

REGULAR MEETING – FEBRUARY 6, 2020

READ PUBLIC MEETINGS LAW ARTICLE

ROLL CALL

MOMENT OF SILENCE/PRAAYER

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

PROCLAMATIONS & PRESENTATIONS

1. Business of the Month: T. Grosso & Son Environmental Contractors
2. Presentation: Topology – Results of Transit Village Vision Planning

APPROVAL OF MEETING MINUTES, PENDING ANY CORRECTIONS

1. Regular Meeting of December 5, 2019
2. Regular Meeting of December 19, 2019
3. Special Meeting of December 30, 2019

MOTION BILLS & PAYROLLS BE NOT READ AND PASSED FOR PAYMENT

PUBLIC PORTION (Time Limit of 4 Minutes Limited to Agenda Items Only)

ORDINANCES FOR 2ND READING

- ORD. No. 2604 AN ORDINANCE AMENDING CHAPTER XL, SECTION 40-2402 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED, “PERMITTED USES”
- ORD. No. 2605 AN ORDINANCE AMENDING CHAPTER XL, SECTION 40-2302 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED, “PERMITTED USES”
- ORD. No. 2606 AN ORDINANCE AMENDING CHAPTER X, SECTION 10-4.1 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED “FEES FOR RECREATION/COMMUNITY CENTER; FEES ENUMERATED”
- ORD. No. 2607 AN ORDINANCE AMENDING CHAPTER XL, SECTION 40-311 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED, “DECISIONS”
- ORD. No. 2608 AN ORDINANCE AMENDING CHAPTER II, ARTICLE IV OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED, “BOARDS, COMMITTEES AND COMMISSIONS” SO AS TO ESTABLISH THE ROSELLE PARK GREEN TEAM AS A STANDING SUBCOMMITTEE OF THE ROSELLE PARK ENVIRONMENTAL COMMISSION

ORDINANCES FOR INTRODUCTION

- ORD. No. 2609 A BOND ORDINANCE PROVIDING FOR VARIOUS 2020 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,425,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$730,000 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

ORD. No. 2610

AN ORDINANCE AMENDING CHAPTER VII, SECTION 40, SUBSECTION 40.1, PARAGRAPH G OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED, "WEST WEBSTER AVENUE COMMUTER PARKING LOT (MUNICIPAL PARKING LOT NO. 5)"

CONSENT AGENDA

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

RESOLUTIONS:

- * **#54-20:** Appointing Daniel J. Erazo to the Position of Probationary Patrolman within the Roselle Park Police Department
- * **#55-20:** Authorizing a Shared Service Agreement between the Borough of Roselle Park and the Township of Union for the Roselle Park Police Department's Use of the Union Township Firearms Training Facility
- * **#56-20:** Amending Resolution No. 48-20 Thereby Authorizing the Tax Collector to Issue a Reduction and/or Refund in the Total Amount of \$619.89 on One (1) Property as Ordered by the Union County Board of Taxation
- * **#57-20:** Authorizing the Tax Collector to Issue a Reduction and/or Refund in the Total Amount of \$10,676.88 on Block 1116, Lot 4 (442-450 East Westfield Avenue) as Ordered by the State Tax Court of New Jersey
- * **#58-20:** Authorizing Application and Agreement with New Jersey Transit Corporation for Three (3) Bus Shelters in the Chestnut Street Corridor
- * **#59-20:** Authorizing Application and Agreement with New Jersey Transit Corporation for One (1) Bus Shelter in the Westfield Avenue Corridor
- * **#60-20:** Authorizing the Treasurer to Issue Three (3) Checks Totaling \$2,228.11 Payable to One (1) Lien Holder on Three (3) Properties and Three (3) Checks Totaling \$3,900.00 from the Tax Collector's Premium Account
- * **#61-20:** Establishing the Census 2020 Complete Count Committee of the Borough of Roselle Park
- * **#62-20:** Reappointing Andrew J. Casais to the Position of Municipal Clerk
- * **#63-20:** Authorizing the Partial Closure of Williams Street at the Request of Dowling's Irish Pub and Restaurant for a Saint Patrick's Day Celebration Where Alcoholic Beverages May Be Consumed on Public Property
- * **#64-20:** Approving the Time-Due Calculation and Terms of Final Payment for Manuel Jimenez

- * **#65-20:** Approving the Time-Due Calculation and Terms of Final Payment for the Estate of Edward Nortrup
- * **#66-20:** Amending and Replacing Resolution No. 42-20 and Authorizing the Roselle Park Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Request and Acquisition of Excess Department of Defense Equipment
- * **#67-20:** Authorizing a Goods and Services Contract with Gold Type Business Machines, Inc. for the Purchase, Setup, and Support of an E-Ticketing System for Use by the Roselle Park Police Department Pursuant to New Jersey State Contract No. 89980

