

REGULAR MEETING – SEPTEMBER 6, 2018

READ PUBLIC MEETINGS LAW ARTICLE

ROLL CALL

MOMENT OF SILENCE/PRAAYER

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

1. A request from the West End Community Center to close West Clay Avenue from Hexacon Electric Company to West Grant Avenue, and utilize Girl Scout Park for its annual family picnic on Saturday, September 15, 2018 from 1:00 p.m. to 6:00 p.m.
(Subject to JIF Insurance and Indemnification Requirements)

PROCLAMATIONS & PRESENTATIONS

- Public Safety Recognition: Police Officer Harms & Deputy Fire Chief Thompson
- Presentation of 1000th RPHS Wrestling Win Signage
- Pediatric Cancer Awareness Month Proclamation
- 2018 Superhero of the Year Award: Matteo Vitale
- Roselle Park Softball Awards

*** APPROVAL OF MEETING MINUTES, PENDING ANY CORRECTIONS**

Regular Meeting of May 17, 2018

Regular Meeting of June 7, 2018

Regular Meeting of June 21, 2018

Special Meeting of July 19, 2018

*** MOTION BILLS & PAYROLLS BE NOT READ**

*** MOTION BILLS & PAYROLLS BE PASSED FOR PAYMENT**

PUBLIC PORTION (Time Limit of 7 Minutes; Limited to Agenda Items Only)

ORDINANCES FOR 2ND READING: COUNCILMAN FAHOURY

ORD. No. 2544 AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION, NEW JERSEY, ADOPTING THE “10 WEST WESTFIELD AVENUE REDEVELOPMENT PLAN BLOCK 610, LOTS 1 AND 3” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

ORD. No. 2545 AN ORDINANCE AMENDING CHAPTER III, SECTION 3-9.1 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “POLICE REGULATIONS; PEACE AND GOOD ORDER; PROHIBITIONS”

ORDINANCES FOR INTRODUCTION: COUNCILMAN FAHOURY

ORD. No. 2546 AN ORDINANCE AMENDING CHAPTER II, ARTICLE II, SECTION 2-15 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, “ANIMAL CONTROL OFFICER”

ORD. No. 2547 AN ORDINANCE AMENDING CHAPTER II, ARTICLE II, SECTION 2-20 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, "QUALIFIED PURCHASING AGENT"

CONSENT AGENDA

"ALL MATTERS LISTED WITH AN ASTERISK (*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF THE GOVERNING BODY SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA AS PART OF THE GENERAL ORDERS."

RESOLUTIONS:

- * **#246-18** – Accepting the Resignation of Sharon Curia from the Environmental Commission
- * **#247-18** – Promoting Detective John Deegan to the Rank of Sergeant within the Roselle Park Police Department
- * **#248-18** – Appointing Theodore Kot to the Position of Probationary Patrolman within the Roselle Park Police Department
- * **#249-18** – Accepting the Resignation of Joseph Crivelli from the Position of Crossing Guard
- * **#250-18** – Accepting the Resignation of Camielle Bananno from the Position of Crossing Guard
- * **#251-18** – Promoting Alternate Crossing Guard Todd Kraft to the Position of Crossing Guard
- * **#252-18** – Promoting Alternate Crossing Guard Gerald Lozauskas to the Position of Crossing Guard
- * **#253-18** – Appointing Patrolman Greg Polakowski as the Humane Law Enforcement Officer of the Borough of Roselle Park in Accordance with N.J.S.A. 4:22-14.1 et seq.
- * **#254-18** – Authorizing a Mortgage Subordination Agreement in Connection with Roselle Park Housing Rehabilitation Program Case Number RP-17 (127 Pershing Avenue)
- * **#255-18** – Approving Insertion of a Union County HEART Grant as a Special Item of Revenue in the 2018 Municipal Budget in the Amount of \$1,000.00
- * **#256-18** – Awarding a Contract to National Fuel Oil, Inc. for the Purchase of Gasoline Pursuant to Somerset County Cooperative Pricing Contract Number CC-0045-18 Reflecting a \$0.0915 Mark-Up Per Gallon

