

**BOROUGH OF ROSELLE  
MAYOR AND COUNCIL  
SPECIAL MEETING MINUTES  
DECEMBER 28, 2022 AT 3:30 P.M.**

Mayor Shaw called the Special 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 December 28, 2022 at 3:39 p.m. The flag salute was done and the invocation was given by Councilman Fortuna.

Borough 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 23, 2022, 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  
Councilman Brandon Bernier, Second Ward (Via Telephone)  
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, Borough Clerk  
Shanel Robinson, Acting Borough Administrator  
May Wedlund, Esq., Acting Borough Attorney

**PUBLIC COMMENTS**

Mayor Shaw opened up the public comments portion of the meeting. There were no public comments; therefore, Mayor Shaw closed the public comments portion of the meeting.

**INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES**

**ORDINANCE ON SECOND READING/PUBLIC HEARING**

**ORDINANCE NUMBER 2697-22**

**(AMENDED)**

**AN ORDINANCE TO AMEND CHAPTER 100-3, OF THE CODE OF  
THE BOROUGH OF ROSELLE ENTITLED "STAFFING LEVELS"**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Roselle, that the Code of the Borough of Roselle, Chapter 100-3, is hereby amended as follows:

**SECTION I.**

**A. Governing body.**

- (1) Mayor (PT) (1)
- (2) Council members (PT) (6)

**B. Executive Staff and Department heads.**

- (1) Borough Administrator (1)
- (2) Borough Attorney (PT) (1)
- (3) Municipal Clerk (1)
- (4) Chief Financial Officer (1)
- (5) Chief of Police (1)
- (6) Fire Chief (1)
- (7) Health Officer (1)
- (8) Construction Official (1)
- (9) Municipal Court Judge (PT) (1)
- (10) Superintendent of Public Works (1)
- (11) Emergency Management Coordinator (PT) (1)
- (12) Deputy Emergency Management Coordinator (PT) (1)
- (13) Tax Collector (1)
- (14) Tax Assessor (1)
- (15) Human Resource Coordinator (1)

**C. Department of Administration**

- (1) Assistant Borough Administrator (1)
- (2) Administrative Analyst (1)
- (3) Executive Assistant, Borough Administrator (1)
- (4) Confidential Assistant, (1)
- (5) Economic Development Representative 4 (1)
- (6) Keyboarding Clerk-1 (1)
- (7) Public Information Officer (1)

**C.1. Division of Recreation**

- (8) **Recreation Director (1)**
- (9) Recreation Aide (2)
- (10) Recreation Aide (PT) (2)

**C.2. Division of Code Enforcement**

- (1) Chief Code Enforcement Officer (1)

- (2) Senior Code Enforcement officer (1)
- (3) Code Enforcement Officer (3)
- (4) Code Enforcement Officer Trainee (1)
- (5) Sanitation Inspector (PT) (2)
- (6) Keyboarding Clerk-1 (1)
- (7) Keyboarding Clerk-3 (1)

#### D. Department of Finance

- (1) Purchasing Agent (1)
- (2) Municipal Treasurer (1)
- (3) Payroll Supervisor (1)
- (4) Principal Account Clerk (1)
- (5) Senior Account Clerk (1)
- (6) Account Clerk (1)

#### D.1. Division of Tax Collection

- (7) Deputy Tax Collector (PT) (1)

#### E. Department of Tax Assessor

- (1) **Deputy** Tax Assessor (1)
- (2) Clerk-1 (1)

#### F. Department of the Municipal Clerk

- (1) Deputy Municipal Clerk (1)
- (2) Keyboarding Clerk-1 (1)
- (3) Keyboarding Clerk-1 (1)
- (4) Keyboarding Clerk-2 (1)

#### G. Department of Health

- (1) Keyboarding Clerk-3 (1)
- (2) Keyboarding Clerk-2 (1)
- (3) Registrar of Vital Statistics (PT-stipend) (1)
- (4) Deputy Registrar of Vital Statistics (PT-stipend) (1)
- (5) Alternate Deputy Registrar of Vital Statistics (PT-stipend) (1)
- (6) Board of Health Secretary (PT) (1)

#### H. Police Department

- (1) Captains (not more than 3)
- (2) Lieutenants (not more than 7 including 1 Detective Lieutenant)
- (3) Sergeants (not more than 8 including 2 Detective Sergeants)
- (4) Police Officers (not more than 40)
- (5) Detectives (not more than 7)
- (6) Public Safety Telecommunicators (not more than 6)
- (7) Confidential Secretary (1)