REPORTS OF DEPARTMENTS (Time Limit 3 Minutes)

Written Reports Received:

1. Borough Clerk's Report for December 2019
2. Police Chief's Report for January 2020
3. Court Administrator's Report for December 2019
4. Public Works Superintendent's Report for January 2020

REPORTS OF BOROUGH COUNCIL/ COMMITTEES (Time Limit 7 Minutes)

REPORT OF THE MAYOR AND MAYORAL APPOINTMENTS (Time Limit 7 Minutes)

1. Appointing Community Center Director Rupen Shah as a member and the Chairperson of the Census 2020 Complete Count Committee pursuant to Resolution No. 61-20.
2. Appointing Library Director Jenny Lichtenwalner as a member of the Census 2020 Complete Count Committee pursuant to Resolution No. 61-20.
3. Appointing Roselle Park Middle School Principal Patricia A. Gois as a member of the Census 2020 Complete Count Committee pursuant to Resolution No. 61-20.
4. Appointing Nora Posadas of 128 East Grant Avenue, Roselle Park, New Jersey 07204 as a member and the "Community Outreach Leader" of the Census 2020 Complete Count Committee pursuant to Resolution No. 61-20.

PUBLIC PORTION (Time Limit of 3 Minutes On Any Subject)

EXECUTIVE (CLOSED) SESSION

ADJOURNMENT

**THE NEXT REGULAR MEETING OF THE MAYOR AND COUNCIL
WILL BE HELD ON FEBRUARY 20, 2020**

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2604

AN ORDINANCE AMENDING CHAPTER XL, SECTION 40-2402 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED, “PERMITTED USES”

WHEREAS, the governing body, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and,

WHEREAS, Section 40-2402 of the Code of the Borough of Roselle Park relates particularly to permitted uses within the B-3 Arterial Business District Zone of the municipality; and,

WHEREAS, the governing body wishes to amend said section of the Code so as to add a Conditional Use; and,

WHEREAS, the Municipal Land Use Board, at its January 27, 2020 Regular Meeting, confirmed that the proposed amendment is substantially consistent with the Borough’s land use plan element, in accordance with the provisions of N.J.S.A. 40:55D-62.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Amendment(s) to B-3 Arterial Business District Zoning

Part 3 Zoning

Article XXIV B-3 Arterial Business District

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—NAICS Group 5221.

6. Institutional and public uses—NAICS Groups 71211, 8131 and 92.
 7. Restaurants, Caterers and Banquet Halls—NAICS Group 7221, 7222, 72232 and 722320, excluding exotic and/or pornographic entertainment or activities and excluding drive-in restaurants.
 8. Funeral Homes—NAICS Group 812210, excluding crematories.
 9. Motion Picture Theaters—NAICS Group 512131.
 10. Mortgage companies and mortgage brokers—NAICS Groups 522292 and 522310.
 11. Fitness and Recreational Sports Centers—NAICS Group 713940.
 12. Pet Grooming Services—NAICS Group 812910
 13. Utility Trailer Merchant Wholesalers—NAICS Group 423110
 14. Screen Printing Apparel & Textile Products—NAICS 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—NAICS 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.
 - 2. Medical Cannabis Dispensary.
 - a. To protect the public health, safety, and general welfare, and to prevent economic stagnation, site plan approval is required for a Medical Cannabis Dispensary as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D, et seq.); and,
 - b. One Medical Cannabis Dispensary shall be allowed per zone district where the use is permitted; and,
 - c. A Medical Cannabis Dispensary shall only be located on the ground floor (i.e. street-level) of any building in which it has been approved to be located; and,
 - d. Minimum gross floor area of two-thousand five hundred (2,500) square feet; and,
 - e. Minimum parking requirements shall be one (1) space per two hundred fifty (250) square feet of gross floor area (GFA); and,
 - f. A Medical Cannabis Dispensary shall not be located within a Drug Free School Safety Zones; and,
 - g. A Medical Cannabis Dispensary shall not be located within two hundred and fifty (250) feet of the property line of any existing church, parochial school, childcare center, or any existing public park; and,
 - h. There shall be no on-site sales of alcohol or tobacco products, and no on-site consumption of food, alcohol, tobacco, or marijuana by patrons; and,
 - i. Hours of public operation shall be limited to 9:00 a.m. through 8:00 p.m. Monday through Saturday; and,

