

REGULAR MEETING – MAY 16, 2019

READ PUBLIC MEETINGS LAW ARTICLE

ROLL CALL

MOMENT OF SILENCE/PRAAYER

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

None

PROCLAMATIONS & PRESENTATIONS

1. Recognition: 2019 RPHS Musical Cast & Crew
2. Recognition: CASA
3. Proclamation: Mental Health Awareness Month
4. Proclamation: 2019 Elks Youth Week
5. Proclamation: METAvivors of NJ

APPROVAL OF MEETING MINUTES, PENDING ANY CORRECTIONS

1. Regular Meeting of May 2, 2019

MOTION BILLS & PAYROLLS BE NOT READ AND PASSED FOR PAYMENT

PUBLIC PORTION (Time Limit 4 Minutes Limited to Agenda Items Only)

ORDINANCES FOR 2ND READING

ORD No. 2572 AN ORDINANCE AMENDING CHAPER XXVII, ARTICLE III, SECTION 27-6.3 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED “SEWERS; COSTS OF SEWER USE; USER CHARGES”

ORDINANCES FOR INTRODUCTION

ORD. No. 2573 AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF THE BOROUGH OF ROSELLE PARK INSERTING SECTION 12-14 TO BE ENTITLED “EMPLOYEE PERFORMANCE REVIEWS”

ORD. No. 2574 AN ORDINANCE AMENDING CHAPTER II, ARTICLE I, OF THE CODE OF THE BOROUGH OF ROSELLE PARK INSERTING SECTION 2-7, A RESERVED SECTION, TO BE ENTITLED “REDEVELOPMENT PAY-TO-PLAY REFORM”

ORD. No. 2575 AN ORDINANCE OF THE BOROUGH ROSELLE PARK, IN THE COUNTY OF UNION, NEW JERSEY APPROVING APPLICATION FOR A LONG TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH MERIDIA AT PARK SQUARE URBAN RENEWAL, ROSELLE PARK, LLC

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:

- * **#165-19** – Authorizing Renewal of a Shared Service Agreement for Animal Boarding and Kenneling Services with the Township of Woodbridge
- * **#166-19** – Authorizing Execution of a Conditional Lease with Caracitas Corporation t/a Vinhus Restaurant for Right of Way Access for the Purpose of a Sidewalk Café
- * **#167-19** – Authorizing the Treasurer to Issue One (1) Check from the Tax Collector’s Premium Account in the Amount of \$10,800.00 Payable to the Borough of Roselle Park in Connection with a Tax Lien Foreclosure on Block 311, Lot 12 (129 Columbus Place)
- * **#168-19** – Accepting the Resignation of Carol Martin from the Position of Police Dispatcher
- * **#169-19** – Designating a Redeveloper and Authorizing the Execution of a Redevelopment Agreement for the Property Known as Block 610, Lots 1 and 3 (10 West Westfield Avenue) on the Tax Map of the Borough of Roselle Park
- * **#170-19** – Authorizing the Execution of the Second Amendment to the Conditional Redeveloper’s Agreement Executed in Connection with the Property Known as Block 610, Lots 1 and 3 (10 West Westfield Avenue) on the Tax Map of the Borough of Roselle Park

REPORTS OF DEPARTMENTS (Time Limit 3 Minutes)

Written Reports Received:

1. Police Chief’s Report for April 2019
2. DPW Superintendent’s Report for April 2019
3. EMS Report for April 2019
4. Construction Official’s Report for April 2019
5. Animal Control Officer’s Report for April 2019
6. Court Administrator’s Report for April 2019
7. Treasurer’s Report for April 2019
8. Fire Chief’s Report for April 2019
9. Borough Clerk’s Report for April 2019
10. Economic Development Director’s Report for April-May 2019

REPORTS OF BOROUGH COUNCIL / COMMITTEES (Time Limit 7 Minutes)

REPORT OF THE MAYOR AND MAYORAL APPOINTMENTS (Time Limit 7 Minutes)

PUBLIC PORTION (Time Limit 3 Minutes On Any Subject)

EXECUTIVE (CLOSED) SESSION

ADJOURNMENT

**NEXT REGULAR SCHEDULED MEETING OF THE MAYOR AND COUNCIL
WILL BE HELD ON JUNE 6, 2019**

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2572

AN ORDINANCE AMENDING CHAPTER XXVII, ARTICLE III,
SECTION 27-6.3 OF THE CODE OF THE BOROUGH OF ROSELLE PARK
ENTITLED “SEWERS; COSTS OF SEWER USE; USER CHARGES”

SECTION 1. Amendment to Section 27-6.3.a.

