BOROUGH OF ROSELLE MAYOR AND COUNCIL REGULAR MEETING MINUTES APRIL 20, 2022

Mayor Shaw called the Regular Meeting of the Mayor and Council of the Borough of Roselle, Union County, New Jersey, held at Borough Hall, 210 Chestnut Street, Roselle, New Jersey to order on April 20, 2022 at 6:30 p.m. The flag salute was done and the invocation was given by Councilman Fortuna.

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

STATEMENT OF COMPLIANCE

The requirements of N.J.S.A. 10:4-6 et seq., "Sunshine Law" has been met. A notice of this meeting was sent to the Star Ledger, published in the Home News Tribune on December 15, 2021, posted on the Bulletin Board in Borough Hall and on the Borough's website and filed in the Office of the Municipal Clerk.

ROLL CALL

Present:

Councilman Richard Villeda, First Ward (Arrived via telephone at 6:34 p.m.)
Councilman Brandon Bernier, Second Ward
Councilwoman Cynthia Johnson, Third Ward
Councilwoman Cindy Thomas, Fourth Ward
Councilman John Fortuna, Fifth Ward
Council President Denise Wilkerson, At-Large
Mayor Donald Shaw

Also Present:

Lisette Sanchez, Municipal Clerk R. Allen Smiley, Borough Administrator Mohamed Jalloh, Esq., Borough Attorney

PROCLAMATIONS

Mayors Wellness Campaign 2022 read into the record by Councilman Fortuna. Children's Week 2022 read into the record by Councilwoman Johnson.

National Library Week 2022 read into the record by Councilman Bernier.

Roselle 2022 Emerging Star Award to Breana Nelson read into the record by Council President Wilkerson.

APPROVAL OF MINUTES OF MEETINGS

Minutes of the Mayor and Council Workshop Meeting – March 9, 2022 Minutes of the Mayor and Council Executive Session Meeting – March 9, 2022 Minutes of the Mayor and Council Regular Meeting - March 16, 2022

Motion to adopt by Council President Wilkerson, second by Councilman Bernier.

X			
21			
X			
X			
X			
X			
X			
	X X X	X X X	X X X X

CORRESPONDENCE/APPOINTMENTS

COMMITTEE REPORTS

Finance Committee – Councilman Bernier reported the following:

- Presentation, Public Hearing & Adoption of the 2022 Municipal Budget will be tonight
- Budget will be adopted with a zero municipal tax increase for 3rd years in a row
- Since 2017, the average municipal tax has increased a total over the last five years of \$25
- Resolution for converting the snow removal truck trust to a snow removal recovery trust

Planning Committee - Councilman Bernier reported the following:

- Regular meeting held on April 6, 2022 recommended the Council approve the redevelopment plan that's on tonight's agenda
- Next meeting May 6, 2022 at 6:30 p.m. to review a land use plan element to move forward to allow indoor cannabis cultivation
- Wendy's hearing for site plan approval for upgrade and renovation

Governance Committee - Council President Wilkerson reported the following:

- Extending the Land Use Administrator's role
- Hiring a new Chief Finance Officer
- Building the Urban Enterprise Zone redevelopment corporation and received over \$200K in grant funds

Redevelopment Committee - Councilman Bernier reported the following:

- Adoption of the redevelopment plan for 792 West 3rd Avenue
- Introduction of an Ordinance to revise escrow fees for redevelopment
- Introduction of two ordinances revising prior Cannabis Ordinance to allow for indoor cannabis cultivation

- Rebooting the Urban Enterprise Zone
- Reviewing inventory of Borough owned lots
- Amendment to the North Chestnut Street Redevelopment Plan to extend area
- The potential redevelopment of downtown North Chestnut Street

Library Committee – Council President Wilkerson reported the following:

- Construction documents are complete and prepping to go out to bid
- Moving closer to the construction of a new library

Public Safety Committee- Councilwoman Johnson reported the following:

- Police Department March 2022, there were 2,684 calls for service; 533 area check/park & walks; 81 motor vehicle accidents, 31 drunken drivers; 150 ambulance calls.
- The department is looking to hire more Police Officers
- Asked the Police and Fire Chief to share information so she can share it with the public
- Cannot provide certain information that is under investigation and after her committee meeting

Department of Public Works - Councilman Fortuna reported the following:

- The mailer that includes trash schedule and calendar was provided mailed to residents
- Westside garbage cans are on back order and garbage pickup will start in July 2022
- Eastside garbage can were delivered and pickup will start on May 2, 2022
- Tree damaged sidewalk construction will take place later in the Spring or early Summer

Recreation Committee – Councilwoman Thomas reported the following:

- The Recreation calendar is finalized and will be mailed out to residents next week
- The senior nutritional program resumed on April 7, 2022
- Youth Art Month Ceremony was a success
- Roselle Summer Day Camp will be held at Washington Elementary School from 7:30 a.m., to 5:30 p.m. for ages 5 through 15
- 2nd Annual Easter Egg Hunt at Bud Simmons was a success
- Mother's Day Event at the Amalfe Community Center. Urged residents to call and make reservations

PUBLIC COMMENT

Mayor Shaw opened up the public comment portion of the meeting. Thereafter the following public comments were made:

- 1. **Sylvia Turnage** made the following comments:
 - Questioned how was the UEZ board was comprised and why other Council people were not considered
 - Asked who reviewed the cannabis ordinance
 - Seniors called about the new garbage bins being too heavy to use
 - Recreation calendar came out too late
 - Easter eggs hunt should not have been on a Sunday
 - Doesn't hear about Recreation events at the Workshop meetings

- 2. **Ethlyne Grimsley** made the following comments:
 - Asked if the cost of a second garbage can will be \$75
 - Asked about placement of the new garbage cans with so many cars parked on the streets
 - Complained about traffic and asked for speed bumps to be placed on certain streets
 - Complained about construction on the streets and said people were not notified
- 3. **Mrs. Beuzeil** made the following comments:
 - The Greater Burning Bush Pentecostal Church at 1229 Spruce Street, Roselle continues to have issues with taxes and asked for assistance
- 4. **Garrett Smith** made the following comments:
 - Former elected officials and others are being attacked when they make public comments
 - People are demeaned for things they did years ago
 - Lawsuits are being filed by employees and volunteers and costing the town money because of arrogant behavior by elected officials
 - Respects projects that were put in place by other Mayors
- 5. **Assemblyman Reginald Atkins** made the following comments:
 - The new 20th Legislative District office location is 129 E. First Avenue, Roselle and the grand opening is scheduled for April 27, 2022
 - The first 100 days in office handled over 3,322 inquiries
 - Processed over 100 notary applications
 - The legislative office phone number is (908) 445-7154
 - Celebrated 12 women for Women's History Month
 - Supplied covid test kits and masks to Roselle and Hillside

INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES

ORDINANCE ON SECOND READING & FINAL PASSAGE – Ordinance Number 2681-22

ORDINANCE NUMBER 2681-22

ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, NEW JERSEY ADOPTING REDEVELOPMENT PLAN FOR BLOCK 305, LOTS 4 & 5 ON THE BOROUGH'S TAX MAPS IN ACCORDANCE WITH THE LOCAL REDEVELOPMENT AND HOUSING LAW

WHEREAS, on July 21, 2021, the Borough Council (the "Borough Council") of the Borough of Roselle (the "Borough") adopted Resolution 2021-255 designating the area including Block 305, Lots 4 & 5 on the Borough's Tax Maps (the "Redevelopment Area") as an area in need of

redevelopment pursuant to the New Jersey Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, on December 15, 2021, the Borough Council adopted Resolution 2021-377 authorizing Colliers Engineering & Design, Inc. (the "Planning Consultant") to prepare a redevelopment plan for the Redevelopment Area; and

WHEREAS, the Planning Consultant prepared a redevelopment plan for the Redevelopment Area, entitled "Redevelopment Plan for Block 305, Lots 4 & 5", dated March 2022 (the "Redevelopment Plan"); and

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

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

WHEREAS, upon receipt of the Planning Board's recommendations relating to the Redevelopment Plan, the Borough Council believes the adoption of the Redevelopment Plan is in the best interests of the Borough and desires to approve same.

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

- **Section 1**. The aforementioned recitals are incorporated herein as though fully set forth at length.
- **Section 2.** The Redevelopment Plan is hereby adopted pursuant to the terms of *N.J.S.A.*, 40A:12A-7.
- **Section 3**. The zoning district map included in the zoning ordinance of the Borough is hereby amended to reference and delineate the property described and governed by the Redevelopment Plan. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Borough's municipal code, as and where indicated.
- **Section 4**. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.
- Section 5. This Ordinance shall take effect in accordance with all applicable laws.

Mayor Shaw read Ordinance Number 2681-22 by title and opened the public hearing on the ordinance. Thereafter, Mr. Antony Esposito inquired regarding the address for the

redevelopment. Seeing no one else come forward, Mayor Shaw closed the public comment on the ordinance.

Motion by Councilman Bernier, second by Councilwoman Thomas to adopt Ordinance Number 2681-22 on Second Reading and Final Passage.

Recorded Vote on Final Passage of Ordinance No. 2681-22 – April 20, 2022

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

ORDINANCE ON SECOND READING & FINAL PASSAGE – Ordinance Number 2682-22

ORDINANCE NUMBER 2682-22

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2022 (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Council of the Borough of Roselle in the County of Union finds it advisable and necessary to increase its CY 2022 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 335,221.72 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2022 budget year, the final appropriations of the Borough of Roselle, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 335,221.72 and that the CY 2022 municipal budget for the Borough of Roselle be approved and adopted in accordance with this ordinance; and

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

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

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

Mayor Shaw read Ordinance Number 2682-22 by title and opened the public hearing on the ordinance. Thereafter, Mr. Garrett Smith inquired as to why the Borough is requesting to increase the CAP bank. Seeing no one else come forward, Mayor Shaw closed the public comment on the ordinance.

Motion by Councilman Fortuna, seconded by Councilman Bernier to adopt Ordinance Number 2682-22 on Second Reading and Final Passage.

Recorded Vote on Final Passage Ordinance No. 2682-22 - April 20, 2022

	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			

ORDINANCE ON INTRODUCTION & FIRST READING – Ordinance Number 2683-22

ORDINANCE NUMBER 2683-22

AN ORDINANCE AMENDING CHAPTER 650 "LAND USE", ARTICLE XI
"ADMINISTRATION, ENFORCEMENT AND FEES", SECTION 86.1 "FEES AND
ESCROW DEPOSITS" OF THE CODE OF THE BOROUGH OF ROSELLE TO
UPDATE THE FEES AND ESCROW REQUIRED IN CONNECTION WITH BOARD
APPLICATIONS

WHEREAS, the Borough of Roselle has reviewed the fees and escrows and believes they need to be adjusted to reflect the fees and escrows needed to process and review applications; and

WHEREAS, the Borough has reviewed the fees and escrows of surrounding towns and compared them to those established within the Borough of Roselle; and WHEREAS, after review with the Borough Planner, the Borough Council desires to update the fees and escrow required in connection with land use applications to better align with surrounding communities.

