

REGULAR MEETING – OCTOBER 17, 2019

READ PUBLIC MEETINGS LAW ARTICLE

ROLL CALL

MOMENT OF SILENCE/PRAYER

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

1. Request from Roselle Park Junior Girl Scout Troop #40070 to hold a Flag Retirement Ceremony at Michael J. Mauri Gazebo Park on Sunday, June 14, 2020 (subject to insurance requirements).

PROCLAMATIONS & PRESENTATIONS

1. Business of the Month: Roselle Park Wines & Spirits
2. Certificate: 8 Year Old RPYBSL Champions
3. Certificate: Local Artist Jason DiOrio of The Black Lantern
4. Certificate: Marc Dowling – Irishman of the Year

APPROVAL OF MEETING MINUTES, PENDING ANY CORRECTIONS

1. Regular Meeting and Closed Session of August 15, 2019
2. Regular Meeting and Closed Session of September 5, 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

None

ORDINANCES FOR INTRODUCTION

ORD. No. 2589 AN ORDINANCE ADOPTING THE “WEST WEBSTER AVENUE AREA 1 REDEVELOPMENT PLAN, BLOCK 506, LOTS 2, 3, 4 AND 5” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

ORD. No. 2590 AN ORDINANCE AMENDING CHAPTER XIII; SECTION 13-2 “OFFICERS AND EMPLOYEES OF THE POLICE DEPARTMENT,” OF THE CODE OF THE BOROUGH OF ROSELLE PARK

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:

- * **#292-19** – Approving a Collective Bargaining Agreement between the Borough of Roselle Park and the School Crossing Guards Association of the Borough of Roselle Park for the Period January 1, 2020 through December 31, 2024
- * **#293-19** – Approving a Collective Bargaining Agreement between the Borough of Roselle Park and the Roselle Park Clerical Group for the Period January 1, 2020 through December 31, 2024
- * **#294-19** – Acknowledging that the Governing Body has Discussed the 2019 Best Practice Inventory
- * **#295-19** – Approving Plan 92-PD-Lincoln-121316 by Lincoln Retirement Services, LLC as a Deferred Compensation Program for Borough Employees and Elected Officials
- * **#296-19** – Appointing Heriberta Estrella Castro to the Position of Part-Time Custodian
- * **#297-19** – Authorizing Change Order No. 1 to Picerno-Giordano Construction, LLC, for the Project “Aldene Park Rubber Play Surface Replacement” in the Amount of a \$4,179.00 Decrease (3.57%) to Reflect a Total Contract Amount of \$112,971.01
- * **#298-19** – Authorizing Close Out of the Contract with Picerno-Giordano Construction, LLC for the Project “Aldene Park Rubber Play Surface Replacement”
- * **#299-19** – Authorizing the Purchase of Natural Gas Supply Service for Public Use Via an Online Auction Website
- * **#300-19** – Authorizing the Purchase of Main Load Electricity Supply Service for Public Use Via an Online Auction Website
- * **#301-19** – Authorizing the Purchase of Lighting Electricity Supply Service for Public Use Via an Online Auction Website
- * **#302-19** – Acknowledging the Importance of Green Building Practices at Municipal Facilities and Establishing Such Practices as Policy
- * **#303-19** – Authorizing the Mayor to Execute a “It Pay\$ to Plug In Grant” Agreement with New Jersey Department of Environmental Protection

REPORTS OF DEPARTMENTS (Time Limit 3 Minutes)

Written Reports Received:

1. Animal Control Officer's Report for September 2019
2. Treasurer's Report for September 2019
3. Fire Chief's Report for September 2019
4. Court Administrator's Report for August & September 2019
5. Community Center Director's Report for September - October 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 NOVEMBER 7, 2019**

ORDINANCES FOR SECOND READING

NONE

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 2589

AN ORDINANCE ADOPTING THE “WEST WEBSTER AVENUE AREA 1 REDEVELOPMENT PLAN, BLOCK 506, LOTS 2, 3, 4 AND 5” 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 No. 184-17, adopted July 20, 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 506, Lots 2, 3, 4 and 5 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 December 11, 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 December 21, 2017, adopted Resolution No. 347-17 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, Neglia Engineering Associates prepared a redevelopment plan for the Redevelopment Area entitled: “West Webster Avenue Area 1 Redevelopment Plan Block 506, Lots 2, 3, 4, & 5” (the “**2018 Redevelopment Plan**”), providing the development standards for the Redevelopment Area; and,

