

Borough of Roselle Park Meeting of July 17, 2014

Attendee Name	Organization	Title	Status	Arrived
Michael Yakubov	Borough of Roselle Park	Councilman	P	7:00 PM
Carl Hokanson	Borough of Roselle Park	Councilman	P	7:00 PM
Andrew Casais	Borough of Roselle Park	Councilman	P	7:00 PM
Charlene Storey	Borough of Roselle Park	Councilwoman	P	7:00 PM
Ryan Kelly	Borough of Roselle Park	Councilman	A	--
Gino Elmarassy	Borough of Roselle Park	Councilman	P	7:00 PM
Joseph Accardi	Borough of Roselle Park	Mayor	P	7:00 PM

Mayor Accardi called the meeting to order at 7:04 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.

Mayor Accardi asked for a moment of silence in honor of Melvin Santiago, the Jersey City Police Officer that was killed in the line of duty.

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

The following resolution was offered by Councilman Hokanson; seconded by Councilman Casais.

RESOLUTION NO. 144-14

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby accept the retirement of Sgt. Peter Picarelli from the Roselle Park Police Department effective August 1, 2014.

Mayor Accardi said that Sergeant Picarelli has always had Roselle Park in his heart, has done a great job and is sad to see him go.

Councilman Hokanson said Sergeant Picarelli was a dedicated person and always did his job well. He gave his all to the Police Department and various organizations.

Councilman Elmarassy congratulated Sergeant Picarelli; he has done a wonderful job.

<input type="checkbox"/> Vote Record – Resolution #144-14		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

The following resolution was offered by Councilman Hokanson; seconded by Councilman Casais.

RESOLUTION NO. 146-14

BE IT RESOLVED that is Joseph DeQuarto, 22 Sunnyside Drive, Carteret, New Jersey 07008 is hereby appointed to the position of Probationary Police Officer (7-12 months) in the Roselle Park Police Department, at an annual salary of \$51,946.53 effective August 4, 2014 for a 12 month period ending August 4, 2015.

<input type="checkbox"/> Vote Record – Resolution #146-14		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

The following resolution was offered by Councilman Hokanson; seconded by Councilman Casais.

RESOLUTION NO. 145-14

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that Detective Matthew Disano be and is hereby promoted to the rank of Sergeant in the Roselle Park Police Department effective August 1, 2014 at the annual salary of \$102,366.05.

<input type="checkbox"/> Vote Record – Resolution #145-14		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Hokanson moved to interrupt the regular order of business for a five minute recess; seconded by Councilman Casais and adopted.

RESUME REGULAR ORDER OF BUSINESS

Councilman Hokanson moved at 7:34 p.m. to resume the regular order of business; seconded by Councilman Casais and adopted.

COMMUNICATIONS

Councilman Hokanson moved the following communications; seconded by Councilman Casais, all members present voting Aye, said motion was adopted.

- Request from the residents of the 500 block of Spruce Street to hold a Birthday Party on Sunday, July 20, 2014 from 12 Noon until 9:00 p.m., with a rain date of Monday, July 21, 2014 from 12 Noon until 9:00 p.m.
- Request from the residents of the 400 block of Hemlock Street to hold a Block Party on Saturday, August 2, 2014 from 10:00 a.m. until 10:00 p.m., with a rain date of Sunday, August 3, 2014.
- Request from the residents of the 100 block of Berwyn Street to hold a Block Party on Saturday, July 19, 2014 from 4:00 p.m. until 10:00 p.m., with a rain date of Saturday, July 26, 2014.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Casais

- Spoke about the two Police Officers that recently passed away in the line of duty.
- Appreciates our Police Department for all the work that they do.

Councilwoman Storey

- Met with Atlantic Health and discussed efforts to work with seniors in town on a long term basis.
- The Historical Society Picnic will be Sunday at 3:00 p.m. at the home of Pat Pagnetti.
- Will conduct her next "Meet and Greet" on August 11th at Costa's from 6:00 p.m. to 8:00 p.m.
- Councilman Hokanson and she will have a "Meet and Greet" on August 6th at Acker Park.
- She and Councilman Hokanson will hold a "Town Meeting" in Borough Hall on July 31st to answer questions.

Councilman Elmarassy

- Congratulated the new Police Officer and Sergeant Disano on his promotion.
- Congratulated Sergeant Picarelli on his retirement.
- Will hold a meeting with the Environmental Committee.

- Met with the First Aid Squad; they have a clothing bin in the First Aid Squad Building.
- Thanked the DPW for their work on Gazebo Park.

Councilman Yakubov

- Congratulated the Police Officers.
- Thanked the DPW for putting the signs on Valley Road.
- August 6th will be the next Community Watch Meeting at 7:00 p.m. in Borough Hall.
- Has one matter for Closed Session.

Councilman Hokanson

- Gave his condolences to the Marro Family on the passing of Jeanne.
- The Borough now has summer hours until September and is closed on Fridays.
- Attended the Car Show.
- Thanked all that attended his “Meet and Greet” on June 23rd.
- A new Court Administrator was appointed on June 24th.
- Thanked the First Aid Squad and the Fire Department for their help with “Operation Chillout” on June 29th.
- There will be another event in September.
- A great job was done with the Car Wash at the High School.
- August 5th will be National Night Fireworks.

REPORT AND RECOMMENDATIONS OF MAYOR

- Has concerns regarding the flood issues and would like to address them.
- There was a lot of rain in a short period of time.
- Contacted the Borough Engineer prior to the July 3rd rain storm.
- Had the DPW check the storm sewers.
- Have had many 100 year storms in the last six months.
- Spoke about the paving on Westfield Avenue.
- American Water has starting patching it and replacing the water mains before it is finished off.
- American Water did a fine job paving the street.
- Has asked the Borough Engineer and DPW to look at other areas.
- Is asking the DPW to monitor the areas on Westfield Avenue and Chestnut Streets.
- Spoke about the repairs to the crosswalks.
- Said the Car Show was very well done.

Karen Intile – Administrative Assistant

- Reported on upcoming events at the Center.
- National Night Out will have the fireworks and other events.
- Applied for the HEART grant.

