

**REGULAR MEETING – APRIL 19, 2018**

**GIRL SCOUT TROOP NO. 271 SITTING FOR MAYOR AND COUNCIL**

**READ PUBLIC MEETINGS LAW ARTICLE**

**ROLL CALL**

**MOMENT OF SILENCE/PRAAYER**

**PLEDGE OF ALLEGIANCE**

**COMMUNICATIONS**

1. Request from the Feast of Saint Anthony Committee to Hang a Two-sided Vented Banner on Chestnut Street near the Gazebo.
2. Request from the Feast of Saint Anthony Committee to place no more than five (5) lawn signs (30” x 21”) advertising the 2018 Feast on any Borough property without restriction as it pertains to location; to be placed no sooner than two (2) weeks prior to the event, and to be removed the day after the end of the event (same restrictions adopted in 2017).

**PROCLAMATIONS & PRESENTATIONS**

- Girl Scout Troop No. 271
- Proclamation Recognizing Fibrodysplasia Ossificans Progressiva (FOP)
- Business of the Month: KM Signs / Operation Chill Out

**\* APPROVAL OF MEETING MINUTES, PENDING ANY CORRECTIONS**

Closed Session of February 1, 2018

Regular Meeting & Closed Session of March 1, 2018

**\* MOTION BILLS & PAYROLLS BE NOT READ**

**\* MOTION BILLS & PAYROLLS BE PASSED FOR PAYMENT**

**PUBLIC PORTION (Time Limit of 7 Minutes; Limited to Agenda Items Only)**

**ORDINANCES FOR 2<sup>ND</sup> READING: COUNCILMAN FAHOURY**

ORD. No. 2518 AN ORDINANCE AMENDING CHAPTER XL, PART 1, “PROCEDURES” AND PART 2, SECTION 601 “LAND SUBDIVISION AND SITE PLAN REVIEW; TERMS DEFINED” OF THE CODE OF THE BOROUGH OF ROSELLE PARK, INSERTING SECTION 103 ENTITLED “DEVELOPMENT REVIEW COMMITTEE,” AND DEFINING THE TERM “DEVELOPMENT COORDINATOR”

ORD. No. 2522 AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2018

ORD. No. 2523 AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-10 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED

“TEMPORARY PROHIBITION FOR SNOW PLOWING AND REMOVAL”

**ORDINANCES FOR INTRODUCTION: COUNCILMAN FAHOURY**

ORD. No 2524 AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXII SECTION 2202 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “B-1 NEIGHBORHOOD BUSINESS DISTRICT”

ORD. NO. 2525 AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXIII, SECTION 2302 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “B-2 CENTRAL BUSINESS DISTRICT”

ORD. NO. 2526 AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXIV, SECTION 2402 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “B-3 ARTERIAL BUSINESS DISTRICT”

**CONSENT AGENDA**

**"ALL MATTERS LISTED WITH AN ASTERISK (\*) ARE CONSIDERED TO BE ROUTINE AND NON-CONTROVERSIAL BY THE COUNCIL AND WILL BE APPROVED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THESE ITEMS UNLESS A MEMBER OF THE GOVERNING BODY SO REQUESTS, IN WHICH CASE THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED IN ITS NORMAL SEQUENCE ON THE AGENDA AS PART OF THE GENERAL ORDERS."**

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**RESOLUTIONS:**

- \* **#129-18** – Authorizing the Execution of a Lease Renewal Agreement for the Roselle Park Historical Society
- \* **#130-18** – Adopting the Vehicle Policy of the Borough of Roselle Park
- \* **#131-18** – Authorizing the Treasurer to Issue Two (2) Checks Totaling \$46,051.84 Payable to Two (2) Lien Holders on Two (2) Properties and Two (2) Checks Totaling \$46,400.00 from the Tax Collector’s Premium Account
- \* **#132-18** – Awarding a Professional Services Contract to Neglia Engineering Associates for Survey, Design, Permit, and Construction Management Services for the Project: East Webster Avenue Area Stream Bank Stabilization Improvements; in an Amount Not to Exceed \$17,350.00
- \* **#133-18** – Awarding a Professional Services Contract to Neglia Engineering Associates for Engineering and Construction Management Services for the Project: East Grant Avenue/Pershing Avenue Drainage Improvements; in an Amount Not to Exceed \$2,380.00

- \* **#134-18** – Awarding a Professional Services Contract to Neglia Engineering Associates for Engineering Services for the Relocation of the Project: Casano Community Center Generator; in an Amount Not to Exceed \$3,920.00
- \* **#135-18** – Requesting Permission from the Union County Board of Chosen Freeholders to Close Chestnut Street from Grant Avenue to Webster Avenue on Monday, May 28, 2018 from 8:00 a.m. to 3:00 p.m. to Hold a Memorial Day Parade and Service
- \* **#136-18** – Requesting Permission from the Union County Board of Chosen Freeholders to Close Chestnut Street from Grant Avenue to Clay Avenue on Tuesday, August 7, 2018 from 4:00 p.m. to 10:00 p.m. for National Night Out
- \* **#137-18** – Requesting Permission from the Union County Board of Chosen Freeholders to Close Chestnut Street from Grant Avenue to Webster Avenue on Saturday, September 15, 2018, with a Rain Date of Saturday, September 22, 2018, from 9:00 a.m. to 6:00 p.m. for a Car Show

### **MAYOR AND COUNCIL COMMITTEE REPORTS / REPORTS OF DEPARTMENTS**

- EMS Report for March 2018
- Fire Chief's Report for March 2018
- Municipal Court report for March 2018
- Community Center Director's Report for March 2018
- Mayoral Appointment(s) (No Confirmation from Council Required):
  - Appointing Andrew Casais, 674 Willow Avenue, Garwood, NJ 07027 as Alternate Member #2 of the Union County Community Development Revenue Sharing Committee to fill a vacant position with a term expiring on December 31, 2018.