- (8) Keyboarding Clerk-3 (1)
- (9) Keyboarding Clerk-2 (3)
- (10) Records Support Technician (1)
- (11) Parking Enforcement Officer (2)
- (12) School Crossing Guards (PT) (not more than 23)
- (13) Alternate School Crossing Guards (PT) (not more than 3)

#### I. Fire Department

- (1) Battalion Chief (5)
- (2) Captain (5)
- (3) Firefighter (21)
- (4) Senior Inspector (1)
- (5) Inspector (1)
- (6) Keyboarding Clerk-2 (1)

#### J. Department of Public Works

- (1) Assistant Public Works Superintendent (1)
- (2) Supervisor Public Works (1)
- (3) Assistant Supervisor Public Works (5)
- (4) Supervising Equipment Operator (1)
- (5) Equipment Operator (7)
- (6) Truck Driver (11)
- (7) Laborer (18)
- (8) Laborer (PT) (15)
- (9) Senior Mechanic (1)
- (10) Mechanic (1)
- (11) Mechanic's Helper (2)
- (12) Keyboarding Clerk-3 (1)
- (13) Keyboarding Clerk-2 (1)
- (14) Omni Bus Drivers (PT) (2)
- (15) Per Diem Bus Drivers (PT) (5)
- (16) Recycling Coordinator (PT-stipend) (1)

#### K. Building Department

- (1) Electrical Sub Code Official/Inspector (PT) (1)
- (2) Fire Sub Code Official/Inspector (PT) (1)
- (3) Plumbing Sub Code Official/Inspector (PT) (1)
- (4) Building Inspector (PT) (1)
- (5) Electrical Inspector (PT) (1)
- (6) Plumbing Inspector (PT) (1)
- (7) Technical Assistant to the Construction Official (1)
- (8) Clerk-2 (1)

#### L. Municipal Court

- (1) Court Administrator (1)
- (2) Deputy Court Administrator (2)
- (3) Keyboarding Clerk-1 (1)
- (4) Keyboarding Clerk-1 (PT) (3)
- (5) Court Attendant (PT) (1)
- (6) Violations Clerk (2)
- (7) Per Diem Court Attendant (1)

**M. Legal Department**

- (1) Labor Attorney (PT) (1)
- (2) Chief Prosecutor (PT) (1)
- (3) Assistant Prosecutor (PT) (1)
- (4) Chief Public Defender (PT) (1)
- (5) Public Defender (PT) (1)

**N. Support and Staff positions.**

- (1) Secretary to the Planning Board (PT) (1)
- (2) Secretary to the Zoning Board of Adjustment (PT) (1)
- (3) Secretary (Coordinator) to the Everett Hatcher Municipal Alliance (PT) (1)

**SECTION II.** 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 III.** 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 IV.** This Ordinance shall take effect at the time and in the manner provided by law.

**Recorded Vote on Final Passage of Ordinance No. 2697-22 – December 28, 2022 TO AMEND**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda			X			
Councilman Bernier			X			
Councilwoman Johnson			X			
Councilwoman Thomas	X		X			
Councilman Fortuna			X			
Councilwoman Wilkerson		X	X			
<input type="checkbox"/> Adopted <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

## **INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES**

### **ORDINANCE ON SECOND READING/PUBLIC HEARING**

#### **ORDINANCE NUMBER 2698-22**

#### **AMENDING SECTION II OF AN ORDINANCE ENTITLED “AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY”**

**BE IT ORDAINED**, by the Mayor and Council of the Borough of Roselle, County of Union, State of New Jersey, as follows:

**SECTION II:** The following named officials and employees of the Borough of Roselle shall be entitled to an annual salary within the range as set forth for the respective classifications:

<b>CLASSIFICATION</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
Administrative Analyst	\$40,000.00	\$80,000.00
Alternate Deputy Registrar	\$1,000.00	\$2,500.00
Assistant Borough Administrator	\$40,000.00	\$135,000.00
Assistant Public Works Superintendent	\$70,000.00	\$100,000.00
Assistant Supervisor Public Works	\$55,000.00	\$80,000.00
Assistant Tax Assessor	\$30,000.00	\$85,000.00
Board of Health, Secretary	\$2,500.00	\$5,000.00
Borough Administrator	\$50,000.00	\$155,000.00
Borough Attorney	\$65,000.00	\$130,000.00
Borough Labor Attorney	\$60,000.00	\$80,000.00
Building Inspector	\$10,000.00	\$25,000.00
Building Maintenance Worker	\$23,000.00	\$30,000.00
Chief Code Enforcement Officer	\$55,000.00	\$95,000.00
Chief Financial Officer	\$40,000.00	\$125,000.00
Code Enforcement Officer	\$40,000.00	\$80,000.00
Code Enforcement Trainee	\$30,000.00	\$40,000.00
Community Center Director	\$5,000.00	\$15,000.00
Construction Code Official	\$50,000.00	\$100,000.00
Confidential Assistant	\$35,000.00	\$50,000.00
Confidential Secretary	\$45,000.00	\$80,000.00
Coordinator of Emergency Management	\$5,000.00	\$20,000.00
Deputy Coordinator of Emergency Management	\$2,500.00	\$10,000.00
Deputy Municipal Clerk	\$40,000.00	\$65,000.00
Deputy Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Deputy Tax Collector	\$15,000.00	\$30,000.00
Deputy Court Administrator	\$50,000.00	\$75,000.00

<b>CLASSIFICATION</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
<b>Deputy Tax Assessor</b>	<b>\$30,000.00</b>	<b>\$80,000.00</b>
Economic Development Representative 4	\$40,000.00	\$80,000.00
Electrical Sub Code Official/Inspector	\$12,000.00	\$25,000.00
Everett Hatcher Alliance Secretary	\$2,500.00	\$5,000.00
Executive Assistant	\$45,000.00	\$80,000.00
Emergency Management, Secretary	\$2,500.00	\$5,000.00
Fire Chief	\$85,000.00	\$200,000.00
Fire Sub Code Official/Inspector	\$19,000.00	\$25,000.00
Human Resource Coordinator	\$50,000.00	\$90,000.00
Municipal Court Administrator	\$65,000.00	\$90,000.00
Municipal Clerk	\$60,000.00	\$100,000.00
Municipal Judge	\$20,000.00	\$100,000.00
Municipal Treasurer	\$40,000.00	\$80,000.00
Omni Bus Driver (per hour)	\$15.00	\$25.00
Part Time Dispatchers (per hour)	\$15.00	\$25.00
Payroll Supervisor	\$40,000.00	\$60,000.00
Planning Board Secretary	\$2,500.00	\$5,000.00
Plumbing Sub Code Official/Inspector	\$19,000.00	\$25,000.00
Police Chief	\$85,000.00	\$200,000.00
Prosecutor Chief	\$20,000.00	\$40,000.00
Prosecutor Assistant	\$10,000.00	\$30,000.00
Public Defender	\$9,000.00	\$20,000.00
Public Information Officer	\$45,000.00	\$80,000.00
Purchasing Agent	\$40,000.00	\$90,000.00
Recreation Aide (per hour)	\$10.00	\$25.00
<b>Recreation Director</b>	<b>\$40,000.00</b>	<b>\$80,000.00</b>
Recycling Coordinator	\$2,500.00	\$5,000.00
Registered Environmental Health Specialist/Health Officer	\$75,000.00	\$135,000.00
Registrar of Vital Statistics	\$2,500.00	\$5,000.00
Sanitation Inspector (per hour)	\$15.00	\$25.00
Seasonal Employees (per hour)	\$12.00	\$25.00
Senior Advisory Board Secretary	\$2,500.00	\$5,000.00
Senior Code Enforcement Officer	\$45,000.00	\$90,000.00
Superintendent of Public Works	\$75,000.00	\$130,000.00
Supervising Equipment Operator	\$65,000.00	\$95,000.00
Supervisor Public Works	\$65,000.00	\$95,000.00
Tax Assessor	\$30,000.00	\$100,000.00
Tax Collector	\$50,000.00	\$90,000.00
Violations Clerk	\$42,000.00	\$55,000.00
Zoning Board Secretary	\$2,500.00	\$5,000.00

**Recorded Vote on Final Passage of Ordinance No. 2698-22 – December 28, 2022**

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

**ORDINANCE ON SECOND READING/PUBLIC HEARING****ORDINANCE NUMBER 2699-22**

**ORDINANCE OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, NEW JERSEY APPROVING AND AUTHORIZING EXECUTION OF A SECOND AMENDMENT TO FINANCIAL AGREEMENT FOR PROPERTY COMMONLY KNOWN AS 643-645 EAST 1<sup>ST</sup> AVENUE AND IDENTIFIED AS BLOCK 201, LOTS 1 & 2 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:12A-1, et seq.*, designated the properties commonly known as 643-645 E. 1<sup>st</sup> Avenue and identified as Block 201, Lots 1 and 2 on the tax maps of the Borough (the "**Project Premises**") as an "area in need of redevelopment"; and