- * **#257-18** – Authorizing the Tax Collector to Issue Reductions and/or Refunds in the Total Amount of \$625.51 on Block 1014, Lot 17 (328 Bender Avenue) as Authorized by the State Tax Court of the State of New Jersey
- * **#258-18** – Authorizing the Tax Collector to Issue a Disabled Person Property Tax Deduction Credit in the Total Amount of \$250.00 on Block 109, Lot 17.02 (339 West Lincoln Avenue)
- * **#259-18** – Appointing Nicholas Goley as a Member of the Roselle Park Fire Department
- * **#260-18** – Appointing Nicole Nunes as Municipal Court Administrator
- * **#261-18** – Appointing Patricia Koemple as Part-Time Violations Clerk
- * **#262-18** – Authorizing Close Out of the Contract with Berto Construction, Inc. for the Project: Roselle Park Library ADA Accessible Entrance Ramp Improvements
- * **#263-18** – Authorizing Change Order #1 to American Asphalt & Milling Services, LLC for the Project: East Colfax Avenue Improvements, in the Amount of a \$8,445.97 Decrease (3.94% Decrease) to Reflect a Total Contract Amount of \$205,769.20
- * **#264-18** – Authorizing Close Out of the Contract with American Asphalt & Milling Services, for the Project: East Colfax Avenue Improvements
- * **#265-18** – Awarding a Contract to Cifelli & Son General Construction, Inc. for the Project: Madison Avenue Improvements, in an Amount Not to Exceed \$309,997.50
- * **#266-18** – Authorizing the Treasurer to Issue One (1) Check Totaling \$47,362.86 Payable to One (1) Lien Holder on One (1) Property and One (1) Check Totaling \$1,900.00 from the Tax Collector’s Premium Account
- * **#267-18** – Appointing Michael Maiorelli to the Position of Alternate Crossing Guard
- * **#268-18** – Appointing Arcilla Montanez to the Position of Alternate Crossing Guard
- * **#269-18** – Setting the Terms of Retirement and Time Due Calculation for Aldo Cosentino
- * **#270-18** – Authorizing Use of Sewer Operating Fund Balance for the Purpose of Providing the Joint Meeting of Essex and Union Counties Sewerage Authority with an Indication of the Method by which the Borough will Pay its Capital Assessment
- * **#271-18** – Conditionally Re-Authorizing a Lease Agreement between the Borough of Roselle Park and Timpat, Inc. for the Borough’s Lease of Property Located at 515 Locust Street for Off-Street Parking

- * #272-18 – Awarding a Professional Services Contract to Neglia Engineering for Design and Construction Management Services for the Project: Various Park Improvements in an Amount Not to Exceed \$11,400.00

MAYOR AND COUNCIL COMMITTEE REPORTS / REPORTS OF DEPARTMENTS

- Fire Chief’s Report for July 2018
- Mayoral Appointment(s) (No Confirmation from Council Required):
 - Appointing Arnulfo Toro of 121 Bender Avenue, Roselle Park, NJ 07204 as a Member of the Environmental Commission to fill the unexpired term of Sharon Curia set to expire on December 31, 2018.

WORKSHOP DISCUSSION

Items Carried from Prior Meeting(s):

- Regulating Bamboo Planting (Councilman Petrosky)

New Items:

- Amending Diversity Committee Ordinance – Reducing Members (Councilman Fahoury)
- PILOT Discussion with Board of Education (Mayor Hokanson)
- Tracking Progress of Capital Improvements and Repairs to Parks & Public Facilities (Councilmen DeIorio & Fahoury)

PUBLIC PORTION (Time Limit of 5 Minutes; On any Subject)

EXECUTIVE (CLOSED) SESSION

ADJOURNMENT

**NEXT REGULAR SCHEDULED MEETING OF THE MAYOR AND COUNCIL
WILL BE HELD ON SEPTEMBER 20, 2018**

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2544

ORDINANCE OF THE COUNCIL OF THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION, NEW JERSEY, ADOPTING THE “10 WEST WESTFIELD AVENUE REDEVELOPMENT PLAN BLOCK 610, LOTS 1 AND 3” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 et seq.*

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

WHEREAS, pursuant to *N.J.S.A. 40A:12A-6* of the Redevelopment Law, the Council (the “**Borough Council**”) of the Borough of Roselle Park, in the County of Union, New Jersey (the “**Borough**”) must authorize the Land Use Board of the Borough (the “**Land Use Board**”) to conduct an investigation of the area and make recommendations to the Borough Council; and,

WHEREAS, the Borough Council, by Resolution #156-17, adopted May 18, 2017 pursuant to the Redevelopment Law, authorized and directed the Land Use Board to undertake a preliminary investigation to determine if a specific area located at Block 610, Lots 1 and 3 on the tax map of the Borough (together, the “**Study Area**”) constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and,

WHEREAS, the aforesaid resolution authorized the Land Use Board to investigate the Study Area as a Condemnation Redevelopment Area (as defined in *N.J.S.A. 40A:12A-6(a)* of the Redevelopment Law), within which the Borough may use all of those powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and,

WHEREAS, the Redevelopment Law requires the Land Use Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Land Use Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and,

WHEREAS, the Land Use Board properly noticed a public hearing on the preliminary investigation of the Study Area which conforms to the Redevelopment Law; and,

WHEREAS, on October 16, 2017, the Land Use Board conducted a public hearing in accordance with the Redevelopment Law and after due consideration of the preliminary investigation and the comments and objections from the public made part of the public record and after consulting appropriate municipal departments and counsel, adopted a resolution recommending the Borough Council designate the Study Area as an area in need of redevelopment pursuant to the Redevelopment Law, including the power of eminent domain; and,

