

**JUNE 20, 2024 REGULAR MEETING OF MAYOR AND COUNCIL**

**READING OF PUBLIC MEETINGS LAW ARTICLE**

Mayor Signorello read the following statement into the record:

This meeting is being held in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was published in the Union County Local Source and the Newark Star-Ledger. Said notice was posted in the Municipal Building, and a copy is on file with the Office of the Borough Clerk.

Fire exits are located in the directions I am indicating. If you are alerted for a fire, please move in a calm, orderly manner to the nearest smoke-free exit.

Proper notice having been given; the Municipal Clerk is directed to include this statement in the minutes of this meeting.”

**ROLL CALL**

The following is an accounting of the Mayor and Council’s attendance upon roll call called by Borough Clerk/Administrator Casais:

<b>Attendee Name</b>	<b>Organization</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Joseph Petrosky	Borough of Roselle Park	Councilman	P	7:00 PM
Gregory Johnson	Borough of Roselle Park	Councilman	A	----
Joseph Signorello, Jr.	Borough of Roselle Park	Councilman	P	7:00 PM
Jay Robaina	Borough of Roselle Park	Councilman	P	7:00 PM
Rosanna Lyons	Borough of Roselle Park	Councilwoman	P	7:00 PM
Khanjan S. Patel	Borough of Roselle Park	Councilman	P	7:00 PM
Joseph Signorello III	Borough of Roselle Park	Mayor	P	7:00 PM

**MOMENT OF SILENCE/PRAYER**

**PLEDGE OF ALLEGIANCE**

Borough Clerk/Administrator Casais read a short prayer, followed by the Pledge of Allegiance.

**COMMUNICATIONS**

None

**PROCLAMATIONS & PRESENTATIONS**

None

**APPROVAL OF MINUTES, PENDING ANY CORRECTIONS**

Councilman Petrosky moved to approve the following minutes, pending any corrections; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

1. Closed Session Minutes of May 16, 2024

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

Councilman Petrosky moved that bills and payrolls be not read and passed for payment; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

### PUBLIC PORTION

Councilman Petrosky moved at 7:02 p.m. to open the public comment portion of the meeting on agenda items only; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

### Jorge Ramirez, 500 East Clay Avenue

In regards to Ordinance No. 2783 Stormwater Control. So it seems to be that the sewer situation and the lawsuit that we settled for \$4 million, you come up here and said that you wanted to be super clear that there has never been any legal agreement for the Borough and the City of Elizabeth, and that you searched far and wide, no documentation at all of any agreement and that it was apparently a handshake deal. Now it has come to his attention that a Mr. John Gura was able to find 14 different articles in regards to all of this. If there's no documentation for an agreement, how are there 14 articles.

Mayor Signorello said he has the Special Counsel for this and our Borough Attorney available if he has no further questions.

Special Counsel Bill McGuinn said there is a big legal difference between a newspaper article and a legal agreement that gets passed between two entities or two parties.

Mr. Ramirez said so this went in front of a Court in 1918.

Borough Attorney DeMarco said no, go back. Your question was to the Mayor and Council; you said there was no agreement, but there were 14 articles. My answer to you is, none of these articles say there is an agreement and an article is not an agreement.

Mr. Ramirez said so basically the articles talk about how we went to Court with Elizabeth back in 1918 because we had set the runoff onto a ravine by Elmora. He said it went to Court in front of a Judge multiple times.

Mayor Signorello said he is going to have Special Counsel McGuinn talk more openly about this and asked if Mr. McGuinn had an immediate reaction to this.

Special Counsel McGuinn said he concurred. There are many articles about a lawsuit, but there is no documentation of a settlement, which was reached in this present case where there is documentation; there's no documentation and no contracts; there's nothing documented as to what was decided or settled. He said when Mr. Ramirez said there is no legal documentation, that's correct. There are articles written about it, but there is no documentation setting for what is thought to have occurred.

Mr. Ramirez said the Mayor said there is no documentation at all; not legal. His question is it went in front of a Judge in 1918; what was the outcome of that.

Special Counsel McGuinn said we do not know exactly what the outcome of what that was because there was no documentation. Obviously, we are living in a different world now.

Mayor Signorello said he spoke to Special Counsel McGuinn's partner and there are two things to note from 1918. First off is there was no NJ DEP then, so anything that would come afterwards in terms

of fines would bring up a new issue that any potential Judge could even talk about then. We are living in a new world, as to Mr. McGuinn's point. The second thing is, correct me if I'm wrong, there was a constitutional change in the State of New Jersey between then and now; so even if there was some judgement back then, we live in a new judicial system since then. So I'm not saying it would be completely null and void, but it would be a pretty tough leg to stand on. He asked Special Counsel McGuinn is that a fair summation.

Special Counsel McGuinn said absolutely.

Mr. Ramirez said just like in construction, when there is an agreement and then something changes, it's usually grandfathered in.

Borough Attorney DeMarco said but again, what you just did was say if there's an agreement. There is no existence of an agreement. No one has been able to find an agreement; so if the articles do not ever say that the parties came to an agreement, the word agreement is not in the 14 articles. He said you may want to read it in there, but it's not in there.

Mr. Ramirez said so you are saying that out of all of the times this went in front of a Judge, this went on for years.

Borough Attorney DeMarco said this one time in 1914 to 1918; and unfortunately, recordkeeping was not the same as it was now. They could have settled and just been a paper order that never got filed and it could have just been dismissed. There's a lot of different things. As we sit here, just to be clear, we have not been able to discover an agreement and those articles do not help us go down that path any further because they do not state there was an agreement.

Tim Coakley, 213 Charlotte Terrace

He said he was here to speak about Ordinance No. 2785, the Tree Ordinance. As both a resident and Chairman of the Environmental Commission, he has spoken to Borough Clerk Casais about this because he is in on our Commission Meetings. He would encourage any residents here that this does potentially, at the behest of the State, put a burden on residents and homeowners that have trees in their backyards. He encouraged anyone here at the meeting to read this Ordinance.

He said first of all, the Borough is going to do their best to minimize the impact on residents. He could use some help from Council, residents or local organizations, and he has seen this in nearby towns like Cranford, who have programs to defray the cost of trees for residents who want to plant them on their own private property. If you read the Ordinance, there is an opportunity to just pay into a fund rather than replant a tree; which will go to the town and that will go to plant more street trees. It won't go to plant more trees on residents' private properties. He said he is happy to work with anyone on Council who wants to help. He would love to start a program for the Green Team through the Environmental Commission to create a fund of some kind that residents can instead of paying \$200 to \$300 to plant a new tree in the backyard or pay \$250 to go into the tree fund, they pay \$30 to get a Dogwood or pay \$100 to get three Dogwoods to replace the tree that was cut down.

Mayor Signorello said he loves it and thinks it's a great idea. Sadly he thinks and you can feel it, especially with the 90° heat, you can feel the heat now in some of the areas where we reduced the shade. He thinks it's the purpose of the fund and he supports it.

There being no one else wishing to speak, Councilman Petrosky moved at 7:10 p.m. to close the public comment portion of the meeting on agenda items only; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

### REPORTS OF DEPARTMENTS

Scheduled Verbal Reports:

None (Scheduled for September 5, 2024)

Written Reports Received:

1. Treasurer's Report for May 2024

Councilman Petrosky moved to approve the following written Reports of Departments; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

### ORDINANCES

#### SECOND READING AND PUBLIC HEARING

Borough Clerk Casais read the following Ordinance by title:

#### ORDINANCE NO. 2780

AN ORDINANCE AMENDING CHAPTER 40, SECTION 3005 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "DRIVEWAYS"

Councilman Petrosky moved to open the public hearing on Ordinance No. 2780; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

There being no one wishing to speak, Councilman Petrosky moved to close the public hearing on Ordinance No. 2780; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Councilman Petrosky moved that Ordinance No. 2780 be postponed until the July 18, 2024 Meeting; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Borough Clerk Casais read the following Ordinance by title:

#### ORDINANCE NO. 2783

AN ORDINANCE AMENDING CHAPTER 31 OF THE CODE OF THE BOROUGH OF ROSELLE PARK AS MANDATED BY THE NJDEP ENTITLED, "STORMWATER CONTROL"

Councilman Petrosky moved to open the public hearing on Ordinance No. 2783; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Mayor Signorello said this is an Ordinance based on over-arching things that we need to implement from the NJ DEP. It is not really germane to the lawsuit.

Jorge Ramirez, 500 East Clay Avenue

Borough Attorney DeMarco said he will let him know up front, if you start talking about the lawsuit and Elizabeth, he is going to cut him off because the Ordinance has nothing to do with that. This is a regulation that is passed down from the DEP to deal with stormwater management. Whether or not there was lawsuit, we would still adopt this Ordinance.

Mr. Ramirez said so you are going to prevent me from talking about stormwater in general.

Borough Attorney DeMarco said no. I'm going to allow you to talk about this Ordinance, but I'm not going to allow you to go down and start talking about whether an agreement exists and newspaper articles from 1902.

There being no one else wishing to speak, Councilman Petrosky moved to close the public hearing on Ordinance No. 2783; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Councilman Petrosky moved that Ordinance No. 2783 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Robaina.

<input type="checkbox"/> <b>Vote Record – Ordinance No. 2783</b>		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Adopted	Petrosky	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Defeated	Signorello, Jr.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Robaina	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Lyons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Patel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signorello	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Borough Clerk Casais read the following Ordinance by title:

ORDINANCE NO. 2784

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF ROSELLE PARK ESTABLISHING A NEW CHAPTER 21 AS MANDATED BY THE NJDEP ENTITLED, "PRIVATELY-OWNED SALT STORAGE"

Councilman Petrosky moved to open the public hearing on Ordinance No. 2784; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

There being no one wishing to speak, Councilman Petrosky moved to close the public hearing on Ordinance No. 2784; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Councilman Petrosky moved that Ordinance No. 2784 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Robaina.