**WHEREAS**, the Borough Council adopted an ordinance approving and adopting a redevelopment plan for the Project Premises; and

**WHEREAS**, pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1, et seq.* (the "**LTTE Law**"), in March 2005, the Borough and ICCL Urban Renewal, LLC ("**ICCL**") entered into that Financial Agreement, as amended by the Amendment to Financial Agreement, dated December 12, 2006 (as amended, the "**Financial Agreement**"), in connection with the redevelopment, on the Project Premises, of approximately 51,610 square feet of retail/commercial space (the "**Project**"); and

**WHEREAS**, the Financial Agreement required ICCL to make payment to the Borough of an Annual Service Charge (the "**Annual Service Charge**") in an amount equal to two percent (2%) of the Total Project Cost paid by ICCL for the construction of the Project; and

**WHEREAS**, in Ordinance 2216-04, adopted by the Borough Council on October 20, 2004, authorizing the long-term tax exemption, the Borough 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, including that “[t]he relative stability and predictability of the Annual Service Charge will allow the Entity to stabilize its operating budget, allowing for a high level of maintenance to the land and the improvements over the life of the Project, which will attract Tenants to the Project and as will such insure the likelihood of the success of the Project”, and

**WHEREAS**, as set forth in Ordinance 2147-01, adopted by the Borough Council on December 19, 2001, initially approving the tax exemption for the Project, the tax exemption was to be for a term of fifteen (15) years, although it also provided that ICCL could request an extension for an additional fifteen (15) year term; and

**WHEREAS**, the Borough Council adopted Ordinance 2264-06 on December 13, 2006, which amended Ordinances 2147-01 and 2216-04 to (i) correctly identify the property subject to the tax exemption, (ii) more accurately identify the anticipated amount of the Annual Service Charge from the Project, (iii) provide that the tax exemption term would commence in 2007 and (iv) authorize the execution of an amendment to memorialize such terms; and

**WHEREAS**, ICCL has represented to the Borough that it intends to make upgrades to improve the Project’s appearance and safety, including, enhanced exterior lighting, additional security cameras accessible by the local police department, security on-site to monitor cameras during business hours, a new fence in the rear of the Project Premises, repaved and restriped parking lot, new digital signage to assist visibility for the Project’s tenants, and updated landscaping to include new shrubbery and annual flower plantings (collectively, the “**Rehabilitation Project**”); and

**WHEREAS**, ICCL represented to the Borough that the Financial Agreement and the resulting tax exemption for the Project has created a stable and predictable Annual Service Charge, which has enabled the necessary investment to be made to construct the Project and maintain same in a particularly challenging retail/commercial market; and

**WHEREAS**, ICCL further represented to the Borough that commencement of *ad valorem* taxation on the Project would lead to an increase in rents to the tenants that would not be sustainable, which would jeopardize the existing tenant base, as well as ICCL’s plan to attract new tenants to the Project, including a cannabis-related tenant which, in turn, is expected to generate substantial revenues for the Borough; and

**WHEREAS**, ICCL has requested that the Borough extend the tax exemption term and proposes to pay an Annual Service Charge, for such extended term, in accordance with the terms set forth in a proposed second amendment to the Financial Agreement in substantially the same form as that attached hereto as **Exhibit A** (the “**Second Amendment to Financial Agreement**”); and

**WHEREAS**, the Borough Council now desires to approve the extension of the tax exemption term and authorize the execution of the Second Amendment to 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:**

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The tax exemption term is hereby extended for an additional term of ten (10) years, effective as of January 1, 2022.

**Section 3.** Second Amendment to Financial Agreement is hereby approved and the Mayor and Borough Clerk are hereby authorized to execute same in substantially the same form as that attached as **Exhibit A** hereto, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

**Section 4.** The Borough Clerk is hereby authorized and directed, upon execution of the Second Amendment to 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.