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

Section 1. Chapter 650 "Land Use", Article XI "Administration, Enforcement and Fees", Section 86.1 "Fees and escrow deposits" is amended and supplemented to revise the text as follows with new text <u>underlined</u>, and to remove the table under A.(1) and replace it with the following table:

A. Fees and escrow.

(1) Fees <u>and escrow</u> for applications or for the rendering of any service by the Boards or any member of their administrative staffs shall be as follows:

Fees and Escrov	w for Applications ¹	
Category	Application Fee	Application Escrow
Relief from use regulation (D Variances)		
1- or 2-family	\$250/variance	\$750/variance
3 or more units	\$250/variance	\$1,500/variance
Non-residential use	\$300/variance	\$1,500/variance
Relief from bulk regulations		
1- or 2-family	\$200	\$250 for the first variance
3 or more units	\$200	and \$50 for each
Non-residential use	\$200	additional variance
Request for design waivers		\$50/waiver
1- or 2-family application ²	\$250	\$3,500
Preliminary site plan		SO THE PUBLIC HEAT RE
3 - 20 units	\$250	\$4,500
20+ units	\$500	\$5,500
Non-residential, lot area 0 to 20,000 square feet	\$500	\$3,500
Non-residential, lot area 20,000 to 50,000 square feet	\$750	\$5,000
Non-residential, lot area 50,000 to 100,000 square feet	\$750	\$7,000
Non-residential, lot area 100,000+ square feet	\$750	\$10,000
Final site plan 3 - 20 units		\$3,375
20+ units		\$4,125
Non-residential, lot area 0 to 20,000 square feet		\$2,625
Non-residential, lot area 20,000 to 50,000 square feet		\$3,750
Non-residential, lot area 50,000 to 100,000 square feet		\$5,250
Non-residential, lot area 100,000+ square feet		\$7,500

Subdivision		
Sketch plan for major subdivision		\$500
Preliminary minor	\$300 + \$50 for each lot over 3 lots	\$750
Preliminary major	\$400 + \$100/lot	\$1,500
Final minor	\$400 + \$100/lot	\$750
Final major	\$400 + \$100/lot	\$1,500
Miscellaneous items		
Hearing scheduled for special meeting	\$500/meeting	
Special professional meeting (informal conceptual)	\$100	\$300/meeting
Development Review Committee meeting	\$250	\$500 for 1- and 2-family homes; all other applications \$1,000
Legal notice publication fee	Actual cost of publication	
Zoning Interpretation	\$100	\$750
Appeals to the Board	\$100	\$750
¹ Note that the fees and escrows listed above	are cumulative.	
² Note that 1- and 2-family homes are not red	juired to submit a site pla	n under the Municipal
Land Use Law.		

- (4) Escrow account.
- (a) The escrow account is established to provide payment for the technical and professional costs of the review of applications and the review and preparation of documents and is based on the fee schedule of this section. Reviewing applications shall include, but shall not be limited to, all time spent at meetings by the professional staff.
- (b) All deposits for technical, professional review and inspection fees shall be kept in an escrow account for that purpose by the Borough. This account shall be managed by the Chief Financial Officer of the Borough, in accordance with the terms of this section.
- (c) Whenever an amount of money in excess of \$5,000 shall be deposited by an applicant with the Borough for professional services employed by the Borough or the approving Board to review applications for development, municipal inspection fees in accordance with this chapter, or to satisfy the guaranty requirements of this chapter, the money, until repaid or applied to the purposes for which it was deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided by law, shall continue to be the property of the applicant and shall be held in trust by the Borough. Money deposited shall be held in escrow. The Borough receiving the money shall deposit it in a banking institution or savings and loan association in this state insured by an agency of the federal government or in any other fund or depository

approved for such deposits by the state, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Borough shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to the applicant by the Borough annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the municipality may retain for administrative expenses a sum equivalent to no more than 1/3 of the entire amount, which shall be in lieu of all other administrative and custodial expenses.

(d) Whenever an escrow account drops to 50% or less of the initial required escrow deposit, said account shall be replenished to the initial required escrow amount within five business days of the request being made.

Section 2. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 3. Repealer

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Section 4. Effective Date

This ordinance shall become effective immediately or as prescribed by law.

Motion to adopt by Council President Wilkerson, second by Councilman Fortuna.

Recorded Vote on Introduction Ordinance No. 2683-22 - April 20, 2022

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

Public Hearing scheduled for May 18, 2022.

ORDINANCE ON INTRODUCTION & FIRST READING – Ordinance Number 2684-22

ORDINANCE NUMBER 2684-22

AN ORDINANCE AMENDING CHAPTER 155 "CANNABIS ESTABLISHMENTS," SECTION 5, "LICENSING"

WHEREAS, the Mayor and Council of the Borough of Roselle, in the County of Union, New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State"), wishes to create licensing requirements and land use regulations for regulated cannabis establishments that also protect the health, safety and general welfare of the community; and

WHEREAS, on July 21, 2021, the Mayor and Council of the Borough enacted Chapter 155 "Cannabis Establishments" and Chapter 465 "Cannabis Transfer Tax and User Tax" of the Borough Code, which defined allowed cannabis establishments within the limits of the Borough and created local licensing requirements for cannabis establishments seeking to operate within the Borough; and

WHEREAS, on August 19, 2021, the State of New Jersey Cannabis Regulatory Commission ("CRC") adopted rules regarding Personal Use Cannabis, which address, among other things, municipal authority and licensing procedures; and

WHEREAS, the Borough finds, given the rules promulgated by the CRC, it is necessary to amend the Borough licensing requirements for Cannabis Establishments for consistency with the CRC's rules; and

WHEREAS, the Borough finds it necessary to amend the Borough General Ordinances to allow for indoor-only cannabis cultivation, consistent with the requirements set forth by the CRC.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Part IV, Chapter 155 is hereby amended as follows:

SECTION I. The aforementioned recitals are incorporated herein as though fully set forth at length.

SECTION II. The Code of the Borough of Roselle, Part IV, General Ordinances, Chapter 155 Cannabis Establishments, Section 5, Entitled "licensing," is hereby amended and supplemented as follows (additions in **bold**, deletions struck through):

§ 155-5 Licensing.

- A. Local licensing authority.
- (1) The governing body is hereby designated to act as the local licensing authority for the Borough for all cannabis establishments. Under all circumstances in which State law requires communication to the Borough by the Cannabis Regulatory Commission or any other State agency with regard to the licensing of cannabis establishments by the State, or in which State law requires any review or approval by the Borough of any action taken by the State licensing authority, the exclusive authority for receiving such communications and granting such approvals shall be exercised by the Borough Administrator.
- (2) Under no circumstances shall a local license for a cannabis establishment issued by the governing body be effective until or unless the State has issued the requisite permits or licenses to operate such a facility. It is in the intent of this Chapter that no cannabis establishment may lawfully operate in the Borough without the issuance of a State permit or license and full

regulatory oversight of the cannabis establishment by the Cannabis Regulatory Commission or other state licensing authority. as well as oversight and issuance of a license by the Borough.

B. Classification of licenses. The Borough, subject to land use approval and State licensure, may issue the following municipal licenses to operate a cannabis establishment:

Class 2: Cannabis Manufacturer license

Class 3: Cannabis Wholesaler license

Class 4: Cannabis Distributor license

Class 5: Cannabis Retailer license

Class 6: Cannabis Delivery license

B. Within twenty-eight (28) days of receipt of a license application from the New Jersey Cannabis Regulatory Commission (the "Commission"), the Borough shall inform the Commission whether such license application complies with its ordinance or regulation, as may be applicable.

C. Maximum Number of Licenses.

The Borough may issue a maximum of two (2) Class 2 licenses, two (2) Class 3 licenses, two (2) Class 4 licenses, three (3) Class 5 licenses, and five (5) Class 6 licenses. To the extent permissible by State law, licensure in all classes may be, but are not required to be, held by the same entity or individual, but an entity may not hold more than one cannabis retailer license. Any license conditionally issued by the Borough is contingent upon the locally licensed entity's or individual's subsequent receipt of a State permit or license of the same class or type of regulated cannabis activity.

C. If the Borough receives multiple pending license applications from the Commission, the Borough shall provide input to the Commission as to the municipality's preferences for licensure in ranking order from the first to last, respectively for each class of license.

D. Application.

Individuals or entities wishing to obtain any classification of cannabis license shall file a license application with the Borough Clerk, on a standardized form established by the Administrator and available in the Clerk's office. The Administrator shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Borough Clerk unless all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- (1) The applicant(s) shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon successful licensing.
- (2) The applicant(s) shall submit an affidavit and documentary proof of compliance with all State and local laws regarding affirmative action, anti-discrimination and fair employment practices. The applicant(s) shall also certify under oath that they will not and shall not

discriminate ba	sed on race, color, religion (creed), gender, gender expression, age, national
-	ry, disability, marital status, sexual orientation, or military status, in any of its
activities or ope	
	n proposed for licensing by the applicant shall comply with all applicable
	ng laws and the location restrictions set forth in this Code.
(4)	The applicant(s) shall submit, to the satisfaction of the Clerk, proof of
	ility to open and operate the cannabis establishment for which the applicant is
	se. Standards for proof of financial capacity shall be determined by the governing
body.	
	The applicant(s) shall submit all required nonrefundable fees for the
application and	conditional license in accordance with the following fee schedule:
	(a) Standard Fee Schedule
	Class 2 (Manufacturer): \$ 10,000 per location
	· · · · · · · · · · · · · · · · · · ·
	Class 3 (Wholesaler): \$ 10,000 per location
	Class 4 (Distributor): \$ 10,000
	Class 5 (Retailer): \$ 10,000
-	Class 6 (Delivery): \$ 5,000
	(b) Reduction of Licensure Fee for Local, Minority, Women, and Veteran
Owned Busines	sses
For all State lie	ensed cannabis business operations, the licensing fee established within Section
	ne Borough Code shall be reduced by the following amounts if the business entity
	e that it falls within one or more of the following categories:
	<u> </u>
	Any business that can provide a Minority Business Enterprise, or Women's
	prise Certification from the State of New Jersey shall be entitled to a 25%
applied under t	e licensure application fee, or remaining fee if a reduction has already been
ii.	Any business that can provide proof that at least 1/3 of its employees are
	Borough of Roselle shall be entitled to a 25% reduction of the licensure fee, or
remaining fee i	f a reduction has already been applied under this section.
iii.	Any business that can provide proof that at least 50% of the business is owned
by a military vo	eteran, by producing a DD 214 for the owner or partial owner as well as proof of
	ownership interest in the business, shall be entitled to a 25% reduction of the
	r remaining fee if a reduction has already been applied under this section.
iV.	In any event, based on the above-listed qualifications, a cannabis business
	itled to a reduction above 50% of the licensure application fee, based on the
	d within this section.
	plicant(s) shall submit all annual license fees required in accordance with the
-	schedule, which shall be refunded in the event the applicant does not receive a
license:	