WHEREAS, the Borough Council accepted the recommendation of the Land Use Board and on October 19, 2017, adopted Resolution #293-17 designating the Study Area as an area in need of redevelopment under the Redevelopment Law, such designation authorizing the Borough and Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain (the “**Redevelopment Area**”); and,

WHEREAS, Benecke Economics prepared a redevelopment plan for the Redevelopment Area entitled: “10 West Westfield Avenue Redevelopment Plan Block 610, Lots 1 and 3” (the “**Redevelopment Plan**”) attached hereto as **Exhibit A**, providing the development standards for the Redevelopment Area; and,

WHEREAS, pursuant to the Redevelopment Law, the Land Use 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, on May 17, 2018 the Borough Council adopted Resolution #173-18 directing the Land Use Board to review the Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan to the Borough Council in accordance with the Redevelopment Law; and,

WHEREAS, on June 11, 2018 the Land Use Board reviewed the Redevelopment Plan and adopted Resolution #2018-005 recommending the adoption of the Redevelopment Plan pursuant to *N.J.S.A. 40A:12A-7e*, subject to certain recommendations, to wit: 1) omit the option of a “supermarket” as a Permitted Use in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #201-18 (“**LUB Recommendation 1**”); 2) omit the option of “auto retail” as a Permitted Use in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #202-18 (“**LUB Recommendation 2**”); 3) omit the 15% Affordable Housing Obligation in Section 7 of the Redevelopment Plan as set forth in proposed Resolution #203-18 (“**LUB Recommendation 3**”); 4) change the requirement of impervious coverage to 90% (from 95%) in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #204-18 (“**LUB Recommendation 4**”); and 5) set minimal Retail/Professional Office/Bank/Restaurant space to 1750 sq. ft. in Section 4 of the Redevelopment Plan as set forth in proposed Resolution #205-18 (“**LUB Recommendation 5**” and together with LUB Recommendation 1, LUB Recommendation 2, LUB Recommendation 3 and LUB Recommendation 4, the “**LUB Recommendations**”); and,

WHEREAS, the Borough Council considered the LUB Recommendations at the Borough Council meeting held June 21, 2018 and considered and voted upon the LUB Recommendations at the Borough Council meeting held July 19, 2018 and, in accordance with *N.J.S.A. 40A:12A-7(e)*, the Borough Council addresses same as follows:

1. LUB Recommendation 1: The Borough Council desires to maintain flexibility in the types of uses permitted within the Redevelopment Area to promote business development and as such declined to amend the Redevelopment Plan with LUB Recommendation 1 and did not adopt proposed Resolution #201-18.

2. LUB Recommendation 2: The Borough Council desires to maintain flexibility in the types of uses permitted within the Redevelopment Area to promote business development and as such declined to amend the Redevelopment Plan with LUB Recommendation 2 and did not adopt proposed Resolution #202-18.
3. LUB Recommendation 3: The Borough Council desires to maintain the option to require the inclusion of up to 15% of affordable units within the Redevelopment Area and as such declined to amend the Redevelopment Plan with LUB Recommendation 3 and did not adopt proposed Resolution #203-18.
4. LUB Recommendation 4: The Borough Council accepted LUB Recommendation 4 and revised Section 4(2)(a)(3) the Redevelopment Plan providing for maximum impervious coverage of 90% and adopted Resolution #204-18.
5. LUB Recommendation 5: The Borough Council desires to maintain flexibility in the area requirements to encourage business development within the Redevelopment Area and as such declined to amend the Redevelopment Plan with LUB Recommendation 5 and did not adopt proposed Resolution #205-18.

WHEREAS, the Borough Council believes the adoption of the Redevelopment Plan is in the best interests of the Borough with the Borough Council's consideration of the LUB Recommendations as noted herein.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Redevelopment Plan, attached hereto as Exhibit A, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7*.
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.
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.
5. A copy of this Ordinance and the Redevelopment Plan shall be available for public inspection at the office of the Borough Clerk during regular business hours.
6. This Ordinance shall take effect in accordance with all applicable laws.

ORDINANCE NO. 2545

AN ORDINANCE AMENDING CHAPTER III, SECTION 3-9.1
OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED,
“POLICE REGULATIONS; PEACE AND GOOD ORDER; PROHIBITIONS”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter III, Section 3-9.1 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 3-9.1 Prohibitions.