**Section 5.** All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

**Recorded Vote on Final Passage Ordinance No. 2699-22, December 28, 2022**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	X		X			
Councilman Bernier			X			
Councilwoman Thomas			X			
Councilman Villeda			X			
Councilman Fortuna		X	X			
Councilwoman Johnson			X			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**RESOLUTIONS**

**RESOLUTION NUMBER 2022-406**

**RESOLUTION AMENDING RESOLUTION 2022-081 INCREASING THE  
CONTRACT AWARD TO SYSNET SOLUTIONS FOR NETWORK  
(COMPUTER) SERVICES BY \$32,000**

**WHEREAS**, the Borough Council previously approved a contract award to Sysnet Solutions for network (computer) services via Resolution 2022-081 in the amount of \$123,480.00;

**WHEREAS**, the Borough is INCREASING its contract with Sysnet Solutions by \$32,000.00;

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the contract award to Sysnet Solutions for network (computer) services be amended for a total contract amount of \$155,480; and

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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**RESOLUTION NUMBER 2022-407**

**RESOLUTION AMENDING RESOLUTION 2022-065 INCREASING THE  
CONTRACT AWARD TO MCMANIMON & SCOTLAND, LLC FOR  
REDEVELOPMENT COUNSEL SERVICES BY \$40,000.00.**

**WHEREAS**, the Borough Council previously approved a contract award to McManimon & Scotland, LLC for redevelopment counsel services via Resolution 2022-065 in the amount of \$50,000.00; and

**WHEREAS**, the Borough is INCREASING its contract with McManimon & Scotland, LLC by \$40,000.00.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the contract award to McManimon & Scotland, LLC for redevelopment counsel services be amended for a total contract amount of \$90,000; and

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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**RESOLUTION NUMBER 2022-408**

**RESOLUTION AMENDING RESOLUTION 2022-180 INCREASING THE  
CONTRACT AWARD TO WEBER DOWD LAW FOR SPECIAL COUNSEL  
SERVICES BY \$12,000.00.**

**WHEREAS**, the Borough Council previously approved a contract award to Weber Dowd Law for special counsel services via Resolution 2022-180 in the amount of \$15,000.00; and

**WHEREAS**, the Borough is INCREASING its contract with Weber Dowd Law by \$12,000.00.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the contract award to Weber Dowd Law for special counsel services be amended for a total contract amount of \$27,000; and

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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**RESOLUTION NUMBER 2022-409**

**RESOLUTION AMENDING RESOLUTION 2022-018 INCREASING THE  
CONTRACT AWARD TO CHASAN LAMPARELLO MALLON & CAPPUZZO  
FOR LITIGATION COUNSEL SERVICES BY \$35,000.00.**

**WHEREAS**, the Borough Council previously approved a contract award to Chasan Lamparello Mallon & Cappuzzo for special counsel services via Resolution 2022-180 in the amount of \$30,000.00; and

**WHEREAS**, the Borough is INCREASING its contract with Chasan Lamparello Mallon & Cappuzzo by \$35,000.00.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the contract award to Chasan Lamparello Mallon & Cappuzzo for litigation counsel services be amended for a total contract amount of \$65,000; and  
RESOLUTION NUMBER 2022-410

**RESOLUTION CANCELLING TAXES FOR EXEMPT PROPERTY**

**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:12A-1, et seq.*, designated the properties commonly known as 643-645 E. 1<sup>st</sup> Avenue and identified as Block 201, Lots 1 and 2 on the tax maps of the Borough (the "Project Premises") as an "area in need of redevelopment"; and

**WHEREAS**, the Borough Council adopted an ordinance approving and adopting a redevelopment plan for the Project Premises; and

**WHEREAS**, pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1, *et seq.* (the “LTTE Law”), in March 2005, the Borough and ICCL Urban Renewal, LLC (“ICCL”) entered into that Financial Agreement, as amended by the Amendment to Financial Agreement, dated December 12, 2006 (as amended, the “Financial Agreement”), in connection with the redevelopment, on the Project Premises, of approximately 51,610 square feet of retail/commercial space (the “Project”); and

**WHEREAS**, the Financial Agreement required ICCL to make payment to the Borough of an Annual Service Charge (the “Annual Service Charge”) in an amount equal to two percent (2%) of the Total Project Cost paid by ICCL for the construction of the Project; and

**WHEREAS**, in Ordinance 2216-04, adopted by the Borough Council on October 20, 2004, authorizing the long-term tax exemption, the Borough 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, including that “[t]he relative stability and predictability of the Annual Service Charge will allow the Entity to stabilize its operating budget, allowing for a high level of maintenance to the land and the improvements over the life of the Project, which will attract Tenants to the Project and as such will insure the likelihood of the success of the Project”, and