<input type="checkbox"/> <b>Vote Record – Ordinance No. 2784</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/>	Adopted	Petrosky <input checked="" type="checkbox"/>	Johnson <input type="checkbox"/>	Signorello, Jr. <input type="checkbox"/>	Robaina <input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Lyons <input type="checkbox"/>	Patel <input type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input checked="" type="checkbox"/>
<input type="checkbox"/>	Defeated	Robaina <input checked="" type="checkbox"/>	Patel <input type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>
<input type="checkbox"/>	Tabled	Lyons <input checked="" type="checkbox"/>	Patel <input type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Patel <input checked="" type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>	Robaina <input type="checkbox"/>
		Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>	Robaina <input type="checkbox"/>	Patel <input type="checkbox"/>

Borough Clerk Casais read the following Ordinance by title:

ORDINANCE NO. 2785

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “TREES,” ESTABLISHING A NEW SECTION 2 AS MANDATED BY THE NJDEP ENTITLED, “PRIVATE TREE REMOVAL AND REPLACEMENT”

Councilman Petrosky moved to open the public hearing on Ordinance No. 2785; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

There being no one wishing to speak, Councilman Petrosky moved to close the public hearing on Ordinance No. 2785; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Councilman Petrosky moved that Ordinance No. 2785 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Robaina.

<input type="checkbox"/> <b>Vote Record – Ordinance No. 2785</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/>	Adopted	Petrosky <input checked="" type="checkbox"/>	Johnson <input type="checkbox"/>	Signorello, Jr. <input type="checkbox"/>	Robaina <input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Lyons <input type="checkbox"/>	Patel <input type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input checked="" type="checkbox"/>
<input type="checkbox"/>	Defeated	Robaina <input checked="" type="checkbox"/>	Patel <input type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>
<input type="checkbox"/>	Tabled	Lyons <input checked="" type="checkbox"/>	Patel <input type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Patel <input checked="" type="checkbox"/>	Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>	Robaina <input type="checkbox"/>
		Signorello <input type="checkbox"/>	Johnson <input type="checkbox"/>	Robaina <input type="checkbox"/>	Patel <input type="checkbox"/>

INTRODUCTION

None

RESOLUTIONS

Borough Clerk Casais read all Resolutions by title into the record.

The following Resolutions listed on Consent Agenda were offered by Councilman Petrosky; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

RESOLUTION NO. 158-24

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE NO. 2015-33-009-013, OLDE DOWLINGS, LLC, DBA DOWLINGS IRISH PUB & RESTAURANT, FOR THE 2024-2025 LICENSING TERM

WHEREAS, all Plenary Retail Consumption, Distribution and Club Licenses will expire on June 30, 2024 pursuant to the regulations promulgated by the State of New Jersey Division of Alcoholic Beverage Control; and,

WHEREAS, the following applicant has 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Borough Clerk be and is hereby authorized to issue renewed licenses effective July 1, 2024 to expire June 30, 2025, to the following:

2015-33-009-013      Olde Dowlings, LLC, 117 Chestnut Street, Roselle Park, N.J. 07204  
DBA: Dowlings Irish Pub & Restaurant  
117 Chestnut Street, Roselle Park, New Jersey 07204

RESOLUTION NO. 159-24

AUTHORIZING A PROGRAM AGREEMENT BETWEEN THE BOROUGH OF  
ROSELLE PARK AND RAYMOND AND MAURA NIVAR IN CONNECTION WITH  
ROSELLE PARK HOUSING REHABILITATION PROGRAM CASE NO. RP-56-2-01/O2  
FOR THE IMPROVEMENT OF THE PROPERTY LOCATED AT 323 SHERIDAN  
AVENUE KNOWN AS BLOCK 1014, LOT 8 OF THE MUNICIPAL TAX MAP

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize an agreement between the Borough of Roselle Park (hereinafter, the “Borough”) and Raymond and Maura Nivar in connection with Roselle Park Housing Rehabilitation Program Case No. RP-56-2-01/O2 for the improvement of the property located at 323 Sheridan Avenue, Roselle Park, New Jersey 07204 known as Block 1014, Lot 8 of the municipal tax map.

RESOLUTION NO. 160-24

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE  
NO. 2015-33-015-005, LIQUOR 157, LLC, DBA DE LUX ENTERPRISES, INC.;;  
DE LUX EVENT PLANNING & RENTALS, LLC, FOR THE 2024-2025  
LICENSING TERM

WHEREAS, all Plenary Retail Consumption, Distribution and Club Licenses will expire on June 30, 2024 pursuant to the regulations promulgated by the State of New Jersey Division of Alcoholic Beverage Control; and,

WHEREAS, the following applicant has 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Borough Clerk be and is hereby authorized to issue renewed licenses effective July 1, 2024 to expire June 30, 2025, to the following:

2015-33-015-005      Liquor 157, LLC, 157 East Westfield Avenue, Roselle Park, New Jersey 07204  
DBA: De Lux Enterprises, Inc.; De Lux Event Planning & Rentals, LLC  
157 East Westfield Avenue, Roselle Park, New Jersey 07204

RESOLUTION NO. 161-24

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE  
NO. 2015-33-016-007, SPILANGA FOOD, INC., DBA COSTAS RISTORANTE &  
PIZZERIA, FOR THE 2024-2025 LICENSING TERM

WHEREAS, all Plenary Retail Consumption, Distribution and Club Licenses will expire on June 30, 2024 pursuant to the regulations promulgated by the State of New Jersey Division of Alcoholic Beverage Control; and,

WHEREAS, the following applicant has 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Borough Clerk be and is hereby authorized to issue renewed licenses effective July 1, 2024 to expire June 30, 2025, to the following:

2015-33-016-007      Spilanga Food, Inc., 120 Chestnut Street, Roselle Park, N.J. 07204  
DBA: Costas Ristorante & Pizzeria  
120 Chestnut Street, Roselle Park, N.J. 07204

RESOLUTION NO. 162-24

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE  
NO. 2015-33-012-006, CDR GROUP, LLC, DBA CASA DEL REY, FOR THE  
2024-2025 LICENSING TERM

WHEREAS, all Plenary Retail Consumption, Distribution and Club Licenses will expire on June 30, 2024 pursuant to the regulations promulgated by the State of New Jersey Division of Alcoholic Beverage Control; and,

WHEREAS, the following applicant has 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Borough Clerk be and is hereby authorized to issue renewed licenses effective July 1, 2024 to expire June 30, 2025, to the following:

2015-33-012-006      CDR Group, LLC, 139 East Grant Avenue, Roselle Park, N.J. 07204  
DBA: Casa del Rey  
147 West Westfield Avenue, Roselle Park, N.J. 07204

RESOLUTION NO. 163-24

AUTHORIZING RENEWAL OF ALCOHOLIC BEVERAGE CONTROL LICENSE  
NO. 2015-31-017-001, AMERICAN LEGION POST 60, INC., DBA AMERICAN LEGION  
POST 60, INC., FOR THE 2024-2025 LICENSING TERM

WHEREAS, all Plenary Retail Consumption, Distribution and Club Licenses will expire on June 30, 2024 pursuant to the regulations promulgated by the State of New Jersey Division of Alcoholic Beverage Control; and,



WHEREAS, the following applicant has 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.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Borough Clerk be and is hereby authorized to issue renewed licenses effective July 1, 2024 to expire June 30, 2025, to the following:

2015-31-017-001      American Legion Post 60, Inc., 34 E. Westfield Avenue, Roselle Park, N.J. 07204  
DBA: American Legion Post 60, Inc.  
34 E. Westfield Avenue, Roselle Park, New Jersey 07204

RESOLUTION NO. 164-24

AUTHORIZING THE BOROUGH CLERK TO AUCTION UNCLAIMED BICYCLES

WHEREAS, the Borough of Roselle Park (hereinafter referred to as the “Borough”) is the owner of the following personal property; and,

WHEREAS, said personal property is no longer needed for public use; and,

WHEREAS, the Borough is authorizing to see any and all of such property by public sale to the highest bidder pursuant to *N.J.S.A. 40A:11-36*; and,

WHEREAS, it is in the best interest of the Borough that a public auction be held for such property.

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

1. The personal property no longer needed for public use listed below is hereby offered for public sale to the highest bidder subject to the conditions hereinafter set forth; and,
2. The Office of the Borough Clerk be and is hereby authorized to sell the following items, as is, at public sale on the grounds of the Roselle Park Municipal Complex, 110 East Westfield Avenue, Roselle Park, New Jersey 07204 on Wednesday, July 11, 2024 at 10:00 A.M.; and,
3. The auction will be advertised in the following media: Newark Star-Ledger and Borough of Roselle Park Web Site: [www.rosellepark.net](http://www.rosellepark.net); and,
4. Said sale shall be conducted by the Borough Clerk or by any Borough official so designated by him; and,
5. Said property is being sold “as is;” and,
6. All prospective purchasers are put on notice to personally inspect the property prior to the commencement of bidding; and,
7. 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; and,

8. 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; and,
9. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids; and,
10. 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.

BE IT FURTHER RESOLVED that the personal property no longer needed for public use to be sold shall, in this instance, consist of bicycles along with bicycle accessories of various makes, models and conditions; and,

BE IT FURTHER RESOLVED that the minimum bid shall be five-dollars (\$5.00) per bicycle.