- a. All residential, commercial, industrial, institutional and governmental users, except municipal and local school district users, shall be charged at a uniform rate for domestic waste contributed to said system. The rate for the aforesaid usage shall be based on the water consumption in cubic feet consumed at any such premises based on the consumption readings as reported by New Jersey American Water Company for the period of twelve (12) months which can be most closely defined as the preceding year. The rate of charges shall be three (\$3.00) dollars for ~~2018~~**2019**. The unit basis for such charge shall consist of one hundred (100) cubic feet of water consumed. The minimum annual charge to be imposed pursuant to this section shall be fifty-seven (\$57.00) dollars.

SECTION 2. Amendment to Section 27-6.3.c.1.

- c. *User Charges for Industrial Wastes.*

1. User charges for industrial waste shall be charged to industrial waste contributors who discharge industrial waste into the system. User charges for industrial waste shall be based upon the flow, suspended solids and biochemical oxygen demand of the waste as determined by the Borough Engineer. Sampling and measurement shall be accomplished by each industrial discharger at its own expense, and the results thereof shall be monitored by the Borough Engineer. Where deemed necessary by the Borough Engineer, permanent measurement and sampling facilities shall be installed by the industrial user at its own expense. The rate of charges for ~~2018~~**2019** shall be ~~\$663.52~~**\$648.86**.

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. Likewise, all strike through text should be considered a deletion, and all bolded text should be considered an addition.

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. 2573

AN ORDINANCE AMENDING CHAPTER XII OF THE CODE OF THE BOROUGH OF ROSELLE PARK INSERTING SECTION 12-14 TO BE ENTITLED "EMPLOYEE PERFORMANCE REVIEWS"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XII of the Code of the Borough of Roselle Park be and hereby is amended so as to insert Section 12-14 as follows:

SECTION 1. Section Title

12-14 EMPLOYEE PERFORMANCE REVIEWS

SECTION 2. Purpose

12-14.1 Policy and Purpose.

a. **Employee performance evaluation and direction are the continuing day-to-day responsibility of each department head. There is recognition of the need, however, for a formalized performance evaluation system to:**

- 1. Assess fairly and accurately an employee's strengths, weaknesses and potential for growth;**
- 2. Identify, encourage and guide the employee's development of his/her special skills and work interests;**
- 3. Ensure the granting of merit increases based on progress and productivity;**
- 4. Ensure consideration for more complex work and promotion based on merit and fitness,**
- 5. Provide a method of improving operational programs through employee input; and,**
- 6. Identify training needs.**

b. **This ordinance is for all Borough employees regardless of position**

SECTION 3. Personnel Reviews

12-14.2 Employee Reviews.

a. **The Borough employee's department head shall conduct a biannual employee performance evaluation. The biannual evaluation is a summary of the department head's observation of the employee during the preceding six months, and a summary of the employee's performance in terms of a variety of job-related factors, and whether the employee is performing in those areas at an acceptable or unacceptable level of competence. The evaluation should also include a plan to develop strengths, identify and improve weak areas, and record the employee's observations of work assignments during the preceding half year.**

Proper use of the six month employee performance evaluation will serve as a means for identifying work requirements and keeping employees and department heads informed of

them, identifying training needs, helping improve individual performance, recognizing outstanding accomplishments, helping to strengthen employee-department head relationships, emphasizing the employee's contribution to the Borough's programs, and helping to identify strengths and weaknesses in the programs.

b. Performance review meetings shall be conducted after the department head completes the employee evaluation; reviews shall be signed by each employee, department head, and each department's Council liaison or Chairperson.

c. Upon adoption of this Section's enabling legislation employee evaluations shall take place only during the month of August 2019, and then in the months of January and July for each year thereafter.

SECTION 3. Biannual Meeting Structure

12-14.3 Biannual Department Head-Employee Meeting Structure.

a. The department head and employee will thoroughly review the employee's current position description and other written assignments to review and clarify job requirements and duties assigned and to note any major changes that have taken place in the employee's job. The department head and employee will then discuss specific job behavior evidenced by the employee during the evaluation period. The department head and employee should also discuss the employee's career development plans, special work interests, projects or assignments of interest, and particular training interests or needs. The employee's general observations of the department's programs and improving assignments, functions and work procedures should be particularly encouraged. The employee should have the opportunity to discuss any other points and may attach comments to the department head's evaluation.

b. The employee will certify by signing and dating the employee performance evaluation form that he has received the evaluation, that it has been discussed with them and that he/she has received a copy of the evaluation form.