WHEREAS, pursuant to the Redevelopment Law, the Land Use Board must review the 2018 Redevelopment Plan and transmit its recommendations relating to the 2018 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 October 18, 2018 the Borough Council adopted Resolution No. 308-18 directing the Land Use Board to review the 2018 Redevelopment Plan and transmit its recommendations relating to the 2018 Redevelopment Plan to the Borough Council in accordance with the Redevelopment Law; and,

WHEREAS, on November 5, 2018 the Land Use Board reviewed the 2018 Redevelopment Plan and adopted Resolution No. 2018-009 recommending the adoption of the 2018 Redevelopment Plan pursuant to *N.J.S.A. 40A:12A-7e*, subject to certain recommendations, to wit: 1) omit automatic permitted shared parking in Section 3 of the 2018 Redevelopment Plan (“**LUB Recommendation 1**”); 2) provide clarity as to the responsibility for maintenance of the lighting within the Redevelopment Area provided for in Section 4 of the 2018 Redevelopment Plan (“**LUB Recommendation 2**”); 3) if appropriate, add language to the 2018 Redevelopment Plan addressing affordable housing (“**LUB Recommendation 3**”); and 4) confirm accurate use of “shall”, “should” and “strongly encouraged” in the 2018 Redevelopment Plan (“**LUB Recommendation 4**” and together with LUB Recommendation 1, LUB Recommendation 2, and LUB Recommendation 3, the “**2018 LUB Recommendations**”); and,

WHEREAS, on December 6, 2018 the Borough Council considered 1) LUB Recommendation 1 as set forth in proposed Resolution No. 346-18; 2) LUB Recommendation 2 as set forth in proposed Resolution No. 347-18; 3) LUB Recommendation 3 as set forth in proposed Resolution No. 348-18; and 4) LUB Recommendation 4 as set forth in proposed Resolution No. 349-18; and,

WHEREAS, in accordance with *N.J.S.A. 40A:12A-7(e)*, the Borough Council adopted Resolution No. 346-18 accepting LUB Recommendation 1 and directed the Land Use Board to review and provide clarification of LUB Recommendations 2-4; and,

WHEREAS, on December 10, 2018, the Land Use Board provided clarification for LUB Recommendations 2-4; and,

WHEREAS, on December 20, 2018, the Borough Council reviewed the clarifications and recommendations from the Land Use Board regarding LUB Recommendations 2-4 and adopted (i) Resolution No. 347-18 recommending the 2018 Redevelopment Plan provide more clarity as to who maintains the lighting at the Redevelopment Area; (ii) Resolution No. 348-18 recommending that Section 3Ba9 be revised to reflect that three bedroom units may be permitted for affordable housing units; and (iii) Resolution No. 349-18 recommending that Section 3, Note 3 be revised to reflect that the required passive recreation areas may include certain outdoor amenities as set forth in the 2018 Redevelopment Plan; and,

WHEREAS, at the meetings on December 20, 2018 and January 17, 2019, the Borough Council determined that certain additional revisions to the 2018 Redevelopment Plan are necessary; and,

WHEREAS, Harbor Consultants reviewed the 2018 Redevelopment Plan and prepared a revised redevelopment plan for the Redevelopment Area entitled: “West Webster Avenue Area 1 Redevelopment

Plan Block 506, Lots 2, 3, 4, & 5” (the “**2019A Redevelopment Plan**”) providing the development standards for the Redevelopment Area; and,

WHEREAS, on July 18, 2019 the Borough Council adopted Resolution No. 208-19 directing the Land Use Board to review the 2019A Redevelopment Plan and transmit its recommendations relating to the 2019A Redevelopment Plan to the Borough Council in accordance with the Redevelopment Law; and,