#### RESOLUTION NO. 165-24

#### AUTHORIZING THE BOROUGH CLERK TO AUCTION VEHICLES NO LONGER NEEDED FOR PUBLIC USE

WHEREAS, the Borough of Roselle Park (hereinafter, the “Borough”) no longer has use for the automobiles listed herein; and,

WHEREAS, the Mayor and Council (hereinafter, the “Governing Body”) of the Borough believes it to be advantageous to dispose of this now surplus property; and,

WHEREAS, *N.J.S.A. 40A:12-13*, *N.J.S.A. 40A:12-13.1*, and various other statues and administrative regulations of the State of New Jersey permit the Borough to dispose of surplus property no longer needed for public use by auction and to authorize such action by Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Borough Clerk be and is hereby authorized to sell the listed items, as is, at public auction beginning at 1:00 p.m., local prevailing time, on Thursday, July 11, 2024; and,

BE IT FURTHER RESOLVED that said auction will be advertised by way of the following printed and electronic media: (a) The Newark Star-Ledger, and (b) Borough of Roselle Park website; and,

BE IT FURTHER RESOLVED that said auction shall be conducted by the Borough Clerk or by any person so designated by him with the following explicit provisions of sale:

1. Said property is being sold “as is”.
2. All prospective purchasers are put on notice to personally inspect the property.
3. At the date, time and place of sale, a purchaser shall deposit the entire purchase price with the Borough Clerk in cash or certified check made payable to the “Borough of Roselle Park.”
4. If the purchaser fails to take title and possession within ten calendar (10) days of the date of purchase, the Governing Body of the Borough may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages; likewise, the Borough may re-sell said property or pursue such other and further legal and equitable remedies as it may have; furthermore, if the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.

5. 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.
6. The Borough of Roselle Park reserves the right to reject bids and shall not be obligated to accept any bids.
7. 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 conditions of sale.

<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Identification Number</u>	<u>Minimum Bid</u>	<u>Location</u>
2005	Ford	Crown Victoria	2FAFP71WX5X125653	\$600.00	RPDPW
2006	Ford	Crown Victoria	2FAFP71W26X118715	\$600.00	RPDPW
2006	Ford	Crown Victoria	2FAFP71W06X118714	\$600.00	RPDPW
2009	Dodge	Charger	2B3KA43V29H546278	\$600.00	RPDPW
2003	Ford	Explorer	1FMZU73KX3UA82751	\$1,200.00	RPDPW
2003	Chevrolet	Blazer	1GNDD13X43K147378	\$1,200.00	RPDPW
2008	Chevrolet	Tahoe	1GNFK13518R229884	\$1,200.00	RPDPW

RESOLUTION NO. 167-24

AUTHORIZING THE TAX COLLECTOR TO ISSUE A REDUCTION AND/OR REFUND  
ON FOUR (4) SEWER UTILITY BILLS IN THE TOTAL AMOUNT OF \$4,741.00

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Tax Collector is hereby authorized to issue a reduction and/or refund on four (4) sewer utility bills totaling four-thousand seven-hundred forty-one dollars and zero cents (\$4,741.00):

<u>Block</u>	<u>Lot</u>	<u>Address</u>	<u>Original Bill</u>	<u>Reduction/Refund</u>	<u>New Bill</u>
123	13	500 Oakwood Avenue	\$1,408.00	\$723.00	\$684.00
309	7	316 West Clay Avenue	\$2,200.00	\$1,131.00	\$1,069.00
602	15	114 West Grant Avenue	\$2,744.00	\$1,739.00	\$1,005.00
906	38	110 Avon Street	\$2,720.00	\$1,148.00	\$1,572.00

RESOLUTION NO. 168-24

AUTHORIZING THE TREASURER TO ISSUE ONE (1) CHECK TOTALING \$418.42  
PAYABLE TO ONE (1) LIEN HOLDER ON ONE (1) PROPERTY

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey authorize the Treasurer to issue one (1) check totaling \$418.42 payable to one (1) lien holder on one (1) property.

BOROUGH OF ROSELLE PARK TAX COLLECTOR ANALYSIS OF LIEN REDEMPTIONS 6/20/2024														
TSC #	BLOCK	LOT	QUAL	PREMIUM	TOTAL AMOUNT REDEEMED	CERTIFICATE AMOUNT	REDEMPTION PENALTY PERCENTAGE	INTEREST ON CERTIFICATE DATE 6/20/2024	SEARCH FEE	RECORDING FEE	SUBSEQUENT TAXES PAID	INTEREST ON SUBSEQUENTS TO 6/20/2024	6% INTEREST PENALTY	LEGAL FEES
PRO CAP 8 FBO FIRSTRUST BANK	23-005	510	7	\$ -	\$ 418.42	\$ 151.64	\$ -	\$ -	\$ 12.00	\$ 55.00	\$ 182.03	\$ 17.75		
				\$ -	\$ -	\$ -								
				\$ -	\$ -	\$ -								
				\$ -	\$ -	\$ -								
				\$ -	\$ -	\$ -								
<b>TOTAL</b>				\$ -	\$ 418.42	\$ 151.64	\$ -	\$ -	\$ 12.00	\$ 55.00	\$ 182.03	\$ 17.75	\$ -	\$ -

**RESOLUTION NO. 169-24**

**AUTHORIZING THE OPEN-ENDED PURCHASE OF REGULAR 87 OCTANE UNLEADED GASOLINE FROM NATIONAL FUEL OIL, INC. PURSUANT TO SOMERSET COUNTY COOPERATIVE PRICING SYSTEM CONTRACT NO. CC-0045-24 WITH A \$0.0839 PER GALLON UPCHARGE**

WHEREAS, the Borough of Roselle Park desires and requires to purchase goods and/or services necessary for the acquisition of Regular 87 Octane Unleaded Gasoline for use by its fleet; and,

WHEREAS, National Fuel Oil, Inc. of 175 Orange Street, Newark, New Jersey 07103 has been awarded Somerset County Cooperative Pricing System Contract No. CC-0045-22 for the provision of certain goods and services inclusive of Regular 87 Octane Unleaded Gasoline.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the open-ended purchase of Regular 87 Octane Unleaded Gasoline be and is hereby authorized from National Fuel Oil, Inc. 175 Orange Street, Newark, New Jersey 07103 pursuant to Somerset County Cooperative Pricing System Contract No. CC-0045-24, expiring May 13, 2026, with a \$0.0839 per gallon upcharge; and,

BE IT FURTHER RESOLVED that the foregoing Resolution be explicitly adopted on the basis that the Borough of Roselle Park may utilize the goods and/or services of this open-ended contract with an aggregate cost in exceedance of the bid threshold; and,

BE IT FURTHER RESOLVED that the Chief Financial Officer shall certify as to the availability of funds before all purchases are made pursuant to the prevailing provisions of the Local Public Contracts Law and any regulations promulgated by the State of New Jersey related thereto.

**RESOLUTION NO. 170-24**

**ESTABLISHING THE PROCESS FOR MAINTENANCE AND REPLACEMENT OF THE AMERICAN FLAG**

WHEREAS, the American flag is a symbol of the United States, representing our nation's history, values, and unity; and,

WHEREAS, it is essential to ensure that the flag is always displayed in a condition that reflects the respect and honor it deserves; and,

WHEREAS, flags can become worn, faded, or damaged over time, diminishing their appearance and the respect they command.

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

1. **Inspection and Maintenance:** The American flag should be regularly inspected to ensure it is in good condition. This inspection should occur at least once a month.
2. **Criteria for Replacement:** The flag should be replaced if it shows signs of wear, such as fraying, significant fading, tearing, or any other damage that compromises its appearance.

3. Replacement Procedure: When a flag is deemed necessary to be replaced, a new flag should be ordered from a reputable manufacturer that adheres to the official specifications for the American flag. The old flag should be retired in a manner that is consistent with the U.S. Flag Code, which typically involves a dignified burning ceremony.
4. Budget and Procurement: An annual budget should be allocated specifically for the maintenance and replacement of the American flag to ensure that funds are always available for this purpose. The procurement of new flags should be done in a timely manner to avoid any periods where a proper flag is not available for display.
5. Public Awareness and Education: Efforts should be made to educate the community and relevant stakeholders about the importance of flag maintenance and the proper procedures for its replacement and retirement.
6. Record Keeping: Detailed records should be kept regarding the inspection dates, condition assessments, replacement dates, and disposal methods of the flags to ensure transparency and accountability.

RESOLUTION NO. 171-24

AUTHORIZING CHANGE ORDER NO. 1 TO JACMEL CONSTRUCTION, LLC  
FOR THE PROJECT “ROSELLE PARK HOUSING REHABILITATION PROGRAM  
CASE NO. RP-51” IN THE AMOUNT OF A \$4,700.00 INCREASE TO REFLECT A  
TOTAL CONTRACT AMOUNT OF \$24,600

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

TITLE OF JOB: Roselle Park Housing Rehabilitation Program Case No. RP-51

CONTRACTOR: Jacmel Construction, LLC

CHANGE ORDER N°: 1

AMOUNT OF CHANGE THIS RESOLUTION: \$4,700.00 (Increase) for an updated contract amount of \$24,600.00; and,

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

RESOLUTION NO. 173-24

AMENDING RESOLUTION NO. 142-24 AND REAUTHORIZING A SHARED  
SERVICES AGREEMENT WITH THE BOROUGH OF KENILWORTH FOR THE  
POSITION OF SUPERINTENDENT OF PUBLIC WORKS AND THE USE OF  
DEPARTMENT OF PUBLIC WORKS EQUIPMENT AND VEHICLES

WHEREAS, on June 6, 2024 the governing body of the Borough of Roselle Park adopted Resolution No. 142-24 entitled, “Authorizing a Shared Services Agreement with the Borough of Kenilworth for the Position of Superintendent of Public Works;” and,

WHEREAS, on June 19, 2024 the governing body of the Borough of Kenilworth adopted Resolution 2024-152 which authorizes terms of a Shared Services Agreement between the Boroughs of Roselle Park Kenilworth that are similar, but not the same as those authorized by above-referenced Resolution No. 142-24; and,

WHEREAS, upon review of the terms authorized by Kenilworth Resolution No. 2024-152, the Borough of Roselle Park has no objections, and wishes to proceed with concurrence and ratification of terms.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Resolution No. 142-24 is hereby amended such that a Shared Services Agreement with the Borough of Kenilworth is authorized and otherwise ratified in the form of an agreement substantially similar to that which is attached to the foregoing Resolution as Exhibit A; and,

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized and directed to execute any and all documents in furtherance of the aforementioned Shared Services Agreement.