- August 6th vouchers for the Farmer's Market will be distributed at the Center.
- Officer Josh Medrano will hold the Youth Police Academy in August.
- Blood Pressures are being taken at the Casano Center.
- The Food Pantry is very busy on Wednesdays and Thursdays due to the Farmers Market.

Mark Pasquali – DPW

- Requested that residents break down and tie cardboard or containerize it.
- Requested that residents put vegetative waste out only the day before pickup.
- Flower pots and the painting of the Gazebo will be an Eagle Scout project.
- Spoke about the issue in the municipal parking lot on Chestnut Street.
- Spoke about E-waste pickup and a la carte bulk waste pickup.

Paul Morrison – Police Chief

- Thanked Mayor and Council for their support in hiring a new Police Officer.
- Congratulated Sergeant Disano on his promotion.
- Congratulated Peter Picarelli on his retirement from the Borough.
- New pedestrian signs have been installed on Chestnut Street.
- Spoke about the recent deaths of two New Jersey Police Officers.

Tom Solfaro – Borough Engineer

- They have prepared a conceptual plan for the completing of the improvements associated with the park.
- Edits/updates to the tax maps have been completed and submitted to the State for certification review.
- Plans and specifications for West Lincoln Avenue Improvements have been submitted to the NJDOT for review and approval prior to project bidding.
- A response is anticipated within the next two weeks and hope to award it in August.
- Applications for the required Fresh Water Wetlands Permit, as well as the required Flood Hazard Area Permit were submitted to the NJDEP for review and approval.
- It is estimated that 70% of the DPW facilities design has been completed.
- Soil samplings were performed to determine the makeup and disposal methods and means to comply with the applicable NJDEP regulations during the construction process.
- Basketball courts in Aldene Park will be redone, new backboards and irrigation regrading.

Richard Huxford – Borough Attorney

- Has several matters for Closed Session.

Doreen Cali – Borough Clerk

- Will be submitting the grant for Aldene Park within the next two weeks.

Ken Blum – Chief Financial Officer

- Third quarter Tax Bills will be mailed and the due date has been extended to August 25th without interest.
- Borough Hall is on summer hours.
- Sewer bills are now past due and delinquent notices have been sent out.
- Recreation registrations are now being collected in the Finance Office; there is a wait list for first and second graders.
- Soccer is looking for more field space; would like Council's permission to use Msgr. Loreti Park.
- One matter for Closed Session.

REPORTS OF DEPARTMENTS

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

- Administrative Assistant Report for June 11, 2014 through July 10, 2014
- Municipal Court Report for June 2014
- Police Chief Report for June 2014
- DPW Report for June 2014
- Construction Code Enforcement Department Report for June 2014
- Treasurer Report for June 30, 2014
- Engineer Report for July 17, 2014

PUBLIC COMMENT

Councilman Hokanson moved to open the public comment portion of the meeting; seconded by Councilman Casais and adopted.

Leona Seuffert, 22 East Westfield Avenue

- Spoke about all the upcoming events at the Library.
- There will be such events as a Day at the Library, Rock Band Concert on the Lawn, Art Gallery Exhibit, Dancing with the Stars and Movie Nights, etc.
- WWI Exhibit at the Roselle Park Museum.
- The flowers in town look beautiful.
- What is a skid steer.

Mayor Accardi said it is a mini tractor.

Ellen Croce, 534 Willow Avenue

- Asked what is taking place behind the movie theater.
- The hedges in the Gazebo parking lot are never cut.
- Has been to the DPW several times.
- Lincoln Avenue is very bumpy and needs to be paved.

Mayor Accardi said that it is the project for this year.

Jacob Magiera, 612 Sheridan Avenue

- How many Closed Sessions are there.
- There are two potholes in the sidewalk in front of Borough Hall.
- Update on tax maps.
- Spoke about the property behind Webster Gardens.
- What is the benefit of closing Borough Hall on Fridays.
- Regarding Resolution #151-14, is the total \$750,000.

There being no one else wishing to speak, Councilman Yakubov moved to close the public portion; seconded by Councilman Casais and adopted.

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

Councilman Hokanson moved to approve the following minutes; seconded by Councilman Casais.

- Regular Meeting of June 19, 2014

<input type="checkbox"/> Vote Record – Minutes of Regular Meeting of June 19, 2014					
		Yes/Aye	No/Nay	Abstain	Absent
<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"/>
	Hokanson	<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 type="checkbox"/>
	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

- Special Meeting of June 24, 2014

<input type="checkbox"/> Vote Record – Minutes of Special Meeting of June 24, 2014					
		Yes/Aye	No/Nay	Abstain	Absent
<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"/>
	Hokanson	<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 type="checkbox"/>
	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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 Hokanson moved that bills and payrolls be not read and passed for payment; seconded by Councilman Casais, all members present voting Aye, said motion was adopted.

PASSAGE OF ORDINANCES

SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 2411

AN ORDINANCE AMENDING CHAPTER 40, SECTION 3004
 OF THE CODE OF THE BOROUGH OF ROSELLE PARK
 ENTITLED FENCES

Councilman Hokanson moved to open the public hearing on Ordinance No. 2411; seconded by Councilman Yakubov and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Does this ordinance include that you cannot put a fence up on shared property prevent to ingress and egress.

Mayor Accardi said this ordinance only addresses materials to construct a fence.

There being no one else wishing to speak, Councilman Hokanson moved to close the public hearing on Ordinance No. 2411; seconded by Councilwoman Storey and adopted.

Councilman Hokanson moved that Ordinance No. 2411 be adopted on second reading and advertised as prescribed by law; seconded by Councilwoman Storey.

<input type="checkbox"/> Vote Record – Ordinance No. 2411		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

ORDINANCE NO. 2413

AN ORDINANCE ESTABLISHING THE POSITION
 AND FIXING THE SALARY OF RECREATION
 REGISTRATION COLLECTOR

Councilman Hokanson moved to open the public hearing on Ordinance No. 2413; seconded by Councilman Casais and adopted.