### **WORKSHOP DISCUSSION**

#### Items Carried from Prior Meeting(s):

- Complete Streets Policy (Councilman DeIorio)
- Train Commuter Parking (Councilman DeIorio)
- Business Development (Councilman DeIorio)
- Gay Pride Flag Raising Ceremony (Councilman Fahoury)
- Shared Services: DPW Superintendent (Councilman Shipley)
- Organizing Borough Committees' Facebook Pages (Councilman Shipley)
- Insurance Coverage for Little League (Councilman Petrosky)
- Purple Heart Parking (Councilman Fahoury)
- AARP Community Challenge Grant (Councilman Fahoury)
- Salary Paid to the Roselle Park JMEUC Representative (Councilman Fahoury)

#### New Items:

- MVP Program (Mayor Hokanson)
- Dumpsters (Councilman Fahoury)

- Amending Film Permit Ordinance (Councilman DeIorio)
- Business District Garbage Collection (Councilman DeIorio)
- USO 5K Final Announcements (Councilman Fahoury)

**PUBLIC PORTION** (Time Limit of 5 Minutes; On any Subject)

**EXECUTIVE (CLOSED) SESSION**

**ADJOURNMENT**

**NEXT REGULAR SCHEDULED MEETING OF THE MAYOR AND COUNCIL  
WILL BE HELD ON MAY 3, 2018**

## ORDINANCES FOR SECOND READING

### ORDINANCE NO. 2518

AN ORDINANCE AMENDING CHAPTER XL, PART 1, "PROCEDURES" AND PART 2, SECTION 601 "LAND SUBDIVISION AND SITE PLAN REVIEW; TERMS DEFINED" OF THE CODE OF THE BOROUGH OF ROSELLE PARK, INSERTING SECTION 103 ENTITLED "DEVELOPMENT REVIEW COMMITTEE," AND DEFINING THE TERM "DEVELOPMENT COORDINATOR"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL, Part 1 "Procedures" and Part 2, Section 601 "Land Subdivision and Site Plan Review; Terms Defined" of the Code of the Borough of Roselle Park be and hereby is amended so as to include Section 103, currently reserved, to be entitled, "Development Review Committee," and define "Development Coordinator," to read as follows:

#### SECTION 1. 40-103 ~~RESERVED~~ DEVELOPMENT REVIEW COMMITTEE

**A.** A Development Review Committee shall be established to review all applications for development or requests for review presented to the Municipal Land Use Board, Acting as the Planning Board or the Board of Adjustment. The Development Review Committee shall be chaired by the Development Coordinator and shall include the Mayor, Borough Engineer, Construction Official, Zoning Officer and in addition, any Employee of the Borough of Roselle Park, County or State as appointed by the Development Coordinator whose particular expertise may be required on a specific application. The Development Review Committee shall have the following responsibilities:

(1) To recommend whether the application is to be considered by the Board as a minor or major development application.

(2) To determine compliance with the technical standards set forth in Article IV and other provisions of this chapter.

(3) To make nonbinding recommendations on the design and technical elements of any application.

(4) To make nonbinding recommendations to the Municipal Land Use Board acting as the Board of Adjustment and nonbinding recommendations to the Planning Board for all pending applications.

**B.** The Development Review Committee shall make known its findings prior to the meeting when the application is to be considered.

#### SECTION 2. 40-601 TERMS DEFINED.

[...]

The Development Coordinator shall be appointed by the governing body. The Development Coordinator shall officially receive all applications for development. The Development Coordinator, in consultation with the Zoning Officer, shall determine which local board, official or agency has jurisdiction over the application, and the Development Coordinator shall forward copies to all Federal, State and local agencies required to review the applications.

[...]

SECTION 3. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 4. Inconsistent Ordinances Repealed.

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

SECTION 5. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 6. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2522

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK FOR CALENDAR YEAR 2018

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said 2018 budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Roselle Park, in the County of Union, finds it advisable and necessary to increase its CY 2018 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 3.5% increase in the budget for said year, amounting to \$133,645.96 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Roselle Park, in the County of Union, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2018 budget year, the final appropriations of the Borough of Roselle Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$467,760.86, and that the CY 2018 municipal budget for the Borough of Roselle Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ORDINANCE NO. 2523

AN ORDINANCE AMENDING CHAPTER VII, SECTION 7-10 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "TEMPORARY PROHIBITION FOR SNOW PLOWING AND REMOVAL"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter VII, Section 7-10 of the Code of the Borough of Roselle Park, entitled "Temporary Prohibition for Snow Plowing and Removal" be and hereby is amended to read as follows:

SECTION 1.