### **SHARED SERVICES AGREEMENT**

#### **FOR SUPERINTENDENT OF THE DEPARTMENT OF PUBLIC WORKS AND USE OF DPW EQUIPMENT AND VEHICLES**

This **SHARED SERVICE AGREEMENT** (the “Agreement”) is entered into and effective the 1<sup>st</sup> day of July 2024 by and between the **BOROUGH OF ROSELLE PARK** (hereinafter, “Roselle Park”), with its principal offices located at 110 East Westfield Avenue, Roselle Park, New Jersey 07204, and the **BOROUGH OF KENILWORTH** (hereinafter, “Kenilworth”), with its principal offices located at 567 Boulevard, Kenilworth, New Jersey 07033.

### **RECITALS**

**WHEREAS**, the Uniform Shared Services and Consolidation Act, *N.J.S.A. 40A:65-1, et seq.*, permits municipalities and other local units to enter into Shared Services Agreements with other governmental units by adoption of a Resolution authorizing such shared services; and,

**WHEREAS**, Kenilworth presently employs a Superintendent of Public Works who holds licensure as a Certified Public Works Manager; and,

**WHEREAS**, effective July 1, 2024, Roselle Park is in need of the services of a Superintendent of Public Works who holds licensure as a Certified Public Works Manager; and,

**WHEREAS**, the Borough of Kenilworth is larger than the Borough of Roselle Park and its current Superintendent of Public Works in a full-time capacity; and,

**WHEREAS**, both Boroughs are in the same geographical region and have enjoyed a positive relationship with each other through the years and are committed to delivering services to their taxpayers in the most cost-effective and efficient manner; and,

**WHEREAS**, the Borough of Roselle Park owns and insures various pieces of equipment and vehicles that have been assigned to its Department of Public Works and is amenable to allowing the Borough Kenilworth to use the same for its own use as set forth herein; and,

**WHEREAS**, Kenilworth and Roselle Park have determined that it would be mutually beneficial to enter into the foregoing Agreement whereby Kenilworth would act as the Primary agency and provide services, inclusive of its aforementioned certified personnel, their expertise, and labor to Roselle Park to assist Roselle Park in their fulfillment of requirements of state statute and the public works needs of the Roselle Park community.

**NOW, THEREFORE**, in consideration of the mutual promises contained herein, the parties agree as follows:

1. **Preservation of each municipality's Department of Public Works and term.** Both Boroughs agree that the agreement and terms set forth here in shall not constitute dissolution of their respective Departments of Public Works or legal joinder of the same. Each respective municipality shall have complete control over their respective Public Works Departments including, but not limited to hiring, discharge, discipline, contracts, policies and direction except as the same may be specifically modified herein. Each party shall share with the other any labor agreements governing its labor force, personnel manuals and policies, licenses or designation of any employee and insurance policies governing its labor pool and covering its equipment and use thereof.
2. **Services.** Roselle Park hereby retains Kenilworth as its service provider for the position of Superintendent of Public Works. The specific individual who shall serve as Superintendent of

Public Works shall be an employee of Kenilworth and shall be duly designated by Kenilworth. The Superintendent of Public Works shall possess Certified Public Works Manager licensure as issued by the State of New Jersey at all times during the term of the foregoing agreement. This Superintendent of Public Works shall render services to Roselle Park inclusive of, but not limited to the following:

a. Serve as Roselle Park's Principal Public Works Manager pursuant to the requirements of *N.J.S.A. 40A:9-154.6g* and consistent with section 2-29 of the Borough Roselle Park's code.

i. Principal Public Works Manager shall be further defined by *N.J.S.A. 40A:9-154.6a(e)*, specifically: "...a certified public works manager who performs administrative and supervisory duties relating to installation, maintenance and repair of public works facilities, or assists in planning, organizing and directing all programs relating to a public works activity, or a combination thereof, who is appointed by the local governing body, its designated appointing authority or chief executive officer, and who is not an elected member of that governing body, who advises municipal elected officials and employees in proper compliance and administration of the various laws, regulations, technical practices, operations and management techniques with regard to public works activities conducted by the municipality..."

Perform all of the duties set forth in Roselle Park Borough code section 2-29 but for the meeting provisions. In that regard the Superintendent of Public Works shall report to the Mayor and Council once per month, in-writing, unless specifically requested otherwise;

The Superintendent of Public Works shall devote active service to the performance of his duties to Roselle Park without the expectation that such service shall constitute a full-time arrangement. The number of hours dedicated to Roselle Park



shall vary day-to-day and week-to-week based upon the balance of needs between Roselle Park and Kenilworth.

- ii. The Business administrators of each Borough shall serve as the point of contract for contracted service providers where the Superintendent of Public Works is the designed contract administrator.
- iii. Report directly to the Chief Administrative Officer of Roselle Park
- iv. However, in the event of emergency that impact Kenilworth, such as, but not limited to winter storms, the Superintendent's primary responsibility will be to the Borough of Kenilworth and shall only be available to perform services for Roselle Park, if it does not interfere with the same.

**3. Consideration.**

- a. Monetary. In full consideration of the faithful performance of services by Kenilworth, Roselle Park consents and agrees to pay Kenilworth \$50,000 per annum, prorated on a six (6) month basis for the year 2024 commencing July 1, 2024, which shall be paid on a quarterly basis. And make any and all equipment that has been regularly available and becomes available to Roselle Park's Department of Public Works use, available for the Borough of Kenilworth's use in accordance with the terms of this agreement Conditions of vehicle usage:

- i. Superintendent's pick up.

In consideration of the faithful performance of services by Kenilworth, Roselle Park consents and agrees to loan to Kenilworth a Roselle Park municipal vehicle, specifically a Ford F-250 Pickup Truck (VIN # 1FT7X2BA8PED10874), for use by the Superintendent of Public Works to carry out the services set forth above that require use of such a vehicle and to carry out the duties he performs for the Borough of Kenilworth.

This shall specifically include take home use of this vehicle by the Superintendent of Public Works. And the performance of all of his duties under this agreement to the Borough of Roselle Park as well as, his fulltime duties, to the Borough of Kenilworth.

Usage is subject to the following stipulations:

- (1) The vehicle shall not be marked with the name of either Borough;
- (2) Kenilworth's designated employee, as created under this agreement, will not cause or allow the subject vehicle to be loaned, rented, or driven by any person other than said designated employee;
- (3) Kenilworth shall preserve and protect the subject vehicle from loss or damage;
- (4) Kenilworth shall not use said vehicle, cause, or permit the same to be used in any manner whatsoever in violation of any municipal, county, state, or federal law, ordinance, or regulation;
- (5) Kenilworth's designated employee shall not operate the vehicle while under the influence of alcohol or other impairing substances;
- (6) In the event of any accident involving the subject vehicle, Kenilworth will immediately furnish Roselle Park a full and complete report thereof;
- (7) Kenilworth will, at its own risk and expense, maintain Workers Compensation Insurance for the Superintendent of Public Works at all times and for the performance of any and all duties for either Borough.
- (8) Roselle Park shall maintain primary insurance on said vehicle in the minimum amounts of five million dollars between primary and excess coverage for the same.