No person or contractor shall, within the limits of the Borough:

- a. Play, operate or use any television, radio, phonograph or tape equipment or other sound-producing instrument, device or apparatus in such a manner that the sound thereof shall annoy any person or persons or disturb the comfort, rest or repose of any person or persons.
- b. Permit, make or continue or cause to be permitted, made or continued any unnecessary noise, produced by human or mechanical means, which shall disturb the comfort, rest, and repose of any person or persons being in his or their place of abode or at any public or private meeting or at church services.
- c. Keep or harbor any dog or other animal which shall disturb the neighborhood by excessive barking, whining or howling.
- d. Throw or discard any cans, bottles, refuse or garbage of any kind whatsoever into the waters of any pond, stream, lake or river, or upon a public street or public place, or discharge any sewage or waste into the waters or places, or any of them, or pollute the waters in any manner whatsoever.
- e. Throw any papers, sticks, glass, metal or any hard, dangerous or offensive substances upon any sidewalk, street, highway or public place or at any automobile, vehicle, house, building, fence or person.
- f. Participate in any practice, sport or exercise in such a manner so as to annoy, disturb or frighten any person or persons on any sidewalk, street, road, park or other private or public place.
- g. Disrupt or disturb the exercises of any public school or any lawful assembly therein, or interfere with or annoy any child attending such school or any teacher therein.
- h. Intentionally, willfully or maliciously destroy or injure any of the wires, posts, machines, bells, signs, boxes, box or any other apparatus of any fire alarm system or intentionally, willfully or maliciously interfere with the same or any part thereof or hinder or impede any of the operations intended to be accomplished thereby.
- i. Hinder, prevent or deter by any device whatsoever any Firefighter or any person from rendering lawful assistance in abating or quenching a fire, or hinder or interfere with any Firefighter going to or returning from any fire or place from which a fire alarm proceeds, or hinder or obstruct any fire engine, hook and ladder truck, hose cart or other fire apparatus going to or

from any place from which a fire alarm proceeds or where any building or property may be burning.

j. Interfere with or obstruct a Police Officer (whether a regular Police Officer or Special Law Enforcement Officer), a member of the auxiliary Police of the Civil Defense-Disaster Control Bureau or a member of the First Aid Squad of the Borough, whether in uniform or not, in the carrying out of his duties or functions.

k. Enter or remain upon the land or property of any person without lawful permission to do so.

l. Urinating, expectorating or defecating in a public place, other than a wash room or toilet room, under circumstances where such act is or could be observed by a member of the public situated in or near a public place. The term "public place," for the purposes of the within section is defined as "an area generally visible to the public view and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, buildings open to the public and doorways and entrances to buildings or dwellings and the grounds enclosing same."

m. Operate or permit the use or operation of any mechanically powered saws, drills, sanders, grinders and tools, including similar devices outdoors in residential areas.:

1. Exceptions:

(a) Any person shall be permitted to use or operate any mechanically powered saws, drills, sanders, grinders and tools, including similar devices outdoors in residential areas on Monday through Friday from 7:00 a.m. to 7:00 p.m.

(b) Any person shall be permitted to use or operation of any mechanically powered saws, drills, sanders, grinders and tools, including similar devices outdoors in residential areas on Saturdays, Sundays and/or holidays from 8:00 a.m. to 8:00 p.m..

(c) In cases of emergency and/or in the interest of the public health.

~~1. Between the hours of dusk and 7:00 a.m., the following day. This paragraph shall not apply to the use of domestic devices in cases of emergency in the interest of public health.~~

~~2. Saturday, Sunday and holidays from 8:00 a.m. prevailing time until dusk.~~

SECTION 2. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 2546

AN ORDINANCE AMENDING CHAPTER II, ARTICLE II, SECTION 2-15 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, “ANIMAL CONTROL OFFICER”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter II, Article II, Section 2-15 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-15 ~~RESERVED.~~
ANIMAL CONTROL OFFICER.

SECTION 2. 2-15.1 Position Created.

There is hereby created the position of Animal Control Officer within the Borough of Roselle Park; a statutory position established pursuant to N.J.A.C. 4:19-15.16 et seq.

SECTION 3. 2-15.2 Appointment and Term.

The position of Animal Control Officer shall be appointed by the Mayor with the advice and consent of the Borough Council pursuant to N.J.A.C 4:19-15.16b. Such individual shall serve for a term as contractually agreed between the Borough of Roselle Park and the appointee.

SECTION 4. 2-15.3 Compensation.

The Animal Control Officer shall receive such salary as may be established within the guides of the prevailing Salary Ordinance of the Borough.

SECTION 5. 2-15.4 Qualifications.

The Animal Control Officer shall possess professional certification as a Certified Animal Control Officer as recognized and promulgated by the State of New Jersey Department of Health pursuant to N.J.A.C. 4:19-15.16a. In addition to such certification, the Borough of Roselle Park may qualify such an employee based on their professionalism, knowledge, and proven dedication to the community.

SECTION 6. 2-15.5 Duties and Responsibilities.

- a. Enforce all laws pursuant to the powers vested with the Animal Control Officer pursuant to State Statute including, but not limited to, N.J.A.C. 4:19-15.16 et seq.
- b. Explicitly enforce the provisions of Chapter VIII of the Code of the Borough of Roselle Park, entitled “Animal Control.”