7-10 TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL.

a. Whenever snow has fallen and the accumulation is such that it covers the street or highway, an emergency shall exist and no vehicles shall be parked on the following streets or highways or portions thereof listed below.

The parking prohibitions listed below shall remain in effect after the snow has ceased, until the streets have been plowed significantly, and to the extent that parking will not interfere with the normal flow of traffic.

b. Any unoccupied vehicle parked or standing in violation of this section shall be deemed a nuisance and a menace to the safe and proper regulation of traffic and any Police Officer may provide for the removal of such vehicle. The owner shall pay the reasonable costs of the removal and storage which may result from such removal before regaining possession of the vehicle.

<i>Name of Street</i>	<i>Sides</i>	<i>Location</i>
Avon Street	East	Magie Avenue to East Westfield Avenue
Beechwood Avenue	Both	Between Amsterdam Avenue and Colfax Avenue
Chestnut Street (CR 627)	Both	Entire length
Clay Avenue	Both	Between Grant Avenue and Faitoute Avenue (CR 617)
	<b>South</b>	<b>Chestnut Street to Locust Street</b>
Colfax Avenue	Both	Between Chestnut Street (CR 627) and Laurel Avenue
Colfax Avenue	South	Between Laurel Avenue and South Side Valley Road
Columbus Place	West	West Clay to West Westfield Avenue
Faitoute Avenue (CR 617)	Both	Entire length
<b>Filbert Street</b>	<b>West</b>	<b>West Clay Avenue to West Webster Avenue</b>
Galloping Hill Road (CR 616)	Both	Entire length

Grant Avenue	Both	Entire length
Hawthorne Street	West	Between West Clay and West Westfield
Hazel Street	East	Between West Colfax Avenue and West Roselle Avenue
<b>Laurel Avenue</b>	<b>Both</b>	<b>Seaton Avenue to West Lincoln Avenue</b>
Lincoln Avenue	Both	Between Galloping Hill Road (CR 616) and Locust Street (CR 619)
	<b>South</b>	<b>Faitoute Avenue to Myrtle Avenue</b>
Locust Street (CR 619)	Both	Entire length
<b>Myrtle Avenue</b>	<b>West</b>	<b>West Webster Avenue to West Lincoln Avenue</b>
<b>Park Place</b>	<b>West</b>	<b>West Clay Avenue to West Webster Avenue</b>
Roosevelt Street	West	Between West Clay and West Westfield Avenue
Roselle Avenue	<del>Both</del> <b>West and North</b>	From Colfax Avenue, northerly and easterly to the westerly curbline of Hazel Street
<b>Sheridan Avenue</b>	<b>West</b>	<b>East Clay Avenue to East Grant Avenue</b>
<b>Sherman Avenue</b>	<b>East</b>	<b>East Clay Avenue to East Grant Avenue</b>
Valley Road	Both	Between Westfield Avenue (Route NJ 28) and Amsterdam Avenue
Walnut Street	Both	Between Grant Avenue and Clay Avenue
<b>Webster Avenue</b>	<b>North</b>	<b>Locust Street to Laurel Avenue</b>
Westfield Avenue (Route NJ 28)	North and South	Between Elizabeth and Cranford City lines
Willis Avenue	Both	West Roselle Avenue south to dead end

**SECTION 2.** Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

**SECTION 3.** Inconsistent Ordinances Repealed.

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

**SECTION 4.** Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

**SECTION 5.** Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.



## ORDINANCES FOR INTRODUCTION

### ORDINANCE NO. 2524

AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXII SECTION 2202 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “B-1 NEIGHBORHOOD BUSINESS DISTRICT”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL, Article XXII, Section 2202 of the Code of the Borough of Roselle Park, entitled “B-1 Neighborhood Business District” be and hereby is amended to read as follows:

#### SECTION 1.

##### 40-2202 PRINCIPAL PERMITTED USES.

A. A building or premises shall be used only for the following purposes:

~~A1.~~ Banks and financial institutions—NASICS Group 5221.

~~B2.~~ Existing residential dwellings.

~~C3.~~ Dwellings located on the second floor of a mixed-use building.

~~D4.~~ Funeral homes—NASICS Group 812210, excluding crematories.

~~E5.~~ Institutional and public uses—NASICS Groups 6111, 71211, 8131 and 92.

~~F6.~~ Professional, business and administrative offices—NASICS Groups 6211, 6212 and 6213.

~~G7.~~ Restaurants—NASICS Group 722110, excluding exotic and/or pornographic entertainment or activities and excluding drive-in restaurants.

~~H.~~ ~~Hair, nail and skin care services—NASICS Group 81211.~~

~~I8.~~ Retail services.

~~J9.~~ Building materials and garden supplies—NASICS Group 444.

~~K10.~~ Convenience stores—NASICS Group 445120.

~~L11.~~ Miscellaneous store retailers—NASICS Group 453, excluding manufactured (mobile) home dealers.

~~M12.~~ Accessory uses that are customarily incidental to a principal permitted use.

