

## Borough of Roselle Park Meeting of April 18, 2013

Attendee Name	Organization	Title	Status	Arrived
Michael Yakubov	Borough of Roselle Park	Councilman	P	7:00 PM
Modesto Miranda	Borough of Roselle Park	Councilman	P	7:00 PM
Carl Hokanson	Borough of Roselle Park	Councilman	P	7:00 PM
Tanya Torres	Borough of Roselle Park	Councilwoman	P	7:00 PM
Andrew Casais	Borough of Roselle Park	Councilman	A	--
Charlene Storey	Borough of Roselle Park	Councilwoman	P	7:00 PM
Joseph Accardi	Borough of Roselle Park	Mayor	P	7:00 PM

Mayor Accardi called the meeting to order at 7:07 p.m. and said it is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided as required by law.

All contracts awarded by Mayor and Council must comply with the affirmative action requirements of P.L. 1975, C.172. (NJAC 17:27).

As required by the Fire Prevention Code, he indicated the fire exits and the procedure to be followed in case of fire.

Borough Clerk Cali read a short prayer followed by the Pledge of Allegiance.

### REPORT AND RECOMMENDATIONS OF MAYOR

- Would like to discuss his ten point plan.
- Addressing the quality of life issues in Roselle Park.
- Was contacted by a mother regarding the language that she has heard at the Aldene Park Playground.
- Addressing the issues of vagrants in Roselle Park and the Police is following that up successfully.
- Addressing the sidewalk and street damages in town.
- The street sweeper is out regularly sweeping the streets.
- The Chestnut Street corridor is a big issue.
- Addressing various noise complaints in town.
- Spoke about air traffic noise and the rerouting of the aircraft.
- Spoke about train issues such as sirens, horns and the track noise.

### CERTIFICATES/PROCLAMATIONS

#### Certificates

- Jerry Vitale

## REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

### Councilman Miranda

- Attended the SID Meeting; congratulated Mr. Sal Garcia on his appointment to the Board.
- Met with Mr. Peterson and Chief Morrison regarding the St. Anthony's Feast.

### Councilman Yakubov

- Asked about the insurance requirements when an organization wants to use a Borough facility.
- Do they need to submit an insurance plan for review.

Mr. Huxford said it is his recommendation that they do.

- Councilman Yakubov asked if there is a written Borough policy that should be reviewed.
- Spoke about organizations coming in and conducting events.

Mr. Huxford said he is not sure if there is a policy in place.

Ms. Cali said it is done by ordinance.

- Councilman Yakubov said they should look into it and enforce it.
- Should Department Heads hold onto the documents; would like to know the protocol.
- Was contacted by a representative of Merck regarding a representative of Roselle Park serving on their Sewer Advisory Board.
- Attended a SID Meeting with Councilman Miranda; the Committee is very energized and has many good ideas.
- Spoke about Senior Housing; would like to canvass the area around where Senior Housing is being built and find out what the residents views are.
- There may be potential issues due to the construction.

### Councilman Hokanson

- Announced the upcoming Rabies Clinics in the area.
- There will be a Pasta Dinner in memory of Michael Wielgus on Sunday, April 28<sup>th</sup> from 1:00 p.m. to 6:30 p.m. at the Church of the Assumption; tickets are \$5.00 per person.
- 100% of the proceeds will be donated to "Cops Kick in for Michael".

### Councilwoman Storey

- Met with representatives of the Union County Economic Development Corporation.

### Councilwoman Torres

- Congratulated the cheerleaders for taking first place at a competition in Wildwood.
- Invited Mayor and Council to the Girl Scouts Pancake Breakfast on April 27<sup>th</sup>.
- Spoke about the East Grant Avenue project.
- As an employee of Merck, if it is not a conflict of interest, she would like to fill the Board position that Councilman Yakubov mentioned.

### Karen Intile – Administrative Assistant

- Attended the SID Meeting.
- Costa's Restaurant requesting a permit to have an outside café with alcohol.
- Thanked all for donations to the Food Pantry.
- Arbor Day will be celebrated on Friday, April 26<sup>th</sup>.
- Working on the Summerfest festivities.
- There will be an Older Americans Party at the Center on May 9<sup>th</sup>.
- The Open House will be on May 18<sup>th</sup> from 12:00 p.m. to 3:00 p.m.