- c. Work cooperatively with Borough agencies and departments including, but not limited to, the Health Department, Municipal Clerk's Office, and Police Department in furtherance of local and regional animal control efforts.**
- d. Work cooperatively with the Borough's duly appointed Humane Law Enforcement Officer.**
- e. Perform such other duties as may be assigned to them by the Mayor and Council.**

SECTION 7. Invalidation

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 8. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 9. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 10. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2547

AN ORDINANCE AMENDING CHAPTER II, ARTICLE II, SECTION 2-20 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, "QUALIFIED PURCHASING AGENT"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter II, Article II, Section 2-20 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-20 ~~RESERVED.~~
QUALIFIED PURCHASING AGENT.

SECTION 2. **2-20.1 Position Created.**

There is hereby created the position of Qualified Purchasing Agent within the Borough of Roselle Park; a statutory position established pursuant to the New Jersey Local Public Contract Law, N.J.S.A. 40A:11-1 et seq., and N.J.A.C. 5:32-4 et seq.

SECTION 3. **2-20.2 Appointment and Term.**

The position of Qualified Purchasing Agent shall be appointed by the Mayor with the advice and consent of the Borough Council. Such individual shall serve for a term as contractually agreed between the Borough of Roselle Park and the appointee.

SECTION 4. **2-20.3 Compensation.**

The Qualified Purchasing Agent shall receive such salary as may be established within the guides of the prevailing Salary Ordinance of the Borough.

SECTION 5. **2-20.4 Qualifications.**

The Qualified Purchasing Agent shall possess professional certification as a Qualified Purchasing Agent as recognized and promulgated by the Division of Local Government Services within the State of New Jersey Department of Community Affairs pursuant to N.J.S.A. 40A:11-9. In addition to such certification, the Borough of Roselle Park may qualify such an employee based on their professionalism, knowledge, and proven dedication to the community.

SECTION 6. **2-20.5 Duties and Responsibilities.**

- a. **Work to ensure the Borough of Roselle Park's compliance with the provisions of the New Jersey Local Public Contracts Law.**
- b. **Develop and recommend comprehensive purchasing procedures for use by the Borough of Roselle Park and its agencies.**
- c. **Develop and recommend comprehensive guidelines for vendors or other entities seeking to do business with the Borough of Roselle Park.**

- d. Develop and recommend methods to continually modernize and update the procurement systems and techniques used by the Borough of Roselle Park.**
- e. Work cooperatively with Borough departments, personnel, and contracted professionals to ensure the effective and timely delivery of goods and services.**
- f. Oversee and execute all procurement functions on behalf of the Borough of Roselle Park, including, but not limited to:
 - 1. Finalizing bid specifications.**
 - 2. Finalizing proposal solicitation documents.**
 - 3. Reviewing quotes as received by end-user departments.**
 - 4. Receiving bids on behalf of the Borough.**
 - 5. Reviewing bid documentation as received.**
 - 6. Recommending action on publically bid items.**
 - 7. Researching cooperative and other group purchasing opportunities.****
- g. Perform such other duties as may be assigned to them by the Mayor and Council.**

SECTION 7. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 8. Inconsistent Ordinances Repealed.

All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 9. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 10. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

RESOLUTIONS

RESOLUTION NO. 246-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby accept the resignation of Sharon Curia from the Environmental Commission effective August 15, 2018.

RESOLUTION NO. 247-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby promote Detective John Deegan to the rank of Sergeant in the Roselle Park Police Department, effective immediately, at the annual salary of \$110,804.30.

RESOLUTION NO. 248-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Theodore Kot of 296 Shoreland Drive, Laurence Harbor, New Jersey 08879 be and is hereby appointed to the position of Probationary Patrolman (7-12 months) in the Roselle Park Police Department, at an annual salary of \$56,228.59 effective September 10, 2018 for a twelve (12) month period ending September 10, 2019.

RESOLUTION NO. 249-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby accept the resignation of Joseph Crivelli from the position of Crossing Guard effective immediately.

RESOLUTION NO. 250-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby accept the resignation of Camille Bananno from the position of Crossing Guard effective immediately.

RESOLUTION NO. 251-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby promote Alternate Crossing Guard Todd Kraft to the position of Crossing Guard to be paid \$67.26 per day effective immediately.

RESOLUTION NO. 252-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby promote Alternate Crossing Guard Gerald Lozauskas to the position of Crossing Guard to be paid \$67.26 per day effective immediately.

RESOLUTION NO. 253-18

WHEREAS, pursuant to N.J.S.A. 4:22-14.1 et seq., the Borough of Roselle Park is required to appoint a Humane Law Enforcement Officer who shall be responsible for the investigation of violations of law regarding animal cruelty within the Borough of Roselle Park, in Accordance with the provisions of Chapter 22 of Title 4 of the Revised Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, in accordance with N.J.S.A. 4:22-14.1 et seq., and in consultation with the Chief of Police as the chief law enforcement officer for the Borough of Roselle Park, that Patrolman Greg Polakowski of the Roselle Park Police Department is hereby appointed as the Humane Law Enforcement Officer for the Borough of Roselle Park, effective immediately, for the calendar year 2018 and until such time as a successor is appointed.