WHEREAS, on August 19, 2019 the Land Use Board reviewed the 2019A Redevelopment Plan and adopted Resolution No. 2019-06 recommending the adoption of the 2019A Redevelopment Plan pursuant to *N.J.S.A. 40A:12A-7e*, subject to certain recommendations, to wit: 1) Borough Council investigate the impact of the 2019A Redevelopment Plan on adjacent on-street parking on Laurel Avenue, to Locust Street; Larch Street, from Lincoln Avenue to Webster Avenue; and Elm Street (“**LUB Recommendation 5**”); 2) Borough Council investigate the feasibility of adding stormwater and wastewater (DEP) best management practice guidelines to the 2019A Redevelopment Plan (“**LUB Recommendation 6**”); 3) add specific noise mitigation measures to the 2019A Redevelopment Plan (“**LUB Recommendation 7**”); 4) reduce the front yard setback to be consistent with minimum requirements of the Borough's Complete Streets policy (“**LUB Recommendation 8**”); 5) consider reducing the maximum building height requirements to three stories and 42 feet, so long as those requirements are consistent with transit oriented development design standards and the economic viability of the project (“**LUB Recommendation 9**”); and 6) amend Section 3.2.B(4), so that the residential hotel style lobby and common indoor seating area space requirement on each floor be changed from "shall" to "may" (“**LUB Recommendation 10**” and together with LUB Recommendation 5, LUB Recommendation 6, LUB Recommendation 7, LUB Recommendation 8; and LUB Recommendation 9, the “**2019-06 LUB Recommendations**”); and,

WHEREAS, on September 5, 2019 the Borough Council accepted the 2019-06 LUB Recommendations and adopted the 2019-06 LUB Recommendation 5 as set forth in Resolution No. 249-19; 2) LUB Recommendation 6 as set forth in Resolution No. 250-19; 3) LUB Recommendation 7 as set forth in Resolution No. 251-19; 4) LUB Recommendation 8 as set forth in Resolution No. 252-19; 5) LUB Recommendation 9 as set forth in Resolution No. 253-19; and 6) LUB Recommendation 10 as set forth in Resolution No. 254-19; and,

WHEREAS, on September 5, 2019 the Borough Council adopted Resolution No. 261-19 directing the Land Use Board to review the revised 2019A Redevelopment Plan (the “**2019B Redevelopment Plan**”) revising the affordable housing requirements and transmit its recommendations relating to the 2019B Redevelopment Plan to the Borough Council in accordance with the Redevelopment Law; and,

WHEREAS, on September 16, 2019 the Land Use Board reviewed the 2019B Redevelopment Plan and adopted Resolution No. 2019-07 recommending the adoption of the 2019B Redevelopment Plan pursuant to *N.J.S.A. 40A:12A-7e*, subject to certain recommendations, to wit: 1) reduction of the required second floor terrace (the “**Terrace**”) to 7,850 (“**LUB Recommendation 11**”); 2) reduction of the permitted density to 58 units (“**LUB Recommendation 12**”); 3) addition of flexibility that for every unit below the maximum density, the Terrace may be reduced by 150 square feet, but shall not be reduced below 7,400 square feet (“**LUB Recommendation 13**”); 4) specify that units which front on the Terrace have their own “private terrace” spaces which are an average size of at least 150 square feet. With the reduction in Terrace size this is to help aid those units to have some privacy as it will “set back” the shared resident space. The sufficiency of the “setback” dimensions of the private terraces shall be subject to the review and approval of the Land Use Board and its professionals (“**LUB Recommendation 14**”); 5) eliminate the required dog walk area (“**LUB Recommendation 15**”); 6) update Section 3.2.D; item 1.b to state that a minimum of 30% (change from 40%) of the area shall contain (previously stated planted) native trees, shrubs, and ground cover subject to the review and approval of the Land Use Board. The plant types, location, size, and all other aspects of the Terrace shall be subject to the review and approval of the Land Use Board and its

professionals (“**LUB Recommendation 16**”); 7) update the 3.2.C Building and Architectural Design Standards and Programming to require that, with the exception of units that are along the double loaded corridors directly across the units which are located along the front elevation which fronts on West Webster Avenue and the west elevation which fronts on the Little League fields, no residential units shall be located along the rear of the building which fronts along the railroad tracks (“**LUB Recommendation 17**”); 8) add that the Terrace area may contain decorative hardscape consisting of stone or other high-quality materials. All materials, color, and design shall be subject to the review and approval of the Land Use Board and its professionals (“**LUB Recommendation 18**”); 9) update the Bulk schedule in Section 3.1.B Building, Area, and Yard Requirements to reduce the required open space to 20% from 25% in order to be consistent with the reduction of the Terrace and increase the maximum impervious coverage from 80% to 87% (“**LUB Recommendation 19**” and together with LUB Recommendation 11, LUB Recommendation 12, LUB Recommendation 13, LUB Recommendation 14; LUB Recommendation 15; LUB Recommendation 16; LUB Recommendation 17 and LUB Recommendation 18, the “**2019-07 LUB Recommendations**” and together with the 2018 LUB Recommendations and the 2019-06 LUB Recommendations , the “**LUB Recommendations**”); and,