**WHEREAS**, as set forth in Ordinance 2147-01, adopted by the Borough Council on December 19, 2001, initially approving the tax exemption for the Project, the tax exemption was to be for a term of fifteen (15) years, although it also provided that ICCL could request an extension for an additional fifteen (15) year term; and

**WHEREAS**, the Borough Council adopted Ordinance 2264-06 on December 13, 2006, which amended Ordinances 2147-01 and 2216-04 to (i) correctly identify the property subject to the tax exemption, (ii) more accurately identify the anticipated amount of the Annual Service Charge from the Project, (iii) provide that the tax exemption term would commence in 2007 and (iv) authorize the execution of an amendment to memorialize such terms; and

**WHEREAS**, ICCL has represented to the Borough that it intends to make upgrades to improve the Project’s appearance and safety, including, enhanced exterior lighting, additional security cameras accessible by the local police department, security on-site to monitor cameras during business hours, a new fence in the rear of the Project Premises, repaved and restriped parking lot, new digital signage to assist visibility for the Project’s tenants, and updated landscaping to include new shrubbery and annual flower plantings (collectively, the “Rehabilitation Project”); and

**WHEREAS**, ICCL represented to the Borough that the initial 15-year term of the Financial Agreement and the resulting tax exemption for the Project created a stable and predictable Annual Service Charge, which has enabled the necessary investment to be made to construct the Project and maintain same in a particularly challenging retail/commercial market; and

**WHEREAS**, ICCL further represented to the Borough that commencement of *ad valorem* taxation on the Project at this time would lead to an increase in rents to the tenants that would not be sustainable, which would jeopardize the existing tenant base, as well as ICCL's plan to attract new tenants to the Project, including a cannabis-related tenant which, in turn, is expected to generate substantial revenues for the Borough; and

**WHEREAS**, the exemption term under the Financial Agreement expired as of December 31, 2021; and

**WHEREAS**, ICCL has requested that the Borough extend the tax exemption term for an additional ten (10) years beyond December 31, 2021, and proposes to pay an Annual Service Charge, for such extended term, in accordance with the terms set forth in a proposed second amendment to the Financial Agreement (the "Second Amendment to Financial Agreement"); and

**WHEREAS**, by ordinance the Borough Council approved the extension of the tax exemption as of January 1, 2022, and authorized the execution of the Second Amendment to Financial Agreement, which requires ICCL to pay an Annual Service Charge, in lieu of taxes, for the year 2022 and beyond; and

**WHEREAS**, accordingly, the Borough desires to cancel property taxes due on the Project Premises for the year 2022.

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

Section 1. The recitals hereof are incorporated herein as though set forth more fully herein.

Section 2. Property taxes due, including interest thereon, in connection with the Project Premises for the year 2022 are hereby canceled.

Section 3. The Mayor, tax assessor, tax collector, chief financial officer and all other Borough personnel are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this resolution.

Section 4. 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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**RESOLUTION NUMBER 2022-411**

**RESOLUTION AUTHORIZING PAYMENT OF INVOICES FOR PROFESSIONAL SERVICES AFTER THE APPROVAL OF THE INCREASE IN CONTRACTS**

**WHEREAS**, the Borough of Roselle engaged professional services and some of their invoices have not been paid,

**WHEREAS**, the payment of these outstanding invoices would exceed the amount approved in the existing contract,

**WHEREAS**, the approval of the increase in these contracts is before the Borough Council at a special meeting on December 28, 2022,

**WHEREAS**, in order for these invoices to be paid, the Borough Council must approve this resolution authorizing the payment of these outstanding invoices,

**NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE**, that the Borough Council authorize the payment of these

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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**RESOLUTION NUMBER 2022-412**

**RESOLUTION AUTHORIZING TRANSFER OF FUNDS BETWEEN LINE ITEMS**

**WHEREAS**, the Chief Financial Officer has determined that it is necessary to make the following transfers between budget line items in order to pay appropriations 2022 invoices;

From:

Public Health OE	\$ 1,250.00
------------------	-------------

Building OE	\$ 8,000.00
Finance OE	\$ 1,500.00
Revenue OE	\$ 1,500.00
Tax Assessment OE	\$ 750.00

Total: \$ 13,000.00

To:

Engineering OE	\$ 10,000.00
Police OE	\$ 3,000.00

Total: \$ 13,000.00

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, that the Chief Financial Officer be and is hereby authorized and directed to make the necessary transfers per above.