RESOLUTION NO. 254-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, that the Mayor, Borough Clerk, and representatives of Community Grants, Planning & Housing, Administrative Agent and the administrator of the Borough's Housing Rehabilitation Program, are hereby authorized to execute a mortgage subordination agreement in connection with Roselle Park Housing Rehabilitation Case Number RP-17 (127 Pershing Avenue); and,

BE IT FURTHER RESOLVED that the foregoing authorization shall supersede any preceding subordination agreements with respect to Roselle Park Housing Rehabilitation Case Number RP-17 (127 Pershing Avenue).

RESOLUTION NO. 255-18

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2018 in the sum of \$1,000.00 which item is now available as a revenue from the Union County HEART Grant pursuant to the provisions of statute; and,

BE IT FURTHER RESOLVED, that the like sum of \$1,000.00 is hereby appropriated under the caption of the Union County HEART Grant; and,

BE IT FURTHER RESOLVED, that the Borough Clerk forward a certified copy of this resolution with enclosures to the Chief Financial Officer to submit the resolution electronically to the Director of the Division of Local Government Services.

RESOLUTION NO. 256-18

WHEREAS, the Borough of Roselle Park wishes to purchase gasoline from an authorized vendor under the Somerset County Cooperative Purchasing Program; and,

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-12; and,

WHEREAS, National Fuel Oil, Inc., 175 Orange Street, Newark, New Jersey 07103 has been awarded Cooperative Pricing System Number CC-0045-18; and,

WHEREAS, the Purchasing Agent recommends the utilization of this contract on the grounds that it represents the best price available, reflecting a \$0.0915 mark-up per gallon.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that National Fuel Oil, Inc. of 175 Orange Street, Newark, New Jersey 07103 be awarded a contract for the purchase of gasoline reflecting a \$0.0915 mark-up per gallon pursuant to Cooperative Pricing Contract Number CC-0045-18.

RESOLUTION NO. 257-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Tax Collector is hereby authorized per the State Tax Court of the State of New Jersey to issue a reduction and/or refund totaling \$625.51 for an appeal granted on Block 1014, Lot 17 (otherwise known as 328 Bender Avenue, Roselle Park, New Jersey) and assessed in the name of Ceterko, Jeffrey K. and Helen:

| <u>Block/Lot</u> | <u>Year</u> | <u>Original Assessment</u> | <u>New Assessment</u> | <u>Reduction x Rate</u> | <u>=</u> | <u>Refund</u> |
|------------------|-------------|----------------------------|-----------------------|--------------------------|----------|---------------|
| 1014/17 | 2016 | \$ 335,900.00 | \$ 335,900.00 | No Adjustment | | \$ 0.00 |
| 1014/17 | 2017 | \$ 335,900.00 | \$ 320,000.00 | \$ 15,900.00 x 3.934/100 | | \$ 625.51 |

Total: \$ 625.51

Check to be issued to: Jacobus & Associates LLC, Trustee

RESOLUTION NO. 258-18

WHEREAS, the following property has been granted a Disabled Person Property Tax Deduction for the year 2018 in the amount of \$250.00 per the Tax Assessor of the Borough of Roselle Park:

| <u>Block/Lot</u> | <u>Address</u> | <u>Name</u> | <u>Credit Amount</u> |
|------------------|-------------------------|-------------|----------------------|
| 109/17.02 | 339 West Lincoln Avenue | Edward Drew | \$ 250.00 |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Tax Collector is hereby authorized to issue a credit in the amount of \$250.00 on the above captioned property.

RESOLUTION NO. 259-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Nicholas Goley, 337 Huntington Road, Union, New Jersey 07083 as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Central Firehouse.

RESOLUTION NO. 260-18

WHEREAS, a vacancy has existed in the position of Municipal Court Administrator of the Borough of Roselle Park effective July 28, 2018; and,

WHEREAS, the position of Municipal Court Administrator is appointed by the Mayor subject to the advice and consent of the municipal Council; and,

WHEREAS, the Honorable Gary Bundy, Municipal Court Judge of the Borough of Roselle Park, has recommended Nicole Nunes for the position of Municipal Court Administrator of the Borough of Roselle Park; and,

WHEREAS, the Honorable Karen Cassidy, Superior Court Judge of the State of New Jersey, has approved Nicole Nunes and deemed her prospective appointment by the governing body as acceptable; and,

WHEREAS, Mayor Carl A. Hokanson has filed his appointment of Nicole Nunes as Municipal Court Administrator of the Borough of Roselle Park.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Nicole Nunes of 817 Gebhardt Avenue, Elizabeth, New Jersey 07208 be and is hereby appointed to the position of Municipal Court Administrator of the Borough of Roselle Park at a starting salary of \$80,000.00 per annum, effective October 1, 2018, for a one (1) year term and thereafter until a successor is appointed and qualified; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to sign an employment agreement on behalf of the Borough effectuating the terms of her employment as Municipal Court Administrator.