SECTION 4. Review of Evaluation

12-14.4 Review by Council Liaison/Chairperson.

a. The department's Council liaison or Chairperson shall review the written evaluation of each employee in there department, make appropriate comments, and sign the form. Employees shall have the opportunity to review and comment on any comments.

SECTION 5. Appeals

12-14.5 Appeals.

a. If any employee disagrees with any statement in an evaluation, he/she may request a review of the employee performance evaluation by the "Employee Appeals Committee" consisting of the Mayor, Human Resources Liaison, and Department Head / Council Liaison with the advice of the Borough Labor Attorney.

SECTION 6. Seasonal/Temporary Employees

12-14.6 Seasonal/Temporary Employee Review.

a. A department head, at any time, may prepare an interim employee performance evaluation to record especially outstanding or inadequate performance. Such evaluations shall be handled in every respect the same as a biannual evaluation written in this Section.

SECTION 7. Department Head Reviews

12-14.7 Department Head Reviews.

a. Department heads shall have an annual review and meeting with Council liaison/chair. The evaluation reviews and meetings shall be the same as employee reviews.

b. The evaluations shall be signed by the department head, Council liaison or chairperson, the Mayor, and the Human Resources liaison.

c. Upon adoption of this Section's enabling legislation Department Head evaluations shall begin in January 2020, and each year thereafter during the month of January.

SECTION 8. 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 9. Inconsistent Ordinances Repealed.

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

SECTION 10. 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. Likewise, all strike through text should be considered a deletion, and all bolded text should be considered an addition.

SECTION 11. 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. 2574

AN ORDINANCE AMENDING CHAPTER II, ARTICLE I, OF THE CODE OF THE BOROUGH OF ROSELLE PARK INSERTING SECTION 2-7, A RESERVED SECTION, TO BE ENTITLED “REDEVELOPMENT PAY-TO-PLAY REFORM”

WHEREAS, the Borough of Roselle Park (the “Borough”) and the State of New Jersey have increasingly been sought out by developers with an interest in redevelopment; and,

WHEREAS, residents across the State of New Jersey have increasingly become skeptical over the true motives of their elected officials when negotiating and approving redevelopment projects; and,

WHEREAS, local political contributions from developers, their subcontractors and representatives, applying for or seeking approvals from the Borough, may raise reasonable concerns on the part of taxpayers as to their trust in the process of local government; and,

WHEREAS, the Borough may seek or be offered financial support through sponsorships and the like, to support existing or new programs from developers, their subsidiaries, or representatives who may be seeking approvals from the Borough to which may give the appearance of conflict and impropriety, and diminish the trust of the taxpayer; and,

WHEREAS, pursuant to N.J.S.A. 40:48-2, municipalities have the right to make, amend, repeal and enforce such other Ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for good government; and,

WHEREAS, nothing contained herein shall be interpreted to impair in any way the right of a developer secured by the First Amendment of the Constitution of the United States of America and further secured by Article 1, Paragraph 6 of the Constitution of the State of New Jersey to exercise its right to freedom of speech and its right to speak, write and publish its sentiments on all subjects.

NOW, THEREFORE, 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 I of the Code of the Borough of Roselle Park be and hereby is amended so as to insert Section 2-7 as follows:

SECTION 1. Section Title

2-7 ~~RESERVED~~-REDEVELOPMENT PAY-TO-PLAY REFORM.

SECTION 2. Purpose

2-7.1 Policy and Purpose.

The policy of the Borough of Roselle Park shall be to create such a regulation which states that a developer, as defined by this Ordinance, shall not make certain political contributions to any Borough of Roselle Park candidate for Mayor or Borough of Roselle Park Council, Borough of Roselle Park political campaign committee, Union County Democratic Committee, Union County Republican Committee or to any political action committee (PAC) which regularly engages in the support of candidates for the Borough of Roselle Park municipal elections.

SECTION 3. Prohibiting Agreements with Certain Contributors

2-7.2 Prohibition of Entering into or Amending Redevelopment Agreements with Certain Contributors.

a. Any other provision of law to the contrary notwithstanding, the Borough of Roselle Park, shall not enter into an agreement, amend an agreement, or otherwise contract

with any redeveloper, for the planning, re-planning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the Borough of Roselle Park pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any contribution of money or pledge of a contribution, including in-kind contributions, during the applicable time period as specified below, to any Borough of Roselle Park candidate for Mayor or Borough of Roselle Park Council, Borough of Roselle Park political campaign committee, Union County Democratic Committee, Union County Republican Committee or to any political action committee (PAC) which regularly engages in the support of candidates for the Borough of Roselle Park municipal elections.

