Improvements</u>	<u>Appropriation and Estimated Cost</u>	<u>Estimated Maximum Amount of Bonds or Notes</u>	<u>Period of Useful Life</u>
fabricated building, 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.			
5. Acquisition of in car cameras for the Police Department.	200,000	190,000	5 Years
6. Replacement of parking meters throughout the Borough.	165,000	156,750	15 Years
7. Replacement of roof at Fire Department, 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.	50,000	47,500	15Years
TOTAL:	\$4,378,400	\$3,694,424	

(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 \$3,694,424.

(c) The estimated cost of the Improvement is \$4,378,400 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 **12.80** 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 \$3,694,424 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$521,400 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 \$3,694,424.

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. 2643-21 – February 17, 2021

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

Recorded Vote on Final Passage of Ordinance No. 2643-21 – March 17, 2021

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

 Approved

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

Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2643-21 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council March 17, 2021, after 6:30 P.M., 210 Chestnut St., Roselle, NJ or via ZOOM ID# 882 6020 3500/Phone 1-929-205-6099US (New York).

Lydia D. Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-102

RESOLUTION AUTHORIZING A CLOSED (EXECUTIVE SESSION)

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

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

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

1. The public shall be excluded from discussions of and action hereinafter specified as:
 - Personnel Matters
 - Contract Negotiations
 - Contractual Matters
 - Litigation Matters
 - Matters Falling Within Attorney Client Privilege
2. It is anticipated at this time, the above stated subject matters will be made public when it is determined that the need for confidentiality no longer exists.

This resolution shall take effect immediately.

I, 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 February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February 2021.

Lydia Massey, Acting Municipal Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-103

**APPOINTMENT OF MICHAEL TISDALE AS THE INTERIM LAND USE
ADMINISTRATOR**

WHEREAS, the Borough Council would like to appoint Michael Tisdale as the Interim Land Use Administrator, as the position requires that the person have Zoning experience and be in a supervisory role.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Roselle hereby appoints Michael Tisdale as the Interim Land Use Administrator, until there is an official appointment.

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 February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February, 2021.

Lydia Massey,
Acting Borough Clerk

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021 - 104

RESOLUTION ADJUSTING THE SALARY OF DUANE PATTERSON RETROACTIVELY TO DECEMBER 1, 2020

WHEREAS, George Phipps, the Superintendent of Public Works (DPW) was on an extended leave of absence for the month of December 2020; and

WHEREAS, Duane Patterson, the Assistant Superintendent of the DPW, was serving in the capacity of Superintendent of the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Roselle that effective the next regular payroll of the Borough of Roselle, Duane Patterson, will receive retroactive backpay for the additional services provided in addition to being the Assistant DPW Superintendent from December 1st through December 31st at a differential of \$5,000 per year.

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 February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey, this 17th day of February, 2021.

Lydia Massey, Acting Borough Clerk

Certification of Availability of Funds:
(Account# 1-31-26-291-000-11)

Anders Hasseler
Anders Hasseler, CFO

10 Feb 21
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-105

RESOLUTION APPOINTING A CHIEF PROSECUTOR FOR THE MUNICIPAL COURT

WHEREAS, pursuant to N.J.S.A. 2B:25-4, Moshood Muftau was appointed Municipal prosecutor for the 2021 calendar year; and

WHEREAS, the Municipal Court of the Borough of Roselle desires to increase the Court Calendar in order to assist in the reduction of backlog and maximize dispute resolution; and

WHEREAS, the increase of Municipal Court sessions will require more than one municipal prosecutor; and

WHEREAS, N.J.S.A. 2B:25-4(f), requires the Borough to designate a prosecutor to the Position of Chief Prosecutor; and

WHEREAS, Moshood Muftau is an Attorney at Law in the State of New Jersey and is qualified to perform the duties of Chief Prosecutor for the Borough of Roselle.