##### **B. Conditional Uses.**

**A building or premises shall be used, in this zone, only if it meets the following conditions:**

**1. Hair, nail and skin services – NASICS Group 81211.**

**(a) If the use is 500 linear feet between a similar use; and,**

**(b) The building space is 400 square feet or less.**

SECTION 2. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2525

AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXIII, SECTION 2302 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "B-2 CENTRAL BUSINESS DISTRICT"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL, Article XXIII, Section 2302 of the Code of the Borough of Roselle Park, entitled "B-2 Central Business District" be and hereby is amended to read as follows:

SECTION 1.

40-2302 PERMITTED USES.

A. A building or premises may be used only for the following purposes:

1. Parks and parking areas owned and operated by the Borough or any of its agencies or by Union County.
2. Signs not to exceed four (4) square feet in area appertaining to the lease, hire or sale of a building or premises.
3. Accessory buildings and uses customarily incident to the above uses.
4. Retail trade.
5. Retail services.
6. Banks and financial institutions—NASICS Group 5221.
7. Institutional and public uses—NASICS Groups 71211, 8131 and 92.
8. Restaurants, excluding drive-in restaurants—NASICS Group 722110, excluding exotic and/or pornographic entertainment or activities.
- ~~9. Hair, nail and skin care services—NASICS Group 81211.~~
109. Motion-picture theaters—NASICS Group 512131.

- ~~110.~~ Insurance agencies and brokerage—NASICS 5242.
- ~~121.~~ Pet grooming services—NASICS Group 812910.
- ~~1312.~~ Fitness and Recreational Sports Centers—NASICS Group 713940.
- ~~1413.~~ Permanent cosmetics, make up salon
  - Color consulting services (i.e., personal care services)
  - Day spas
  - Depilatory (i.e., hair removal) salons
  - Ear piercing services
  - Electrolysis (i.e., hair removal) salons
  - Hair removal (i.e., depilatory, electrolysis) services
  - Hair replacement services (except by offices of physicians)
  - Hair weaving services
  - Make-up salons, permanent
  - Scalp treating services
  - Sun tanning salons
  - Tanning salons
- ~~1514.~~ Family Fun Centers - NASICS Group 713120 (Ord. No. 2439-2015)

B. A retail store or establishment with street exposure shall be of a character consonant with and appropriate to a distinctive, high quality refined office, hotel and business district.

**C. Conditional Uses.**

**A building or premises shall be used in this zone only if it meets the following conditions:**

- 1. Hair, nail and skin care services – NASICS Group 81211.**
  - (a) If the use is 500 linear feet between a similar use; and,**
  - (b) The building space is 400 square feet or less.**

SECTION 2. Invalidation

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2526

AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXIV, SECTION 2402 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "B-3 ARTERIAL BUSINESS DISTRICT"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL, Article XXIV, Section 2402 of the Code of the Borough of Roselle Park, entitled "B-3 Arterial Business District" be and hereby is amended to read as follows:

SECTION 1.

40-2402 PERMITTED USES.

A. A building or premises may be used only for the following uses:

1. Any use permitted in the Residence Office Building and Central Business Districts.
2. The following retail business shall be permitted, provided that there is a total connected electric motor load for manufacturing or processing of not more than ten (10) horsepower, and further provided that no steam plant shall carry steam at more than one hundred (100) pounds pressure: bakery, carpenter shop, cleaning and dyeing shop, food processing shop, frozen food lockers, laundry, plumber, printing shop and car wash.
3. Retail trade.
4. Retail services.
5. Banks and financial institutions—NASICS Group 5221.
6. Institutional and public uses—NASICS Groups 71211, 8131 and 92.
7. Restaurants, Caterers and Banquet Halls—NASICS Group 7221, 7222, 72232 and 722320, excluding exotic and/or pornographic entertainment or activities and excluding drive-in restaurants.
- ~~8. Hair, nail and skin care services—NASICS Group 81211.~~
- ~~9.8.~~ Funeral Homes—NASICS Group 812210, excluding crematories.
- ~~10.9.~~ Motion Picture Theaters—NASICS Group 512131.
- ~~11.10.~~ Mortgage companies and mortgage brokers—NASICS Groups 522292 and 522310.
- ~~12.11.~~ Fitness and Recreational Sports Centers—NASICS Group 713940.
- ~~13.12.~~ Pet Grooming Services—NASICS Group 812910
- ~~14.13.~~ Utility Trailer Merchant Wholesalers—NASICS Group 423110

~~15-14.~~ Screen Printing Apparel & Textile Products—NASICS Group 323113

B. Any building used for any of the purposes enumerated in subsection A,1 through 10. above may not have more than forty (40%) percent of the first floor devoted to storage purposes incidental to the primary use.

C. Facades of storefronts, including signs, window displays and lighting or any retail store or other type of establishment with street exposure permitted under this Article shall conform to the following requirements:

1. The use of the following types of attention-getting devices shall be prohibited:

a. Direct, unshielded, flashing or intermittent lighting in the display windows or on the storefront.

b. Sound device or apparatus for commercial advertising purposes, such as radio or phonograph amplifiers.

c. Device or scheme using motion, such as pinwheels, motion pictures, live models or live demonstrations in the display windows, any of which of the aforementioned are disturbing to the senses of pedestrians or motorists using the adjacent sidewalk or street and which tend to impair the dignity and character of the district.

d. Nothing appearing herein shall be construed to prohibit temporary holiday lighting.