- b. Equipment. In consideration of the faithful performance of services by Kenilworth, Roselle Park consents and agrees to allow Kenilworth to utilize any and all Roselle Park DPW

equipment, including apparatus and vehicles, housed by and within the Roselle Park Department of Public Works

- i. With respect to such vehicles and equipment (the Pick-up truck assigned to the Superintendent's use excluded) the following terms and conditions apply the parties agree to the following: All properly licensed employees of the Kenilworth Department of Public Works shall be permitted to use the same, so long as properly trained and/or licensed.
- ii. Priority for use of all Roselle Park equipment shall be for operations within Roselle Park, consideration for Roselle Park equipment use in Kenilworth shall be secondary;
- iii. Kenilworth shall preserve and protect the subject equipment from loss or damage;
- iv. Kenilworth shall perform all routine maintenance and repairs associated with normal wear and tear only (not accident or damage) subject to the following:
  - (1) If the work triggers overtime for any Kenilworth employee, the expense associated with same shall be invoiced and payable by Roselle Park;
  - (2) Any expense in excess of three hundred dollars (\$300.00), shall be subject to further agreement by and between the parties on an ad hoc basis.;
- v. In the event of equipment damage, Kenilworth shall immediately inform Roselle Park, thereafter the parties shall in good faith determine both the responsibility and need for repairs;
- vi. Kenilworth shall not use said equipment, cause, or permit the same to be used in any manner whatsoever in violation of any municipal, county, state, or federal law, ordinance, or regulation;
- vii. No Kenilworth employee shall operate any Roselle Park equipment while under the influence of alcohol or other impairing substances;

- viii. In the event of any accident involving the subject equipment, Kenilworth will immediately furnish Roselle Park a full and complete report thereof;
  - ix. Insurance: with respect to any and all motor vehicles, which includes any and all vehicle designed for travel on public roadways and/ or properly licensed for the same, Roselle Park shall provide primary insurance coverage in the minimum amount of five million dollars. For all other equipment, the borough using it at the time shall be covered by its own general liability insurance coverage in the mandatory minimum amounts of five million dollars.
  - x. Roselle Park represents that to the best of its knowledge, all vehicles and equipment subject to this agreement:
    - (1) Have not been altered in any fashion to disengage any safety or warning feature;
    - (2) Are not currently in need of any repairs; and
    - (3) are in good working order for safe operation.
  - xi. Roselle Park understands that Kenilworth is relying on the Representations contained in paragraph x above and nothing in this agreement shall waive liability related a misrepresentation of the same.
4. **Effective Date and Term.** This agreement shall be effective July 1, 2024, and continue until December 31, 2024.
5. **Termination of Agreement.** The provisions of this agreement are contingent upon Kenilworth having in its employ a full-time Superintendent of Public Works, licensed as a Certified Public Works Manager. If for any reason Kenilworth shall cease to employ such an employee, Roselle Park may immediately terminate the foregoing agreement. In any other circumstance, this agreement may be terminated by Roselle Park or Kenilworth with forty-five (45) days written notice to the other party following its governing bodies resolution authorizing the same, unless

mutually agreed between Roselle Park and Kenilworth that said termination should be effective earlier.

6. **Mutual Indemnification.** To the fullest extent allowable by the law, each party, their successors, and assigns shall hold harmless, indemnify, defend, and release the other party and their members, directors, officers, employees, agents, contractors, successors, and assigns from and against all suits, liabilities, penalties, costs, losses, damages, expenses or claims, including, without limitation, reasonable attorney's fees arising from or in any way connected with the other party's performance, attempted performance, or failure to perform in connection with this agreement or other activities as described in the agreement, including, but not limited to, any injury to or the death of any person or any damage to any property resulting from any act, omission, condition, or other manner related to this agreement, regardless of cause, unless due to the negligence of any of the indemnified parties.
7. **Insurance.** Each Party shall obtain a liability insurance policy naming the other party as an additional insured covering the respective parties from liability which may arise from this agreement. In the event an action, claim, demand, debt, liability, cause of action, legal proceeding or similar such action is filed against a party to this agreement stemming from the services provided under the agreement, the responsible party shall turn this matter over to their insurance carrier to defend and address such issue.
8. **Disputes.** If there are any disputes arising between the parties as to the interpretation of the terms of agreement or the satisfactory performance by any of the parties or the services and other responsibilities provided in this agreement, Kenilworth and Roselle Park shall make a good faith effort to resolve the matter amongst themselves. If no settlement is reached, both parties agree that either party may pursue any and all legal remedies, including the initiation of legal proceedings in the Superior Court of New Jersey in Union County, as may be necessary unless they can agree to some form of Alternative Dispute Resolution

9. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of New Jersey.

10. **Notice.** All notices, reports, statements, requests, or authorizations required to be given hereunder shall be personally delivered or sent by first-class mail to the parties at the following addresses unless a party has been notified of a change of address:

**Borough of Kenilworth**

**Attention: Business Administrator**

**567 Boulevard**

**Kenilworth, New Jersey 07033**

**Borough of Roselle Park**

**Attention: Business Administrator**

**110 East Westfield Avenue**

**Roselle Park, New Jersey 07204**

11. **Assignment.** This Agreement shall not be assignable by either party, except upon written agreement signed by both Parties.

12. **Entire Agreement.** This agreement sets forth the entire understanding of the parties hereto with respect to the transactions contemplated herein. No change or modification of this agreement shall be valid unless the same shall be in writing and approved by the parties.

13. **Severability.** If any clause, sentence, paragraph, section or part of this Agreement shall be adjudged to be invalid by any Court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

14. **Force Majeure.** If an event beyond the control of either party occurs which prevents or substantially reduces that party's ability to comply with any obligation under this agreement, then the party shall be relieved of performance.
15. **Compliance with the Uniform Shared Services and Consolidation Act.** In accordance with N.J.S.A. 40A:65-1 et seq., this Agreement shall be filed with the Department of Community Affairs, Division of Local Government Services.
16. **Authority.** By the signatures below, the parties execute this agreement and confirm that they are mutually bound by and fully authorized and empowered to enter into and bind their organization by all provisions contained therein.
17. **IN WITNESS WHEREOF,** each party has caused its authorized officials to sign and seal this contract effective upon the date first indicated within the forgoing agreement.

**BOROUGH OF KENILWORTH:**

**ATTEST:**

\_\_\_\_\_  
Linda Karlovitch  
Mayor

\_\_\_\_\_  
Angela Lazzari, RMC  
Borough Clerk

**BOROUGH OF ROSELLE PARK:**

**ATTEST:**

\_\_\_\_\_  
Joseph Signorello III  
Mayor

\_\_\_\_\_  
Andrew J. Casais, RMC  
Borough Clerk

The following Resolutions was offered by Councilman Petrosky; seconded by Councilman Robaina.

RESOLUTION NO. 166-24

DIRECTING AN IMMEDIATE STOP TO THE ACQUISITION AND INSTALLATION  
OF A RICK BARRY STATUE AS AUTHORIZED BY ORDINANCE NO. 2776,  
AND FURTHER DIRECTING ANY AND ALL ACTIONS NECESSARY TO  
FORMALLY REPEAL THE APPROPRIATION

WHEREAS, Ordinance No. 2776 entitled, “A BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW INFORMATION TECHNOLOGY EQUIPMENT AND NEW AUTOMOTIVE VEHICLES, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$3,987,000 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS,” was introduced by the governing body of the Borough of Roselle Park at the Regular Meeting held on April 18, 2024, adopted at the Regular Meeting of May 2, 2024, and became effective May 30, 2024; and,

WHEREAS, of the various authorizations and appropriations encompassing Ordinance No. 2776, the governing body has given further consideration to Item H of Section 4 of said Ordinance; and,

WHEREAS, Item H of Section 4 of Ordinance No. 2776 authorizes the acquisition and installation of a Rick Barry statue at Gazebo Park or other public property with an appropriation of \$150,000.00; and,

WHEREAS, it is the sense of the governing body that this acquisition not proceed, and be formally repealed.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby direct the Chief Administrative Officer to take all actions necessary to immediately stop the acquisition and installation of the Rick Barry statue previously authorized by Item H of Section 4 of Ordinance No. 2776; and,

BE IT FURTHER RESOLVED that the Chief Administrative Officer and Chief Financial Officer are further directed to take all actions necessary, including collaboration with Bond Counsel, to effectuate a formal repeal the \$150,000.00 appropriation stipulated in Item H of Section 4 of Ordinance No. 2776.

#### RESOLUTION NO. 172-24

#### CANCELING THE APPROPRIATION OF \$150,000.00 FOR THE ACQUISITION AND INSTALLATION OF A RICK BARRY STATUE AT GAZEBO PARK OR OTHER PUBLIC PROPERTY FROM ORDINANCE NO. 2776

WHEREAS, the governing body of the Borough of Roselle Park has determined it necessary and appropriate cancel the appropriation of \$150,000.00 for the acquisition and installation of a Rick Barry statue at Gazebo Park or other public property from Section 4H of Ordinance No. 2776, adopted on May 2, 2024; and,

WHEREAS, the governing body of the Borough of Roselle Park has determined that the down payment of \$10,000.00 shall be returned to the Capital Improvement Fund; and,

WHEREAS, the balance of the appropriation including authorized Bonds and Notes totaling \$140,000.00 are to be canceled.

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

1. The Chief Financial Officer be and is hereby directed to take all necessary steps to effectuate the above stipulations, and to otherwise cancel the appropriation of \$150,000.00 for the acquisition and installation of a Rick Barry statue at Gazebo Park or other public property from Ordinance No. 2776, adopted May 2, 2024.

Mayor Signorello said Councilman Johnson brought this up. He said he is wholeheartedly in favor of redirecting funds and not spending money on a Rick Barry statue. He wanted to mention the implication of this means we put out a bunch of money in the budget this year and if we take this out, we cannot do



anything with those monies. What he would rather do is kind of sidebar and talk about what else we can potentially use \$150,000 for, such as Girl Scout Park needs to get done, sidewalks need to get done or maybe Michael Mauri Park is up for rehab. He said he doesn't want to use it for Rick Barry anymore, but he doesn't want to see that money go away, and would rather it be for something else and reallocate it versus chopping it out. He asked Council to vote these down. If we vote yes for this, that means we cannot spend it on anything. He would rather us vote no on this tonight and we could figure out what else we can spend it on that the Borough needs.

<input type="checkbox"/> Vote Record – Resolutions No. 166-24 and No 172-24		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopted	Petrosky	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Defeated	Signorello, Jr.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Robaina	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Lyons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Patel	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Signorello	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## REPORTS OF BOROUGH COUNCIL

### Mayor Signorello

He said he is going to go out of order since we have Special Counsel McGuinn here and he wants to use his time to talk about some of the sewer questions that have come up. He is going to yield his Mayor's update to Special Counsel McGuinn and called him up. He said he wanted to do this before the public portion because he is sure there are going to be more questions about this and more discussion. There's been a lot of consternation about the sewer bill this year; nobody is happy about it. In the meantime, since we have done the settlement and since we have increased everybody's sewer bill; there has been a lot of excellent work that the public has done in terms of research and obviously, we have done our research beforehand; but we thought it would be in everybody's best interest to have our Special Counsel and have him eyeball it. He said he has a memo for Council, which he knows we just got it out today and is sorry. He would have liked to have gotten it out earlier, but thought it would be good for Special Counsel to verbally talk it through as our lawyer and some of the things that he found there, why they are potentially relevant and probably most likely why beforehand; but we thought it would be in everybody's best interest to have our Special Counsel and have him eyeball it.