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

1. Moshood Muftau, Esq. is hereby appointed to the part time position of Chief Prosecutor for the Municipal Court of the Borough of Roselle for the remainder of 2021, effective immediately.
2. Moshood Muftau Esq. is expected to cover a minimum of 96 Court sessions throughout the 2021 Calendar year, and handle the administration, scheduling, and staffing of Prosecutors for the Municipal Court of the Borough of Roselle.
3. Moshood Muftau, Esq. shall be compensated in accordance with the salary for said position as set forth in the Borough's Salary Ordinance at \$34,000.00 for CY2021 and a waiver of the Borough's residency requirement is granted. This salary is contingent upon the availability of funds in the 2021 budget.
4. The Borough Clerk shall promptly, and in no case later than 5 business days from the date hereof, cause a copy of this Resolution to be served upon Moshood Muftau, Esq.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk of the Borough of Roselle is hereby authorized to take whatever action is necessary, including executing any contract documents, to effectuate the retention of Moshood Muftau as Municipal Prosecutor for the 2021 calendar year.

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 February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February 2021.

Lydia D. Massey, Acting Municipal Clerk

Certification of Availability of Funds:
(Account#1-01-25-275-000-111)

Anders T Hasseler
Anders Hasseler, CFO

04 Feb-21
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-106

**RESOLUTION APPOINTING AN ASSISTANT PROSECUTOR FOR THE
MUNICIPAL COURT**

WHEREAS, pursuant to N.J.S.A. 2B:25-4(f), there is a need to appoint an Assistant Prosecutor for the Borough of Roselle; and

WHEREAS, Connie Bentley McGhee, Esq. is an attorney at law of the State of New Jersey and is qualified to perform the duties of Assistant Prosecutor for the Borough of Roselle.

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

1. Connie Bentley McGhee, Esq. is hereby appointed to the part time position of Assistant Prosecutor for the Municipal Court of the Borough of Roselle for the remainder of 2021, effective immediately.
2. Connie Bentley McGhee, Esq. shall be compensated in accordance with the salary for said position as set forth in the Borough's Salary Ordinance at \$15,000.00 for a minimum of 48 sessions for CY2021. This salary is contingent upon the availability of funds in the 2021 budget.
3. The Borough Clerk shall promptly, and in no case later than 5 business days from the date hereof, cause a copy of this Resolution to be served upon Connie Bentley McGhee, Esq.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk of the Borough of Roselle is hereby authorized to take whatever action is necessary, including executing any contract documents, to effectuate the retention of Connie Bentley McGhee as Municipal Prosecutor for the 2021 calendar year.

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 February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day February 2021.

Lydia D. Massey, Acting Municipal Clerk

Certification of Availability of Funds:
(Account#1-01-25-275-000-111)

Anders T Hasseler
Anders T. Hasseler, CFO

04 Feb 21
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-107

RESOLUTION AUTHORIZING FINAL PAYMENT BASED ON AS-BUILT QUANTITIES AND RELEASE OF RETAINAGE FOR THE 2020 ROSELLE SIDEWALK IMPROVEMENTS PROJECT FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, Cifelli & Son General Contracting Inc., 81 Franklin Avenue, Nutley, NJ 07110 was previously awarded a contract for the above-referenced project in the amount of \$79,350.00 by way of Resolution Number 2020-171; and

WHEREAS, the project has been completed to date in the total dollar amount of \$55,641.39 (includes 2% retainage) that reflects the as-built construction quantities necessary to properly construct this project to date; and

WHEREAS, the Borough Engineer has reviewed the as-built final quantities and finds that the request has merit, is in the best interest of the Borough and has recommended to the Borough Administrator, Borough CFO and Borough Finance Office to pay the total final as-built amount; and

WHEREAS, the Maintenance Bond #S330165 in the amount of \$8,346.20 has been received and approved and Maser Consulting recommends the release of Cifelli's Performance Bond #S330165 and final payment amount of \$1,112.83; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2627-20; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced dollar amount of **\$1,112.83** is authorized by way of final as-built quantities for the 2020 Sidewalk Improvement Project to Cifelli & Son General Contracting Inc., 81 Franklin Avenue, Nutley, NJ 07110.

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

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on Wednesday, February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February 2021.

Lydia Massey, Acting Borough Clerk

Certification of Availability of Funds:
(Account#C-04-55-262-007-001)

Anders Hasseler, CFO

09 Feb 21

Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-108

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE CONCEPTUAL PLAN AND VENDOR CO-ORDINATION FOR THE WARREN STREET PARK FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, the Borough of Roselle is desirous in undertaking Park Improvements for the Warren Street Park within the Borough and the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle and;

WHEREAS, Colliers Engineering & Design, Inc DBA Maser Consulting is familiar with the design procedures that are necessary for said improvements and has performed the tasks as delineated in the February 5, 2021 correspondence; and

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

WHEREAS, on January 6, 2021, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2021-026); and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically, within bond ordinance number 2627-20 for said engineering services for the Warren Street Park Due Diligence Analysis and Grant Services.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design, Inc. DBA Maser Consulting) is authorized to perform professional engineering services in the amount of \$10,000.00 for the Warren Street Park Conceptual Plan.