b. For purposes of this section, the "applicable time period" shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing Resolution adopted by the governing body directing the Municipal Land Use Board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12-1 et seq., and the date of entering into the redevelopment agreement, or the twelve (12) months prior to entering into the agreement.

c. All redevelopment agreements or amendments thereto entered into by the Borough of Roselle Park shall contain a provision prohibiting redevelopers as defined in paragraph d. from soliciting or making any contribution of money or pledge of a contribution including in-kind contributions to any Borough of Roselle Park candidate for Mayor or Borough of Roselle Park Council, Borough of Roselle Park political campaign committee, Union County Democratic Committee, Union County Republican Committee or to any political action committee (PAC) which regularly engages in the support of candidates for the Borough of Roselle Park municipal elections, between the time of first communication between that redeveloper and the municipality regarding a redevelopment project and the later of the termination of negotiations or the completion of all matters specified in the redevelopment agreement.

d. As defined in N.J.S.A. 40A:12A-3, a "redeveloper" means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this section, or for any construction or other work forming part of a redevelopment or rehabilitation project. For the purposes of this section the definition of a redeveloper includes all principals who own ten (10%) percent or more of the equity in the corporation or business trust, partners and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and adult children at home shall also be included.

SECTION 4. Commencement of Enforcement

2-7.3 Contributions Made Prior to the Effective Date.

No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any Borough of Roselle Park candidate for Mayor or Borough of Roselle Park Council or Borough of Roselle Park political campaign committee shall be deemed a violation of this section nor shall an agreement for redevelopment projects of any

kind whatsoever be disqualified thereby if that contribution or agreement was made by the redeveloper prior to the effective date of this section.

SECTION 5. Noticing and Sworn Statement

2-7.4 Notice Given by Municipality; Sworn Statement of Redeveloper.

a. It shall be the municipality's continuing responsibility to give notice of this section when the municipality gives notice of redevelopment pursuant to N.J.S.A. 40A:12A-6 and when the municipality adopts a Resolution directing the Planning Board to prepare a redevelopment plan and at the time that the municipality adopts the Ordinance to implement the redevelopment plan.

b. Prior to arranging and entering into the redevelopment agreement with any redeveloper, the Borough of Roselle Park, shall receive a sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of subsection 2-7.1a. above. Furthermore, the redeveloper shall have a continuing duty to report any violations of this section that may occur while arranging and entering into the redevelopment agreement and until all specified terms of the agreement have been completed. The sworn statement required under this section shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.

SECTION 6. No Circumvention of Law

2-7.5 No Circumvention using Contribution from Consultants.

Any redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants or professionals shall be deemed to be in breach of the provisions of this section.

SECTION 7. Curable Offense

2-7.6 Return of Excess Contributions.

A redeveloper or municipal candidate or officeholder or municipal or county party committee or PAC referenced in this section may cure a violation of subsection 2-7.2 and deemed not to be in breach, if, within thirty (30) days after the cited violation, the redeveloper notifies the Municipal Council in writing and seeks and receives reimbursement of a contribution from the municipal candidate or municipal party committee referenced in this section.

SECTION 8. Penalties.

2-7.7 Penalty.

a. It shall be a breach of the terms of the Borough of Roselle Park redevelopment agreement for a redeveloper to:

1. Make or solicit a contribution in violation of this section;
2. Knowingly conceal or misrepresent a contribution given or received;

3. **Make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution;**
4. **Make or solicit any contribution on the condition or with the agreement that it will be contributed to any Borough of Roselle Park candidate for Mayor or Borough of Roselle Park Council or Borough of Roselle Park political campaign committee;**
5. **Engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this section;**
6. **Fund contributions made by third parties, including consultants, attorneys, family members, and employees;**
7. **Engage in any exchange of contributions to circumvent the intent of this section; or,**
8. **Directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this section.**

b. Furthermore, any redeveloper who violates subparagraph 1 through 8 of paragraph a of this subsection shall be disqualified from eligibility for future Borough of Roselle Park redevelopment agreements for a period of four (4) calendar years from the date of the violation.

SECTION 9. 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 10. Inconsistent Ordinances Repealed.

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

SECTION 11. 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. Likewise, all strike through text should be considered a deletion, and all bolded text should be considered an addition.