Mayor Signorello said there are three things that he thinks are important from his perspective as Mayor. So first off, we settled this; so a lot of it unfortunately for better or worse only would have come up had we gone to Court. But candidly, based on a lot of what Special Counsel's views are and doesn't know how effective they would have been in Court anyway.

Special Counsel McGuinn said the Mayor brought up the points about the settlement and what would have come out had the case proceeded eventually to a trial. He said the trial is not before a jury; the trial is before a Judge in Equity Court.

Mayor Signorello said can you explain what that means by the way. He said he thinks that's important.

Special Counsel McGuinn said there are several types of Courts in New Jersey and Superior Court; one of them is an Equity Court. An Equity Court has special powers in that it can basically make you do something. Superior Court, Civil Division and jury cannot make you do something, other than pay money and give you a piece of paper with a judgement on it. An Equity Court can make you do something and force you to do something; so it's equitable relief. What Elizabeth was asking here, was not only monetary

damages, but asking the Court for the Borough to disconnect from their system. So ultimately a Judge would have been tasked with that decision, whether or not the Borough had to remove itself and then secondly all the monetary issues, attorney's fees on the other side, past charges for treating the system's water and future as well, and any punitive damages.

Mayor Signorello said just to make that concrete; so this means in this type of Court, it would have been one Judge that would have been Judge, jury and executioner there. So part of why we can talk about what we talked about in Closed Session is that was the risk and the Judge overtly said he was ready to move on this pretty quickly.

Special Counsel McGinn said these Equity Courts move a lot quicker than Civil Lawsuits; which can drag on for years and years; the average is about three to four years before you are seeing a jury. He said that does not happen here; your complaint is filed and you are probably at a decision max 12 to 14 months.

Mayor Signorello said so to make this crystal clear, had we chosen to go forward with the lawsuit, there's a multitude of potential outcomes. What they were asking for was a specific route off of their system, a specific rate to be paid forward, and \$40 million in damages from arrears. Now, we could have gotten a Judge that could have said they could have landed exactly where our settlement was and \$4 million is fair and Roselle Park can pick the path, or we could have gotten a Judge that said \$30 million is fair and Roselle Park you are compelled to pay this; which is why you try to work out a fair settlement to try to minimize potential downside damage.

Special Counsel McGuinn said that is correct and as pointed out in the memo that Judge, which was nicely put in the memo, was not going to insert a payment plan. Whatever decision was made on to monetary damages, it was going to be a judgement and it would have to be paid. In this settlement, we have a period of time to pay the settlement. Courts do not get involved in how much money is available and when can it be paid. They are just going to say these are the damages, this is what's awarded and fork it over and if not; it's a judgement and go enforce the judgement.

Mayor Signorello said just to be clear, even if the Judge said \$4 million is fair, we could have had to pay all \$4 million this year and the situation would have been worse.

Special Counsel McGuinn said that is correct.

Mayor Signorello said some of the other things to hit upon that he thinks are important; so obviously Special Counsel read the documents and there was a bunch of work you guys did before any of these documents. Your findings, none of these are and we keep rehashing this, but what he has always told people is there is no legally binding agreement in those documents. They reference discussion and debate about it, but nothing legally binding that we would have been able to hold up anyway.

Special Counsel McGuinn said that is correct. His read of these articles indicates there likely was no agreement. There is definitely nothing indicating there is an agreement as to what was at issue. This was an over land drainage issue; basically there was a dispute over that was being blocked, and that went to Court based on the articles and a lawsuit was filed.

Mayor Signorello said a lawsuit was filed on that specific topic of the concrete blocking.

Special Counsel McGuinn said correct; the obstruction that was put up by Elizabeth. Suit was filed by the Borough and you cannot surmise what happened; but there is no reason to believe that an agreement was reached to the issue at hand here connecting Roselle Park's sewer system to that. The

resolution in that case would have had to do with the blockage which was eventually resolved and the blockage was removed. This is not the issue in this case; the connection is the issue in this case.

Mayor Signorello asked Special Counsel McGuinn and Borough Attorney DeMarco to talk to us a little bit about so when we go into these negotiations, there is a thing called discovery; which means we have to search through all our documents to see if there was any agreement or anything pertinent to this. That's discovery on our end and the same thing on Elizabeth. He said there was no hard agreements that came up in that, but obviously that's a big boo-boo if you were hiding something; that's not something a Borough or City would want to do.

Special Counsel McGuinn said the consequences of hiding something like that would be astronomical; he has never seen that. Hiding an agreement that is germane to this issue; yes, that would be a big boo-boo.

Mayor Signorello said we are going to do a Special Town Hall Meeting on this and talk about this. He said even if we were going to go to Court and these things were to come up, we would hire an expert to go even further than the public did and find all these documents; is there anything you see there that really would have given us a healthy at bat to say we have claim to just free flow into this system.

Special Counsel McGuinn said absolutely not; he thinks the opposite. Everything you see there is about a dispute that is irrelevant. The Judge sure would have taken everything into consideration, but there is nothing in these articles; they are articles that say if there is any agreement to the issue at hand, that we are "freeloading" into their system. Again as pointed out in the memo, the DEP is regulating this. He said one thing that everybody should know and it's in the memo, is they are coming down hard on Elizabeth because they still have this combined system; there are not many left. The Judge has this in mind and he know this; this is not his first sewer case and it will not be his last. So he is going to keep that in mind that these things need to be alleviated because the government is coming down on Elizabeth. They need to get out because if they don't get out, then Elizabeth cannot correct their problem. The long and short of it is that there is nothing in those articles that changes anything whatsoever.

Mayor Signorello asked Borough Attorney DeMarco and Special Counsel McGuinn if there was anything that he did not cover that should be covered.

Special Counsel McGuinn said in terms of the monetary and what the Judge could have done, he thinks it's important that we negotiated the route. The Judge could have said that route doesn't make any sense and we are going to do this route and the cost of that could have tripled. He said we negotiated the timeframe and we negotiated the route to something we could work with. That would not have been an option and the Judge could have done whatever he wanted. That does not say he could have given a route to Elizabeth that they would not have been happy with; sure anything can happen, but it's a gamble.

Mayor Signorello asked Special Counsel McGuinn and Borough Attorney DeMarco if they had any problem with him opening this up to Council if they have any questions.

Councilman Robaina asked where did that \$4 million come from; was that from when they installed the flow meter.

Mayor Signorello said they started at \$40 million and we said how about \$2 million and they went to \$30 million and we said how about \$3 million. Where we landed was, we thought, a fair number was \$3.5 million based on the usage since they put in the meter. He said our biggest risk in all of this is they would have the strongest case based on case law that once they put in that meter, that's where they have

the strongest case. They weren't budging below \$3.5 million. If we were to go from when that meter would have been it is \$3.5 million; so \$4 million is a shade over that; but the calculation was \$3.5 million.

Borough Clerk Casais said for both the public and the Governing Body just to be clear, the going in position when we decided to start to negotiate a settlement, the going in position of the Borough was zero. If you want us off the system, that's fine; we really don't feel we owe you anything in arrears and that we're not palpable to effectuate a settlement and it was not deemed probably legally defensible in a Court if you were not going to reach a settlement. So the going in position to be clear was we don't owe you anything.

Mayor Signorello said they also had a flow rate for us, that we disagreed with. We did an analysis based on our Engineers saying that the flows you are estimating from Roselle Park are way too much; so this is another item we had to negotiate by cutting this number in half.

Councilwoman Lyons asked can you describe the legal aspect of Closed Session and why we have to be confidential.

Borough Attorney Demarco said the easiest way to explain this is if we are playing cards against Elizabeth; but we had to show them our cards and they don't show their cards. You are doing a negotiation and it's virtually impossible to have an open conversation; oh you want to pay them \$1 million to \$2 million and they would know that, and then you would go into Court and they said no, you said something else. The law provides for that understanding to say there are the ability for Council to meet in private in Closed Session to have an open and free exchange of ideas without the fear of worrying about the public or the other side knowing, so that process can get you to a conclusion. Once that is done, all that is back open on the table again. That's the purpose of it; not to keep the public out of it. It's really to protect your public and the citizens of Roselle Park to bargain and negotiate from a stronger position. It's to our benefit and the residents' benefit.

Councilwoman Lyons said she understands that and just wanted the public to understand as well.

Borough Attorney DeMarco said all other aspects of the lawsuit are public; the complaint was public, our answers were public, the Court filings were public and everything said in Court was public. The public has free access to that. The terms of the settlement or the discussion about whether or not to settle, litigation strategy and what experts to hire, how to approach a case and communications, you need to have that not be discoverable to the other side.

Councilman Robaina said he is happy to hear about the Special Town Meeting and that's a great thing for transparency for the public and that's absolutely vital.

Councilman Petrosky asked who came up with the 11 years.

Mayor Signorello said honestly, they were amendable to a smaller payment plan because they know we are a smaller municipality. He believes they had us on a seven or eight year payment plan.

Special Counsel McGuinn said we had negotiated with something that we could live with.