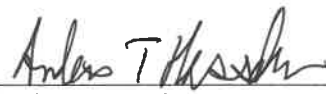
BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Municipal 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 February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February 2021.

Lydia Massey
Acting Municipal Clerk

Certification of Availability of Funds:
(Account#C-04-55-262-007-003)


Anders Hasseler

08 Feb 21
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-109

**RESOLUTION AUTHORIZING SURVEY AND PROFESSIONAL
ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE FIELD
HOUSE AT RALPH ARMINIO FELD ATHLETIC COMPLEX
IMPROVEMENTS FUNDED BY THE GREEN ACRES PROGRAM AND THE
MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY,
NEW JERSEY**

WHEREAS, the Borough of Roselle is desirous in undertaking Park Improvements for the Field House at the Ralph Arminio Field Athletic Complex within the Borough and the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle and;

WHEREAS, Colliers Engineering & Design Inc. DBA Maser Consulting is familiar with the design procedures that are necessary for said improvements and shall perform the tasks as delineated in the February 5, 2021 correspondence; and

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

WHEREAS, on January 6, 2021, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2021-026); and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically, within bond ordinance number 2627-20 for said engineering services for the Field House at Ralph Arminio Field Athletic Complex.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design Inc DBA Maser Consulting) is authorized to perform professional engineering services in the amount of \$67,250.00 for the Field House at the Ralph Arminio Field Athletic Complex.

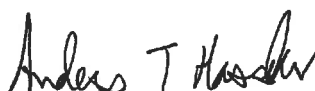
BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Municipal 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 February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February, 2021.

Lydia Massey
Acting Municipal Clerk

Certification of Availability of Funds:
(Account#C-04-55-257-002-001)



Anders Hasseler



Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-110

**RESOLUTION FOR A CHANGE ORDER AMENDMENT TO THE CONTRACT
FOR YOUR WAY CONSTRUCTION INC., REGARDING ADDITIONAL SITE
WORK FOR THE COMPLETION OF THE RALPH ARMINIO FIELD
IMPROVEMENTS PROJECT**

WHEREAS, Your Way Construction, Inc., 404 Coit Street Irvington, NJ 07111 was previously awarded a contract for the above-referenced project in the amount of \$2,322,751.86 by way of Resolution Number 2017-312; and

WHEREAS, additional funds are required to complete the project due to additional work requested by the Borough and as listed in the Maser Consulting correspondence dated January 26, 2021; and

WHEREAS, the Borough Engineer has reviewed the request and has recommended to the Borough Administrator, Borough CFO and Borough Finance Office an increase in the total contract amount and not to exceed \$340,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2579-18.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced increase in project scope is authorized to Your Way Construction, Inc. as per the Maser Consulting correspondence dated January 26, 2021 and the following breakdown:

Contract Amount	\$2,322,751.86
<u>Change Order</u>	<u>\$ 340,000.00</u>
Adjusted Contract Amount	\$2,662,751.86

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

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of January 2021.

Lydia Massey
Acting Municipal Clerk

Certification of Availability of Funds
(Account#C-04-55-262-007-002)

Anders T Hasseler 04 Feb-21
Anders Hasseler, CFO Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-111

**RESOLUTION FOR A CHANGE ORDER AMENDMENT TO THE CONTRACT
FOR AMERICAN ASPHALT & MILLING SERVICES, LLC. REGARDING
ADDITIONAL SITE WORK FOR THE COMPLETION OF THE 2018 VARIOUS
MUNICIPAL ROADWAY IMPROVEMENTS PROJECT**

WHEREAS, American Asphalt & Milling Services, LLC, 96 Midland Avenue, Kearny, NJ 07032 was previously awarded a contract for the above-referenced project in the amount of \$738,021.94 by way of Resolution Number 2018-282; and

WHEREAS, additional funds are required to complete the project due to unforeseen underground conditions as listed in the Maser Consulting correspondence dated January 28, 2021; and

WHEREAS, the Borough Engineer has reviewed the request and has recommended to the Borough Administrator, Borough CFO and Borough Finance Office an increase in the total contract amount and not to exceed \$60,899.29; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2627-20.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced increase in project scope is authorized to American Asphalt & Milling Services, LLC as per the Maser Consulting correspondence dated January 28, 2021 and the following breakdown:

Contract Amount	\$738,021.94
Change Order	\$ 60,899.29
Adjusted Contract Amount	\$798,921.23

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

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on February 17, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February 2021.