SECTION 11. 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. 2575

AN ORDINANCE OF THE BOROUGH ROSELLE PARK, IN THE COUNTY OF UNION, NEW JERSEY APPROVING APPLICATION FOR A LONG TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH MERIDIA AT PARK SQUARE URBAN RENEWAL, ROSELLE PARK, LLC

WHEREAS, the Borough of Roselle Park, in the County of Union, New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State") is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and,

WHEREAS, pursuant to the Redevelopment Law, improvements to property located within an area in need of rehabilitation or redevelopment may qualify for long term tax exemptions under the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the "Exemption Law"); and,

WHEREAS, pursuant to the Redevelopment Law, by resolution duly adopted on October 16, 2017, the governing body of the Borough (the "Borough Council"), designated the properties identified on the Tax Maps of the Borough as Block 610, Lots 1 and 3 (the "Redevelopment Area") as an "area in need of redevelopment" pursuant to the Redevelopment Law; and,

WHEREAS, the Borough Council designated the Borough as the redevelopment entity responsible for implementing and carrying out redevelopment plans pursuant to the Redevelopment Law; and,

WHEREAS, pursuant to *N.J.S.A. 40A:12A-7*, on September 6, 2018, the Borough Council duly adopted an ordinance approving a redevelopment plan (and as same may be further amended from time to time, the "Redevelopment Plan") for the Redevelopment Area; and,

WHEREAS, on September 20, 2018, the Borough Council adopted a resolution conditionally designating Meridia at Park Square, Roselle Park, LLC as the conditional redeveloper of the Redevelopment Area; and,

WHEREAS, Merdia at Park Square Urban Renewal, Roselle Park, LLC (the "Redeveloper") wishes to design, develop, finance, construct and implement on the Redevelopment Area a mixed use project consisting of (A) a minimum of two (2) occupied structures each with a maximum of five (5) stories including a total of (i) commercial and retail components totaling a minimum of 16,000 square feet on the ground level; and (ii) a maximum of three hundred and twenty-five (325) residential units, all located above the ground level, including (a) three hundred and nine (309) market-rate units consisting of (1) a maximum of fifty (50) studios, (2) a minimum of one hundred and fifty (150) one bedroom units and (3) a maximum of one hundred twenty-five (125) two bedroom units; and (b) sixteen (16) Affordable Units with a preference for eligible Artists and Veterans; (B) on-site parking to include a minimum of 500 spaces with ten (10) dedicated, identified, reserved, non-residential, parking spaces available for public use at no-charge located within the surface parking area of the Redevelopment Area and (C) appropriate on-site and off-site infrastructure, amenities and related improvements; all in accordance with the provisions of the Redevelopment Law and the Redevelopment Plan (collectively and as further defined herein, the "Project"); and,

WHEREAS, on May 16, 2019, the Borough Council adopted a resolution designating the Redeveloper, as the "redeveloper" (as such term is defined and permitted by the Exemption Law) of the Redevelopment Area and authorizing the execution of a redevelopment agreement; and,

WHEREAS, on May 16, 2019, the Borough and the Redeveloper entered into a Redevelopment Agreement (the "Redevelopment Agreement") that sets forth the terms and conditions upon which the Redevelopment Area is to be redeveloped with the Project; and,

WHEREAS, the Project will conform to the Redevelopment Plan and the Redevelopment Agreement and all applicable municipal zoning ordinances to the extent it contains provisions that are relevant to the Project and will be in conformance with the master plan of the Borough; and,

WHEREAS, the provisions of the Exemption Law authorize the Borough to accept, in lieu of real property taxes, an Annual Service Charge (as defined in the Exemption Law), to be paid by the Redeveloper to the Borough in connection with the Project; and,

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the Redeveloper submitted to the Mayor an application (the "Application"), which is on file with the Borough Clerk, seeking a tax exemption in connection with the Project pursuant to the Exemption Law in exchange for which the Redeveloper proposes to make payments to the Borough of Annual Service Charges in lieu of taxes; and,

WHEREAS, the Redeveloper also submitted to the Mayor a form of financial agreement attached to the Application, establishing the rights, responsibilities and obligations of the Redeveloper; and,

WHEREAS, the Mayor submitted the Application and the financial agreement attached hereto as Exhibit A (the "Financial Agreement") to the Borough Council with his recommendation for approval, a copy of which recommendation is on file with the Borough Clerk; and,

WHEREAS, upon review of the Application and the Mayor's recommendation, the Borough Council has made the following findings with respect to the Project pursuant to *N.J.S.A. 40A:20-11*:

A. Relative Benefits of the Project:

The Project Site is approximately 3.85 acres. It was previously utilized with an automobile dealership but is currently underutilized. The Project will create approximately 457 construction jobs and 56 permanent jobs (11 for residential component, 45 for commercial/retail component). The Project will generate significant amounts of new municipal revenues through the Annual Service Charge and water/sewer fees. In light of market conditions and other economic factors (including the extraordinary remediation and other development costs) impacting this Project, it is not financially feasible to undertake the development of this Project in the absence of the tax exemption. Accordingly, without the incentive the tax exemption, it is unlikely that the Project would be undertaken. Without the Project, the benefits described above would not be realized.