There being no one else wishing to speak, Councilman Hokanson moved to close the public hearing on Ordinance No. 2413; seconded by Councilman Casais and adopted.

Councilman Hokanson moved that Ordinance No. 2413 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Casais.

Vote Record – Ordinance No. 2413					
		Yes/Aye	No/Nay	Abstain	Absent
<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"/>
	Hokanson	<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 type="checkbox"/>
	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

RESOLUTIONS

The following resolutions listed on Consent Agenda were offered by Councilman Hokanson; seconded by Councilman Casais.

RESOLUTION NO. 141-14

WHEREAS, Lightower Fiber Networks, (“Lightower”) is a telecommunications provider with a business address of 55 Broad Street, Second Floor, New York, NY 10004 authorized to provide service by the New Jersey Board of Public Utilities and the Federal Communications Commission; and

WHEREAS, Lightower as a utility and common carrier, has requested approval to install communications facilities in Roselle Park public rights-of-way; and

WHEREAS, Lightower was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order in Docket No. TM 08040212 on June 16, 2008; and

WHEREAS, Lightower pursuant to such authority granted by the New Jersey Board of Public Utilities may locate, place, attach, install, operate and maintain such Facilities within public Rights-of-Way for purposes of providing telecommunications facilities; and

WHEREAS, Lightower proposes to place its Facilities aerially on existing poles or in existing underground conduit in the public Rights-of-Way within the Municipality for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, it is in the best interest of the Municipality and its citizenry for the municipality to grant consent to Lightower to occupy said Public Rights-of-Way within the Municipality for this purpose; and

WHEREAS, the consent granted herein to Lightower is for the non-exclusive use by Lightower of the public Rights-of-Way within the Municipality for the purpose of owning, constructing, installing, operating, and maintaining a telecommunications system.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorizes the Mayor and Borough Clerk to execute a Rights-Of-Way Use Agreement with Lighttower governing the terms and conditions of the facilities to be installed substantially in the form attached hereto and subject to approval by the Borough Attorney.

RESOLUTION NO. 142-14

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, New Jersey, hereby accept the resignation of Carl Pluchino as a member of the Special Improvement Committee effective immediately.

RESOLUTION NO. 143-14

BE IT RESOLVED that Mayor Accardi, with Council confirmation, hereby appoints Dexter Delacruz, 144 East Roselle Avenue, Roselle Park, New Jersey 07204, as a member of the Roselle Park Veteran's Memorial Library, to fill the unexpired term of Anne Hebbe, effective July 1, 2014 thru December 31, 2015.

RESOLUTION NO. 147-14

WHEREAS, Peter Picarelli has notified the Borough of Roselle Park that he will be retiring effective August 1, 2014; and

WHEREAS, as Peter Picarelli is entitled to certain compensation upon retirement; and

WHEREAS, it has been agreed by the Mayor and Council of the Borough of Roselle Park and Peter Picarelli that the above compensation will be paid as follows:

<u>Description</u>	<u>Amount of Days</u>	<u>Daily Rate</u>	<u>Amount Due</u>
Vacation Days for 2014	11	410.76	4,518.36
Comp Time for 2014	92.70 hours	49.2144	4,562.17
Vacation Days for 2015 (25 days prorated for 7 months)	14.56	410.76	<u>5,980.67</u>

Total Due \$15,061.20

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Chief Financial Officer is hereby directed to pay Peter Picarelli the entitled compensation due upon retirement at the above schedule.

RESOLUTION NO. 149-14

WHEREAS, sediment, debris, garbage, brush and trees that accumulate in our waterways contributes to serious flooding that causes property damage and threatens personal safety; and,

WHEREAS, restrictions on stream cleaning, de-silting and de-snagging projects by counties or municipalities are currently onerous and restrictive; and,

WHEREAS, Assembly Bill A900 will allow municipalities and counties to properly, quickly, and economically clean and de-silt streams to help prevent flooding.

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 does hereby support A900 and urge quick action to be taken on it to help relieve the flooding issues that occur throughout New Jersey; and,

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Assembly Environmental and Solid Waste Committee, Assemblyman Jon Bramnick, Assemblywoman Nancy Munoz, the New Jersey State League of Municipalities, and all Union County Municipalities.

RESOLUTION NO. 150-14

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 \$25,525.50 payable to Tax Lien Investors for redemption of Tax Sale Certificate #12-039 (otherwise known as 323 Spruce St., Roselle Park, N.J.) and assessed in the name of Douglas A. Bell; and

BE IT FURTHER RESOLVED to issue a premium check from the Tax Collector's Premium Account in the amount of \$10,600.00.

RESOLUTION NO. 151-14

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2014; and

WHEREAS, the following applicants have complied with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable, thereto, now therefore

BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2015, to the following as approved by the License Committee:

PLENARY RETAIL CONSUMPTION LICENSES - \$1,385.00
2015-33-016-007 Spilanga Food Inc., 120 Chestnut Street, Roselle Park

RESOLUTION NO. 152-14

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

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the

year 2014 in the sum of \$10,634.42 which item is now available as a revenue from the Alcohol Education and Rehabilitation Fund Grant pursuant to the provisions of statute, and

BE IT FURTHER RESOLVED, that the like sum of \$10,634.42 is hereby appropriated under the caption of the Alcohol Education and Rehabilitation Fund Grant, and

BE IT FURTHER RESOLVED, that the Borough Clerk forward two certified copies of this resolution with enclosures to the Director of the Division of Local Government Services.

RESOLUTION NO. 153-14

WHEREAS, N.J.S.A. 40A:11-11 (5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Middlesex Regional Educational Services Commission, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services;

WHEREAS, on July 17, 2014 the governing body of the Borough of Roselle Park, County of Union, State of New Jersey duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows;

TITLE

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Borough of Roselle Park

AUTHORITY

Pursuant to the provisions of 40A:11-11 (5) Ken Blum is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

RESOLUTION NO. 154-14

WHEREAS, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective July 1, 2014; and

WHEREAS, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary; and

WHEREAS, the Governing Body of the Borough of Roselle Park adopted Ordinance 2410 for P.L. 2013 c. 28 allowing for employees to request to be exempt from direct deposit;

WHEREAS, Michael Wielgus has requested in writing to be exempt from direct deposit;

NOW, THEREFORE, BE IT RESOLVED that Michael Wielgus be exempt from direct deposit.