RESOLUTION NO. 261-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Patricia Koemle of 115 Anchor Place, 2nd Floor, Garwood, New Jersey 07027 be and is hereby appointed to the position of Part-Time Violations Clerk in the Roselle Park Municipal Court at \$20.00 per hour on an as-needed basis effective September 10, 2018.

RESOLUTION NO. 262-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the contract for the project: Roselle Park Library ADA Accessible Entrance Ramp Improvements was constructed by Berto Construction, Inc. 625 Leesville Avenue, Rahway, New Jersey 07065, in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer; the contractor having supplied a 25% Guarantee Bond No. 106737738 for a period of two (2) years from March 6, 2018; the said construction is hereby accepted, the contract closed, and final payment in the amount of One Thousand Thirty-Five dollars and Eighty-Four Cents (\$1,035.84) is hereby approved.

RESOLUTION NO. 263-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union County, State of New Jersey that upon the recommendation of the Borough Engineer, Change Order for the Contract listed below be and is hereby approved:

TITLE OF JOB: East Colfax Avenue Improvements
CONTRACTOR: American Asphalt & Milling Services, LLC
CHANGE ORDER N^o: 1
AMOUNT OF CHANGE THIS RESOLUTION: \$8,445.97 (3.94% Decrease) for an updated contract amount of \$205,769.20; and,

BE IT FURTHER RESOLVED that this resolution to take effect immediately upon final adoption and upon certification by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 264-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the contract for the project: East Colfax Avenue Improvements was constructed by American Asphalt & Milling Services, LLC, 96 Midland Avenue, Kearny, New Jersey 07032, in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer; the contractor having supplied a 25% Guarantee Bond No. BX02535MB for a period of two (2) years from August 17, 2018; the said construction is hereby accepted, the contract closed, and final payment in the amount of Twenty-Two Thousand One-Hundred dollars and Thirty-Three Cents (\$22,100.33) is hereby approved.

RESOLUTION NO. 265-18

WHEREAS, the Borough Clerk received sealed bids at 11:00 a.m. on Friday, August 31, 2018 for the project: Madison Avenue Improvements.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Borough Engineer, the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby award a contract to Cifelli & Son General Construction, Inc., 81 Franklin Avenue, Nutley, New Jersey 07110, pursuant to the base bid of the advertised specifications for the project: Madison Avenue Improvements, in an amount not to exceed three-hundred nine thousand nine-hundred ninety-seven dollars and fifty cents (\$309,997.50); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 266-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Tax Collector hereby authorizes the Treasurer to issue one (1) check totaling \$47,362.86 payable to one (1) lien holder on one (1) property; and,

BE IT FURTHER RESOLVED that one (1) check be issued in the total amount of \$1,900.00 from the Tax Collector's Premium Account.

| BOROUGH OF ROSELLE PARK TAX COLLECTOR ANALYSIS OF LIEN REDEMPTIONS 9/6/2018 | | | | | | | | | | | | | | | |
|--|--------|-------|-----|-------|-------------|--------------------------|-----------------------|-------------------------------------|---|---------------|------------------|-----------------------------|---|------------------------|---------------|
| | TSC# | BLOCK | LOT | QUAL. | PREMIUM | TOTAL AMOUNT REDEEMED | CERTIFICATE AMOUNT | REDEMPTION PENALTY PERCENTAGE | INTEREST ON CERTIFICATE DATE 9/6/2018 | SEARCH FEE | RECORDING FEE | SUBSEQUENT TAXES PAID | INTEREST ON SUBSEQUENTS TO 9/6/2018 | 6% INTEREST PENALTY | LEGAL FEES |
| MAS CAPITAL | 15-058 | 1114 | 16 | | \$ 1,900.00 | \$ 47,362.86 | \$ 647.13 | \$ 12.94 | | \$ 12.00 | \$ 43.00 | \$ 34,976.74 | \$ 7,601.80 | \$ 4,069.25 | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| | | | | | \$ - | \$ - | | | | | | | | | |
| TOTAL | | | | | \$ 1,900.00 | \$ 47,362.86 | \$ 647.13 | \$ 12.94 | \$ - | \$ 12.00 | \$ 43.00 | \$ 34,976.74 | \$ 7,601.80 | \$ 4,069.25 | \$ - |

RESOLUTION NO. 267-18

WHEREAS, vacancies currently exist in the in the position of Alternate Crossing Guard.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Michael Maiorelli of 154 West Grant Avenue, Roselle Park, New Jersey 07204 to the position of Alternate Crossing Guard to be paid \$67.26 per day effective immediately.

RESOLUTION NO. 268-18

WHEREAS, vacancies currently exist in the in the position of Alternate Crossing Guard.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Acrcilla Montanez of 250 West Sumner Avenue, Apt. 7-C, Roselle Park, New Jersey 07204 to the position of Alternate Crossing Guard to be paid \$67.26 per day effective immediately.