WHEREAS, on October 3, 2019 the Borough Council accepted the 2019-07 LUB Recommendations and adopted 1) LUB Recommendation 11 as set forth in Resolution No. 282-19; 2) LUB Recommendation 12 as set forth in Resolution No. 283-19; 3) LUB Recommendation 13 as set forth in Resolution No. 284-19; 4) LUB Recommendation 14 as set forth in Resolution No. 285-19; 5) LUB Recommendation 15 as set forth in Resolution No. 286-19; 6) LUB Recommendation 16 as set forth in Resolution No. 287-19; 7) LUB Recommendation 17 as set forth in Resolution No. 288-19; 8) LUB Recommendation 18 as set forth in Resolution No. 289-19; and 9) LUB Recommendation 19 as set forth in Resolution No. 290-19; and,

WHEREAS, the 2019B Redevelopment Plan was revised to incorporate the adopted LUB Recommendations (the “**Redevelopment Plan**”); and,

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:

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

SECTION 2. The Redevelopment Plan, attached hereto as **Exhibit A**, is hereby adopted pursuant to the terms of *N.J.S.A. 40A:12A-7*.

SECTION 3. The zoning district map included in the zoning ordinance of the Borough is hereby amended to reference and delineate the property described and governed by the Redevelopment Plan. All of the provisions of the Redevelopment Plan shall supersede the applicable development regulations of the Borough’s municipal code, as and where indicated.

SECTION 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

SECTION 5. 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.

SECTION 6. This Ordinance shall take effect in accordance with all applicable laws.

SECTION 7. Inconsistent Ordinances Repealed.

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

SECTION 8. 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 9. 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. 2590

**AN ORDINANCE AMENDING CHAPTER XIII; SECTION 13-2
“OFFICERS AND EMPLOYEES OF THE POLICE DEPARTMENT,”
OF THE CODE OF THE BOROUGH OF ROSELLE PARK**

WHEREAS, upon review of Section 13-2 of the Municipal Code it is the mutual agreement and recommendation of the Municipal Clerk, Chief of Police, and Chief Financial Officer that said Section be updated and thereby amended so to reflect modernized terms and provisions; and,

WHEREAS, such amendments are agreeable to the governing body and therefore shall be effectuated by the forgoing Ordinance.

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 XIII of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Dispatchers

13-2.3 ~~Dispatcher; Part Time.~~ **RESERVED.**

- ~~a. *Position Created; Compensation.* There is hereby created the position of part time Dispatcher in the Police Department of the Borough of Roselle Park, to be compensated as provided in the Salary Ordinance.~~
- ~~b. *Manner of Payment.* See Section 13-6.~~

SECTION 2. Crossing Guards

13-2.5 School Crossing Guards.

- a. *Definitions.* As used in this chapter.
“School Crossing Guards” shall mean all regular and alternate guards employed by the Borough and appointed by the Mayor and confirmed by the Council. ~~on January 1 of each year and at appropriate times during the year.~~
- b. *Salary.* ~~A school crossing guard or alternate when serving in the capacity of a school crossing guard governed by the school crossing guards agreement with the Borough of Roselle Park shall be entitled to a daily salary as established in a Salary Ordinance.~~ **School Crossing Guards shall be compensated at a daily rate of pay pursuant to the prevailing agreement with the School Crossing Guards Association of the Borough of Roselle Park as more formally established by the Salary Ordinance.**
- c. *Manner of Payment.* See Section 13-6.
- d. *Holidays.* ~~All regular school crossing guards shall receive one (1) day's pay for Thanksgiving Day and one (1) day's pay for Memorial Day. To be entitled to compensation for these holidays, regular school crossing guards shall have worked on the regular workday preceding and following the holiday, sickness, personal leave and permissible leave of absence excepted. When an alternate school crossing guard works in the place of a regular crossing guard on Monday, Tuesday and Wednesday preceding these holidays, that alternate shall receive one (1)~~