(a) Standard Annual License Fee Schedule	
Class 2: \$ 10,000 per year	
Class 3: \$ 10,000 per year	
Class 4: \$ 10,000 per year	
Class 5: \$ 10,000 per year	
Class 6: \$5,000 per year	
(b) Reduction of Annua Owned Business	al License Fee for Local, Minority, and Women
For all State licensed cannabis business operations Section 155-5D(6) of the Borough Code shall business entity can demonstrate that it falls with	be reduced by the following amounts if the
Business Enterprise Certification from the Stat	de a Minority Business Enterprise, or Women's e of New Jersey shall be entitled to a 25% aining fee if a reduction has already been applied
ii. Any business that can provi- residents of the Borough of Roselle shall be en fee, or remaining fee if a reduction has already	titled to a 25% reduction of the annual registration
iv. In any event, based on the a shall not be entitled to a reduction above 50% categories listed within this section.	
criminal background, any person proposed to	nirement of the State related to good character and have an ownership interest in the license shall not ted for a violation affecting public safety in the ding five (5) years.
(8) The applicant(s) and the application sh standards set forth in the State and Borough la	all otherwise comply with any and all qualification was or regulations.
(9) In the event there are multiple applicated all applicants and issue a notification of award criteria:	nts for a license, the governing body shall evaluate after consideration and evaluation of the following
regulated industries, including cannabis, heapharmacies, with preference to experience op-	ualifications and experience operating in highly lthcare, pharmaceutical manufacturing, and retail erating such businesses within the State and where gh the experience of non-owner principals (twenty

- (b) Applicant's qualifications and experience related to public safety and security, including any of the applicant's owners' or principals' experience in law enforcement and drug enforcement (five percent, not to exceed 1,000 words), and a summary of the applicant's plan for storage of products and currency, physical security, video surveillance, security personnel, and visitor management (five percent, not to exceed 2,500 words);
- (c) Applicant's or its owners' experience conducting or supporting or plans to conduct institutional review board approved research involving human subjects that is related to medical cannabis or substance abuse, where the value of past or ongoing clinical research with IRB approval shall outweigh plans to conduct such research (five percent, not to exceed 2,500 words), whether the applicant has had any assurance accepted by the U.S. Department of Health and Human Services indicating the applicant's commitment to complying with 45 CFR Part 46 (five percent); and whether the applicant has a research collaboration or partnership agreement in effect with an accredited U.S. school of medicine or osteopathic medicine with experience conducting cannabis related research (five percent);
- (d) Applicant's or its owners' demonstrated commitment or sufficient experience as responsible employers, defined as the applicant entity being a party to a labor peace agreement or the applicant entity or its parent company being a party to a collective bargaining agreement in the regulated cannabis industry for at least one year prior to application for a Cannabis Establishment license, in an effort to create well paying jobs with employee benefits in the municipality (twenty percent in total; five points for labor peace, full twenty points for collective bargaining agreement in effect for at least one year);
- (e) Summary of the applicant's environmental impact and sustainability plan (four percent, not to exceed 500 words); whether the applicant entity or its parent company has any recognitions from or registrations with federal or New Jersey State environmental regulators for innovation in sustainability (three percent); and whether the applicant entity or its parent company holds any certification under international standards demonstrating the applicant has an effective environmental management system or has a designated sustainability officer to conduct internal audits to assess the effective implementation of an environmental management system (three percent);
- (f) Applicant's ties to the host community, demonstrated by at least one shareholder's proof of residency in the Borough of Roselle for five (5) or more years in the past ten (10) years or at least one shareholder's continuous ownership of a business based in the Borough of Roselle for five (5) or more years in the past ten (10) years (five percent); and
- (g) Applicant's demonstrated commitment to diversity in its ownership composition and hiring practices and whether the applicant entity or its parent company holds any certifications as a NJ minority-owned, women-owned, or veteran-owned business (twenty percent in total; ten points for one certification and twenty points for two or more).
- (10) Notwithstanding the foregoing competitive application process, a notification of award and conditional municipal license shall entitle the recipient applicant to pursue a State permit or license in the appropriate classification on for up to twelve (12) months, which may be extended in the Administrator's discretion for an additional 6 months for good cause. No license to operate shall issue until the applicant has received a State permit and satisfied other prerequisites of municipal licensure. If the recipient of a notice of award and conditional license has not received

a State permit or license within 12 months from issuance, unless extended for good cause, the Administrator shall issue a new request for applications and evaluate all applicants for licensure under the above criteria.

(11) Reconsideration/Appeal Procedure.

Unsuccessful applicant(s) may petition the governing body within thirty (30) days of issuance of a final determination regarding the subject application for a review of the evaluation by the governing body and opportunity to clarify any portion of the application which resulted in an unfavorable final determination by the governing body. Final Determinations of the Mayor and Council regarding issuance of a license to operate a cannabis establishment shall only be overturned upon a showing by the applicant that the denial of a license was based on arbitrary, capricious, or unreasonable evaluations by the governing body, or due to any recognized injustice. However, under no circumstances will the governing body be obligated to award licenses above the limits established in Section 155 5C.

- D. The Borough Council shall review the applications received from the Commission and adopt a resolution to rank the applications by preferences, considering public interest factors including but not limited to the following:
 - (1) Local patients' and consumers' interests,
 - (2) Jobs and economic opportunity within the Borough,
 - (3) Compliance with local ordinances and regulations,
 - (4) Public Safety, and
- (5) Sustainability of the site for activities related to the operation of the proposed cannabis establishment.

E. Term of License and License Renewals.

- (1) Any local license issued pursuant to this Chapter shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this Chapter.
- (2) The Administrator may, at their discretion, adjust the renewal date of the local license to correlate with an applicant's State licensing and renewal schedule.
- (3) Renewal of any license shall be governed by any Code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
- (4) Transfer of ownership of any local license or change of location of any license or modification to expand a licensed premises shall be subject to Borough Planning review and zoning approval.
- (5) Except where the Borough Clerk has received a complete renewal application along with the requisite fees and the governing body has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer, transport, or otherwise remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.

- E. The Borough Council may provide zoning approval of a proposed location of a license applicant's cannabis business premises, which shall consist of a letter or affidavit from the zoning officer of the Borough stating that the location will conform with municipal zoning requirements allowing for activities related to the operations of the proposed cannabis business to be conducted at the location, and any variances granted concerning the operation of any cannabis business.
- F. Unless the Borough has previously advised the Commission in writing that it is opposed to the application of an applicant for a State license, a Borough License shall be issued to an applicant that has received a license from the Commission and ranked by the Borough Council in preferences if the requirements contained in Section J are satisfied.
- G. Any government official or employee of the Borough shall not solicit from a cannabis business, and a cannabis business shall not offer, any thing of value in exchange for zoning approval, proof of local support, or written approval for such cannabis business, or take any other action that would violate N.J.S.A. 40A:9-22.5 of the Local Government Ethics Law.
- H. Classification of Licenses. The Borough may issue the following municipal licenses to operate a cannabis establishment for either Standard or Microbusiness licenses, consistent with the requirements set forth by the Commission:

Class 1: Cannabis Cultivator License

Class 2: Cannabis Manufacturer license

Class 3: Cannabis Wholesaler license

Class 4: Cannabis Distributor license

Class 5: Cannabis Retail license

Class 6: Cannabis Delivery License

I. Maximum Number of Standard Licenses.

- (1) The Borough will limit the number of local cannabis establishments with State licenses to the following: two (2) Class 1 licenses; two (2) Class 2 licenses; two (2) Class 3 licenses; two (2) Class 4 licenses; three (3) Class 5 licenses; and five (5) Class 6 licenses.
- (2) To the extent permissible by State law, licensure in all classes may be, but are not required to be, held by the same entity or individual, but an entity may not hold more than one cannabis retailer license.

J. Maximum Number of Microbusiness Licenses.

- (1) The Borough will limit the number of local cannabis establishments with State microbusiness licenses to the following: two (2) Class 1 microbusiness licenses; two (2) Class 2 microbusiness licenses; two (2) Class 3 microbusiness licenses; two (2) Class 4 microbusiness licenses; two (2) Class 5 microbusiness licenses; and five (5) Class 6 microbusiness licenses.
- J. Application.

Individuals or entities wishing to obtain any classification of cannabis license shall file a license application with the Borough Clerk on a standardized form established by the Administrator and available in the Clerk's Office. The Administrator shall establish a reasonable application period and deadline for all applications. An application shall be deemed incomplete and shall not be processed by the Borough Clerk unless all documents and application fees are submitted. To be deemed complete, all applications shall be accompanied by the following:

- (1) The applicant(s) shall submit proof that the applicant has or will have lawful possession of the premises proposed for the cannabis establishment, which proof may consist of: a deed, a lease, a real estate contract contingent upon successful licensing, or a binding letter of intent by the owner of the premises indicating an intent to lease the premises to the applicant contingent upon successful licensing.
- (2) The location proposed for licensing by the applicant shall comply with all applicable municipal zoning laws and the location restrictions set forth in this Code.
- (3) The applicant(s) shall submit all required nonrefundable fees for the application and license in accordance with the following fee schedules:

(a) Standard License Application Submission Fee Schedule:

Licensure Class	Application Submission Fee
Class 1(Cultivator)	S200
Class 2 (Manufacturer)	\$200
Class 3 (Wholesaler)	\$200
Class 4 (Distributor)	\$200
Class 5 (Retailer)	\$200
Class 6 (Delivery)	\$100

(b) Microbusiness License Application Fee Schedule:

Licensure Class	Application Submission Fee
Class 1(Cultivator)	S100
Class 2 (Manufacturer)	\$100
Class 3 (Wholesaler)	\$100
Class 4 (Distributor)	\$100
Class 5 (Retailer)	\$100
Class 6 (Delivery)	\$50

(c) Background Investigation Fee Schedule:

Background Investigation Type	Background Investigation Fee
Financial Source	\$1000
Management Services Contractor	\$1000
Each owner or principal of cannabis business	\$250

(4) Successful license applicants will be required to pay an approval fee in accordance with the following schedules:

(a) Standard License Application Approval Fee Schedule:

Licensure Class	Application Approval Fee
Class 1(Cultivator)	S800
Class 2 (Manufacturer)	\$800
Class 3 (Wholesaler)	\$800
Class 4 (Distributor)	\$800
Class 5 (Retailer)	\$800
Class 6 (Delivery)	\$200

(b) Microbusiness License Application Approval Fee Schedule:

Licensure Class	Application Approval Fee				
Class 1(Cultivator)	S400				
Class 2 (Manufacturer)	\$400				
Class 3 (Wholesaler)	\$400				
Class 4 (Distributor)	\$400				
Class 5 (Retailer)	\$400				
Class 6 (Delivery)	\$50				

(5) Reduction of Licensure Fees for Qualifying Applicants.

For all State licensed Cannabis Business operations, the licensing fees established within section 155-5(J)(3) of the Borough Code shall be reduced by the following amounts if the business entity can demonstrate that it falls within one of more of the following categories, as defined by the State of New Jersey or the Commission:

- (a) Any business that can provide a Minority Business Enterprise and/or Women's Business Enterprise Certification from the State of New Jersey shall be entitled to a 25% reduction of the license application submission and approval fees, or remaining fees if a reduction has already been applied under this subsection.
- (b) Any business that can provide proof that at least 1/2 of its employees are residents of the Borough of Roselle shall be entitled to a 25% reduction of the license application submission and approval fees, or remaining fees, if a reduction has already been applied under this subsection.
- (c) Any business that can provide proof that at least 50% of the business is owned by a disabled military veteran, by producing such documentation of the owner or partial owner's military service and disability status, shall be entitled to a 25% reduction of the license application submission and approval fees, or remaining fees, if a reduction has already been applied under this section.
- (d) Any business that meets the criteria to qualify as a "social equity business," pursuant to N.J.A.C. 17:30-6.6 and submits an attestation from a qualifying owner or passive investor attesting to the qualifications of the owner or partial owner as a social equity applicant shall be entitled to a 25% reduction of the license application submission and approval fees, or remaining fees, if a reduction has already been applied under this section.