Lydia Massey
Acting Municipal Clerk

Certification of Availability of Funds
(Account#C-04-55-262-007-001)


Anders Hasseler, CFO

10 Feb 21
Date

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-112

AMENDING RESOLUTION 2021-071 AWARDING A CONTRACT TO MASER CONSULTING, INC. AS BOROUGH ENGINEER OF RECORD NOT TO EXCEED \$90,000.00

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; and

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

1. That the Borough Council awards a contract to and appoints MASER CONSULTING, INC., 400 VALLEY ROAD, SUITE 304, MT. ARLINGTON, NJ 07856 as Borough Engineer and Planner of Record, said contract amount not to exceed \$90,000.00 for General Engineering and Planner Services, said contract to be for the period from January 1, 2021 through December 31, 2021.

2. The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2021 adopted budget in the amount \$90,000.00 in account 1-01-165-000-228

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 2021 budget in **account# 1-01-20-165-000-228**; and

WHEREAS, if funds are not available for the contract in the 2021 permanent budget, the contract will be terminated.

1. The remaining balance of the contract will be made available in the CY 2021 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 engineering 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 Maser Consulting ,Inc., 400 Valley Road, Suite 304, Mt. Arlington, NJ 07856, 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.

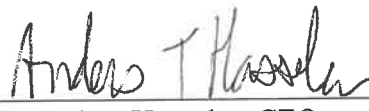
7. This Resolution shall take effect immediately.

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 February 17, 2021.

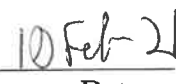
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 17th day of February 2021.

Lydia Massey
Acting Borough Clerk

Certification of Availability of Funds:



Anders Hasseler, CFO



Date:

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2021-113

AUTHORIZE TAX TITLE LIEN REDEMPTIONS

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

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

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

LIENHOLDER	BLOCK	LOT	QUAL	CERTIFICATE	PREMIUM	REDEMPTION	TOTAL
FNA DZ, LLC	905	4		20-00011	\$35,600.00	\$13,811.52	\$49,411.52
FNA DZ, LLC	1202	8		18-00012	\$17,000.00	\$51,022.52	\$68,022.52
GREYMORR LLC	2502	25		20-00026	\$39,100.00	\$13,555.49	\$52,655.49
JASPER ST. FUNDING LLC	805	6		20-00005	\$0.00	\$1,204.53	\$1,204.53
LSG TL HOLDINGS LLC	6401	8		20-00054	\$43,700.00	\$15,012.64	\$58,712.64
					\$135,400.00	\$94,606.70	\$230,006.70

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 February 17, 2021.

Lydia Massey, Acting Municipal Clerk

Certification of Availability of Fund

Michael J. Schnurr, Tax Collector

Date

MS 2/11/21

Resolution # 2021-114

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

BILL LIST

17-Feb-21

FUND

ANIMAL CONTROL	\$	84.00
CAPITAL ACCOUNT	\$	331,412.27
CDBG TRUST		
CURRENT FUND	\$	2,335,309.70
ESCROW TRUST		
FSLEF		
SLEF		
GENERAL TRUST ACCOUNT	\$	1,896.41
TRUST DCA FEES		
GRANT ACCOUNT	\$	410.36
SUI		
JANUARY 29, 2021 PAYROLL	\$	777,900.03
FEBRUARY 12, 2021 PAYROLL	\$	950,275.70
MANUAL CHECK	\$	110,483.02
POAA		
REDEMPTION PREMIUM ACCOUNT	\$	96,300.00
PUBLIC DEFENDER		
REDEMPTION TRUST	\$	81,051.21
RESERVE FOR ESCROW		
SALARY DEDUCTION		

GRAND TOTAL		<u><u>\$4,685,122.70</u></u>
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LYDIA MASSEY
ACTING BOROUGH CLERK

DATED: FEBRUARY 17, 2021