D. Uses permitted under Section 40-2402 shall not be located or established in an existing frame house or in a building or structure or extending from an existing frame building.

E. Retail store or establishment with street exposure shall be of a character consistent with and appropriate to a distinctive, high quality and refined office and business district.

**F. Conditional Uses.**

**A building or premises shall be used in the zone only if it meets the following Conditions:**

**1. Hair, nail and skin care services – NASICS Group 81211.**

**a. If the use is 500 linear feet between a similar use; and,**

**b. The building space is 400 square feet or less.**

SECTION 2. Invalidity

If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

## **RESOLUTIONS**

### **RESOLUTION NO. 129-18**

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize the Mayor and Borough Clerk to execute a lease renewal for the Roselle Park Historical Society for May 1, 2018 through April 30, 2019 at the monthly rate of \$750.00.

### **RESOLUTION NO. 130-18**

WHEREAS, it is the goal of the Borough of Roselle Park to create a safe working environment for all of its employees and residents; and,

WHEREAS, it is understood by the Borough of Roselle Park that the operation of motor vehicles is an inherent element of providing services to residents and businesses; and,

WHEREAS, the Borough of Roselle Park is committed to enhancing public trust and conforming to high standards of transparency and good government; and,

WHEREAS, as part of ongoing reform and review efforts, the Borough of Roselle Park continues to review, revisit, and revise its policies and procedures; and,

WHEREAS, the governing body of the Borough of Roselle Park recognizes that the use of Borough vehicles by Borough employees is a matter that warrants particular attention and regulation as a matter of general public trust and safety; and,

WHEREAS, it is the desire of the governing body to set forth a formal “vehicle policy;” and;

WHEREAS, the policies and procedures outlined in this document are intended to establish the framework from which the Borough will manage fleet exposures to ensure compliance with regulations as well as focusing on the safe operation of municipal vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that following provisions encompass the “Vehicle Policy” of the Borough of Roselle Park:

#### **SECTION 1: PERMISSIBLE DRIVERS OF MUNICIPAL VEHICLES**

- A. The definition of a “Municipal...” or “Borough Vehicle” shall be those automobiles owned or leased by the Borough of Roselle Park; or vehicles that are otherwise covered by the insurance policies of the Borough of Roselle Park.
- B. Only employees or individuals covered by the insurance policies of the Borough of Roselle Park (i.e. elected officials; and, Borough-sanctioned volunteers) on official business within the Borough of Roselle Park may operate Borough Vehicles, subject to vehicle availability and departmental assignment. Any individual who is *not* an employee, qualified volunteer, or elected official of the Borough of Roselle Park, or otherwise covered by the Borough’s insurance policy, shall be expressly prohibited from operating a Borough vehicle.

- I. As part of the Borough's hiring processes, employees who will be operating motor vehicles as part of their primary job tasks will be evaluated post-offer but also during pre-employment to ensure that their driving record meets the criteria established by the municipality. Driving records will be reviewed in accordance with the policy outlined herein, and depending upon which vehicles will be operated, drivers may be required to pass a road test to demonstrate his/her ability to operate the vehicle(s).
- C. Drivers authorized in paragraph B of this Section shall undergo a Motor Vehicle Record (MVR) Review as hereinafter described:

- I. MVR Review Process

Motor vehicle records of all drivers will be reviewed on a regular basis, with a minimum of one (1) check per year. This review will include all employees operating municipal vehicles, volunteers operating vehicles owned or insured by the municipality, as well as employees operating their personal vehicles on municipal business.

MVR reviews are intended to verify that not only does the operator have a valid license to drive, but that their driving record is acceptable to the Municipality based upon the criteria established herein.

A review of municipal operation shall establish a list of all employees/volunteers who operate vehicles in the performance of their duties. Each of the employees/volunteers identified shall provide their driver's license number or a copy of their license, along with an acknowledgement form that recognizes the Municipality's authority to review the MVR on a periodic basis.

MVRs shall be reviewed by the Municipal Clerk, and is hereby designated as the individual hereinafter designated to receive such records, to ensure that employee personal information is protected. The results of the review shall be shared with the respective Department Heads or supervisors for each department where drivers are assigned. Department Heads and supervisors shall ensure that all drivers within their control have been properly evaluated and meet the established criteria for operating the vehicles.

- II. MVR Review Criteria

All drivers shall be evaluated on the below criteria, which categorizes violations found on MVRs based upon the severity of the violations. A driver's record of at-fault collisions, or other collisions that may be deemed as "preventable" shall also be considered. Driving records reflect the driver's approach to operating a motor vehicle. A driver with a poor driving record is more likely to be involved in a collision and is likely to drive municipal vehicles in the same manner he/she drives their own vehicles.