- (e) In any event, a cannabis business shall be entitled to a maximum reduction of 50% of the license application submission and approval fees based on the categories listed within this subsection.
- (6) In addition to complying with any State requirement related to good character and criminal background, any person proposed to have an ownership interest in the license shall not have had any cannabis license or permit revoked for a violation affecting public safety in the State or a subdivision thereof within the preceding five (5) years.
- (7) The applicant(s) and the application shall otherwise comply with any and all qualification standards set forth in the State, as well as Borough laws or regulations.
- (8) No license to operate shall be issued until the applicant has received a State permit and satisfied all prerequisites of local licensure.
- (9) Reconsideration/Appeal Procedure.

Unsuccessful applicant(s) may petition the governing body within thirty (30) days of issuance of a final determination for a review of the evaluation by the governing body and opportunity to clarify any portion of the application which resulted in an unfavorable final determination by the governing body. Final Determinations of the Mayor and Council, regarding issuance of a license to operate a cannabis establishment shall only be overturned upon a showing by the applicant that the denial of a license was based on arbitrary, capricious, or unreasonable evaluations by the governing body, or due to any recognized injustice. However, under no circumstance will the governing body be obligated to award licenses above the limits established in Section 155-5I.

K. Term of License and License Renewals

- (1) Any local license issued pursuant to this Chapter shall be valid for a period of one (1) year from the date of issuance and shall be renewed in accordance with the provisions of this Section 155-5K.
- (2) The Administrator may, at their discretion, adjust the renewal date of the local license to correlate with the applicant's State licensing and renewal schedule.
- (3) Renewal of any license shall be governed by any Code amendments, additional restrictions or changes in regulations adopted since the previous license was issued or renewed.
- (4) Transfer of ownership of any local license or change in location of any license or modification to expand a licensed premises shall be subject to Borough Planning review and zoning approval.
- (5) Except where the Borough Clerk has received a complete renewal application along with the requisite fees and the governing body has issued a license renewal, it shall be unlawful for any person to manufacture, sell, distribute, transfer transport, or otherwise

remove cannabis or cannabis products from the premises of any license after the expiration date recorded on the face of the license.

(6) The applicant(s) shall submit all non-refundable annual license application submission fees required in accordance with the following fee schedules:

(a) Standard Annual License Application Submission Fee Schedule:

Licensure Class	Application Submission Fee				
Class 1 (Cultivator)	S200				
Class 2 (Manufacturer)	\$200				
Class 3 (Wholesaler)	\$200				
Class 4 (Distributor)	\$200				
Class 5 (Retailer)	\$200				
Class 6 (Delivery)	\$100				

(b) Microbusiness Annual License Application Fee Schedule:

Licensure Class	Application Submission Fee				
Class 1 (Cultivator)	S100				
Class 2 (Manufacturer)	\$100				
Class 3 (Wholesaler)	\$100				
Class 4 (Distributor)	\$100				
Class 5 (Retailer)	\$100				
Class 6 (Delivery)	\$50				

(7) Successful Annual License Applicants shall be required to pay an Annual License approval fee in accordance with the following schedules:

(a) Standard Annual License Application Approval Fee Schedule:

Licensure Class	Application Approval Fee				
Class 1 (Cultivator)	S800				
Class 2 (Manufacturer)	\$800				
Class 3 (Wholesaler)	\$800				
Class 4 (Distributor)	\$800				
Class 5 (Retailer)	\$800				
Class 6 (Delivery)	\$200				

(b) Microbusiness Annual License Application Approval Fee Schedule:

Licensure Class	Application Approval Fee				
Class 1 (Cultivator)	S400				
Class 2 (Manufacturer)	\$400				
Class 3 (Wholesaler)	\$400				
Class 4 (Distributor)	\$400				
Class 5 (Retailer)	\$400				
Class 6 (Delivery)	\$50				

(8) Reduction of Annual License Fees for Qualifying Applicants.

Applicants that qualify for a licensing fee reduction pursuant to Section 155-5J(5) of this Chapter shall be entitled to a reduction of the Annual License Fee at the same rate as set forth in Section 155-5J(5). However, under no circumstances shall an applicant be entitled to a reduction of annual license fees greater than 50%.

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

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

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

Motion to adopt by Council President Wilkerson, second by Councilman Bernier.

Recorded Vote on Introduction Ordinance No. 2684-22 - April 20, 2022

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

ORDINANCE ON INTRODUCTION & FIRST READING – Ordinance Number 2685-22

ORDINANCE NUMBER 2685-22

ORDINANCE OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, NEW JERSEY APPROVING AND AUTHORIZING EXECUTION OF AN AMENDED AND RESTATED FINANCIAL AGREEMENT FOR PROPERTY COMMONLY KNOWN AS 533 EAST 2ND AVENUE AND 118 SHERIDAN AVENUE AND IDENTIFIED AS BLOCK 407, LOTS 8 & 10 ON THE BOROUGH'S TAX MAP

WHEREAS, the Borough Council ("**Borough Council**") of the Borough of Roselle (the "**Borough**"), pursuant to the Local Redevelopment and Housing Law *N.J.S.A.* 40A:21A-1, *et seq.*, designated the properties commonly known as 533 East 2nd Avenue and 118 Sheridan Avenue and identified as Block 407, Lots 8 & 10 on the tax maps of the Borough (the "**Property**") as an "area in need of redevelopment"; and

WHEREAS, the Borough Council previously adopted an ordinance approving and adopting a redevelopment plan for the Property (the "Redevelopment Plan"); and

WHEREAS, in furtherance of the redevelopment of the Property, the Borough and Teleflora Realty Group, L.L.C. ("Teleflora LLC") entered into a redevelopment agreement with Teleflora (the "Redevelopment Agreement"), which specifies the rights and responsibilities of those parties with respect to certain aspects of the Project (as defined in the Redevelopment Agreement); and

WHEREAS, on December 17, 2015, the Borough Council adopted Ordinance No. 2528-15 authorizing a long term tax exemption on the Property pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, et seq. (the "LTTE Law") and authorized the execution of a Financial Agreement (the "Financial Agreement") with an affiliate of Teleflora LLC, Teleflora Realty Group Urban Renewal Entity, LLC, the owner of the Property ("Teleflora URE" and, together with Teleflora LLC, "Teleflora"); and

WHEREAS, in authorizing the long-term tax exemption, the Borough Council found and concluded that the benefits derived from providing for redevelopment of the Project per the Financial Agreement outweighed the costs associated with the granting of a tax exemption and that granting the tax exemption and the payment of the annual service charge in lieu of taxes was necessary and appropriate for development of the Project, and

WHEREAS, the Borough Council further found that the development was in furtherance of the public good and that it was in the best interests of the residents of the Borough to enter into the Financial Agreement in accordance with the LTTE Law; and

WHEREAS, on or about December 17, 2015, the Borough and Teleflora entered into the Financial Agreement providing for the exemption of taxes, pursuant to the LTTE Law, in connection with the Project, including the renovation of the apartment Building on the Property; and

WHEREAS, the Financial Agreement was to have a term of thirty (30) years; and

WHEREAS, the Financial Agreement recited that the Project was part of redevelopment area within the Borough, and that the Property was in disrepair and had been in disrepair for many years, and was a blighting influence on the neighborhood, and that the Project would redevelop the site and convert it to a productive use for the community; and

WHEREAS, the Financial Agreement recited that the Project was a Qualified Subsidized Housing Project under the LTTE Law and was being funded in part by the United States Department of Housing and Urban Development ("HUD") and the HOME Investment Partnership Program ("HOME"); and

WHEREAS, thereafter, Teleflora determined to transfer its rights and obligations under the Financial Agreement, the Project and the Property to Sheridan Estate Urban Renewal Entity, LLC (the "Entity"); and

WHEREAS, the Property is currently improved with a 35-unit multi-family apartment building (the "Building"); and

WHEREAS, in 2018, the Entity agreed to purchase the Property from Teleflora; and

WHEREAS, pursuant to the purchase and sale agreement for the Property between the Entity and Teleflora, the Entity and Teleflora requested consent from the Borough to transfer the Financial Agreement and to enter into an Assignment and Assumption of, and Consent to Transfer, Financial Agreement (the "Assignment Agreement"); and

WHEREAS, the Entity and Teleflora's obligations pursuant to the purchase and sale contract were contingent upon the Borough's consent and approval of the transfer of the Financial Agreement; and

WHEREAS, consent and approval of the transfer of the Financial Agreement from Teleflora to the Entity was provided by the Borough Council, by Resolution No. 2018-164, dated April 25, 2018 (hereinafter, the "2018 Resolution"); and

WHEREAS, pursuant to the 2018 Resolution, the Entity, Teleflora and the Borough executed the Assignment Agreement on or about August 26, 2018, and the Financial Agreement was assigned to the Entity; and

WHEREAS, the Entity is the current owner of the Property; and

WHEREAS, in purchasing and operating the Property, the Entity has represented to the Borough that it relied upon the existence of the Financial Agreement for the Property and the authorization provided by the Borough in Borough Council Ordinance No. 2528-15, as well as by the 2018 Resolution; and

WHEREAS, the Entity has represented to the Borough that, based on the tax incentive set forth in the Financial Agreement, Teleflora made substantial investments in renovating and refurbishing the Property, which totaled in excess of \$1,200,000; and

WHEREAS, the Entity represented to the Borough that, since acquiring the Property in 2018, the Entity has invested more than \$125,000 in further renovations and upgrades to the Property; and

WHEREAS, in addition to physical improvements, the Entity represented to the Borough that the Entity employs a full-time on-site building superintendent, and makes timely repairs to the Property so that it is well-maintained and provides adequate and sufficient housing for its residents; and

WHEREAS, the Entity represented to the Borough that the Financial Agreement and the resulting tax exemption on the Property has created a stable and predictable annual service charge, which has enabled the necessary investment to be made in the Property to rehabilitate the Property from a deteriorating, blighted building to a building that is an aesthetic and financial asset to the Borough and the residents of the Building; and

WHEREAS, the tax exemption granted by the Financial Agreement has enabled the Entity to provide much needed quality housing that is affordable for low and moderate income residents; and

WHEREAS, the Entity further represented to the Borough that a significant number of the 35 apartment units in the Building are either subsidized by Section 8 Housing Choice Voucher Program or provided to residents at below-market rents through other public or private subsidy programs; and

WHEREAS, the rent for many of the units in the Building are significantly below the NJHMFA limit for moderate income rent, and the net payment by the subsidized tenants, after the applicable subsidy, is below the NJHMFA limit for low income tenants; and

WHEREAS, a dispute arose between the Borough and the Entity with respect to the Financial Agreement, the 2018 Resolution, and related matters; and

WHEREAS, on or about June 16, 2021, the Borough adopted Ordinance No. 2651-21, entitled, "Ordinance authorizing the Mayor to revoke an agreement for payment in lieu of taxes between the Borough of Roselle and Teleflora Realty Group Urban Renewal Entity, LLC pursuant to the Long-Term Tax Exemption Law"; and

WHEREAS, on or about July 16, 2021, the Entity filed a Demand for Arbitration with the American Arbitration Association (the "AAA") in accordance with the dispute resolution provision set forth in the Financial Agreement (the "Dispute"); and

WHEREAS, the Entity asserted in the Demand for Arbitration that the Project is a qualified subsidized housing project because it provides much-needed quality housing that is affordable for low-and-moderate income residents, including residents relying upon subsidies provided by the Section 8 Housing Choice Voucher Program; and

WHEREAS, the Borough and the Entity have conferred, wish to settle the Dispute, and desire to enter into an amended and restated financial agreement (the "Amended and Restated Financial Agreement"); and

WHEREAS, toward those ends, the Borough and the Entity entered into that certain Consent Award (AAA No. 01-21-0004-8068) (the "Consent Award"), attached hereto as Exhibit 1, pursuant to which the Borough and the Entity agreed to, among other things, settle the Dispute and execute the Amended and Restated Financial Agreement, in the form attached to the Consent Award as Attachment A, contingent upon the New Jersey Superior Court issuing an order confirming the Consent Award and adoption of an ordinance by the Borough Council authorizing the execution of the Amended and Restated Financial Agreement; and

WHEREAS, on March 22, 2022, the Consent Award was confirmed, and Final Judgment was entered in *Sheridan Estates Urban Renewal Entity, LLC v. Borough of Roselle* Docket No. UNN-

L-724-22 by the Honorable Alan G. Lesnewich, J.S.C., of the New Jersey Superior Court, Law Division, Union County; and

WHEREAS, in accordance with the Consent Award, the Borough Council now desires to adopt this ordinance and authorize the execution of the Amended and Restated Financial Agreement.