RESOLUTION NO. 155-14

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Tax Collector is hereby authorized per the Union County Tax Board of New Jersey to issue a reduction and/or refund for County Board Tax Appeals on 40 properties (paperwork available in the Tax Office) located in the Borough of Roselle Park. Refund and/or reduction will be issued accordingly totaling \$66,380.71.

RESOLUTION NO. 156-14

BE IT RESOLVED the Mayor and Council of the Borough of Roselle Park hereby authorize the extension of the due date for the payment of 3rd quarter taxes for the year 2014 until August 25, 2014.

RESOLUTION NO. 157-14

BE IT RESOLVED that Mayor Accardi, with Council confirmation, hereby appoints Sundjata Sekou, 336 Sheridan Avenue, Avenue, Roselle Park, New Jersey 07204, as a member of the Roselle Park Veteran's Memorial Library, to fill the unexpired term of Karl Ardler, effective July 1, 2014 thru December 31, 2017.

RESOLUTION NO. 158-14

WHEREAS, Maria Stender has notified the Borough of Roselle Park that she will be retiring effective August 1, 2014; and

WHEREAS, as Maria Stender is entitled to certain compensation upon retirement; and

WHEREAS, it has been agreed by the Mayor and Council of the Borough of Roselle Park and Maria Stender that the above compensation will be paid as follows:

<u>Description</u>	<u>Amount of Days</u>	<u>Daily Rate</u>	<u>Amount Due</u>
Vacation Days for 2014	16	226.87	3,629.92
Personal Days for 2014	3	226.87	680.61
Sick Days for 2014 (1 day for 3 days on cash in of 276 days so get paid for 92 days which equals \$20,872.04; however, maximum of \$6,500.00)	92	226.87	3,650.00
Vacation Days for 2015 (25 days prorated for 7 months)	14.56	226.87	<u>3,303.23</u>

Total Due \$14,113.76

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Chief Financial Officer is hereby directed to pay Maria Stender the entitled compensation due upon retirement at the above schedule.

RESOLUTION NO. 159-14

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 with 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>
2005	Ford	1FAFP23115G187114	\$200.00
1993	Honda	JHMEH9691PS009411	\$200.00
1997	Pontiac	1G2NW12M6VC702876	\$200.00

RESOLUTION NO. 161-14

WHEREAS, the Borough of Roselle Park wishes to purchase a skid steer and various skid steer equipment attachments from an authorized vendor under the National Intergovernmental Purchasing Alliance (NIPA); and

WHEREAS, Foley, Incorporated 855 Centennial Avenue Piscataway, New Jersey 08855 has been awarded NIPA # 120377; and

WHEREAS, the actual cost for a skid steer and various skid steer equipment attachments is in the amount of \$68,667.93; now

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Foley Incorporated be awarded a contract for the purchase of a skid steer and various skid steer equipment.

RESOLUTION NO. 162-14

WHEREAS, the Borough of Roselle Park wishes to purchase grounds maintenance equipment from an authorized vendor under the Middlesex Regional Educational Services Commission (MRESM); and

WHEREAS, Storr Tractor Company 3191 Route 22, Somerville, New Jersey 08876 has been awarded MRESM Co-op # 65MCESCCPS; and

WHEREAS, the actual cost for grounds maintenance equipment is in the amount of \$61,997.98; now

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Storr Tractor be awarded a contract for the purchase of grounds equipment.

RESOLUTION NO. 163-14

WHEREAS, the Mayor and Council of the Borough of Roselle Park have received bids for Furnishing Refuse Roll-Offs for Wood/Vegetative Waste; and

WHEREAS, the basic bid shall include the contractor to furnish, on request, a pickup of a full roll-off container and return of empty roll-off container at an area designated by the Superintendent of Public Works, within forty eight (48) hours of request including the cost of disposal at a licensed facility, for a three year contract as follows:

30 Yard (Wood/Vegetative Waste)	<u>Per Container</u>
	\$625.00

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby award a contract to Reliable Wood Products, 1 Caven Point Avenue, Jersey City, New Jersey 07305 for a one year period commencing August 1, 2014.

RESOLUTION NO. 164-14

WHEREAS, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective July 1, 2014; and

WHEREAS, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary; and

WHEREAS, the Governing Body of the Borough of Roselle Park adopted Ordinance 2410 for P.L. 2013 c. 28 allowing for employees to request to be exempt from direct deposit;

WHEREAS, Paul Morrison has requested in writing to be exempt from direct deposit;

NOW, THEREFORE, BE IT RESOLVED that Paul Morrison be exempt from direct deposit.

RESOLUTION NO. 165-14

RESOLUTION AUTHORIZING RECREATION AGREEMENT
BETWEEN THE BOROUGH OF ROSELLE PARK AND THE
ROSELLE PARK BOARD OF EDUCATION

WHEREAS, the Borough of Roselle Park and the Roselle Park Board of Education have negotiated a Lease Agreement for the use of the property located at 234 Chestnut Street, Roselle Park for purposes of operating a school program and after-school/recreational community programs; and

WHEREAS, the Mayor and Council have reviewed the annexed Agreement and have determined that the Borough will benefit by entering into said Agreement,

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

1. The Recreation Agreement dated July 1, 2014, a copy of which is attached hereto is hereby approved, confirmed and ratified.
2. The Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary.

RECREATION AGREEMENT

This Agreement (the "Agreement") is made effective as of the 17th day of July, 2014 by and between the BOROUGH OF ROSELLE PARK (hereinafter the "Borough"), and THE ROSELLE PARK BOARD OF EDUCATION (hereinafter the "Board").