B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:

The tax exemption permits the private mixed-use development of underutilized property and provides a stream of revenue in the form of the Annual Service Charges. The relative stability and predictability of the Annual Service Charges will allow the owners and, by extension, the occupants, of the Project to stabilize their expenses, which will ensure the likelihood of the success of the Project and ensure that it will have a positive impact on the surrounding area. Further, the relative stability and predictability of the Annual Service Charge makes the Project more attractive to investors and lenders needed to finance the Project. The tax exemption permits the development of the Project in an area that cannot otherwise be developed by reducing the expenses associated with the operation of the Project; and,

WHEREAS, in accordance with the provisions of the Exemption Law, the Borough Council desires to approve the Application and the Financial Agreement.

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

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

SECTION 2. The Application submitted by the Redeveloper is hereby approved in accordance with Section 8 of the Exemption Law.

SECTION 3. The Mayor is hereby authorized and directed to execute the Financial Agreement substantially in the form attached as Exhibit A together with such additions, deletions and other modifications deemed necessary upon consultation with counsel to the Borough, and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

SECTION 4. The Clerk of the Borough is hereby authorized and directed, upon execution of the 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. The Borough Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough in accordance with Section 12 of the Exemption Law.

SECTION 6. In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Redeveloper, the Borough Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Union County and to the Union County Counsel for informational purposes.

SECTION 7. The Mayor and Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, in consultation with Borough counsel, as is necessary to effectuate the terms of the Financial Agreement.

SECTION 8. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

SECTION 9. This ordinance shall take effect in accordance with all applicable laws.

EXHIBIT A
(INCLUDED AS SEPARATE DOCUMENT)

RESOLUTIONS

RESOLUTION NO. 165-19

WHEREAS, it is in the best interest of the Borough of Roselle Park and the Township of Woodbridge to enter into a Shared Service Agreement for the purpose of the Township of Woodbridge's providing of Animal Boarding and Kenneling Services; and,

WHEREAS, this agreement shall be for a term of one (1) year commencing May 1, 2019 and ending April 30, 2020; and,

WHEREAS, the cost of such agreement shall be as follows (payable by the Borough of Roselle Park):

1. \$180.00 per animal brought to the Shelter (without regard to duration of stay)
2. \$200.00 per animal for 10 day quarantine
3. \$25.00 per day per animal for court cases, evictions, and cruelty cases.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that it hereby authorizes the Mayor and Borough Clerk to enter into a Shared Service Agreement with the Township of Woodbridge, on behalf of the Borough of Roselle Park, for the purpose of Animal Boarding and Kenneling Services.

RESOLUTION NO. 166-19

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize execution of a Conditional Lease Agreement with Caracitas Corporation t/a Vinhus Restaurant for right of way access in the amount of \$1.00 per annum for the calendar year 2019 as per the lease agreement attached hereto as Exhibit A.

RESOLUTION NO. 167-19

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that they authorize the Tax Collector to direct the Treasurer to issue a check from the Tax Collector's Premium Account in the amount of \$10,800.00 payable to the Borough of Roselle Park from a tax lien foreclosure pursuant to N.J.S.A. 54:5.33 by Isaac Moradi on Block 311, Lot 12 of the municipal tax map, commonly known as 129 Columbus Place, Roselle Park, New Jersey 07204, previously assessed in the name of Bell, William T., Jr. & Bonnie L.

RESOLUTION NO. 168-19

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 Carol Martin from the position of Police Dispatcher effective June 2, 2019.

RESOLUTION NO. 169-19

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, 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, the Borough has determined to act as the “redevelopment entity” for the Redevelopment Area; and,

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an “area in need of redevelopment” pursuant to *N.J.S.A. 40A:12A-8*; 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”) providing the development standards for the Redevelopment Area; and,

WHEREAS, the Borough Council finally adopted the Redevelopment Plan on September 6, 2018; and,