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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**Motion to adopt by Resolution Numbers 2022-406 through 2022-412 by Council President Wilkerson, second by Councilman Fortuna.**

Vote Record – Resolution Numbers 2022-406 through 2022-412				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilman Bernier	X			
Councilwoman Johnson			X	
Councilwoman Thomas	X			



Councilman Fortuna	X			
Councilwoman Wilkerson	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

### **RESOLUTION NUMBER 2022-413**

#### **RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION**

**WHEREAS**, an emergency has arisen with respect to insufficient appropriations and no adequate provision was made in the 2022 budget aforesaid purposes and N.J.S. 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above, and

**WHEREAS**, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution (\$424,851.02) is \$48,488,290.96 and three (3%) of the total operating budget in the budget year 2022 is \$1,441,903.20 and

**WHEREAS**, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations in the budget for 2022,

**NOW, THEREFORE, BE IT RESOLVED**, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJS 40A:4-48

1. An emergency appropriation is hereby made for the following budget line items:

- A. Natural Gas
  - November - \$1,461.11
  - December - \$ 720.00
- B. Gasoline (fuel oil)
  - November - \$47,500.25
  - December - \$52,499.75 (anticipated estimate)
- C. Legal Services
  - December - \$15,000 (anticipated estimate)
- D. Recycling
  - October and November - \$32,669.91
  - December - \$35,000 (anticipated estimate)
- E. Engineering
  - \$10,000.00 (anticipated estimate)
- F. Network (computers)
  - \$40,000 (anticipated estimate)
- G. Solidwaste Sanitation
  - \$100,000 (anticipated estimate)
- H. – Police OE
  - \$50,000

- I. – Motor Pool DPW
- \$10,000
- J. – Electricity
- \$30,000

2. That said emergency appropriation shall be provided for in full in the 2023 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, that the Chief Financial Officer be authorized to file this emergency appropriation with the 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 Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Special Meeting of said Council held December 28, 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 28th day of December 2022.

**Motion to adopt by Resolution Number 2022-413 by Councilman Bernier, second by Council President Wilkerson.**

<b>Vote Record – Resolution Number 2022-413</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda			X	
Councilman Bernier	X			
Councilwoman Johnson			X	
Councilwoman Thomas	X			
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

**RESOLUTION NUMBER 2022-414**

**RESOLUTION AUTHORIZING PAYMENT OF LEGAL INVOICES AFTER THE  
APPROVAL OF THE INCREASE IN LEGAL CONTRACTS**

**WHEREAS**, the Borough of Roselle engaged professional services and some of their invoices have not been paid;

**WHEREAS**, the payment of these outstanding invoices would exceed the amount approved in the existing contract;

**WHEREAS**, the approval of the increase in these contracts is before the Borough Council at a special meeting on December 28, 2022;

**WHEREAS**, in order for these invoices to be paid, the Borough Council must approve this resolution authorizing the payment of these outstanding legal invoices,

**NOW, THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE**, that the Borough Council authorize the payment of these outstanding invoices.

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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**RESOLUTION NUMBER 2022-415**

**A RESOLUTION DESIGNATING AUTHORIZED SIGNERS FOR BANK ACCOUNTS  
OF THE BOROUGH OF ROSELLE**

**WHEREAS**, N.J.S.A. 40A:5-17.b(2) provides that checks drawn by a municipality be signed by the mayor or other chief executive officer and the municipal clerk and countersigned by such other officer or officers as designated, and

**WHEREAS**, Section 10-5 of the Borough Code provides that checks shall be signed by the Mayor, Clerk and countersigned by the Borough Chief Financial Officer or Borough Administrator, and that said signatures may be affixed by signature stamp, in accordance with the provisions of said section.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey that the following individuals are so designated by the Borough as authorized signatories are Donald Shaw, Mayor; Lisette Sanchez, Municipal Clerk; Judith Curran, Chief Financial Officer; and Rick Smiley, Borough Administrator; and

**BE IT RESOLVED**, the Borough of Roselle has amounts on deposit under the following bank accounts:

Current Account  
Grant Account  
Green Acres Account  
Trust Account  
Outside Police Trust  
General Capital  
Animal Control  
Federal Special Law Enforcement  
Public Assistance Trust  
Escrow Main Disbursement  
Public Defender Trust  
Tax Premium Trust  
Tax Redemption Trust  
Salary Account  
Salary Deduction Trust  
Special Law Enforcement Fund  
State Unemployment Insurance Trust  
Library Grant and Lease  
Public Offenders Adjudication Act  
Municipal Court Bail  
Municipal Court Fines  
On-Line Tax Payments