Borough Clerk Casais said it's important to understand that all this was a totality of negotiations; so for the public and the Governing Body, we went in with the lowest payment possible over the longest period of time. This was kind of like a melding of all of the negotiations to a point where we got to the \$4 million first and we nailed down the term after.

Special Counsel McGuinn said they wanted a little more on the time period. He thinks for their second offer, they came back with an astronomical number over three to four years; it was unheard of. It was kind of negotiating what can we live with and push back to make it a little longer.

Mayor Signorello said this goes back to Councilwoman Lyons' question. Even if we were able to and he thinks they touched on it in Closed Session, in a macro level there is a lawsuit hanging over us and it's on the agenda for potential litigation. Part of why we couldn't communicate this is because we didn't know the number. He said we were negotiating this to the last minute; that 11 year payment up from eight, a week before we settled and then later that week, we got it to 11; so it was very fluid.

#### Councilman Signorello

He had nothing to report for the last two weeks, but said to be vigilant with this heat and stay hydrated and wear light colored clothes like your mother told you.

Be safe and have a good weekend.

#### Councilman Petrosky

Expressed condolences to the families of John Gonzales and John "Dougie" Jenkins.

On a personal note, they had to put his daughter's dog Maddie to sleep yesterday; dogs are like family.

June 7<sup>th</sup> worked the Feast of St. Anthony's at the Beer Tent. Glad they had four good days of weather for the Feast.

June 8<sup>th</sup> was the PRIDE Flag Raising Ceremony at the Library.

June 12<sup>th</sup> was the Recreation Meeting; getting ready for next year. The next meeting will be in September.

June 15<sup>th</sup> attended the Juneteenth Celebration.

June 17<sup>th</sup> attended the Historical Society Meeting.

June 20<sup>th</sup> attended the Joint Sewer Meeting; provided an update on the items discussed.

Noted for the month of July, Dunkin Donuts on 47 West Westfield Avenue will be the Business of the Month.

Provided contact information.

#### Councilwoman Lyons

June 7<sup>th</sup> attended the St. Anthony's Feast.

June 15<sup>th</sup> attended the Juneteenth Celebration.

June 19<sup>th</sup> attended the Library Board Meeting. They are having a Summer Reading Program and they will have prizes and treats. Thanked Councilman Robaina for the Dairy Queen treats that he gets for them every year.

July 1<sup>st</sup> is our Fireworks Celebration.

Noted the Roselle Park Walking Club started last week.

Mentioned Open Mic is coming back at the Gazebo every Wednesday.

#### Councilman Patel

Noted the Independence Day Fireworks will be on July 1<sup>st</sup>; starting at 5:00 p.m.

Reminded everyone that the Municipal Land Use Board Meeting is scheduled for June 24<sup>th</sup> at 7:00 p.m. at Borough Hall for a new Class 5 Retail Cannabis sale at 1 West Westfield Avenue (formerly Wells Fargo).

Thanked the Anthony Signorello Youth Center for the thank you cards and letters.

Provided contact information.

#### Councilman Robaina

Regarding infrastructure in the 5<sup>th</sup> Ward, if you noticed no parking signs on West Colfax Avenue, please be advised this was related to an emergency call by the Roselle Park School District to American Water regarding water service to the Herm Shaw Athletic Complex field house. American Water went out to evaluate and found a disconnection at the meter, and subsequently found the service line to be made of galvanized steel. Per new state law, galvanized steel is no longer allowed to be used in the State to convey water.

Happy to announce we've partnered with the Township of Clark to extend reduced-cost family memberships at the Clark Pool. The rate of \$555 is being extended to Roselle Park families for 2024, which is the same rate extended to our neighbors in Garwood. Visit Clark Pool's website and under membership, click on "Family-Garwood 2024" for this special rate. Thanked Clark for providing Roselle Park residents with this continued courtesy.

Happy to host, in conjunction with the Roselle Park Fire Department, our 3<sup>rd</sup> Annual Community Cooldown sessions, coming up every Tuesday in July, with the exception of July 2<sup>nd</sup>, from 6:30 p.m. to 7:30 p.m. at Wolf Field across from the High School at 180 West Webster Avenue.

Noted the Borough has agreed to fully fund this year's Family Swim Night at Orange Avenue Pool in Cranford on August 7<sup>th</sup>; big thanks to the Borough.

In addition to organizing bike clinics, bike pedestrian safety events in our schools, public safety sessions and listening sessions, as well as advocating for the recent chili cookoff benefiting our middle and high school students, he takes pride in initiating and leading various community initiatives over the past three years. His primary motivation for becoming involved was to effect positive change and enhance our community through building relationships and partnerships. Before this administration, he observed a lack of youth activities in our area, and a business community that wasn't thriving as it should, concerns he sought to address, and did so with many of his colleagues.

Regarding infrastructure, pleased to report significant progress with approximately 70% of our Borough resurfaced and over 92% of the 5<sup>th</sup> Ward milled and paved. Further investments are underway,

including the rehabilitation of parks, open spaces and our train station, promising continued growth and improvement for all residents.

June 14<sup>th</sup> convened with the Special Counsel to discuss recent historical documentation, which may potentially or not unveil new opportunities. Maintains confidence in the Mayor and administration to uphold ethical practices, prioritize the concerns of our constituents and navigate difficult decisions judiciously.

June 14<sup>th</sup> participated in a meeting of the NJ Trails Action Network, focusing on grants and advocacy efforts aimed at developing trails and greenways.

June 14<sup>th</sup> attended the SEPAG's end of the year celebration at the Sensory Friendly Playground at Loreti Park. Thanked all those who came out to support and continue to support the 20% of our total student population with different abilities.

June 15<sup>th</sup> had the privilege of attending the Juneteenth event at Michael Mauri Park. This noteworthy occasion provided invaluable education and historical perspective, and extended his gratitude to Councilman Johnson and the Diversity & Inclusion Committee.

Noted he looks forward to seeing a mural that will grace the side of Son-Rise Document Solutions in the 5<sup>th</sup> Ward, marking a welcoming entry into Roselle Park for travelers journeying west to east, along what will soon be the Rahway Valley Rail Trail.

As summer unfolds, let us cherish both the small and significant aspects of life, such as family, time, and health, which are precious yet uncertain. May this summer commence with the creation of new, indelible memories in the company of cherished loved ones.

Thanked the Anthony Signorello Youth Center for the thank you cards.  
Provided contact information.

#### Mayor Signorello

He said he has no report; but provided his contact information.

#### PUBLIC PORTION

Councilman Petrosky moved at 7:55 p.m. to open the public comment portion of the meeting on any subject matter; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

#### Frank Trezza, 479 Ragland Drive

He apologized privately to Councilman Robaina and is now apologizing to him publicly. He went past the park at the wrong time. He thanked Councilman Robaina for his efforts. He said he is a former law enforcement officer and is a little passionate about these things.

Councilman Robaina thanked Mr. Trezza.

Mr. Trezza said first of all, he thanked everyone for repealing that ridiculous statue. He said in case you didn't know it; he spearheaded the resistance against that. He said he told Councilman Signorello

and that he tried to talk to him about the statue, but he did listen to him, threw his hands up in the air and turned his back on him and pretty much called him a liar. He said research things.

His question is the \$150,000; he hopes that is going to Rahway Valley. He understands that it's a private business; but when he did a budget and didn't use the money, he moved it elsewhere without any problem. He's assuming Mayor and Council have to take a vote on this.

Mayor Signorello said that's capital budget, so we need to spend it on something like roads.

Mr. Trezza said to Councilwoman Lyons, don't ever tell anyone to calm down; that's the first thing you are taught in a business administration management course. Don't ever do that to anyone again, please. He said he's Italian and has a big mouth and you should know that.

He said he has a problem with his sewer bill of \$1,600; he doesn't use that kind of water. He said he does have a sprinkler system and that water does not go into the sewer system; it goes into the ground. If you are calculating this on total consumption, he already paid for that water. It's illegal to charge him twice.

Mayor Signorello said he hears him and thinks something worth looking at like some other owns do, would be to potentially base it off winter months where that is more accurate.

Mr. Trezza said he doesn't mind paying for what he has to pay for; he's not complaining about that. He's just saying there are many people in the Borough who have sprinkler systems and that water does not go into the sewer system; it goes into the ground.

Mayor Signorello said we have not had to gravel with this because we haven't changed the rate in 13 years. He said he thinks that makes sense and he agrees with him to take a look at the rates during the winter months.

Mr. Trezza said Borough Clerk Casais always looks professional and represents the Borough very well.

Debra Salters, 263 Ridge Street, Newark

She said she has spent many years in Roselle Park and Roselle and has driven for the school bus company before it became so beautiful. She loves the way the Governing Body does business; it makes sense and she loves the interaction.

She said she is here because she is running for the District 10 seat vacant by Donald Payne; in Union County she is 5E. She thinks it's disrespectful for people to put out their names and they don't engage with the people. She is on the streets all the time and they call her "Warrior for the People" because she is out there fighting for everything. She said she is here to introduce herself and to let us know she is not a stranger to our town; but she loves what we have done here and loves the interaction with the residents. She loves how we are very transparent about what we put in the actual agenda.

Thank you for putting the people first.

Borough Clerk Casais said the Special Election is July 16<sup>th</sup>. He said we have an early voting location at the Casano Center starting on the Friday before and goes from Friday, Saturday and Sunday; and closed Monday and open on Tuesday.



Mayor Signorello said we have had early voting in the U.S. and New Jersey for a while now. He has been advocating for getting an early voting site in Roselle Park. He is not sure where they are County-wide, but the closest one used to be at Union County College and the Amalfe Center in Roselle. He said the Board of Elections was gracious enough to give us an early voting location in Roselle Park; so he hopes everyone uses that in the Casano Center.