Mayor Accardi said he is pleased to see multiple activities taking place at the Center at the same time.

### Richard Huxford – Borough Attorney

- Regarding the Pet Adoption Day, he spoke to people at the Library.
- Recommends the organizations bring in insurance to protect the Borough and the Library.
- Also recommends they submit a Hold Harmless Agreement.
- This is especially because there are animals involved.

Councilman Yakubov said he has seen this in the past and in some cases, it seems selective. He would just like to see a clear cut policy with guidelines. He said the Department Heads can be responsible and hold onto the documents. If we do it for one, we should do it for all. He questioned if the Pet Adoption Agency presented the proper documents. The answer received when he emailed Susan at the Library was that they had not yet. He does not see an issue once they provide it.

Ms. Cali said for the record, Council passed an ordinance years ago that any time animals are brought to Borough buildings; it must come before Council for approval. That was not done in this case and there have been other events with animals and it has not been presented to Council. Every department is aware this should be done. She said our Insurance Broker is aware of it and absolutely a Certificate of Insurance is necessary in this event and also a Hold

Harmless Agreement as well. Some events require a higher level of insurance based on the degree of liability exposure to the Borough. This is an extreme liability on behalf of the Borough and having an event with no insurance, someone could get bit and there would be no coverage. She said that was advised to the Library.

Mayor Accardi said at some point if the JIIF tell us we have to do something, then we put the Borough at extreme risk if we don't do that.

Councilwoman Storey asked if the JIIF said it was mandated or recommended.

Ms. Cali said we have to have a Certificate of Insurance. She said it was explained to her that these animals are coming off the street and no one knows what they have been put through. She said there could be violence in these animals. The Joint Insurance of Roselle Park said we have to get a Certificate of Insurance and also a Hold Harmless Agreement, which holds more weight than the Certificate of Insurance.

Mayor Accardi said our legal counsel just put an email together to that affect earlier this week to everyone on Council. It is something that has gone from the JIIF to our legal counsel for review and then put out to everybody.

Councilman Yakubov said are we going to go to the JIIF for every single event that might potentially take place in the Borough.

Ms. Cali said this normally is the procedure.

Mayor Accardi said he was present at the meeting and it was very confusing to everyone sitting on the Library Board because of the presentation that was made. He said the presentation wasn't initiated; this was a Library event. The presentation made to the Library Board was a Friends of the Library event and was inviting several organizations in for Pet Adoption Day. The story has changed since requirements have been put in place by the Library Board. It wasn't even Mayor and Council that set any restrictions; it was the Library Board that requested additional information, so it would safeguard the entire community.

Councilwoman Storey said it was her understanding the Library Board voted unanimously to go forward with this.

Mayor Accardi said they all previously agreed to get a Certificate of Insurance.

Councilwoman Storey said they made this vote the night before, so I would expect to hear any request before Council today.

Ms. Cali said there is an ordinance on file that says any event that has animals in a Borough building has to be brought to Mayor and Council.

Councilwoman Storey said that question was brought up and they made the vote on this last night.

Mayor Accardi said the first vote was last night

Councilwoman Storey said they voted to go forward.

Councilman Yakubov said the question becomes what do they need to provide; a certificate of liability from the organizations, releasing the Borough from any liabilities. Now they have to have an additional rider.

Mr. Huxford said they want a Hold Harmless Agreement and a Certificate of Insurance.

Richard Huxford – Borough Attorney

- Has two matters for Closed Session.

Ken Blum – Chief Financial Officer

- Reminded everyone the Public Hearing on the Municipal Budget will be on May 2<sup>nd</sup>.

REPORTS OF DEPARTMENTS

Councilman Miranda moved to approve the following reports; seconded by Councilman Yakubov, all members present voting Aye, said motion was adopted.

- Municipal Court Report for March 2013
- Administrative Assistant Report for March 9, 2013 through April 10, 2013

PUBLIC COMMENT

Councilman Miranda moved at 8:30 p.m. to open the public comment portion of the meeting; seconded by Councilman Hokanson and adopted.

Jacob Magiera, 612 Sheridan Avenue

- It's his opinion, as is many others, that Senior Citizen Housing should not be built on the DPW Yard; it is the wrong place.
- There are no ADA compliant sidewalks from the DPW to Locust Street; who will pay for that.
- What services will be included in the PILOT Program.
- Should have a meeting for the public's opinion.
- Is the DPW one parcel or two parcels of land.
- Domus made their presentation two years ago and if HUD finds contamination, they will not provide the loan.
- What percentage of the 75 apartments will go to Roselle Park senior citizens understanding there will be a lottery system.