~~day's pay for the holiday instead of the regular school crossing guard.~~ **School Crossing Guards shall receive paid holidays pursuant to the prevailing agreement with the School Crossing Guards Association of the Borough of Roselle Park.**

- e. ~~Sick Leave. Each regular school crossing guard shall be allowed five (5) days of sick leave with pay per annum. School crossing guards shall not receive compensation for unused sick days.~~ **School Crossing Guards shall receive sick leave pursuant to the prevailing agreement with the School Crossing Guards Association of the Borough of Roselle Park.**

- f. ~~Leave for Death in Immediate Family. Each regular school crossing guard shall be entitled to leave with pay for up to three (3) days due to death in the immediate family of the school crossing guard. For the purpose of this section, "immediate family" shall include his or her spouse, child, mother, father, brother, sister, father in law or mother in law.~~ **School Crossing Guards shall receive bereavement leave pursuant to the prevailing agreement with the School Crossing Guards Association of the Borough of Roselle Park.**

- g. **Clothing Allowance. School Crossing Guards shall receive a monetized clothing allowance pursuant to the prevailing agreement with the School Crossing Guards Association of the Borough of Roselle Park.**
 - 1. ~~Each regular school crossing guard shall receive an annual clothing allowance of one hundred forty (\$140.00) dollars.~~

 - 2. ~~Fifty (50%) percent of the annual clothing allowance shall be paid to all regular school crossing guards in April of each year. Fifty (50%) percent of the annual clothing allowance shall be paid to all regular school crossing guards in September of each year.~~

 - 3. ~~Regular school crossing guards shall be provided, on an as needed basis, winter coats, winter hats and rain gear and vests. Alternate school crossing guards shall be provided, on an as needed basis, winter hats and rain gear and vests. Alternate school crossing guards shall be provided, on an as needed basis, winter hats and rain gear and vests. Winter coats shall not be provided to newly appointed regular school crossing guards until after they have served in that capacity for at least six (6) months.~~

- h. ~~Snow Days. School crossing guards shall not receive any compensation for snow days, provided that they are properly notified of the cancellation of school prior to 7:00 a.m. on the day in question. In the event that such notification is not given within this time, the regular school crossing guards shall receive one half (1/2) day's pay.~~ **School Crossing Guards shall receive certain payment for snows days designed by the Roselle Park School District pursuant to the prevailing agreement with the School Crossing Guards Association of the Borough of Roselle Park.**

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.

RESOLUTIONS

RESOLUTION NO. 292-19

WHEREAS, the Borough of Roselle Park and the School Crossing Guards Association of the Borough of Roselle Park (hereinafter referred to as the “School Crossing Guards”) have been engaged in negotiations for the 2020 through 2024 contract years; and,

WHEREAS, a Memorandum of Agreement was executed by representatives of the Borough of Roselle Park and School Crossing Guards on October 3, 2019 regarding wages, hours of work and other terms and conditions of employment; and,

WHEREAS, said Memorandum of Agreement was ratified by the general membership of the School Crossing Guards.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a collective bargaining agreement between the Borough of Roselle Park and the School Crossing Guards is hereby approved and authorized for the period of January 1, 2020 through December 31, 2024 as stated in the October 3, 2019 Memorandum of Agreement on file with the Office of the Borough Clerk; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute a final collective bargaining agreement contract document effectuating the terms of the October 3, 2019 Memorandum of Agreement on behalf of the Borough of Roselle Park.

RESOLUTION NO. 293-19

WHEREAS, the Borough of Roselle Park and the Roselle Park Clerical Group (hereinafter referred to as the “Union”) have been engaged in negotiations for the 2020 through 2024 contract years; and,

WHEREAS, a Memorandum of Agreement was executed by representatives of the Borough of Roselle Park and Union on October 8, 2019 regarding wages, hours of work and other terms and conditions of employment; and,

WHEREAS, said Memorandum of Agreement was ratified by the general membership of the Union.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a collective bargaining agreement between the Borough of Roselle Park and the Union is hereby approved and authorized for the period of January 1, 2020 through December 31, 2024 as stated in the October 8, 2019 Memorandum of Agreement on file with the Office of the Borough Clerk; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are authorized to execute a final collective bargaining agreement contract document effectuating the terms of the October 8, 2019 Memorandum of Agreement on behalf of the Borough of Roselle Park.