WHEREAS, Meridia at Park Square Urban Renewal, Roselle Park, LLC (the “Redeveloper”) will design, develop, finance, construct and implement on the Redevelopment Area a mixed use project consisting of (A) a minimum of two (2) occupied structures each with a maximum of five (5) stories including a total of (i) commercial and retail components totaling a minimum of 16,000 square feet on the ground level; and (ii) a maximum of three hundred and twenty-five (325) residential units, all located above the ground level, including (a) three hundred and nine (309) market-rate units consisting of (1) a maximum of fifty (50) studios, (2) a minimum of one hundred and fifty (150) one bedroom units and (3) a maximum of one hundred twenty-five (125) two bedroom units; and (b) sixteen (16) Affordable Units with a preference for eligible Artists and Veterans; (B) on-site parking to include a minimum of 500 spaces with ten (10) dedicated, identified, reserved, non-residential, parking spaces available for public use at no-charge located within the surface parking area of the Redevelopment Area and (C) appropriate on-site and off-site infrastructure, amenities and related improvements; all in accordance with the provisions of the Redevelopment Law and the Redevelopment Plan (collectively and as further defined herein, the “Project”); and,

WHEREAS, the Redeveloper is the owner of the Redevelopment Area; and,

WHEREAS, the Borough has determined that the Redeveloper meets all necessary criteria, including financial capabilities, experience and expertise, and, as a result, has determined to designate the Redeveloper as the redeveloper for the Redevelopment Area and to enter into an agreement (the “Redevelopment Agreement”), which specifies terms of the redevelopment of the Redevelopment Area and the rights and responsibilities of the Borough and the Redeveloper with respect to the Project.

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

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. The Redeveloper is hereby designated as redeveloper of the Redevelopment Area, pursuant to the Redevelopment Law, for purposes of carrying out the Project, in accordance with the terms of the Redevelopment Agreement.

SECTION 3. The Mayor of the Borough is hereby authorized and directed to execute the Redevelopment Agreement, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's general counsel, redevelopment counsel, redevelopment planner and other Borough professionals. The Clerk of the Borough is hereby authorized and directed to attest to the Mayor's signature and affix the seal of the Borough to the Redevelopment Agreement. Upon execution and attestation of same, the Mayor is hereby authorized to deliver the Redevelopment Agreement to the other parties thereto.

SECTION 4. Copies of the executed Redevelopment Agreement shall be placed on file with the Office of the Clerk and be available for public inspection in accordance with the law.

SECTION 5. This Resolution shall take effect immediately.

EXHIBIT A

(INCLUDED AS SEPARATE DOCUMENT)

RESOLUTION NO. 170-19

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, 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") providing the development standards for the Redevelopment Area; and,

WHEREAS, the Borough Council finally adopted the Redevelopment Plan on September 6, 2018; and,

WHEREAS, the Borough anticipates that the Redevelopment Area will be redeveloped with a mixed use complex with parking; and,

WHEREAS, Meridia at Park Square, Roselle Park, LLC or its designated urban renewal entity formed consistent with the provisions of N.J.S.A. 40A:20-1 et seq., (“Meridia”) seeks to be designated as the "redeveloper" (as defined in the Redevelopment Law) of the Redevelopment Area, so as to redevelop the Redevelopment Area in accordance with the terms of the Redevelopment Plan and the Redevelopment Law; and,

WHEREAS, on September 20, 2018 the Borough Council of the Borough adopted a resolution (i) designating Meridia as the conditional redeveloper of the Redevelopment Area, subject to the successful negotiation of a redevelopment agreement and (ii) authorizing the execution of a conditional redeveloper’s agreement (the “Conditional Redeveloper’s Agreement”); and,

WHEREAS, the Borough and Meridia executed the Conditional Redeveloper’s Agreement in furtherance of the aforesaid resolution and for the purpose of creating a framework for the preparation and the execution of a redevelopment agreement to designate Meridia as the “redeveloper”, as that term is used in the Redevelopment Law, to redevelop the Redevelopment Area in accordance with the Redevelopment Plan and to set forth the terms and conditions with respect to such development (the “Redevelopment Agreement”); and,

WHEREAS, on February 7, 2019 the Borough adopted Resolution No. 66-19 authorizing the execution of an amendment to the Conditional Redeveloper’s Agreement (the “Amendment” and together with the Conditional Redeveloper’s Agreement, the “Agreement”) to provide for an extension of time to complete the obligations set forth in the Conditional Redeveloper’s Agreement; and,

WHEREAS, the Borough and Meridia have agreed to amend the Agreement to further extend the time period for completion of the obligations set forth in Sections 2.01 and 2.02 therein to allow for the final negotiation of the Redevelopment Agreement; and,

WHEREAS, the Borough desires to authorize the execution of an amendment to the Agreement (in the form attached hereto as Exhibit A, the “Second Amendment”) to provide for an extension of time to complete the obligations set forth in the Agreement.

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

SECTION 1. The foregoing recitals are incorporated as though set forth at length.