Violations:

- i. Statutory Violations include, but are not limited to:
  - a. Driving while license is under suspension

- b. Operating an unregistered vehicle
  - c. Operating an uninsured vehicle
- ii. Major Violations include, but are not limited to:
    - a. Driving under the influence of alcohol or drugs
    - b. Reckless driving
    - c. Careless driving
    - d. Leaving the scene of a motor vehicle collision
- iii. Moving Violations include, but are not limited to:
    - a. Speeding
    - b. Failure to yield the right of way
    - c. Disregard of a traffic control device

### III. Post-Review Driving Eligibility Determination

- i. No one shall operate a municipal vehicle without a current valid driver's license.
- ii. Drivers with one (1) or more major violations over the past 2 years should be restricted from driving or closely monitored if permitted to operate a vehicle.
- iii. Drivers with two (2) or more moving violations should be restricted from driving or closely monitored if permitted to operate a vehicle.
- iv. Drivers with a history of repeated violations should be restricted from driving municipal vehicles.

## SECTION 2: USE OF MUNICIPAL VEHICLES

- A. Borough vehicles may be taken home by a Borough employee or Department Head on an ongoing basis, or on a situational basis, only with the advance approval of the governing body in the form of a Resolution or Employment Agreement.
  - I. Due to potential matters affecting public health, safety, and welfare the Roselle Park Fire Chief, Deputy Fire Chiefs, Police Chief, and Police Captain shall be explicitly exempt from the approval provisions and passenger restrictions set forth in paragraphs A (above) and B (below) of this Section. These individuals shall be permitted take home use of a Borough vehicle.
    - i. It is to be noted and explicitly expressed that the individuals captioned in subparagraph I. (above) *may* not be eligible for Workers Compensation coverage in a situation where the individual(s) sustain injuries while they are utilizing a Borough vehicle during the course of an activity classified as a "personal errand." Such situations shall be evaluated on a case-by-case basis.
  - II. Any Borough employee or Department Head, explicitly including the Fire Chief, Deputy Fire Chiefs, Police Chief, and Police Captain, who is



permitted to take a Borough vehicle home on an ongoing basis shall be subject to the prevailing applicable fringe benefit taxes or charges as required by Internal Revenue Service (IRS) regulation and other applicable fringe benefit laws.

- B. Passengers of Borough Vehicles shall be only individuals on official Borough business. Such individuals may include, but are not limited to: other Borough employees, Borough vendors, and volunteers.
- C. All requests to travel outside of the Borough of Roselle Park with a Borough Vehicle shall be made to the employee's Department Head. The respective Department Head shall come to a decision by considering overall operational necessity for the travel, the intended travel destination, the expected time the vehicle will remain in use, and any potential higher-priority need for the vehicle for to remain within the Borough of Roselle Park.
  - I. In the event of an emergent situation or where prior approval cannot be obtained or is impractical, a Borough Vehicle may be driven outside of the Borough of Roselle Park, provided that within forty-eight (48) hours of the vehicle's use, a written report or indication of use be filed with the appropriate Department Head.
  - II. Due to operational inefficiencies, the existence of mutual aid agreements, and in consideration of the public's health, safety, and welfare the Roselle Park Fire Department and Police Department shall be explicitly exempt from the provisions set forth in paragraph C of this Section.
- D. In the event a Borough employee sustains a work-related injury and is assigned or prescribed rehabilitation treatment during regular operating hours, it shall be the practice of the Borough of Roselle Park to have the employee utilize a Borough vehicle as a means of transport to and from treatment. This practice shall be universally applied and shall not be contingent upon the outside travel restrictions and approvals set forth in paragraph C of this Section.

### SECTION 3: MILEAGE REPORTING REQUIRED

- A. All Department Heads whose department utilizes Borough Vehicles shall be required to submit a monthly mileage report to the Borough Clerk on behalf of the governing body. Such report shall set forth the make, model, VIN number, and updated odometer reading as of the close of the prior month for departmentally assigned vehicles.

### SECTION 4: VEHICLE MAINTENANCE REQUIRED

- A. All Department Heads shall be required to ensure departmentally assigned Borough vehicles are maintained and kept in good, working condition. It is expected that routine maintenance of vehicles be scheduled with the Borough mechanic using vehicle mileage or a specified time period to determine service intervals. Non-routine maintenance shall be scheduled with the Borough mechanic on a case-by-case basis based on priority and operational needs of the Borough as a whole.

## SECTION 5: LEGAL LIABILITY OF DRIVER & INCIDENT REPORTING

- A. All employees who operate a Borough Vehicle shall be subject to the traffic and supplemental laws of the State of New Jersey, motor vehicle requirements, and local ordinances of the Borough of Roselle Park or other jurisdictions as applicable.
- B. All vehicle accidents, collisions, or incidents involving a Borough Vehicle must be immediately reported by the employee to the Roselle Park Police Department, or jurisdictional police department, for the purposes of a formal report, then the operating employee's applicable Department Head, and then the Borough Clerk. The employee may also submit a written statement if deemed and considered necessary. The reporting priority chain should be as follows:
1. Vehicle operator to notify Police Department
  2. Vehicle operator to notify Department Head (if applicable)
  3. Department Head to notify Borough Clerk
  4. Department Head to determine need for drug/alcohol test
  5. Borough Clerk to obtain report from Police Department
  6. Borough Clerk to submit report and supporting documentation to insurance carrier.
- C. Incident Review: All incidents and collisions involving municipal vehicles *may* be investigated to determine if the incident was preventable by the driver involved or not. Major collisions or incidents where vehicles and property sustain substantial damage shall be reviewed. A "preventable collision" is defined by the National Safety Council as one in which "the driver failed to do everything reasonable to avoid the collision." The driver does not necessarily need to be found at fault for causing the collision, but he or she could have done something that would have prevented the collision. Police reports for vehicle collisions should be completed, but should not be relied upon as the sole determination of preventability.