RESOLUTION NO. 294-19

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey acknowledge that they have discussed the 2019 Best Practice Inventory as prepared by the Chief Financial Officer at the Regular Open Public Meeting of the Governing Body held on October 17, 2019.

RESOLUTION NO. 295-19

WHEREAS, the Borough of Roselle Park (hereinafter referred to as the “Employer”), by Resolution, is adopting a Deferred Compensation Plan (hereinafter referred to as the “Plan”) for the purpose

of making available to eligible employees the accrual of tax benefits under a Section 457 Deferred Compensation Plan; and,

WHEREAS, law(s) and regulation(s) of the Economic Growth and Tax Relief Reconciliation Act of 2001, the 2005 final regulations issued under the Uniformed Services Employment and Reemployment Rights Act of 1994, the Pension Protection Act of 2006, final Treasury Regulation §1.457-4, the Heroes Earnings Assistance and Relief Tax Act of 2008, the Worker, Retiree and Employer Recovery Act of 2008 and the Small Business Act of 2010 amended sections of the Internal Revenue Code (the "Code") and the rules and/or regulations issued thereunder affecting Section 457 Deferred Compensation Plans (cumulatively referred to as the "Acts and Regulations"); and,

WHEREAS, the Employer desires its Plan to conform the Code and Treasury regulations brought about by the Acts and Regulations; and,

WHEREAS, the Employer desires to adopt a Plan that conforms to the changes in the Code and Treasury regulations resulting from the Acts and Regulations.

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 Employer hereby approves Plan 92-PD-Lincoln-121316 by Lincoln Retirement Services, LLC (hereinafter referred to as "Lincoln"); and,

BE IT FURTHER RESOLVED that Lincoln has agreed to be the provider of the Deferred Compensation Program for employees and elected officials; and,

BE IT FURTHER RESOLVED that Lincoln will provide for the benefit of the participants the Alliance LincOn account; and,

BE IT FURTHER RESOLVED that in accordance with N.J.A.C. 5:37-7.1(a) the _____ Borough of Roselle Park solicited proposals for a Deferred Compensation Plan and Service Agreement from four providers of deferred compensation services;

BE IT FURTHER RESOLVED that the vendors responding to the request for proposals were Lincoln and AXA Advisors, LLC, the successful vendor being Lincoln; and,

BE IT FURTHER RESOLVED that the Chief Financial Officer of the Borough of Roselle Park reviewed all of the proposals submitted and met with representatives of the responding companies, thereafter rendering the recommendation of Lincoln because of the high level of service, features and flexibility of the investment options for plan participants and recommendations from other municipal government units; and,

BE IT FURTHER RESOLVED that there has been no collusion, or evidence or appearance of collusion, between any local official and a representative of Lincoln in the selection of a provider pursuant to N.J.A.C. 5:37 - 5.7; and,

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to execute an Administrative Services Agreement with Lincoln (92-SA-Lincoln-121316) and such other agreements as are necessary to implement the Deferred Compensation Program - It is implicitly understood that there is to be no cost or contribution by the Employer to the program; and,

BE IT FURTHER RESOLVED that the Chief Financial Officer is authorized to serve as the "Administrator" of the plan, represent the Employer, and execute individual deferred compensation agreements with each said employee; and,

BE IT FURTHER RESOLVED by the Employer that the Municipal Clerk forward a certified true copy of this Resolution to the Chief Financial Officer; and,

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded to the Director of the Division of Local Government Services at P.O. Box 803; Trenton, NJ 08625-0803.

RESOLUTION NO. 296-19

WHEREAS, there exists a need for one or more Part-Time Custodians of the Borough of Roselle Park; and,

WHEREAS, the Superintendent of Public Works of the Borough of Roselle Park, has recommended Heriberta Estrella Castro for the position of Part-Time Custodian; and,

WHEREAS, the governing body wishes to fill the said position.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoints Heriberta Estrella Castro of 102 East Henry Street, Linden, New Jersey 07036 to the position of Part-Time Custodian effective October 21, 2019, not to exceed twenty-five (25) hours per week, at a salary of \$15.00 per hour.