Milton Woodruff, 134 Bender Avenue

He had just a brief comment, this is not really a contest; we are solely interested in what is good for Roselle Park. It seems what is lacking isn't the real dialog. Your constituents are looking for transparency and looking for nothing more and has nothing to do with politics and solely trying to establish what is best for the town, for the residents and for the business community as well. He doesn't believe that people really give a rap about whether you are a democrat, republican or independent.

He said he has some comments in relation to our fiscal situation. Recently there was an ordinance passed wherein the town received from Octagon Edge \$1 million. Our recent budget balance sheet from the end of the year showed a surplus of \$3.4 million, our budget this year indicates a \$2 million surplus; but 11% of our budget is taken up by debt service, owing \$2.2 million. Our debt right now, of roughly \$1.6 million; which is a significant increase that we have to pay from last year. Somehow by Ordinance No. 2776, the gross appropriation of roughly \$3 million and the additional bond debt of \$1.6 million; somehow those numbers do not articulate with what appears to be the financial situation and monies available to the town. The year end balance sheet indicated \$6.9 million/\$7 million in cash and investment; but there appears to be a definite lack of a nominal amount of interest earned on that money that was sitting there. This seems to be we are comparing apples and oranges, and is unclear with where these sewer fees are actually going since the budget sets forth \$490,000 for Rahway Valley, \$890,000 for the Joint Meeting and the City of Elizabeth per agreement is getting \$800,000. Also your own figures show a \$600,000 dedicated surplus for sewer utility.

He said he had one or two suggestions that you might consider and the town folks might be willing to go along with this. Perhaps we can expand our recycling program because our fees and costs are definitely related to the amount of sewerage and garbage we dispose of. So if we are able to recycle more, our fees would go down and thinks our town folks would be appreciative of having to pay less monies. There is also a reserve for uncollected taxes of over \$1 million. Perhaps those arrearages could be added for our use. He said it would also seem to be helpful to include the Recreational Trust activities as part of the budget, since this involves substantial monies and not everybody sits and watches the website for these reports.

Mayor Signorello said he is happy to respond to a few of his comments.

Mr. Woodruff said he had one more comment. He said it's incredulous that we have a cannabis site here that handles hazardous substances with no apparent oversight by us, and they are handling a hazardous substance and it has been established as such by the FDA. He realizes that is a private business, but quite frankly we have no oversight at all to ensure that they are complying with the requirements for people that are using it.

Mayor Signorello said he loves recycling and was taught to recycle at a very early age. Unfortunately, recycling is actually one of the most expensive things in our line items right now. During the pandemic, China stopped accepting a lot of our recycling. He said we used to make money off of recycling and we no longer do that and have to pay per pound. It's not what it used to be and has almost doubled since 2021 and asked CFO Blum if that's in the ballpark.

CFO Blum said yes, it's in the ballpark.

Mayor Signorello said on uncollected taxes, he will defer to CFO Blum. He thinks it is par for the course and probably the State standard of what he is using for a calculation there.

CFO Blum said the reserve fund uncollected taxes is a State calculation formula that is needed. The Borough has to pay the County and the Board of Education one hundred percent of the taxes that they are owed, whether we collect it or not. So that calculation is to ensure that we have proper cash flow to make those payments. When we talk about it every year, we do say for those people who don't pay their taxes on time, it does penalize everybody else.

Mayor Signorello said on the Octagon Tower sale, unfortunately that was negotiated after we had set a budget this year and the State mandates, we set a budget by a certain time. Those are our monies that we can use to lower taxes or put to the sewer fund, but that will be used to try and lower the burden on either end.

Mr. Woodruff said it seems a little ridiculous though that we are having deficit financing when we already have \$16 million that we already owe with money sitting around.

Patricia Almeida, 453 Colonial Road

She said at the last meeting, you asked her where she was during the cannabis vote. First of all, she had no idea these meetings existed. She said like her, no one knew these dispensaries were going up for a vote, until they notified her they were going to put one right in front of her house. She asked who is the one who represents us for Colonial Road, Ragland Drive and Bender Avenue.

Mayor Signorello said that would be First Ward Councilman Greg Johnson.

Ms. Almeida said he is not here right, because she had a question for him. Why didn't he let us know what they were planning on doing. Why didn't he mention anything about the dispensary on Bender like you did with the one at Wells Fargo and you told everyone to come to the meeting.

Mayor Signorello said he cannot speak for Councilman Johnson, but what he can say is he announced this one because the people told him they wanted more transparency around it and he cannot undo what he did in the past, but he wanted to improve going forward and announce the ones going forward.

Ms. Almeida said that's why they want transparency. She said we would like to know the moment they resubmit their application so that we can all be informed and not just let three people know, because that is what you did last time.

Mayor Signorello said assuming they do reapply, which is a question we do not know if they will reapply; right now it's still in the hands of the Judge. He said he will do the same like he did with Chestnut Street and he will put it on his Facebook.

Ms. Almeida said she will thank you for that; so that everyone knows, especially our neighborhood. Now she sees that a lot of people on Colonial Road, there are no signs saying that it is a one-way.

Mayor Signorello said if there are no signs, we can fix that and we are happy to address that, and asked Borough Clerk Casais to take note of that. He said we can take care of that immediately and will have the Police go out tomorrow and look for missing signage and we will address that.

Jorge Ramirez, 500 East Clay Avenue

He said again, pertaining to the sewer, did we have the newspaper articles before we settled on this case.

Special Counsel McGuinn said we did not have all the newspaper articles.

Mr. Ramirez said so you made a decision without having all the information at hand.

Special Counsel McGuinn said he would not answer that to the affirmative. We did not make a decision with not knowing the information based on the newspaper articles.

Mr. Ramirez said we had from his understanding; Roselle Park put this drainage pipe going into the Elmora section of Elizabeth.

Special Counsel McGuinn said from Roselle Park into Elizabeth; yes, that is accurate.

Mr. Ramirez asked who connected that pipe.

Special Counsel McGuinn said we have no idea.

Mr. Ramirez asked who connected into that pipe; Elizabeth.

Special Counsel McGuinn said we do not know.

Mr. Ramirez said it's in Elizabeth's territory; before it was draining out to a ravine. Who connected the end of that opening to a pipe.

Special Counsel McGuinn said we do not know.

Mr. Ramirez asked where was that pipe connected to; to the Elizabeth system.

Special Counsel McGuinn said yes.

Mr. Ramirez said which means we had our pipe there first and then Elizabeth came and connected into that pipe because flooding was occurring around the Elmora section; correct.

Special Counsel McGuinn said not correct.

Borough Attorney DeMarco said you cannot make that assumption.

Special Counsel McGuinn said all we know is that Roselle Park's system was connected into Elizabeth. We have no idea who made that connection.

Mr. Ramirez said ours was there first.

Borough Attorney DeMarco said again, you can't make that assumption.

Mr. Ramirez said there was no connection; it was going out into open air.

Borough Attorney DeMarco said you are talking about the 1900's. You are basing that on your interpretation of news articles from over 100 years ago.

Mr. Ramirez said so the pipe is discharging openly into a ravine on the Elmora section of Elizabeth.

Special Counsel McGuinn said based on the articles that was happening.

Mr. Ramirez said he is sure he can find diagrams and maps and a lot of that if somebody looked into that deeper. Doesn't Elizabeth have the burden of proof that we did something wrong in the lawsuit.

Special Counsel McGuinn said no. Elizabeth has the burden of proof to prove that we were using their system; we were draining into their system, which as a lawyer I could tell you, would have been easy.

Mr. Ramirez said we might be draining into their system, but that might be because they connected our system into theirs; correct.

Special Counsel McGuinn said you said maybe. Yes, but we are using their system without compensating them.

Mr. Ramirez said that may be because they connected our system into theirs. They made the choice to connect into that system.

Special Counsel McGuinn said that would have been irrelevant based on the passage of time and the fact that we were getting the benefit.

Mr. Ramirez said so if they chose to connect into our system, how are we in the wrong for this.

Special Counsel McGuinn said because we are using their system.

Mr. Ramirez said they chose to do this in order to mitigate the flooding that was occurring in the area. They said let's take on this system.

Special Counsel McGuinn said you are assuming that sir.

Mr. Ramirez said it's logic and going by the articles. Did you read the articles.

Special Counsel McGuinn said he has read every one of them.

Mr. Ramirez said going by the articles, that's what it said.

Borough Attorney DeMarco said the problem with that is the other assumption, is that Elizabeth then, if they connected to your story, they would disconnect tomorrow. Then where would our stormwater go.

Mr. Ramirez said do you think any Court of law is going to say okay connect tomorrow and then just disconnect it.

Borough Attorney DeMarco said no; the Court of law is going to say you get to freely continue to connect and have someone else pay.

Mr. Ramirez said don't we have to disconnect anyway and have to build a \$20 million pipe.

Mayor Signorello said to reiterate, a lot of these are hypotheticals that we do not know. We do not have the proper documentation, but once and again a Judge could have thrown in our face that we have to pay \$40 million, which is why we settled.

There being no one else wishing to speak, Councilman Petrosky moved at 8:19 p.m. to close the public comment portion of the meeting on any subject matter; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

#### ADJOURNMENT

There being no further business to come before the meeting, Councilman Petrosky moved at 8:20 p.m. to adjourn; seconded by Councilman Robaina, five members present voting Aye and one absent, said motion was adopted.

Attest:

Andrew J. Casais, RMC  
Borough Clerk