- What will it cost to demolish the present DPW and what will it cost to build a new one.
- The town has changed over the last two years.

Mayor Accardi responded to Mr. Magiera's comments as follow:

- The town has changed over the last 112 years; that is how it evolves.
- Many people have their own idea where certain buildings should be built.
- Can take a look at where he thinks would be a better place.
- Have plans for the ADA sidewalks, but they have not implemented those plans because only some of that is covered by grant money.
- Don't want to put in sidewalks that may be damaged.
- Based on 95% occupancy, it would be about \$37,000 per year at the beginning. The amount will increase as income levels increase.
- The \$700,000 in clean up is the maximum that it could cost; if it is more, then we will address it.
- We own the property and have signed it over to Domus Corporation.
- One of the requirements is that they own the property and that is why we do the PILOT Program.
- The application should be in by May 31<sup>st</sup> and we can then set up a meeting sometime in June with Domus Corporation and the public.
- The DPW and Little League are two separate parcels; this was done last year in order to move forward with this project.

Councilwoman Torres commented as follows:

- Regarding the ADA sidewalks, they were not done last year because they did not want to go past the baseball parking lot.
- Those sidewalks also tie into the businesses in that area.
- The DPW specs are due May 2<sup>nd</sup>.

Councilman Hokanson commented as follows:

- The original location that was considered for Senior Housing was the Romerovski property.
- Did not do it there because of heavy traffic volume in that area.
- Cannot think of another place that Domus can build a 75 unit building.
- In 2004, he met with the representative from Linden; she said if you build it, they will come.
- 10% of the apartments will be for Roselle Park residents.
- The remainder will be a lottery system because it is Federal money.
- Everyone is required to change their address after 30 days; they will all be Roselle Park residents.
- Have gone through Phase I and Phase II of the cleanup.
- Are considering high at \$700,000.

- Will receive the same services as all other residents; Police, Fire and First Aid.
- Domus will take care of the sanitation.
- Have owned the property for 112 years and never received a penny.
- For the next 30 years, they will receive money and will be able to offset the construction of the new DPW.
- Have allocated two million for that purpose.
- Blake Johnstone did the survey to make the DPW and Little League two separate parcels.

Saul Qersdyn, 150 Berwyn Street

- Does the Senior Housing work towards our Affordable Housing.
- Spoke about Domus Corporation and Senior Housing.
- Because it is Federal money, it has to be open to the public.
- Will be short units, if we do not build.
- Spoke about cost of cleanup.
- Asked who is responsible for the mortgage.
- Spoke about Townwide Garage Sale.
- Why not use Michael Mauri Parking lot as a flea market from 9:00 a.m. to 3:00 p.m.
- Suggested having a sidewalk sale.
- Spoke about abatement issues regarding people sitting on the benches in town.
- Spoke about Project 350.

Maxine Padulsky, 125 Camden Street

- Are there any restrictions to putting events on TV32 or TV34.
- Told she could not put one on because it was political; the event was a fundraiser.

Mayor Accardi said we cannot use public facilities to advertise political events or fundraisers. He is not familiar with what happened in the past, but if it is taking place, now it should be stopped.

- Ms. Padulsky said is renting Borough Hall not political.

Mayor Accardi said regarding the comment about Congressman Payne; that has not yet been approved and will be discussed later. He said it is not a political situation; Congressman Payne is a representative for our District and has asked if he could open up a Representative Office. He said it is party irrelevant.

- Ms. Padulsky said she attended the Trustees Meeting the day before and Carl, a member of the Committee, said he would call all the organizations to let them know what has needed. The Trustees passed it unanimously and it is not the Friends of the Library holding it; they are just assisting the event. She said no animals will be outside; they will be in cages. She said not all of the organizations are bringing animals.

Councilman Yakubov said political parties cannot use municipal property for political reasons for fundraising, but does not know if a political group or party can use it in general.

Mr. Huxford asked if he meant non-fundraising.

Councilman Yakubov said yes; if they have a meeting or run an event at no cost.

Mr. Huxford said that is correct.

**MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS**

Councilman Miranda moved to approve the following minutes; seconded by Councilman Torres.

- Regular Meeting of March 21, 2013 and April 4, 2013

<b>Vote Record – Minute Acceptance of March 21, 2013</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/>	Adopted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Accardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Vote Record – Minute Acceptance of April 4, 2013</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/>	Adopted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Torres	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Casais	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Accardi	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**MOTION BILLS & PAYROLLS BE NOT READ**  
**MOTION BILLS & PAYROLLS BE PASSED FOR PAYMENT**

Councilman Miranda moved that bills and payrolls be not read and passed for payment; seconded by Councilman Yakubov, all members voting Aye, said motion was adopted.

The following resolutions listed on consent agenda, were offered by Councilman Miranda; seconded by Councilwoman Storey.

**RESOLUTIONS**

**RESOLUTION NO. 93-13**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue a check in the amount of \$2,854.74 payable to Santa Goleme for an overpayment of 2012 4<sup>th</sup> quarter taxes on Block 703/Lot 17



(otherwise known as 181 Maple St., Roselle Park, N.J.) and assessed in the name of Santa Goleme.

RESOLUTION NO. 94-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue a check in the amount of \$595.79 payable to lien holder for redemption of Tax Sale Certificate for the meeting of April 18, 2013 (paperwork available in the Tax Office); and

BE IT FURTHER RESOLVED to issue a premium check from the Tax Collectors' Premium Account in the amount of \$700.00.

RESOLUTION NO. 95-13

RESOLUTION OF THE BOROUGH OF ROSELLE PARK, COUNTY OF UNION  
DESIGNATING 180 WEST WEBSTER AVENUE WITHIN THE BOROUGH AS  
AN AREA IN NEED OF REHABILITATION

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

WHEREAS, in accordance with the *LRHL* the Municipal Council of the Borough of Roselle Park (the "Borough Council") has determined to investigate whether 180 West Webster Avenue, also described as Lot 1, Block 506 on the official assessment map of the Borough of Roselle Park (the "Rehabilitation Area") should be designated as an area in need of rehabilitation; and

WHEREAS, *N.J.S.A. 40:12A-14* provides that prior to the adoption of a resolution designating the *Rehabilitation Area* as an area in need of rehabilitation (the "Designation Resolution"), the *Borough Council* must first submit a copy of the Designation Resolution to the Borough of Roselle Park Municipal Land Use Board (the "Planning Board") for review and recommendation; and

WHEREAS, on March 21, 2013, the *Borough Council*, acting by resolution, referred a copy of the Designation Resolution, substantively as written herein, to the Borough of Roselle Park Municipal Land Use Board for review and comment pursuant to *N.J.S.A. 40A:12A-14*; and

WHEREAS, in accordance with the requirements of *N.J.S.A. 40A:12A-14*, the *Borough Council* confirmed that the majority of the water and sewer infrastructure in the Borough and serving the *Rehabilitation Area* is at least 50 years old and in need of repair and substantial maintenance; and

WHEREAS, the Borough of Roselle Park Municipal Land Use Board found that the statutory criteria to designate the *Rehabilitation Area* as an area in need of rehabilitation is satisfied; and

WHEREAS, the designation of the *Rehabilitation Area* as an area in need of rehabilitation is expected to promote the overall development of the Borough in accordance with the requirements of *N.J.S.A. 40:12A-14*; and

WHEREAS, on April 15, 2013, the Borough of Roselle Park Municipal Land Use Board reviewed the Designation Resolution and recommended its adoption and the designation of 180 West Webster Avenue, also described as Lot 1, Block 506 on the official assessment map of the

Borough of Roselle Park (the *Rehabilitation Area*) as an area in need of rehabilitation in accordance with *N.J.S.A. 40A:12A-14*; and

NOW, THEREFORE, BE IT RESOLVED, by the *Borough Council* of the Borough of Roselle Park as follows:

1. Designation of the Area. The *Borough Council* hereby designates 180 West Webster Avenue, also described as Lot 1, Block 506 on the official assessment map of the Borough of Roselle Park (the *Rehabilitation Area*) as an area in need of rehabilitation.

2. Transmittal of Resolution to State Department of Community Affairs. The *Borough Council* hereby directs that the Borough Clerk transmit a copy of this Resolution to the Commissioner of the Department of Community of Affairs for review in accordance with the *LRHL*.