RESOLUTION NO. 297-19

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: Aldene Park Rubber Play Surface Replacement
CONTRACTOR: Picerno-Giordano Construction, LLC.
200 Market Street, Kenilworth, NJ 07033

CHANGE ORDER N^o: 1

AMOUNT OF CHANGE THIS RESOLUTION: \$4,179.00 (3.57% Decrease) for an updated contract amount of \$112,971.01; 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. 298-19

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 "Aldene Park Rubber Play Surface Replacement" was constructed by Picerno-Giordano Construction, LLC of 200 Market Street, Kenilworth, New Jersey 07033, 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 for a period of two (2) years; the said construction is hereby accepted, the contract closed, and final payment in the amount of Eighteen Thousand Five Hundred Twelve Dollars and Seventy-Two Cents (18,512.72) is hereby approved.

RESOLUTION NO. 299-19

WHEREAS, the governing body has determined to move forward with the EMEX Reverse Auction in order to procure natural gas for the Borough of Roselle Park; and,

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and,

WHEREAS, Borough of Roselle Park will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and,

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and,

WHEREAS, the auction will be conducted pursuant to the Act; and,

WHEREAS, if the auction achieves a price of \$0.50/therm or less for any term; Borough of Roselle Park may award a contract to the winning supplier for the selected term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey do hereby authorize the Qualified Purchasing Agent of the Borough of Roselle Park to execute, on behalf of the Borough of Roselle Park, any natural gas contract offered by a participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.50/therm or less for any qualifying term.

RESOLUTION NO. 300-19

WHEREAS, the governing body has determined to move forward with the EMEX Reverse Auction in order to procure GLP meter electricity for the Borough of Roselle Park; and,

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and,

WHEREAS, Borough of Roselle Park will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and,

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and,

WHEREAS, the auction will be conducted pursuant to the Act; and,

WHEREAS, if the auction achieves a price of \$0.10/kWh or less for any term; Borough of Roselle Park may award a contract to the winning supplier for the selected term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey do hereby authorize the Qualified Purchasing Agent of the Borough of Roselle Park to execute, on behalf of the Borough of Roselle Park, any electricity contract offered by a participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.10/kWh or less for any qualifying term.

RESOLUTION NO. 301-19

WHEREAS, the governing body has determined to move forward with the EMEX Reverse Auction in order to procure lighting electricity for the Borough of Roselle Park; and,

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the “Act”) authorizes the purchase of electricity supply service for public use through the use of an online auction service; and,

WHEREAS, Borough of Roselle Park will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and,

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and,

WHEREAS, the auction will be conducted pursuant to the Act; and,

WHEREAS, if the auction achieves a price of \$0.050/kWh or less for any term; Borough of Roselle Park may award a contract to the winning supplier for the selected term.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey do hereby authorize the Qualified Purchasing Agent of the Borough of Roselle Park to execute, on behalf of the Borough of Roselle Park, any electricity contract offered by a participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.050/kWh or less for any qualifying term.

RESOLUTION NO. 302-19

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors; and,

WHEREAS, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the United States; and,

WHEREAS, green building, also referred to as sustainable or high-performance building, is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health; and,

WHEREAS, there are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels that commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development; and,

WHEREAS, the purpose of this Resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the Borough of Roselle Park's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings; and,

WHEREAS, the Borough desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, and continued environmentally conscious procurement practices; and,

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey do hereby acknowledge the need and furthermore enact a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

RESOLUTION NO. 303-19

WHEREAS, the governing body of the Borough of Roselle Park desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$10,000.00 to fund the project, "Purchase and Installation of 2 Level 2 Blink Single-Port Charging Stations to be Installed at East Grant Avenue, Roselle Park, NJ 07204."

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 Joseph Signorello III, or the successor to the office of Mayor, (a) to make application for such grant, and (b) if awarded, to execute a grant agreement with the State for a grant in an amount not less than \$0.00 and not more than \$10,000.00, and (c) to execute any amendments thereto which do not increase the Grantee's obligations; and,

BE IT FURTHER RESOLVED that the governing body authorizes and hereby agrees to match 0.00% of the total project amount, in compliance with the match requirements of the agreement; and,

BE IT FURTHER RESOLVED that the availability of the aforementioned match for such purposes whether cash, services, or property, is hereby certified, and 0.00% of the match will be made up of in-kind services; and,

BE IT FURTHER RESOLVED that the governing body, on behalf of the Borough as the grantee, agrees to comply with all applicable Federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.