RESOLUTION NO. 269-18

WHEREAS, Aldo Cosentino retired from the Borough of Roselle Park effective September 1, 2018; and,

WHEREAS, Aldo Cosentino is entitled to certain compensation; and,

WHEREAS, it has been agreed by the Mayor and Council of the Borough of Roselle Park and Aldo Cosentino that the break-down of time-due compensation will be paid as follows:

| <u>Description</u> | <u>Amount of Days/Hours</u> | <u>Daily/Hourly Rate</u> | <u>Amount Due</u> |
|---|---------------------------------|------------------------------|-----------------------|
| Vacation Days for 2018 | 25 days | \$ 447.64 | \$ 11,191.00 |
| Personal Days for 2018 | 3 days | \$ 447.64 | \$ 1,342.92 |
| Sick Days for 2018 (Ratio - 1 Day: 3 Days of 388.67 hours based on 10-hour work days). | 12.96 days | \$ 447.64 | \$ 5,801.41 |
| Comp. Time for 2018 | 492 hours | \$ 53.2713 | \$ 26,209.48 |
| Holidays for 2018 | 5 days | \$ 447.64 | \$ 2,238.20 |
| Vacation Days for 2019 (25 Days Prorated for 8 Months) | 16.72 days | \$ 447.64 | \$ 7,484.54 |
| Total Due | | | <u>\$ 54,267.55</u> |

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Chief Financial is hereby directed to pay Aldo Cosentino the entitled compensation at the above schedule.

RESOLUTION NO. 270-18

WHEREAS, the Joint Meeting of Essex and Union Counties Sewerage Authority (hereinafter, "JMEUC") has presented its Capital Improvement Plan; and,

WHEREAS, the JMEUC is requiring that the Borough of Roselle Park (hereinafter, the "Borough") provide an indication of the method by which it will pay its proportional assessment share of the costs associated with the implementation of the JMEUC's Capital Improvement Plan; and,

WHEREAS, it is the recommendation of the Chief Financial Officer of the Borough to utilize monies available in the Sewer Operating Fund Balance as part of the 2019 Sewer Operating Budget to pay the Borough's capital assessment due to JMEUC; and,

WHEREAS, it is projected that the use of such available funds will save the Borough an amount equal to \$110,340.00 when compared with the Borough's option to finance such expenses; and,

WHEREAS, the Mayor and Council of the Borough wish to formalize the required indication of payment in the foregoing Resolution; and,

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey approve of the recommendations of the Chief Financial Officer, and do hereby authorize payment of the Borough's capital assessment equal to \$334,660.00 to be made through use of the Sewer Operating Fund Balance.

RESOLUTION NO. 271-18

WHEREAS, the Mayor and Council of the Borough of Roselle Park adopted Resolution 244-18, authorizing a conditional lease with Timpat, Inc. for the Borough's lease of property located at 515 Locust Street for off-street parking, at its Regular Meeting of August 16, 2018; and,

WHEREAS, conditions of the aforementioned authorization included the Borough's receipt of a fully executed lease agreement no later than September 3, 2018; and,

WHEREAS, the obligations of such condition were not met; and,

WHEREAS, the Borough of Roselle Park continues to actively negotiate with Timpat, Inc. for lease and use of certain property owned by Timpat, Inc. located at 515 Locust Street, Roselle Park, New Jersey 07204; and,

WHEREAS, the Borough of Roselle Park wishes to utilize such property for off-street / commuter parking; and,

WHEREAS, the parties have come to a general agreement of leasing terms.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize the Mayor and Borough Clerk to execute any and all documentation in furtherance of a lease with Timpat, Inc., whose corporate offices are located at 741 Lehigh Avenue, Union, New Jersey 07083, for property located at 515 Locust Street, Roselle Park, New Jersey 07204 with the purpose of the Borough's use of such property for off street / commuter parking; and,

BE IT FURTHER RESOLVED that the general terms of such agreement shall be as follows:

1. Effective Date: November 1, 2018.
2. Term: One (1) year with the option to renew for two (2) additional one (1) year terms.
3. Rent: \$5,869.00 per annum (\$489.08 per month); and,

BE IT FURTHER RESOLVED that the forgoing authorization shall be conditioned upon the receipt of a fully executed agreement from Timpat, Inc. no later than October 1, 2018; and,

BE IT FURTHER RESOLVED that should such fully executed agreement not be received by October 1, 2018, further authorization of the governing body shall be required.

RESOLUTION NO. 272-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a Professional Service Contract for design and construction management engineering services for the project:

VARIOUS PARK IMPROVEMENTS

be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for the sum not to exceed Eleven Thousand Four-Hundred Dollars and Zero Cents (\$11,400.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available; and,

BE IT FURTHER RESOLVED that charges incrementally incurred and paid associated with this contract shall be pursuant to the contract terms authorized in Resolution 14-16.