WITNESSETH

WHEREAS, the Borough is the owner of the Anthony Signorello Youth Center located at 234 Chestnut Street, Roselle Park, New Jersey 07204 (hereinafter the "Center");

WHEREAS, the Borough believes that it has been and will be in the best in the best interest of the Borough and its residents to have Board operate the Center in a manner which will provide quality after-school / recreational community programs to the residents of the Borough;

WHEREAS, the Board has and will benefit from its management and operation of the Center by providing a service to the Borough community; and

WHEREAS, the activities conducted pursuant to this Agreement have and will directly and indirectly contribute to the achievement of successful community programs at the Center and the Borough.

NOW THEREFORE, for mutual and adequate consideration, the Borough and Board agree as follows:

1. APPOINTMENT

Upon the terms hereinafter set forth, the Borough hereby appoints Board to operate and manage the Center, and Board hereby accepts such appointment and agrees to perform the duties set forth herein with diligence.

- A. The Borough agrees to assign one individual to represent the Borough as liaison to communicate to the Board and management all issues the Borough believes are necessary for the efficient operation of the Center.
- B. Both the Borough and the Board agree to set up a review oversight committee to evaluate programs on a yearly basis.

2. COMPENSATION

As compensation for the management and operational services provided by Board under this Agreement, and in consideration for Board entering into this Agreement, the Borough shall pay the Board Seventy Two Thousand Dollars (\$72,000) annually, paid *in ten (10) equal installments*. The Borough shall also waive the \$500 monthly lease payment pursuant to the separate Lease Agreement entered into between the Board and the Borough with respect to the Academy Program operated by the Board at the Center during school hours.

(a) In the event the Board secures a grant to be applied to the administration of this Program, the Board agrees to share that information with the Borough liaison. The Board & Borough mutually agree to review whether such grant funding will be credited to this Agreement. However, the Board retains the right to apply such grant funding at their sole discretion.

3. SERVICES TO BE PERFORMED BY THE BOARD

Board shall operate a safe and robust program for the children and youth of Roselle Park residents on days and hours mutually agreed upon with the Borough. The program shall not interfere with the Board's use of the facility pursuant the separate Lease Agreement entered into between the Board and the Borough with respect to the Academy Program operated by the Board. The Board shall be responsible for the day-to-day management and operation of the Center, including but not limited to, the implementation and operation of those programs or services which the Board determines, in the exercise of its reasonable judgment, to be financially and physically feasible to be conducted at the Center site. Board shall be responsible for and shall pay for any and all costs associated with the programs conducted at the Center.

In consideration for compensation for the above, the Board agrees to provide the following:

- (a) Full facility program management services;
- (b) Full selection of academic, enrichment, technical, educational, social and recreational programs, including, but not limited to core programs. Said programs provided by the Board shall be equal to or greater than the programs presently in existence. The programs that the Board agrees to provide that are equal to or greater than those programs presently in existence are identified in the Addendum attached hereto.
- (c) The Board agrees to conduct all of their programs and activities during their normal hours of operation defined as follows:
 1. 3:00 p.m. to 8:00 p.m. on day which the Roselle Park School District is in session;
 2. 1:00 p.m. to 8:00 p.m. on days in which the Roselle Park School District is not in session;
 3. Programs will not be in operation on legal holidays. A complete list of those holidays will be provided to the Borough of Roselle Park and be included in the Roselle Park Board program/brochure.
- (d) The Board and the Youth Facility shall be for the exclusive use of residents of Roselle Park between the ages of 5 and 18.
- (e) The Board agrees to waive membership fees to all Roselle Park youth residents, within the ages of 5 to 18 of age. All of the youth residents of

Roselle Park will be entitled to join the Board which will entitle them to participate in all of the activities and programs offers by the Board and all of the activities and programs offered by the Boards throughout Union County.

4. GENERAL UTILITIES. Board shall be responsible for and shall pay for all utility costs incurred during the term hereof, including but not limited to heating, cooling, electricity, water and telephone service.
5. MAINTENANCE OF CENTER. Board shall keep and maintain the Center (including all landscaping and sidewalks) in at least the condition and repair it was in on the date of commencement hereof, damage by casualty and ordinary wear and tear excepted.
6. ALTERATIONS OR IMPROVEMENTS TO THE CENTER. Board shall have the right to make alterations or improvements to the Center, provided Board shall make the same in accordance with all applicable laws and in a good and workmanlike manner. Notwithstanding the foregoing, however, Board shall not make alterations or improvements to the Center which are structural in nature, without first obtaining the written consent of the Borough, which consent shall not be unreasonably withheld.
7. STAFFING. The Board shall hire, train and supervise the staff necessary and appropriate to operate the Center as the Board shall determine in the exercise of its commercially reasonable judgment.
 - A. The Board agrees to comply with the guidelines of the State of New Jersey regarding security during the Board programs and activities. In addition, the Board will establish, publish and enforce an effective system for the release and pickup of children from the facility. The Board further agrees to provide information and educate both the youth participants and the parents with regard to street crossings and with an emphasis on crossing Chestnut Street. Lastly, the Board will secure any and all applicable licenses and permits required for the conducting of programs and activities for children between the ages of 5 and 18 years of age.
 - B. The Board agrees to recruit, employ, train and supervise qualified staff to conduct the programs and activities. The Board further agrees to conduct a complete background check on all employees, agents or individuals who will come in contact with or interact with the youth participating in any of its programs. The Board agrees not to employ or retain any individual whose background or experience indicates they would not be an appropriate participant with minors. In addition, the Board agrees that during the employ of an individual, if misconduct is discovered, the Board will immediately withdraw that individual from any activity in the program rendered in the Roselle Park facility.
8. MANAGEMENT POWERS OF THE BOARD

Board shall have all the necessary powers of management, with full authority to do all acts not restricted or prohibited herein or by law that are necessary or desirable for the proper management and operation of the Center. Except as expressly set forth herein, the Board shall have the freedom and sole discretion to manage the Center and all programs conducted therein, including by not limited to, the discretion and authority to make all decisions pertaining to personnel, building usage, program design, hours of operation and building/program rules and regulations.