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

<u>Section 1</u>. The aforementioned recitals are incorporated herein as though fully set forth at length.

<u>Section 2</u>. The Amended and Restated Financial Agreement is hereby approved and the Mayor is hereby authorized to execute same in substantially the same form as that attached as <u>Attachment A</u> to the Consent Award attached hereto as <u>Exhibit 1</u>, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

<u>Section 3</u>. The Borough Clerk is hereby authorized and directed, upon execution of the Amended and Restated Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough upon such document.

<u>Section 4.</u> All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

<u>Section 5</u>. This ordinance shall take effect in accordance with applicable law.

Motion to adopt by Councilman Bernier, second by Councilman Fortuna.

Recorded Vote on Introduction Ordinance No. 2685-22 - April 20, 2022

	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			

ORDINANCE ON INTRODUCTION & FIRST READING – Ordinance Number 2686-22

ORDINANCE NUMBER 2686-22

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE II, SECTION 650-4 DEFINITIONS; ARTICLE XII, ZONING, SECTION 650-95 B(4) CONDITIONAL USES WITHIN THE BUSINESS/COMMERCIAL ZONE; ARTICLE XII, ZONING, SECTION

650-97 B(3) CONDITIONAL USES WITHIN THE INDUSTRIAL ZONE; ARTICLE XII, ZONING, SECTION 650-99 B(3) CONDITIONAL USES WITHIN THE COMMERCIAL-INDUSTRIAL ZONE; SECTION 650-102.B PERMITTED CONDITIONAL USES; AND TO AMEND AND SUPPLEMENT THE CENTRAL ROSELLE REVITALIZATION PLAN, AMENDMENT #10, SECTION 3.2 TO ADD A CONDITIONAL USE

WHEREAS, in light of the enactment of N.J.S.A. § 24:6I-31 to 56, the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, the Borough previously established zoning requirements for regulated cannabis establishments; and

WHEREAS, the Borough recognizes a need to supplement the previously enacted zoning requirements to allow for indoor-only cannabis cultivation within limited zones of the Borough; and

WHEREAS, the establishment of these new cannabis zoning requirements within the Borough shall also cause the need to amend the Central Roselle Revitalization Plan, Amendment #10 pertaining to any affected zones and/or areas.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Chapter 650, and the Central Roselle Revitalization Plan, Amendment #10, are hereby amended as follows (additions in **bold**; deletions struck through);

SECTION I. The Code of Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 650-4 Definitions is hereby supplemented by adding the following alphabetically (additions in **bold**):

CANNABIS CULTIVATOR

Any licensed person or entity that is engaged in propagation, germination, planting, growing, harvesting, drying, curing, and processing of cannabis, and is owned and controlled by a license holder that holds a Class 1 Cannabis Cultivator license under the P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act."

SECTION II. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 24.B(1) Schedule of off-street parking requirements is hereby supplemented by adding the following (additions in **bold**):

(z) Cannabis cultivators shall have one (1) parking space for every 500 square feet of floor area or one space for each employee during the peak shift, whichever is greater.

(aa) Cannabis delivery services shall have one (1) parking space for every 200 square feet of floor area.

SECTION III. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 88.D(1) Supplementary Zone District Regulations, General, is hereby supplemented by adding the following (additions in **bold**):

(v) No class 5 cannabis retailer shall be permitted within 500 feet of the property line of any other class 5 cannabis retailer.

SECTION IV. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 95.B(4) Conditional Uses in Business/Commercial Zone is hereby amended and supplemented by adding the following (additions in **bold**, deletions struck through):

- (1) Cannabis retailer., which shall meet the following conditions:
- [1] Said establishment shall be licensed and shall be located more than 1,000 feet from the property line of any elementary or secondary school property.
- [2] No outdoor consumption areas are permitted.
- (m) Cannabis cultivator.

SECTION V. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 97.B(3) Conditional Uses in Industrial Zone, is hereby supplemented by adding the following (additions in **bold**):

(f) Cannabis cultivator.

SECTION VI. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 99.B(3) Conditional Uses in Commercial-Industrial Zone, is hereby amended supplemented by adding the following (additions in **bold**, deletions struck through):

- (1) Cannabis retailer., which shall meet the following conditions:
- [1] Said establishment shall be licensed and shall be located more than 1,000 feet from the property line of any elementary or secondary school property.
- [2] No outdoor consumption areas are permitted.
- (m) Cannabis cultivator.

SECTION VII. The Code of the Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 102.B Permitted conditional uses, is hereby supplemented by adding the following (additions in **bold**):

- (8) Cannabis retailers. Conditions regarding cannabis retailers shall be as follows:
- (a) All other regulations for the district in which the use is to be located shall be complied with.
- (b) Said establishment shall be licensed and shall be located more than 1,000 feet from the property line of any elementary or secondary school property.
- (c) No outdoor consumption areas are permitted.
- (9) Cannabis cultivators. Conditions regarding cannabis cultivators shall be as follows:
- (a) All other regulations for the district in which the use is to be located shall be complied with.
- (b) The design of any building or structure required for such use conforms to the general character of the area in which it is located.

- (c) The cultivation activities of said establishment must be conducted entirely indoors.
- (d) Unusual odors, smells, fragrances, or other olfactory stimulants shall be prohibited beyond the property line. Odor mitigation filtration systems shall be installed and maintained in perfect working order.

SECTION VIII. The Central Roselle Revitalization Plan, Amendment #10, Section 3.2 Permitted Land Uses is hereby supplemented by adding the following (additions in **bold**):

In addition to the Permitted Uses in Table 1, the following use shall be conditionally permitted in the Flex Industrial Sub-Zone:

A. Cannabis cultivator, which shall meet the following conditions:

- 1. The design of any building or structure required for such use conforms to the general character of the area in which it is located.
- 2. The cultivation activities of said establishment must be conducted entirely indoors.
- 3. Unusual odors, smells, fragrances, or other olfactory stimulants shall be prohibited beyond the property line. Odor mitigation filtration systems shall be installed and maintained in perfect working order.

SECTION IX. The Central Roselle Revitalization Plan, Amendment #10, Section 3.3 Bulk Design Standards is hereby amended as follows (deletions struck through):

All construction in the Revitalization Plan Area shall conform to the schedule of regulations in Table 2. with the exception of conditionally permitted uses.

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

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

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

Motion to adopt by Council President Wilkerson, second by Councilman Fortuna.

Recorded Vote on Introduction Ordinance No. 2686-22 – April 20, 2022

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

CONSENT AGENDA

RESOLUTIONS

RESOLUTION NUMBER 2022-151

MAYOR'S APPOINTMENT OF AN ALTERNATE MEMBER TO THE ZONING BOARD OF ADJUSTMENT WITH THE CONSENT OF COUNCIL

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

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

NOW, THEREFORE, BE IT RESOLVED, that the consent of Council is granted for the following appointment to the Zoning Board of Adjustment, who is a Roselle resident effective 2022:

Name Member Type/Term Duration Term

Keisha Conner Alternate I, 2 Year 1-1-22 to 12-31-23

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

I, Lisette Sanchez, Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey as a Regular meeting of said Council held April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-152

RESOLUTION APPOINTING A LAND USE ADMINISTRATOR

WHEREAS, Chapter 650 of the Borough of Roselle code delegates the administrative functions of the Planning Board and the Zoning Board of Adjustment to a Land-Use Administrator to process all applications and various other administrative functions; and

WHEREAS, N.J.S.A. 40A:11-5 allows for the award of a contract for professional services by resolution of the governing body for a period not to exceed twelve (12) months; and

WHEREAS, the Administration has determined that the Borough is in need of continued Land Use Administrator services, through June 30, 2022, which Colliers Engineering & Design is qualified and willing to provide.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Roselle hereby appoints Colliers Engineering & Design as the Land-Use Administrator for the period of March 31, 2022 to June 30, 2022 for an amount not to exceed \$10,500.00.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 20, 2022.

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 20th day of April, 2022.

RESOLUTION NUMBER 2022-153

RESOLUTION ACCEPTING THE RESIGNATION OF PAUL CLAYTON OF THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Paul Clayton has notified the Borough of Roselle that he will be resigning from the position of Part Time Seasonal Worker of the Department of Public Works; and

WHEREAS, Paul Clayton was hired as a Part Time Seasonal Worker of the Department of Public Works of the Borough of Roselle in good standing; and

WHEREAS, Paul Clayton submitted a letter of resignation dated March 9, 2022.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Roselle, hereby accepts the resignation of Paul Clayton effective March 9, 2022.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 20, 2022.

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 20th day of April, 2022.

RESOLUTION NUMBER 2022-154

RESOLUTION HIRING JUDITH CURRAN AS CHIEF FINANCIAL OFFICER (CFO) OF THE FINANCE DEPARTMENT AT AN ANNUAL SALARY OF \$125,000.00

WHEREAS, there is a need in the Borough of Roselle to fill the position of Chief Financial Officer (CFO).

WHEREAS, Judith Curran was interviewed and judged to be qualified for employment in the title of Chief Financial Officer (CFO) of the Finance Department.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roselle that Judith Curran is hereby appointed to the position of Chief Financial Officer of the Finance Department effective as of Wednesday, April 27, 2022; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer's salary shall be \$125,000.00 for CY 2022 and a waiver of the Borough's residency requirement is granted;

- a. Any remaining of the Borough's annual fifteen (15) paid holidays, plus one (1) annual floating holiday.
- b. Vacation as a department head will be allotted as twenty (20) days and that at the end of any calendar year, only work days of annual vacation will be allowed to carry over.
- c. Sick leave earned at the rate of one (1) day per month during the first year of employment; in subsequent years, fifteen (15) work days of sick leave will be credited annually, in anticipation of continued employment. Sick leave days are available for use in the year earned. Sick leave days may accumulate from year to year without limit but any unused sick leave time will be forfeited at the time of retirement or separation from Borough Employment.
- d. Five (5) annual personal days are credited every calendar year, including the first year of employment. Personal days may not be utilized during the first ninety (90) days of employment.
- e. Enrollment in the Borough's medical, prescription and dental plans subject to each plan's waiting period and optical reimbursement in the amount of up to \$50 per calendar year for office visits and up to \$100 per calendar year for eyeglass or contact lenses purchase.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 20, 2022.