Incidents shall be reviewed by the standing Committee, or other Committee associated with the driver involved in the motor vehicle incidents. All pertinent facts should be reviewed related to the collision, including police reports, photographs, driver statements, GPS records and details of the job assignment by the driver's supervisor. Also to be included in the review would be weather conditions during the incident, the vehicle condition during the incident and any contributing factors to the collision.

Once the Committee has completed their review, the results of the review and determination of preventability should be shared with the driver. The driver shall acknowledge the same by signature, and such document shall be made part of the driver (employee's) personnel record. Should the driver refuse to affix their signature to such a document, a notation of the same shall be made. A corrective action plan shall be implemented for any collision deemed to be preventable. The corrective

action plan can include remedial training for the driver to address the issues identified during the review or disciplinary action intended to address the cause of the collision.

- D. Any summons, ticket, or warning received by any Borough of Roselle Park driver during the course of Borough business in a Borough Vehicle is to be reported in writing to the employee's Department Head, or, in the case of Department Heads, to the Borough Clerk on behalf of the governing body, in writing within twenty-four (24) hours or as soon thereafter as practicable. Any financial penalty arising from a summons or ticket shall be borne and paid by the employee or Department Head who receives the same. The Borough of Roselle Park shall assume no financial liability for any summons or ticket.

An employee's Department Head, or the governing body in the case of a Department Head vehicle operator, shall review the frequency and seriousness of summonses, tickets, and warnings issued to a driver during the course of Borough business and shall take appropriate and reasonable action to ensure the continuation of safe and efficient operations. Such action may include, but is not limited to, disciplinary action, and the temporary or permanent reassignment of duties as they relate to the operation of a vehicle.

#### SECTION 6: IDENTIFICATION OF BOROUGH VEHICLES

- A. All Borough Vehicles shall be identified with lettering which identifies it as owned, operated, or otherwise commissioned by "The Borough of Roselle Park." Such vehicles shall also include wording which identifies the Borough department to which the vehicle is assigned. Such wording shall be displayed prominently and in a large enough font and contract on each vehicle so as to be easily identifiable by the public-at-large.

Example Template: The Borough of Roselle Park  
Department of \_\_\_\_\_

- a. Two (2) specific exemptions shall exist to the requirements of paragraph A of this section:
  - 1. Vehicles operated by the Roselle Park Police Department that are not considered marked units for general policing purposes.
  - 2. Vehicles operated by the Fire Chief of the Roselle Park Fire Department for the purpose of routine and emergent mutual aid coordination that are not considered fire apparatus for general firefighting purposes.

#### SECTION 7: EMPLOYEE TAX CONSEQUENCES

- A. Internal Revenue Service (IRS) regulations require an employer provided vehicle to be treated as a non-cash taxable fringe benefit when it is used for the employee's personal benefit. The Borough of Roselle Park shall utilize the most updated

regulations and guidelines promulgated by the IRS to determine the applicability of fringe benefit consequences.

- B. If routine mileage reporting is not received as referenced in Section 3 herein, the Borough shall assume the highest and most use of vehicles for tax purposes.

#### SECTION 8: DRUG TESTING REQUIREMENTS

- A. The Borough of Roselle Park reserves the right to implement and carry out random, post-incident, and reasonable suspicion drug testing for all employees who operate Borough Vehicles.
- B. Any vehicle with a gross vehicle weight rating of 26,001 pounds or more is defined as a commercial motor vehicle, and requires that the operators of these vehicles maintain a valid CDL (Commercial Driver's License). The management and oversight of CDL drivers requires additional action to ensure compliance with the federal regulations that govern commercial drivers. CDL drivers are required to participate in several drug testing programs as outlined below and in some cases must maintain medical certificates verifying their health for driving commercial vehicles.

CDL Drivers must undergo (1) pre-employment testing, (2) random testing, (3) post-accident and (4) reasonable suspicion testing in accordance with the regulations:

- (1) Pre-employment testing occurs after an offer of employment has been extended to a driver, and requires that the driver test negative for any drugs or alcohol in their system prior to being hired.
- (2) Random testing requires that all CDL drivers be in a pool for random testing to be performed throughout the year. An employer is required to test 50% of the average number of drivers on an annual basis. This testing must be done with all drivers included in a pool to be chosen at random, and subjects all drivers to the unannounced testing on a random date and time.
- (3) Post-accident testing is required for the CDL driver whenever one of three conditions has been met; i.e., when a citation has been issued to the driver for any violation, when medical treatment away from the scene is required for any driver or passenger, or when the vehicles involved must be removed from the scene by tow truck rather than via their own power.
- (4) Reasonable suspicion testing is performed when a driver's supervisor has determined that he/she has established reasonable suspicion that the driver may be impaired by drugs or alcohol.

#### SECTION 9: USE OF VEHICLES FOR CEREMONIAL PURPOSES

- A. Any individual, group, or entity seeking use of a Borough vehicle for a Roselle Park-related community, charitable, or fraternal purpose shall submit a written request for the same to the appropriate Department Head who shall render their decision within their sole discretion based on the operational needs of their Department. Such

requests shall be also be sent to the Borough Clerk who shall forward the same to the Mayor and Council for informational purposes.