- A. The Board shall require any group or organization who requests to utilize the facility to complete and submit a "Use of Premises" application. Such application will include the requirement for liability insurance in the amount of One Million Dollars (\$1,000,000.00) per occurrence, naming the Board and the Borough of Roselle Park as additional insureds. The Board reserves the right to deny any such application. In addition, the grant of permission by an outside group or organization shall be submitted to and subject to the approval of the Borough of Roselle Park.
 - B. The Borough shall retain the exclusive use of the office area, approximately 200 square feet, in the front portion of the second floor, which is occupied by the Roselle Park Community Alliance Against Substance Abuse (CAASA). The parties agree that the space will only be accessed/occupied after 2 pm. In addition to the above, the Roselle Park CAASA will be allowed to use the conference room for monthly meetings on a scheduled basis with written notice to the Board of at least one week, as well as other Borough organizations with prior one week notice.
9. COMPLIANCE WITH LAW. Board hereby agrees that, in the performance of its duties hereunder, the Board shall comply with all applicable laws, ordinances, orders, rules, regulations, and requirements of all federal, state and local government authorities, courts, commissions, bodies, boards, and officers.
10. NON-DISCRIMINATION. In the membership solicitation or the hiring of employees for the performance of the services contemplated under this Agreement, Board or any person acting on behalf of Board shall not, by reason of race, creed, religion, national origin, age, sex, handicap, color, or other protected class, discriminate against any citizen of this State in the use of the facilities or the employment of labor or workers who are qualified and available to perform the work to which the employment relates. Nor shall Board or any person on Board's behalf, in any manner, discriminate against or intimidate any employee hired for the performance of the services contemplated hereunder on any protected basis.
11. BOARD'S EMPLOYEES. All personnel employed by the Board to provide the management services shall at all times and for all purposes be solely employees of Board, under the direction and supervision of Board. Board shall assure that all such personnel have the legal ability to work in the United States. It is understood and agreed that Board and its personnel are acting as an independent contractor to the Borough in the provision of the management services hereunder. Neither Board nor any of its personnel shall in any event be entitled to participate in, or to receive any benefits from, any of the Borough's employee benefit or welfare plans. Further, Board shall withhold and/or pay all federal and state income taxes, social security taxes, federal and state unemployment insurance and similar taxes and all other assessments, taxes, contribution or sums payable with respect to Board or any of its personnel as a result of or in connection with the management services provided hereunder, and Board shall file (and shall direct all of its personnel to file) all returns and reports with respect to any of the foregoing.
12. BOOKS AND RECORDS. Board shall maintain all books and records with respect to the management services provided and the operation of the Center. The Board shall register the children and youth of Roselle Park and track their attendance for the purpose of monitoring and improving the programs.

13. TERM AND TERMINATION

- a. Term and Renewal. This Agreement shall commence on July 1, 2014 and shall continue through and until June 30, 2019. Thereafter, this Agreement shall be automatically renewed for successive one-year periods unless the Borough or Board, at least 90 days prior to the then current term hereof, has delivered to the other a written notice of intention to terminate this agreement.
 - b. Voluntary Termination. Either party to this Agreement shall have the right to terminate this Agreement without cause by giving three (3) months' prior written notice of termination to the other party; this Agreement shall thereupon terminate at the end of such three (3) month period.
 - c. Breach or Default. If one party to this Agreement breaches, or defaults in performance of, any material term, condition or provision of this Agreement, the other party to this Agreement shall have the right to terminate this Agreement upon 30 days' written notice to the party which has breached or defaulted. Such notice shall become effective upon the expiration of such 30-day period, unless and within such period: (i) such breach or default has been cured; or (ii) a cure thereof has been commenced which, in the reasonable opinion of the party giving the notice, will correct the breach or default without material damage to the party giving the notice.
 - d. Force Majeure. In the event that further lawful performance of any non-monetary obligation under this Agreement, or any part hereof, by either party shall be rendered impossible by, or as a consequence of, any law, order, or act of any government or political subdivision thereof having jurisdiction over such party, or by acts of public enemies, war, strikes or other labor disturbances, fires, floods, acts of God or any causes of like or different kind beyond the control of either party, said party shall be excused from any such failure to perform to the extent such failure is attributable to such cause or causes, except that the party whose performance has been affected must take all reasonable means to remedy the force majeure occurrence as expeditiously as possible, failing which relief under this Paragraph shall not be available to such party. In the event such force majeure occurrence continues unabated for thirty (30) days, then either party shall have the right to terminate this Agreement by giving 30 days' written notice to the other party, and this Agreement shall terminate at the end of such a 30-day period.
 - e. Survival of Terms. Upon the expiration or earlier termination of this Agreement, any provisions hereof that expressly or otherwise by their intent are intended to survive beyond such expiration or earlier termination shall survive.
14. INDEMNIFICATION. Anything in this Agreement to the contrary notwithstanding, and without limiting the Board's obligation to provide insurance pursuant to the terms of this lease agreement, the parties covenant and agree that they will indemnify, defend and save harmless the other party against and from all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, including without limitation reasonable attorneys' fees, which may be imposed upon or incurred by that party by reason of any of the following occurring during the term of this Agreement:
- (a) Any matter, cause or thing arising out of that party's use, occupancy, control or management of the Center and any part thereof;

- (b) Any accident, injury, damage to any person or property occurring in, or about the Center during that party's occupancy;
- (c) Any failure on the part of that party to perform or comply with any of the covenants, agreements, terms or conditions contained in this Agreement on its part to be performed or complied with.
- (d) Notwithstanding the above, the space occupied by CAASA, commencing at 2 pm on a daily basis, shall be the exclusive responsibility of the Borough and during that period of time the Borough will hold the Board harmless and shall indemnify said Board for any claim, cause of action, injury or damages during that exclusive period of time.