RESOLUTION NUMBER 2022-155

RESOLUTION RECONSTITUTING THE MEMBERS OF THE BOARD OF TRUSTEES OF THE ROSELLE URBAN ENTERPRISE ZONE REDEVELOPMENT CORPORATION

WHEREAS, the Borough of Roselle became an Urban Enterprise Zone by Act of the State legislature (N.J.S.A. 52:27H-60 et seq.) in 2002, with a duration of twenty (20) years, to 2022.

WHEREAS, the Borough of Roselle accepted its designation as an Urban Enterprise Zone and formed a corporation known as the "Roselle Urban Enterprise Zone Development Corporation" by ordinance adopted July 17, 2002. The corporation was given the authority by Borough to "... utilize the powers conferred by the New Jersey Urban Enterprise Zones Act for the purpose of stimulating investment in, and economic development of, the proposed Urban Enterprise Zone," and was empowered to exist for a period of twenty (20) years, and to extend its duration consistent with any extension provided by subsequent amendment of the State legislation.

WHEREAS, the Urban Enterprise Zone program remained in effect, but was defunded by Act of the legislature in 2011 and for each year thereafter, until 2021.

WHEREAS, upon defunding of the program in 2011, the members of the Roselle Urban Enterprise Zone Development Corporation Board of Trustees ceased conducting regular meetings, and their respective terms of office expired by 2014.

WHEREAS, on May 30, 2018, Governor Phil Murphy signed S846/A3549 into law, amending the Urban Enterprise Act to, among other things, extend the duration of the Roselle Borough UEZ to December 31, 2023.

WHEREAS, on August 16, 2021 the Governor signed into law S5580/A3680, now known as "the Urban Enterprise Zone Reform Act" which restored Zone Allowance Funds to all of the State's Urban Enterprise Zones. The Act also extended the duration of existing Urban Enterprise Zones, including the Roselle UEZ, by a period of ten (10) years, to December 31, 2033.

WHEREAS, the original charter of the Roselle Urban Enterprise Zone Authority Development Corporation is set to expire on July 17, 2022, which is twenty (20) years from the date of the adoption of Roselle Ordinance #2163 establishing that corporation.

WHEREAS, the Board of Trustees must be reconstituted with new members in order that they may act to extend the duration of the corporation before it expires, and to carry out such other business consistent with the Chapter 24 of the Roselle Municipal Code and with the N.J. Urban Enterprise Zone Act (N.J.S.A. 52:27H-60 et seq.) to restore the benefits of the Urban Enterprise Zone program to the Borough.

WHEREAS, the Borough of Roselle is currently engaged in a program of economic revitalization and redevelopment that will, among other things, benefit the businesses located within the Borough's Urban Enterprise Zone, such that the collaboration of the Urban Enterprise Zone

program with this effort would strengthen it and further inure to the benefit of businesses in the Zone.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roselle, Union, County, New Jersey that the individuals named below are hereby appointed to serve as members of the Board of Trustees of the Roselle Urban Enterprise Zone Corporation to forthwith and expeditiously carry out the duties of their office as delineated in Chapter 24, Article I of the Municipal Code of the Borough of Roselle, beginning with an extension of the duration of the Corporation for a period of ten years, consistent with §24-4 of the Roselle Municipal Code and N.J.S.A. 52:27H-60 et seq. as amended in 2021. The Board of Trustees shall also undertake the designation of an Administrator of the Urban Enterprise Zone and the creation of a Zone Development Plan in order that the Borough of Roselle UEZ may promptly resume project activity in support of economic development within the Roselle Urban Enterprise Zone. They shall also conduct such other business as appropriate pursuant to their mandate under Chapter 24. Those individuals are:

Trustee number 1: The Honorable Donald Shaw, Mayor of the Borough of Roselle, or his designee, for a term of two years. The mayor or his designee shall also serve as Chairman of the Board.

Trustee number 2: The Honorable Borough Councilperson Denise Wilkerson, for a term of two years.

Trustee number 3: The Honorable Borough Councilperson Brandon Bernier, for a term of two years.

Trustee number 4: Julie Pinho, member of Roselle's business community, who shall serve for a term of three years.

Trustee number 5: NAME SURNAME, member of Roselle's business community, who shall serve for a staggered first term of two years, and thereafter three years.

Trustee number 6: Renaee Smith, member of Roselle's community organizations, who shall serve for a staggered first term of one year, thereafter three years.

Trustee number 7: Rosie McCamery, member of Roselle's community organizations, who shall serve for a term of three years.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 20, 2022.

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 20th day of April, 2022.

RESOLUTION NUMBER 2022-158

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, APPROVING PROPOSAL FROM COLLIERS ENGINEERING & DESIGN TO UPDATE INVENTORY OF BOROUGH-OWNED PROPERTY

WHEREAS, in 2012, the Borough of Roselle (the "Borough") caused to be prepared an inventory (the "2012 Inventory") of properties owned by the Borough in an effort to identify properties that may be sold to private parties and returned to the tax rolls; and

WHEREAS, the Borough desires to update the 2012 Inventory with a current list of properties owned by the Borough, with a focus on vacant lots and any new lots purchased by the Borough since 2012, in an effort to identify properties that may be sold to private parties and returned to the tax rolls (the "**Inventory**"); and,

WHEREAS, the Borough previously issued a Request for Qualifications seeking engineering and design services and received responses from several firms; and

WHEREAS, on January 4, 2022, the Borough Council, after review of responses deemed certain firms, including Colliers Engineering & Design ("Colliers"), as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2022-018) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution 2022-055); and

WHEREAS, Colliers is familiar with the process and procedures necessary for identifying properties owned by the Borough that may be sold to private parties, is capable of updating the 2012 Inventory, and has performed similar services for other municipalities; and

WHEREAS, toward those ends end, the Borough requested a proposal from Colliers to update the 2012 Inventory and prepare the Inventory; and

WHEREAS, Colliers submitted a proposal, dated February 21, 2022, a copy of which is attached hereto as Exhibit A (the "Proposal"), to update the 2012 Inventory and prepare the Inventory in accordance with the Scope of Services set forth in the Proposal (the "Services") and in an amount not to exceed Ten Thousand Five Hundred Dollars (\$10,500); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain Colliers to perform the Services set forth in the Proposal and now desires to approve the Proposal and direct Colliers to perform the Services described therein and in accordance therewith; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; and

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

- **Section 1.** The foregoing recitals are incorporated herein as though fully set forth at length.
- Section 2. The Proposal is hereby approved, Colliers is authorized to perform the Services in an amount not to exceed Ten Thousand Five Hundred Dollars (\$10,500), and all Borough officials and employees are authorized and directed to take such actions as are necessary to enable Colliers to perform the Services.
- **Section 3.** This Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-159

RESOLUTION ACCEPTING THE PROPOSAL FROM COLLIERS ENGINEERING & DESIGN FOR PLANNING SERVICES AND AUTHORIZING THE PREPARATION OF AN AMENDMENT TO THE NORTH CHESTNUT REDEVELOPMENT PLAN

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

WHEREAS, the Borough Council (the "Borough Council") of the Borough of Roselle (the "Borough") by Ordinance #2527-15, previously adopted a redevelopment plan entitled the "North Chestnut Redevelopment Plan," which was subsequently amended (as amended, the "Redevelopment Plan"), for areas within the Borough identified and designated as areas in need of redevelopment in accordance with Redevelopment Law; and

WHEREAS, based on the recommendation of the Planning Board and in accordance with the requirements set forth in the Redevelopment Law, the Borough Council duly adopted Resolution #2022-09 on February 16, 2022, designating the properties identified on the tax maps of the Borough as block 3902, lots 14, 15, 16, 17, & 18 as an "area in need of redevelopment" (the "Redevelopment Area"); and

WHEREAS, to carry out its powers under the Redevelopment Law, the Borough has a need for professional planning consultant services in connection with the redevelopment of the Redevelopment Area; and

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

WHEREAS, on January 4, 2022, the Borough Council, after review of responses deemed certain firms, including Colliers Engineering & Design ("Colliers"), as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2022-18); and

WHEREAS, Colliers possesses the experience and qualifications to perform professional planning consultant services; and

WHEREAS, toward those ends end, the Borough requested a proposal from Colliers for professional planning consultant services including the preparation of an amendment to the Redevelopment Plan to incorporate the Redevelopment Area into said plan (the "Redevelopment Plan Amendment"); and

WHEREAS, Colliers submitted a proposal, dated March 14, 2022, a copy of which is attached hereto as Exhibit A (the "Proposal"), for professional planning consultant services, including the preparation of the Redevelopment Plan Amendment, in accordance with the Scope of Services set forth in the Proposal (the "Services") and in an amount not to exceed Seven Thousand Two Hundred Fifty Dollars (\$7,250.00); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain Colliers to perform the Services set forth in the Proposal and now desires to approve the Proposal and direct Colliers to perform the Services described therein and in accordance therewith; and

WHEREAS, the Borough's Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; and

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

- **Section 4.** The foregoing recitals are incorporated herein as though fully set forth at length.
- **Section 5.** The Proposal is hereby approved, Colliers is authorized to perform the Services in an amount not to exceed Seven Thousand Two Hundred Fifty Dollars (\$7,250.00), and all Borough officials and employees are authorized and directed to take such actions as are necessary to enable Colliers to perform the Services.
- **Section 6.** This Resolution shall take effect immediately.
- I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted

by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 20, 2022.

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 20th day of April, 2022.

RESOLUTION NUMBER 2022-160

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

WHEREAS, S. Brothers Inc., 16 Sobechko Road, Manalapan, NJ 07726 was previously awarded a contract for the above-referenced project in the amount of \$298,508.80 by way of Resolution Number 2021-242 and approved Change Order #1 in the amount of \$26,000.00 Resolution Number 2021-325 and approved Change Order #2 in the amount of \$14,790.00 Resolution 2021-358 and approved Change Order #3 in the amount of \$33,729.68 Resolution 2022-128 for a total contract amount of \$373,028.48; and

WHEREAS, the project has been completed to date in the total dollar amount of \$373,028.48 (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 #015214467M in the amount of \$55,954.37 has been received and approved and Colliers Engineering recommends the release of S. Brothers Inc. Performance Bond #015214467 and final payment amount of \$44,046.41 which includes the release of retainage; 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 <u>2627-20</u>; 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 **\$44,046.41** is authorized by way of final as-built quantities for the 2020 Traffic Safety Improvement Project to S. Brothers Inc., 16 Sobechko Road, Manalapan, NJ 07726.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the 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 April 20, 2022.

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 20th day of April, 2022.