- B. Nothing in this section shall be construed so as to permit members of the public-at-large, or other individuals who are otherwise not covered by the Borough of Roselle Park’s insurance policies to operate Borough Vehicles.

**SECTION 10: POLICY VIOLATIONS; DISCIPLINARY ACTION**

- A. It shall be the obligation of Borough employees and appropriate managerial staff to satisfy and fulfill the requirements of this policy. Failure to adhere and abide by the provisions set forth herein may result in reasonable and progressive disciplinary action up to and including termination.

BE IT FURTHER RESOLVED that this policy shall stand on its own and shall be in full effect, and shall be incorporated in full into any revision to the Personnel and Policy Manual of the Borough of Roselle Park.

**RESOLUTION NO. 131-18**

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 hereby authorizes the Treasurer to issue two (2) checks totaling \$46,051.84 payable to two (2) lien holders on two (2) properties; and,

BE IT FURTHER RESOLVED that two (2) checks be issued in the total amount of \$46,400.00 from the Tax Collector’s Premium Account.

BOROUGH OF ROSELLE PARK TAX COLLECTOR ANALYSIS OF LIEN REDEMPTIONS 4/19/2018														
TSC #	BLOCK	LOT	QUAL.	PREMIUM	TOTAL AMOUNT REDEEMED	CERTIFICATE AMOUNT	REDEMPTION PENALTY PERCENTAGE	INTEREST ON CERTIFICATE DATE 4/19/2018	SEARCH FEE	RECORDING FEE	SUBSEQUENT TAXES PAID	INTEREST ON SUBSEQUENTS TO 4/19/2018	6% INTEREST PENALTY	LEGAL FEES
US BANK CUST FOR BV001 TRUST	15-013	311	19.01	\$ 45,100.00	\$ 44,357.60	\$ 2,548.72	\$ 50.97		\$ 12.00	\$ 43.00	\$ 34,160.43	\$ 7,542.48		
MAS CAPITAL	16-034	603	37	\$ 1,300.00	\$ 1,694.24	\$ 611.67	\$ 12.23		\$ 12.00	\$ 43.00	\$ 856.28	\$ 159.06		
				\$ -	\$ -	\$ -	\$ -							
<b>TOTAL</b>				\$ 46,400.00	\$ 46,051.84	\$ 3,160.39	\$ 63.20	\$ -	\$ 24.00	\$ 86.00	\$ 35,016.71	\$ 7,701.54	\$ -	\$ -

**RESOLUTION NO. 132-18**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a Professional Service Contract for survey, design, permit, and construction management services for the project:

**EAST WEBSTER AVENUE AREA STREAM BANK STABILIZATION IMPROVEMENTS**  
 be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for a sum not to exceed Seventeen Thousand Three-Hundred Fifty dollars (\$17,350.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

**RESOLUTION NO. 133-18**

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a Professional Service Contract for engineering and construction management services for the project:

**EAST GRANT AVENUE / PERSHING AVENUE DRAINAGE IMPROVEMENTS**

be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for a sum not to exceed Two Thousand Three-Hundred Eighty dollars (\$2,380.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 134-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a Professional Service Contract for engineering services for the relocation of the project:

CASANO COMMUNITY CENTER GENERATOR

be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for a sum not to exceed Three Thousand Nine-Hundred Twenty dollars (\$3,920.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 135-18

WHEREAS, the Borough of Roselle Park will hold a Memorial Day Parade and Service on Monday, May 28, 2018; and,

WHEREAS, the Memorial Day Parade and Service will be held on Chestnut Street from Grant Avenue to Webster Avenue and Grant Avenue from Chestnut Street to Sheridan Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby requests approval from the Union County Board of Chosen Freeholders to close Chestnut Street, from Grant Avenue to Webster Avenue, on Monday, May 28, 2018, from 8:00 a.m. to 3:00 p.m. in order to hold a Memorial Day Parade and Service.

RESOLUTION NO. 136-18

WHEREAS, the Borough of Roselle Park will celebrate National Night Out 2018 on Tuesday, August 7, 2018; and,

WHEREAS, National Night Out 2018 will be held on Chestnut Street from Grant Avenue to Clay Avenue.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby requests approval from the Union County Board of Chosen Freeholders to close Chestnut Street, from Grant Avenue to Clay Avenue, on Tuesday, August 7, 2018, from 4:00 p.m. to 10:00 p.m. in order to hold National Night Out 2018.

RESOLUTION NO. 137-18

WHEREAS, the Borough of Roselle Park will host a car show on Saturday, September 15, 2018, with a rain date of Saturday, September 22, 2018; and,

WHEREAS, the aforementioned car show will be held on Chestnut Street from Grant Avenue to Webster Avenue, and on Grant Avenue from Walnut Street to Locust Street.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby requests approval from the Union County Board of Chosen Freeholders to close Chestnut Street, from Grant Avenue to Webster Avenue, on Saturday, September 15, 2018, with a rain date of Saturday, September 22, 2018, from 9:00 a.m. to 6:00 p.m. in order to hold a car show.