15. INSURANCE

- (a) Liability Insurance. The Board, at its own cost and expense, shall obtain or provide and keep in full force, during the term hereof, general public liability insurance, insuring against any and all liability or claims, cause of action, damages, or injury incurred by an individual or entity directly or indirectly out of the activities of the programs conducted by the Board in or about the Leased Premises, for limits of not less than One Million Dollars (\$1,000,000.00) per occurrence. The policy or policies of insurance shall be of a company or companies authorized to do business in this State and shall be delivered and satisfactory to the Board, within ten (10) days of the Commencement Date. Such policy shall name the Borough as an additional insured. During the term of this Agreement it is agreed and understood that the Board's insurance policy will be primary and the Borough's insurance policy will be excess to the Board's policy.
- (b) The Borough and Board will observe and comply with the requirements of the carriers of any policy of insurance respecting the premises and the requirements of all policies of public liability, fire, casualty and all other policies of insurance at any time in force with respect to the Premises.
- (c) Each of the policies required to be maintained by the Borough and Board hereunder shall contain a provision that the same may not be canceled or altered without at least thirty (30) days' prior written notice to the Board.
- (d) The Board shall provide to the Borough proof of the above insurance policy by way of an endorsement and/or policy.

INTERPRETATIVE PROVISIONS

- a. Binding Agreement. At all times, this Agreement shall inure to the benefit of and constitute a binding obligation of the Borough, the Board, and their respective successors.
- b. Entire Understanding. This Agreement sets forth the entire understanding between the parties concerning the subject matter of this Agreement, and incorporates all prior and contemporaneous negotiations and understandings.
- c. Independent Parties. Neither party shall have the right to make representations on behalf of the other party or to obligate or bind the other party in any manner whatsoever, except as may be expressly provided in this Agreement.
- d. No Waiver. No waiver by either party of any default by the other party of any term or provision contained herein shall be deemed to be a waiver of such term or provision unless the waiver is in writing signed by the party to be charged, and no

such waiver shall in any event be deemed a waiver of any subsequent default under the same or any other term or provision contained herein.

- e. Severability. If any provision of this Agreement, or any covenant, obligation or agreement contained herein is determined by a court to be invalid or unenforceable, such determination shall not affect any other provision, covenant obligation or agreement, each of which shall be construed and enforced as if such invalid or unenforceable provision were not contained in this Agreement. Such invalidity or unenforceability shall not affect any valid and enforceable application thereof, and each such provision, covenant, obligation or agreement, shall be deemed to be effective, operative, made, entered into or taken in the manner and to the full extent permitted by law.
- f. Headings. The captions and headings in this Agreement shall be solely for convenience of reference and shall in no way define, limit or describe the scope or intent of any provisions, articles or sections of this Agreement.
- g. Governing Law. This Agreement shall be governed and construed by the provisions hereof and in accordance with the laws of the State of New Jersey.
- h. Modifications. This Agreement may not be changed or terminated orally and may not be assigned by Board without the prior written consent of the Borough.
- i. Specific Performance. In addition to all other rights and remedies provided at law or in equity, each of the parties shall have the right to specific performance of the terms of this Agreement in the event of breach of this Agreement by the other party.
- j. Cooperation. The parties hereto shall cooperate in good faith with each other in the operation of the Center during the term of this Agreement.
- k. Notices. All notices required hereunder shall be served by Registered or certified mail, postage prepaid, addressed to the respective parties at the addresses set forth below:

If to Borough: Borough of Roselle Park
 110 East Westfield Avenue
 Roselle Park, NJ 07204
 Attn: Borough Clerk

with a copy to: Richard Huxford, Esq
 Triarsi, Betancourt, Walsh & Wukovits
 186 North Avenue, East
 Cranford, NJ 07016

If to Tenant: Roselle Park Board of Education
 510 Chestnut Street
 Roselle Park, New Jersey 07204
 Attn: Board Secretary

with a copy to: Dennis McKeever, Esq.
 Lindabury McCormick Estabrook & Cooper
 53 Cardinal Drive
 Westfield, NJ 07091

Either party may change its address for notices by notice in the manner set forth above.
IN WITNESS WHEREOF, the parties hereto have executed this Lease this _____ day of _____, 2014.

WITNESS:

ROSELLE PARK BOARD OF EDUCATION

By: _____

BOROUGH OF ROSELLE PARK

By: _____

<input type="checkbox"/> Vote Record – Resolutions #141-14 to #143-14, #147-14, #149-14 to #159-14 and #161-14 to #165-14					
		Yes/Aye	No/Nay	Abstain	Absent
<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"/>
	Hokanson	<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 type="checkbox"/>
	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

The following resolution was offered by Councilman Casais; seconded by Councilman Hokanson

RESOLUTION NO. 148-14

WHEREAS, State Senate Bill S-1801 and Assembly Bills A-2621 and A-2495, if signed into law, would abolish the office of the tax assessor in municipalities in Atlantic County thereby shifting all of their tax assessment responsibilities to the County of Atlantic; and,

WHEREAS, previous legislation was passed and signed into law authorizing a countywide pilot assessor program in Gloucester County and an enhanced local assessor pilot program in Monmouth County to study, over several years, the cost/benefit of these new tax assessment systems; and,

WHEREAS, there pilot programs have yet to be completed so as to study the cost or benefits, if any, of each new assessment system; and,

WHEREAS, the Mayor and Council of the Borough of Roselle Park have serious reservations about the cost savings, efficiency, and effectiveness of these programs for the following reasons:

1. The timeliness of adding new assessments to the municipal tax rolls will be severely impacted as currently when building permits are closed out the value is calculated as an added assessment. Forwarding this information to the County will cause delays in recordings and information will be lost thereby reducing the potential assessed value of the community.
2. The local assessor, in the current system, is in charge of defense of tax appeals. A local assessor best knows the local market value property and neighborhoods when compared to a regional assessor. As such, the Borough will lose additional appeals resulting in greater refunds and credits.
3. Priority will not be given to the considerations of smaller municipalities, like Roselle Park, when those of larger municipalities, or bigger assessed values, have issues. The County tax base is dependent on all municipal assessed values and the priority will be with larger communities who contribute more to the base.