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Roselle, that the following individuals are so designated and recognized by the Borough as authorized signatories are Donald Shaw, Mayor, Lisette Sanchez, Municipal Clerk, Judith Curran, Chief Financial Officer; and Kendy Thompson, Tax Collector for the following bank accounts:

Redemption Trust  
Tax Premium Account  
On-Line Tax Payments

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Roselle, that the following individuals are so designated and recognized by the Borough as authorized signatories are Judith Curran, Chief Financial Officer and Rick Smiley, Borough Administrator for the following bank account:

Land use Escrow Account

**BE IT FURTHER RESOLVED**, by the Borough Council of the Borough of Roselle, that the following individuals are so designated and recognized by the Borough as authorized signatories are Carl L. Marshall, Municipal Judge; Nicole Bailey, Court Administrator; and Latrina Cohen, Deputy Court Administrator for the following bank account:

Municipal Court Bail Account  
Municipal Court Fines Account

**BE IT FURTHER RESOLVED**, that the effective date of this resolution shall be May 11, 2022.

**BE IT FURTHER RESOLVED**, that a certified copy of the resolution be forwarded to the official depository of the Borough of Roselle with signature cards reflecting the aforementioned officials.

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 Special Meeting of said Council held December 28, 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 28th day of December 2022.

**Motion to adopt by Resolution Numbers 2022-414 through 2022-415 by Council President Wilkerson, second by Councilman Fortuna.**

<b>Vote Record – Resolution Numbers 2022-414 through 2022-415</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilman Bernier	X			
Councilwoman Johnson	X			
Councilwoman Thomas	X			
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

**RESOLUTION # 2022-416**

**RESOLUTION APPROVING THE BILLS LIST DATED DECEMBER 28, 2022**

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**

**28-Dec-22**

**FUND**

ANIMAL CONTROL	
CAPITAL ACCOUNT	\$ 5,407.50
CDBG TRUST	
CURRENT FUND	\$ 78,026.48
ESCROW TRUST	\$ 20,921.25
FSLEF	
SLEF	
GENERAL TRUST	
ACCOUNT	\$ 503.75
TRUST DCA FEES	
GRANT ACCOUNT	
SUI	
DECEMBER 2, 2022	
PAYROLL	
DECEMBER 16, 2022	
PAYROLL	
MANUAL CHECK	
POAA	
REDEMPTION PREMIUM	
ACCOUNT	
PUBLIC DEFENDER	
REDEMPTION TRUST	
RESERVE FOR	
ESCROW	
SALARY	
DEDUCTION	

GRAND TOTAL

\$104,858.98

**Motion to adopt by Resolution Number 2022-416 by Council President Wilkerson, second by Councilman Villeda.**

<b>Vote Record – Resolution Number 2022-416</b>				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	X			
Councilman Bernier	X			
Councilwoman Johnson	X			
Councilwoman Thomas	X			
Councilman Fortuna	X			
Councilwoman Wilkerson	X			
<input checked="" type="checkbox"/> <b>Adopted</b> <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

**COUNCIL COMMENT**

**Councilman Villeda provided the following comments:**

- Wished everyone a Happy New Year

**Councilman Bernier provided the following comments:**

- Wished everyone a Happy New Year
- 

**Councilwoman Johnson provided the following comments:**

- Wished everyone a Happy New Year
- Commended Chief Financial Officer Judith Curran's work

**Councilwoman Thomas provided the following comments:**

- Wished everyone a Happy New Year
- Looking forward to working together in 2023

**Councilman Fortuna provided the following comments:**

- Wished everyone a Happy New Year

**Council President Wilkerson provided the following comments:**

- Questioned the late items provided by Chief Financial Officer Judith Curran
- Discussed the budget process
- Looking forward to working with Acting Business Administrator Shanel Robinson


## **MAYOR'S COMMENTS**

**Mayor Shaw provided the following comments:**

- Expressed his disappointment in receiving budget resolution last minute without a previous conversation/notification

## **ADJOURNMENT**

**Motion to adjourn by Council President Wilkerson, second by Councilwoman Johnson. Motion was approved by unanimous vote. Meeting adjourned at 4:38 p.m.**

  
**Lisette Sanchez, Borough Clerk**