3. Effective Date. This resolution shall take effect immediately.

#### RESOLUTION NO. 96-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Kostantinos Vathianakis from the position of Probationary Police Officer for the Roselle Park Police Department, effective April 26, 2013, be and is hereby accepted.

#### RESOLUTION NO. 97-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector hereby authorizes the Treasurer to issue a check in the amount of \$1,801.66 payable to Alison Nilla for an overpayment of 2013 1<sup>st</sup> quarter taxes on Block 305/Lot 12 (otherwise known as 316 Seaton Ave., Roselle Park, N.J.) and assessed in the name of Nilla, Alison et als.

#### RESOLUTION NO. 98-13

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that all bids for the project Vegetative Waste Collection be and are hereby rejected and authorizing the Borough Clerk to re-advertise.

#### RESOLUTION NO. 99-13

WHEREAS, the Borough of Roselle Park no longer has use for the attached automobiles therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public sale at a date within 60 calendar days. The auction will be advertised in the following media, Union Leader and Star Ledger and Borough of Roselle Park Web Site.

1. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
2. Said property is being sold "as is".
3. All prospective purchasers are put on notice to personally inspect the property.

4. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk in cash or certified check made payable to the Borough of Roselle Park.
5. If the purchaser fails to take title and possession within ten (10) days of the date of purchase, the Governing Body of the Borough of Roselle Park may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
6. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further costs, expense, damage, claim against or liability upon the Borough.
7. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids
8. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

<u>Year</u>	<u>Make</u>	<u>Identification Number</u>	<u>Minimum Bid</u>
1995	Honda	1HGCD5639SA138232	\$175.00

RESOLUTION NO. 100-13

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby reconfirms the Municipal Land Use Board's appointment of Michael Tripodi, as Attorney for the Municipal Land Use Board, effective January 3, 2013 for a one year term ending December 31, 2013, at a salary set by Borough resolution.

RESOLUTION NO. 101-13

TAX ABATEMENT RESOLUTION

WHEREAS, Roselle Park Senior Residence, LP (hereinafter referred to as the "Sponsor") proposes to construct an affordable rental housing development for seniors consisting of 75 units in a single building (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Roselle Park (hereinafter referred to as the "Municipality") on a site described as Lot 1, Block 506 as shown on the Official Assessment Map of the Borough of Roselle Park, Union County and commonly known as 180 West Webster Avenue, Roselle Park, New Jersey, 07204; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Sponsor has presented to the Municipal Council a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Roselle Park (the "Council") that:

- (1) The Council finds and determines that the proposed Project will meet or meets an existing housing need;
- (2) The Council does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and
- (4) The Council hereby authorizes and directs the Mayor of the Borough of Roselle Park to execute, on behalf of the municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (5) The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and Municipality.

#### **Exhibit A**

Projected Annual Gross Rents	\$686,416
Proforma Vacancy at 5%	(\$34,321)
Less Owner-Paid Utilities	(\$82,500)
Basis for PILOT payment	\$569,595
Commercial (Laundry) Income	\$7,500

Payment in Lieu Percentage - Residential	6.28%	\$35,771
Payment Lieu Percentage – Commercial	15.00%	\$1,125
Annual Projected PILOT payment		\$36,896

MATTER FOR REFERRAL TO COMMITTEE OR COUNCIL

Councilwoman Torres requested a resolution for the next meeting regarding the accepting of a donation for the Firehouse.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Miranda moved at 8:55 p.m. to interrupt the regular order of business; seconded by Councilman Yakubov and adopted.

Mayor Accardi read the Closed Session resolution and said Council would be discussing the following matters:

Potential Litigation – Sevell’s vs. Roselle Park:

Negotiations:

- Fibertech
- Lease of Mayor’s Borough Office

RESUME REGULAR ORDER OF BUSINESS

Councilman Miranda moved to resume the regular order of business; seconded by Councilwoman Storey and adopted.

Mayor Accardi said that during Closed Session, Council discussed the following matters:

Potential Litigation – Sevell’s vs. Roselle Park:

Negotiations:

- Fibertech
- Lease of Mayor’s Borough Office

There being no further business to come before the meeting, Councilman Miranda moved to adjourn; seconded by Councilman Casais and adopted.

Attest:

Borough Clerk