SECTION 2. The Mayor is hereby authorized and directed to execute the Second Amendment, in substantially the form attached hereto as Exhibit A, with such deletions, additions, and other modifications as deemed appropriate by the Mayor and Council, upon consultation with Borough professionals and staff.

SECTION 3. This resolution shall take effect immediately.

EXHIBIT A

SECOND AMENDMENT TO THE CONDITIONAL REDEVELOPER'S AGREEMENT

This SECOND AMENDMENT TO THE CONDITIONAL REDEVELOPER'S AGREEMENT (this “Second Amendment”) is made this _____ day of May, 2019 by and between the BOROUGH OF ROSELLE PARK, a municipal corporation of the State of New Jersey, having its offices at 110 East Westfield Avenue, Roselle Park, New Jersey 07204 (the “Borough”) and MERIDIA AT PARK SQUARE, ROSELLE PARK, LLC, having its offices at 201 South Wood Avenue, Linden, New Jersey 07036 (and its successors and assigns, the “Conditional Redeveloper” and, together with the Borough, the “Parties”).

WITNESSETH:

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Borough identified and designated property identified as Block 610, Lots 1 and 3 on the tax map of the Borough, as an “area in need of redevelopment” (collectively, the “Redevelopment Area”) and adopted a redevelopment plan for the Redevelopment Area entitled the “10 West Westfield Avenue Redevelopment Plan Block 610, Lots 1 and 3” as the same may be amended and supplemented from time to time (the “Redevelopment Plan”); and

WHEREAS, the Borough has determined to act as the “redevelopment entity” for the Redevelopment Area comprising approximately 3.85 acres; and

WHEREAS, the Redevelopment Law authorizes the redevelopment entity to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an “area in need of redevelopment” pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, Meridia at Park Square, Roselle Park, LLC is a developer with resources and a team of experts in planning, redevelopment, law, engineering, environmental issues, architecture, design, finance, and real estate development with experience suitable for the proposed redevelopment of the Redevelopment Area; and

WHEREAS, on September 20, 2018 the Borough Council of the Borough adopted a resolution (i) designating Meridia at Park Square, Roselle Park, LLC as conditional redeveloper of the Redevelopment Area, subject to the successful negotiation of a redevelopment agreement and (ii) authorizing the execution of a conditional redeveloper’s agreement (the “Conditional Redeveloper’s Agreement”); and

WHEREAS, the Borough and the Conditional Redeveloper executed the Conditional Redeveloper’s Agreement in furtherance of the aforesaid resolution and for the purpose of creating a framework for the preparation and the execution of a redevelopment agreement to designate the Conditional Redeveloper as the “redeveloper”, as that term is used in the Redevelopment Law, to redevelop the Redevelopment Area in accordance with the Redevelopment Plan and to set forth the terms and conditions with respect to such development (the “Redevelopment Agreement”); and

WHEREAS, on February 7, 2019 the Borough adopted Resolution No. 66-19 authorizing the execution of an amendment to the Conditional Redeveloper’s Agreement (the “Amendment” and together with the Conditional Redeveloper’s Agreement, the “Agreement”) to provide for an extension of time to complete the obligations set forth in the Conditional Redeveloper’s Agreement.

WHEREAS, the Borough and the Conditional Redeveloper have agreed to amend the Agreement to further extend the time period for completion of the obligations set forth in Sections 2.01 and 2.02 therein to allow for the final negotiation of the Redevelopment Agreement; and

WHEREAS, the Parties desire to execute this Second Amendment to provide for an extension of time to complete the Parties’ obligations set forth in the Agreement.

NOW, THEREFORE, in consideration of the mutual promises, covenants and agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each of the Parties, the Parties hereby agree as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. Notwithstanding the timeframe set forth in Section 2.01 of the Agreement, the Conditional Redeveloper shall satisfy any outstanding obligations set forth in Section 2.01 (i) through (v) of the Agreement by August 31, 2019 midnight EST. The Conditional Redeveloper shall satisfy the obligations set forth in Section 2.01 (vi) in accordance with the Redevelopment Agreement.

Section 3. Notwithstanding the timeframe set forth in Section 2.02 of the Agreement, the Borough shall satisfy any outstanding obligations set forth in Section 2.02 (i) through (v) of the Agreement by August 31, 2019 midnight EST.

Section 4. All other terms and provisions set forth in the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties have caused this Second Amendment to be properly executed and their corporate seals affixed and attested as of the date first written above.

BOROUGH OF ROSELLE PARK

By: _____
Joseph Signorello III
Mayor

**MERIDIA AT PARK SQUARE, ROSELLE
PARK, LLC**

By: _____
George M. Capodagli
Managing Member