RESOLUTION NUMBER 2022-161

RESOLUTION AWARDING CONSTRUCTION CONTRACT FOR THE 2022 ANNUAL ROAD RESURFACING PROJECT FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, bids were received on Thursday, March 31, 2022, at 5:30 PM for the above-referenced project; and

WHEREAS, there were nine (9) of bids received with the low bidder for the project being DLS Contracting Inc., 36 Montesano Road, Fairfield, NJ 07004 with a Base Bid in the amount of \$584,470.77 and Alternate Bid 'A' in the amount of \$109,496.75 for a Total Bid amount of \$693,967.52; and

WHEREAS, Colliers Engineering & Design dba Maser Consulting and other appropriate Borough Officials have reviewed the bids and recommend award of contract for this project, to DLS Contracting Inc.; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose capital budget and/or grant appropriations; specifically within bond ordinance number 2679-22 for said construction services; and

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

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

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced construction project is awarded to DLS Contracting Inc., 36 Montesano Road, Fairfield, NJ 07004 with a Total Base Bid amount of \$693,967.52.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the 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 April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-162

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING CONSTRUCTION ADMINISTRATION SERVICES IN CONNECTION WITH THE 2022 ANNUAL ROAD RSURFACING PROJECT FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY.

WHEREAS, the Borough of Roselle is desirous in undertaking roadway improvements 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 DBA Maser Consulting is familiar with the construction administration procedures that is necessary for said improvements and shall perform the tasks as delineated in the April 5, 2022 correspondence; and

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

WHEREAS, on January 4, 2022, 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. 2022-018) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2022-055); and

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

WHEREAS, the Business Administrator and/or 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 2679-22 for said engineering services for the various roadway improvements.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer is authorized to perform professional engineering construction administration services in the amount of **\$56,250.00** for the 2022 Annual Road Resurfacing Project.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the 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 April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-163

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN AND SURVEY SERVICES IN CONNECTION WITH THE MUNICIPAL PARKING IMPROVEMENTS PROJECT FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY.

WHEREAS, the Borough of Roselle is desirous in undertaking roadway improvements to various streets 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 dba Maser Consulting is familiar with the design procedures that are necessary for said improvements and shall perform the tasks as delineated in the April 4, 2022 correspondence; and

WHEREAS, Colliers Engineering & Design is familiar with the preparation of roadway improvement projects and have prepared same for the numerous New Jersey municipalities in prior years, and

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

WHEREAS, on January 4, 2022, 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. 2022-018) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2022-055); and

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

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically within <u>bond ordinance</u> number 2679-22 for said engineering services for the various roadway improvements.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design) is authorized to perform professional engineering design services in the amount of \$53,400.00 for the Municipal Parking Improvements Project.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the 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 April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-164

RESOLUTION TO READ THE CALENDAR YEAR 2022 BUDGET BY TITLE

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget shall be read in full at the public hearing of the budget or that it may read by title if at least one week prior to the date of the public hearing, a complete copy of the approved budget:

- (a) Shall be made available on the Borough's website, in the Office of the Borough Clerk, the Roselle Public Library and that the Borough Clerk has forwarded to the Borough Council an attestation that the budget has been submitted to the Borough's website; and
- (b) Copies are made available to each person requesting same during said week and during the public hearing.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Borough of Roselle, in the County of Union and the State of New Jersey, it declares that the conditions of N.J.S.A. 40A:4-8 (a) and (b) have been met and therefore the Calendar Year 2022 Budget shall be read by title only.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-165

RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR STORM RECOVERY REQUIRED BY DLGS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Roselle provides for receipt of Storm Recovery Funds by the municipality to provide for the operating costs to administer this act; and

WHEREAS, P.L. 2013, Ch. 271, (N.J.S.A. 40A:4-62.1) provides the dedicated revenues anticipated from Storm Recovery Funds may be appropriated, by resolution of the governing body, for the purpose(s) to which said revenue is dedicated by statute:

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

- 1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Storm Recovery Funds.
- 2. This resolution shall take effect immediately.
- 3. The Clerk of the Borough of Roselle, County of Union is hereby directed to forward two certified copies of this resolution to the Director of New Jersey, Division of Local Government Services.
- I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-166

RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS & APPEALS

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

WHEREAS, refunds are to be made to the persons who have made these overpayments or won an appeal;

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

Name	Mailing Address	Block	Lot	Q	Reason	Total
Michael Zagorski	483 Aldene Rd	6303	4		Exempt/Over	payment \$3,179.83
John Bargeman	416 W 4th Ave	6204	21		Exempt/Over	payment \$1,857.14
Luis Pagan	324 Hamilton St	506	7		Exempt/Over	payment \$2,681.26

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held April 20, 2022.

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 20th day of April 2022.

RESOLUTION NUMBER 2022-167

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY UNDER ITS FY 2022 SAFE AND SECURE COMMUNITIES GRANT PROGRAM

WHEREAS, the Mayor and Council of the Borough of Roselle wish to file an application with the New Jersey Department of Law and Public Safety for project funding under its FY2022 Safe and Secure Communities Grant Program identified as Grant Application 22-2014 for the grant term period of November 13, 2021 through November 12, 2022, which will provide \$32,400.00 for use in creating more effective crime reduction strategies; and

WHEREAS, the Mayor and Council of the Borough of Roselle are in support of the New Jersey Department of Law and Public Safety FY2022 Safe and Secure Communities Grant Program; and

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

WHEREAS, the Mayor and Council of the Borough of Roselle are desirous of obtaining a New Jersey Department of Law and Public Safety FY2022 Safe and Secure Communities Grant in the amount of \$32,400.00, with a cash match of fringe benefits; and

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

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

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

- 1. The Mayor and Council of the Borough of Roselle as a matter of public policy, hereby endorse, support and authorize the filing of a FY 2022 New Jersey Department of Law and Public Safety Safe and Secure Communities Grant application and will participate to the fullest extent possible with the Department of Law and Public Safety.
- 2. The Borough of Roselle is hereby authorized to accept and does accept the Subaward.
- 3. The Attorney General will receive the funds on behalf of the applicant. The NJ Department of Law and Public Safety, Office of the Attorney General shall be responsible for the receipt and review of the application for said funds.
- 4. The NJ Department of Law and Public Safety, Office of the Attorney General shall initiate allocations to each applicant.
- 5. Upon receipt of the Grant Agreement from the New Jersey Department of Law and Public Safety, the signature of the Mayor, Borough Administrator and/or any other municipal official, or their successors in said title, which is required on the agreement and any other documents necessary in connection therewith, is hereby approved.
- 6. Upon receipt of the fully executed Grant Agreement from the New Jersey Department of Law and Public Safety, the expenditure of funds is hereby authorized pursuant to the terms of the agreement between the Borough of Roselle and the Department of Law and Public Safety.
- 7. A copy of this resolution shall be sent to the New Jersey Department of Law and Public Safety so that implementation of the grant program may be expedited.
- 8. No additional Borough funds, other than the cash match equivalent to the current fringe benefits for the participating Roselle Police Officers is required.
- 9. This Resolution shall take effect immediately.
- I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held on April 20, 2022.

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 20th day of April, 2022.

RESOLUTION NUMBER 2022-168

RESOLUTION SUPPORTING AND AUTHORIZING THE FILING OF AN APPLICATION WITH THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR ITS 2022 DISTRACTED DRIVING CRACKDOWN GRANT PROGRAM

WHEREAS, the Mayor and Council of the Borough of Roselle wish to file an application with the New Jersey Division of Highway Traffic Safety for its 2022 UDrive-Utext-UPay Distracted Driving Crackdown for the grant term period of April 1, 2022 through April 30, 2022, which will provide reimbursement funding for increased enforcement, public awareness and education; and

WHEREAS, distracted driving is a serious, life-threatening practice that is preventable; and

WHEREAS, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

WHEREAS, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

WHEREAS, in 2019 alone distracted driving-related crashes resulted in 3,142 deaths and 400,000 injuries on our nation's roads; and

WHEREAS, in New Jersey distracted driving was listed as a contributing circumstance in 49-percent of all motor vehicle crashes in 2019; and

WHEREAS, the State of New Jersey will participate in the nationwide *Distracted Driving 2022 Crackdown* from April 1 - 30, 2022 in an effort to raise awareness and decrease driver distraction through a combination of increased enforcement, public awareness and education; and

WHEREAS, the national slogan for the campaign is <u>UDrive. UText. UPay</u>; and

WHEREAS, a reduction in distracted driving in New Jersey will save lives on our roadways;

WHEREAS, the Mayor and Council of the Borough of Roselle are in support of the New Jersey Division of Highway Traffic Safety 2022 UDrive-Utext-UPay Distracted Driving Crackdown Program; and

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

1. The Mayor and Council of the Borough of Roselle as a matter of public policy, hereby endorse, support and authorize the filing of a New Jersey Division of Highway Traffic Safety 2022 UDrive-Utext-UPay Distracted Driving Crackdown Grant Application and will participate to the

fullest extent possible with the New Jersey Division of Highway Traffic Safety to increase public awareness of the dangers of distracted driving.

2. This Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held on April 20, 2022.

RESOLUTION NUMBER 2022-169

RESOLUTION HIRING A PART-TIME KEYBOARDING CLERK IN THE OFFICE OF THE MUNICIPAL COURT AT \$18.00 AN HOUR

WHEREAS, there is a need in the Office of the Municipal Court to fill the position of part-time Keyboarding Clerk 1; and

WHEREAS, Maria Rodriguez was interviewed and judged to be qualified for employment in the title of Part-Time Keyboarding Clerk 1 in the Municipal Court Office.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roselle that Maria Rodriguez is hereby appointed to the position of Part-Time Keyboarding Clerk 1 in the Municipal Court Office in the Borough of Roselle, effective Monday, April 25, 2022, subject to the successful completion of the ninety (90) day working test period as required by Civil Service Regulations; and

BE IT FURTHER RESOLVED, that the compensation for this title for Maria Rodriguez shall be \$18.00 an hour, prorated for calendar year 2022; and

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held April 20, 2022.

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 20th day of April, 202

Motion to adopt the Consent Agenda by Councilman Bernier, second by Council President Wilkerson.

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

NON-CONSENT AGENDA

RESOLUTION NUMBER 2022-156

RESOLUTION GRANTING A TEMPORARY ENTERTAINMENT LICENSE TO CENTRAL PARK, LLC

WHEREAS, On November 20, 2010, the Borough of Roselle adopted Ordinance Number 2386-10; codified in the Borough code as Chapter 190, requiring any public dance hall, public assembly hall, nightclub, cabaret, theater, movie house, social club, restaurant and/or any person, partnership or corporation holding a plenary retail consumption license, occupying any buildings or parts of buildings, to obtain an entertainment license therefore from the Borough of Roselle; and

WHEREAS, pursuant to the Ordinance, an Applicant Central Park NJ LLC, is required to obtain an entertainment license with the Borough of Roselle; and

WHEREAS, the Applicant, has complied with an application process as set forth by the Acting Clerk of the Municipality of the Borough of Roselle and satisfied all requirements of the Ordinance in order to obtain said license; and

WHEREAS, the Borough has met with the applicant and advised the applicant that the Borough is currently in the process of amending this section of the Borough Code, based on recommendations of the Police department; and

WHEREAS, the Borough does not wish to delay any of the licensing that the applicant may need in order to operate or close upon the sale of the subject property; and

WHEREAS, the parties have agreed that the issuance of a temporary entertainment license is appropriate at this juncture.

NOW THEREFORE BE IT RESVOLED, by the Mayor and Council of the Borough of Roselle that a Temporary Entertainment License will be issued to the Applicant Central Park, LLC for a

term of six (6) months, from the date of this resolution. The Applicant must reapply for an Entertainment License in January or as soon thereafter as reasonable after a new Ordinance is passed.

I Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held on April 20, 2022.

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 20th day of April 2022

Motion to adopt by Councilman Bernier, second by Council President Wilkerson.

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

RESOLUTION NUMBER 2022-157

RESOLUTION AUTHORIZING SETTLEMENT OF THE 2016, 2017, 2018, 2019, 2020, & 2021 TAX APPEALS ENTITLED BODYCOTE THERMAL PROCESSING, INC. V. BOROUGH OF ROSELLE, DOCKET NOS.: 006946-2016, 003777-2017, 006006-2018, 004997-2019, 006446-2020, & 006573-2021, BLOCK 6707, LOT 1.01, COMMONLY KNOWN AS 304 COX STREET

WHEREAS, appeals of the real property tax assessment for tax years 2016, 2017, 2018, 2019, 2020, 2021 involving Block 6706, Lot 1.01 have been filed by the taxpayer, Bodycote Thermal Processing Inc.; and

WHEREAS, the Borough of Roselle desires to settle the tax appeal for the tax years 2016, 2017, 2018, 2019, 2020, 2021, 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, 2019, 2020, and 2021 tax appeals are hereby authorized as follows:

304 Cox Street

Year 2016 Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment	
Land Improvements Total	\$ 328,600 \$ 766,600 \$ 1,095,200	\$ \$ N/A \$	Withdrawn
Year 2017 Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment	
Land Improvements Total	\$ 328,600 \$ 766,600 \$ 1,095,200	\$ \$ N/A \$	Withdrawn
Year 2018 Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment	
Land Improvements Total	\$ 328,600 \$ 766,600 \$ 1,095,200	\$ \$ N/A \$	\$ 328,600 \$ 679,200 \$ 1,007,800
Year 2019 Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment	
Land Improvements Total	\$ 328,600 \$ 766,600 \$ 1,095,200	\$ \$ N/A \$	\$ 328,600 \$ 664,800 \$ 993,400
Year 2020 Original Assessment	County Tax Board Judgment	Requested Tax Court Judgment	

Land	\$ 328,600	\$	\$ 328,600
Improvements	\$ 766,600	\$ N/A	\$ 566,500
Total	\$ 1,095,200	\$	\$ 895,100
Year 2021	Original	County Tax	Requested Tax
Assessment	Board Judgment	Court Judgment	Requested Tax
Land	\$ 328,600	\$	S 328,600
Improvements	\$ 766,600	\$ N/A	\$ 509,100

\$ 1,095,200

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 20, 2022.

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 20th day of April, 2022.

Motion to withdraw by Councilman Bernier, second by Council President Wilkerson.

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

PRESENTATION

Total

Chief Financial Officer Anders Hassler made the following 2022 budget presentation:

\$ 837,700

^{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;

Chief Financial Officer Anders Hasseler shared the budget document on the screen and gave highlights of the budget. Thereafter, CFO Hasseler went through the budget line-by-line providing a detailed explanation of the 2022 Municipal budget. The presentation lasted about 45 minutes.

PUBLIC HEARING ON THE CALENDAR YEAR 2022 MUNICIPAL BUDGET

Mayor Donald Shaw opened up the Public Hearing on the CY 2022 Municipal Budget and the following public comments were made:

- 1. Sylvia Turnage made the following comments:
 - Explanation from CFO for the tax appeal line, pension line, surplus and reserve
 - Wants money earmarked for quality of life in the Borough and quality recreation programs
 - Asked if the legal line has increased
- 2. Garrett Smith made the following comments:
 - Questioned what happened to the money for sale of 200 lots
 - Debt service ballooned and is out of control
 - Borough purchase of a building
 - Cost of new library lease
 - Plan to reduce taxes

CFO Anders Hasseler answered all questions posed to him concerning the 2022 Municipal Budget.

Councilman Bernier made the following comments in regards to questions that were asked:

- Thanked CFO Hasseler for the budget presentation and for the work he has done in the last three years
- The Borough in the position of financial strength
- Spoke about policy and long-term goal perspectives as it relates to paying down debt
- Spoke to library lease, surplus, fund balance and stabilizing taxes

Resolution # 2022-170

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 20-Apr-22

FUND

S ANIMAL CONTROL 28.80

Borough of Roselle April 20, 2022 Regular Meeting Minutes

	\$
CAPITAL ACCOUNT	16,472.50
CDBG TRUST	
	\$
CURRENT FUND	2,583,579.18
	\$
ESCROW TRUST	885.00
FSLEF	
SLEF	
	\$
GENERAL TRUST ACCOUNT	1,485.37
TRUST DCA FEES	
GRANT ACCOUNT	
SUI	
	\$
MARCH 25, 2021 PAYROLL	656,478.64
	\$
APRIL 08, 2021 PAYROLL	665,937.10
	\$
MANUAL CHECK	312,221.36
POAA	
REDEMPTION PREMIUM ACCOUNT	
PUBLIC DEFENDER	
REDEMPTION TRUST	
RESERVE FOR ESCROW	
SALARY DEDUCTION	

Motion to adopt by Councilman Bernier, second by Council President Wilkerson.

\$4,237,087.95

	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilman Bernier	X			
Councilwoman Johnson	X			
Councilwoman Thomas	X			
Councilman Fortuna	X			

GRAND TOTAL

Councilwoman Wilkerson	X				
x Adopted □Adopted as Amend	ed □Def	eated r	⊐Tabled	□Wit	hdrawn

RESOLUTION 2022-171

RESOLUTION TO AMEND 2022 BUDGET

Motion to adopt by Councilman Bernier, second by Council President Wilkerson.

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

RESOLUTION 2022-172

RESOLUTION ADOPTING THE CALENDAR YEAR 2022 MUNICIPAL BUDGET (JANUARY 1, 2022 – DECEMBER 31, 2022)

Motion to adopt by Councilman Bernier, second by Council President Wilkerson.

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

RESOLUTION NUMBER 2022-173

RESOLUTION FOR A CHANGE ORDER AMENDMENT TO THE CONTRACT FOR AB CONTRACTING, LLC REGARDING ADDITIONAL SITE WORK FOR THE COMPLETION OF THE ARMINIO FIELD PROPOSED FIELDHOUSE PROJECT

WHEREAS, AB Contracting C, 10 West Thomas Street, Wharton, NJ 07885 amount of \$1,823,316.20 by way of Resolution Number 2021-322 and adjusted contract amount of \$1,825,216.20 by way of Resolution Number 2022-111; and

WHEREAS, additional funds are required to complete the project due to unforeseen project cost as listed in the Colliers Engineering & Design correspondence dated April 12, 2022; 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 \$9,500.00; 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 <u>2643-21</u>.

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 AB Contracting, LLC. as per the Colliers Engineering & Design correspondence dated April 12, 2022 and the following breakdown:

Contract Amount	\$1,823,316.20
Change Order #1 (Resolution 2022-111)	\$ 1,900.00
Change Order #2	\$ 9,500.00
Adjusted Contract Amount	\$1,834,716.20

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the 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 April 20, 2022.

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 20th day of April 2022.

Motion to adopt by Council President Wilkerson, second by Councilwoman Thomas.

Vote Record – Resolution No. 2022-173								
	Ayes	Nays	Abstain	Absent				

Councilman Villeda	X			
Councilman Bernier	X			
Councilwoman Johnson	X			
Councilwoman Thomas	X			
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
x Adopted □Adopted as Am	nended Det	feated □Tab	oled DWith	drawn

RESOLUTION NUMBER 2022-174

RESOLUTION AUTHORIZING A CLOSED (EXECUTIVE SESSION)

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

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

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

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

This resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held April 20, 2022.

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 20th day of April 2022.

No action taken on Resolution 2022-174.

COUNCIL COMMENT

Councilman Villeda asked Council President Wilkerson to speak to items in his absence, said God bless everyone and then had to leave the meeting which he attended via the telephone.

Councilman Bernier provided the following comments:

- Gave his best to Councilman Villeda and his mother
- Extended his condolences to the family of Kathy Lloyd
- Congratulated Linda and Bob White on their 50th wedding anniversary
- Wished Celia Reed Ringer a Happy 100th Birthday
- Congratulated the Roselle Catholic Basketball team on winning the last State Tournament of Champions
- Thanked CFO Hasseler for a job well done as he is moving on to another position
- 2nd Ward Meetings are scheduled for the last Tuesday of every month at 7:00 p.m. via Zoom
- Can be reached by email bbernier@boroughofroselle.com or phone (732) 943-6498
- Wished everyone a good night

Councilwoman Johnson provided the following comments:

- Talked about not being able to bring public safety information to the residents since she hasn't had a meeting due to lack of a quorum and apologized to residents
- Waiting for information on the Gordon Street Bridge traffic issue
- Speeding on Pine Street and another traffic study
- Park & walk with the police officers
- Fire Department to bring on two new ambulances
- Asked residents to be safe and to continue to move the Borough forward

Councilwoman Thomas provided the following comments:

- Extended condolences and prayers to the family of Kathy Lloyd
- Thanked CFO Hasseler for the budget presentation
- 4th Ward meeting is scheduled for April 28, 2022 at 7:00 p.m. in the Amalfe Community Center
- Mother's Day luncheon will be held on Saturday, May 7, 2022 at 1:00 p.m. to 4:00 p.m.
- Can be reached by email cthomas@boroughofroselle.com or phone (908) 858-0395

Councilman Fortuna provided the following comments:

- No loss of life in conjunction with an accident on 5th Avenue and Pine Street
- Pine Street is the worst road in the 5th Ward and will be paved soon
- Spoke to Engineering about a 4 Way Stop Sign on Pine Street and Crescent Avenue
- Thanked CFO Hasseler for a job well done in the last three years
- Thanked Finance and Council Members Bernier and Thomas for a good team effort
- Westside garbage trucks will be delayed. Recycling schedule will start May 2, 2022
- Expanding cardboard pickup to weekly
- 5th Ward meeting is scheduled for May 23, 2022 at 7:00 p.m. to 9:00 p.m. at the Community Center

Council President Wilkerson provided the following comments:

- Extended condolences to the Lloyd and Blanc Families
- Congratulated Mrs. Ringer on her 100th Birthday
- Thanked CFO Hasseler for making the Borough financially and fiscally sound
- Thanked Finance Committee Members Bernier, Thomas and Fortuna
- Thanked the State for reviving the UEZ program and the \$200K
- Recreation calendar delayed due to late approval
- Committed to adjustment of new garbage pickup schedule and better service
- Talked about budget, redevelopment, parks improvements and pilot agreements
- Focused on the business of the Borough and moving forward

MAYOR'S COMMENTS

Mayor Shaw provided the following comments:

- Echoes the sentiment of Council President Wilkerson, Councilman Bernier and CFO Anders Hasseler concerning finances and moving forward
- Gaslighting of residents through media and the public
- Roselle House Music Festival for 2022 went to one day program due to Covid-19. The event was not cancelled and the promoter opted out
- Gave condolences to Doreen Rinaldo and the Lloyd family
- Thanked CFO Hasseler for his work and dedication to the Borough
- Thanked the Finance Committee for their work
- Appreciates the work that is being done by the Governing Body

ADJOURNMENT

Motion to adjourn by Councilwoman Thomas, second by Councilwoman Johnson. Motion was approved by unanimous vote. Meeting adjourned at 9:28 p.m.

Lisette Sanchez
Borough Clerk