4. Local revaluations will become unnecessarily burdensome as local residents will need to go to or contact the County for questions and answers during and after the process and to review their new tax information.
5. The critical interplay between the Tax Assessor and the still local Tax Collector will be lost.
6. The Borough's total annual cost for our Assessment Office is currently just \$19,350.00. The Governing Body questions whether the County of Union could provide equal services to the Borough and its residents for the same price.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey to hereby express their objections and opposition to the passage of Senate Bill S-1801 and Assembly Bills A-2612 and A-2495 and the further expansion of the aforementioned and inclusive pilot program; and,

BE IT FURTHER RESOLVED that the Borough Clerk forward certified copies of this Resolution to the Union County Board of Chosen Freeholders, the twenty-one (21) municipalities of Union County, State Senator Thomas Kean, Jr., Assemblyman Jon Bramnick, Assemblywoman Nancy Munoz, the Association of Municipal Assessors of New Jersey, and the New Jersey State League of Municipalities.

Councilman Casais said he hopes that Council will support this resolution. He said if the results are fantastic then we can consider it.

<input type="checkbox"/> Vote Record – Resolution #148-14		Yes/Aye	No/Nay	Abstain	Absent
<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"/>
	Hokanson	<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 type="checkbox"/>
	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

The following resolution was offered by Councilman Hokanson; seconded by Councilman Casais.

RESOLUTION NO. 160-14

**Resolution supporting potential brownfield remediation at the
Roselle Park DPW, 180 West Webster Avenue, Roselle Park, Union County**

WHEREAS, the Governing Body has determined that there has been, a discharge of hazardous substances or a hazardous waste on the Property; and,

WHEREAS, The Borough of Roselle Park is applying from the Hazardous Discharge Site Fund for funding for the investigation of Department of Public Works (DPW) yard, located at 180 West Webster Avenue in order to determine the extent of any hazardous substance or hazardous waste; and,

WHEREAS, The Borough of Roselle Park is planning the redevelopment of the Department of Public Works (DPW) yard, located at 180 West Webster Avenue, into affordable housing. Roselle Park has developed and passed a plan to subdivide the DPW site into a multi-story 100% affordable multi-family senior housing project. The “Redevelopment Plan for

Roselle Park DPW Site Rehabilitation Area – Block 506, Lot 1, 180 West Webster Avenue” was adopted by Borough Council in 2013. This project is consistent with the recommendations of the 1997 Master Plan and the Borough’s 2008 Housing Element and Fair Share Plan.

WHEREAS, in 2013 the Borough designated the DPW site a “Rehabilitation Area” or “Area in Need of Rehabilitation” as defined in Section 40A:12A-3 of the Local Redevelopment and Housing Act (LRHA) as ”any area determined to be in need of rehabilitation” pursuant to Section 14 of P.L. 1992, c.79.

WHEREAS, environmental impacts have been identified, however, which unmitigated prohibit the planned reuse of this land. The Roselle Park DPW Yard (Site) has been the subject of environmental investigations involving leaking underground storage tanks (USTs) and historic fill in the past. In 1994, one 2,000-gallon gasoline UST and one 1,000-gallon diesel fuel UST were removed. During the closure activities, soil and groundwater impacts were confirmed and New Jersey Department of Environmental Protection (NJDEP) assigned case number 94-07-27-1325. The extent of the groundwater and soil impacts have not been delineated or remediated.

Roselle Park is requesting Hazardous Discharge Site Remediation Fund (HDSRF) funding to perform a Preliminary Assessment / Site Investigation / Remedial Investigation (PA/SI/RI) to assess and investigate the Site.

All the tasks to be funded will be performed in accordance with the Technical Requirements for Site Remediation (TRSR) (N.J.A.C. 7:26E), the Administrative Requirements for the Remediation of Contaminated Sites (ARRCS) (N.J.A.C. 7:26C) and NJDEP’s Field Sampling Procedures Manual (FSPM) (August 2005, revised February 2008). All tasks will further be performed in accordance with applicable NJDEP guidance documents.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of Roselle Park, County of Union, State of New Jersey, that Roselle Park is requesting funding through the New Jersey Department of Environmental Protection Hazardous Discharge Site Remediation Fund and is committed to the redevelopment of Roselle Park DPW Yard for the purpose of a multi-story 100% affordable multi-family senior housing project and finds that a realistic opportunity exists for the redevelopment of the Roselle Park DPW Yard within a three year period after the completion of the remediation of this site either through the planned redevelopment project, Roselle Park DPW Site Rehabilitation Area or through alternate redevelopment.

BE IT FURTHER RESOLVED that the Mayor and/or Borough Clerk is hereby authorized to execute any and/or all documents necessary on behalf of the Borough.

Councilman Hokanson said this a grant application for the environmental services.

<input type="checkbox"/> Vote Record – Resolution #160-14		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Casais	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Storey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Kelly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
	Elmarassy	<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"/>

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Hokanson moved to interrupt the regular order of business for a Closed Session Meeting; seconded by Councilman Casais and adopted.

Mayor Accardi said that during Closed Session, Council would be discussing the following matters:

- Litigation – Szabo vs. Roselle Park
- Litigation – Selecky vs. Roselle Park
- Litigation – Mruk vs. Roselle Park
- Litigation – Jeannie’s Fitness vs. Roselle Park
- Litigation – Equipment Rental vs. Roselle Park
- Negotiations – Sale of Borough Property (Nokovic)
- Potential Litigation – 151 West Lincoln Avenue
- Potential Litigation – 500 East Lincoln Avenue
- Negotiations – Court Personnel

RESUME REGULAR ORDER OF BUSINESS

Councilman Hokanson 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:

- Litigation – Szabo vs. Roselle Park
- Litigation – Selecky vs. Roselle Park
- Litigation – Mruk vs. Roselle Park
- Litigation – Jeannie’s Fitness vs. Roselle Park
- Litigation – Equipment Rental vs. Roselle Park
- Negotiations – Sale of Borough Property (Nikovic)
- Potential Litigation – 151 West Lincoln Avenue
- Potential Litigation – 500 East Lincoln Avenue
- Negotiations – Court Personnel

There being no further business to come before the meeting, Councilman Hokanson moved at 9:35 p.m. to adjourn; seconded by Councilman Casais and adopted.

Attest:

Borough Clerk