- j. The facility shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building. The ventilation system must be installed to meet ASHRAE62 Indoor Air Quality Standards and approved by the Borough of Roselle Park Health Department and Building Department and may be subject to periodic inspection; and,
- k. No doctors' and/or physicians' offices shall be located on the same site as any State Licensed Medical Cannabis Dispensary, and no recommendations from a doctor and/or physician for medical cannabis shall be issued on-site at any State Licensed Medical Cannabis Dispensary within the Borough of Roselle Park; and,
- l. Security. All facilities associated with dispensing cannabis shall be secured and shall have full-time security protocols. Security protocols shall be submitted to the Roselle Park Police Department for compliance review with all safety and security standards established by the State of New Jersey for Medical Cannabis Dispensaries. The Roselle Park Police Department may, at their discretion and upon review of the proposed location, recommend or require additional safety and security measures above and beyond the following requirements:
 - i. An updated employee (including security) list shall be provided to the Roselle Park Chief of Police (or designee) on a monthly basis, but no later than the close of business on the 10th day of the current month; and,
 - ii. A Director of Security shall be appointed by the facility owner and identified as such to the Roselle Park Chief of Police (or designee); and,
 - iii. To the extent not already required by the entity's State license, all licensed facilities must provide a minimum of at least two (2) armed security guards (or more if required by the State of New Jersey) during all times the facility is open to the public. At a minimum, the security guard shall be a State Certified Security Officer whose certification is in good standing; and,
 - iv. To the extent not already required by the entity's State license, all sites must be equipped with 24/7 closed circuit

security cameras covering all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of marijuana products. Footage must be maintained for the duration required under State law but no less than 30 days; and,

- v. All licensed facilities must provide the Roselle Park Police Department with access to security footage immediately upon request by the Department; and,
 - vi. Exterior lighting plans shall be reviewed and approved by the Borough Engineer in consultation the Roselle Park Police Department and submitted with site plan application; and,
 - vii. Reception area shall use bullet-proof glass and hardened doors separating reception area from patient area; and,
 - viii. Panic buttons shall be installed and linked to the Roselle Park Police Department; and,
 - ix. All banking transports shall be provided by an armored car service; and,
- m. The Medical Cannabis Dispensary shall comply with all setback or distance requirements established by law and in effect in the zone in which it is to be located as of the time of the licensee's application; and,
 - n. Signage shall comply with all existing regulations but shall not include language referring to "marijuana" or "cannabis" or use any symbols that indicate such.

3. Lessors of Miniwarehouses and Self-Storage Units-NAICS Group 531130

- a. A minimum lot area of ten-thousand (10,000) square feet.**
- b. The use is five hundred (500) linear feet from the same use.**

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. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 5. Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2605

**AN ORDINANCE AMENDING CHAPTER XL, SECTION 40-2302
OF THE CODE OF THE BOROUGH OF ROSELLE PARK,
ENTITLED, “PERMITTED USES”**

WHEREAS, the governing body, pursuant to N.J.S.A. 40:55D-62, may adopt or amend a zoning Ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and,

WHEREAS, Section 40-2302 of the Code of the Borough of Roselle Park relates particularly to permitted uses within the B-2 Central Business District Zone of the municipality; and,

WHEREAS, the governing body wishes to amend said section of the Code so as to clarify the uses permitted in the B-2 Central Business District Zone; and,

WHEREAS, the Municipal Land Use Board, at its January 27, 2020 Regular Meeting, confirmed that the proposed amendment is substantially consistent with the Borough’s land use plan element, in accordance with the provisions of N.J.S.A. 40:55D-62.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Amendment(s) to B-3 Arterial Business District Zoning

Part 3 Zoning

Article XXIII B-2 Central Business District

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. Motion-picture theaters—NASICS Group 512131.
 10. Insurance agencies and brokerage—NASICS 5242.
 11. Pet grooming services—NASICS Group 812910.
 12. Fitness and Recreational Sports Centers—NASICS Group 713940.
 13. 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
 14. Family Fun Centers - NASICS Group 713120
- 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. 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. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 5. Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2606

AN ORDINANCE AMENDING CHAPTER X, SECTION 10-4.1 OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED “FEES FOR RECREATION/COMMUNITY CENTER; FEES ENUMERATED”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter X of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 10-4.1 Fees Enumerated.

The fees for the Recreation/Community Center of the Borough of Roselle Park are hereby set as follows:

<i>Recreation</i>	<i>Fee</i>
Soccer	
Fall Clinic	\$ 45.00
Winter Indoor	\$ 45.00
Fall/Travel	\$ 65.00
Spring/Travel	\$ 65.00
Fall/Rec	\$ 65.00
Late Fee	\$ 10.00
Family/Fall (3 or more children in one family)	\$180.00
Family/Fall (3 or more children in one family) after June 1st (includes \$10.00 late fee)	\$190.00
Special Circumstances	\$ 80.00
Spring Soccer Classes	\$ 80.00
High School Soccer Summer Camp	\$ 35.00
Individual Guest Registration	
Guest Registration is the individual charge for players on team rosters from Guest Organizations outside of Roselle Park playing Fall Rec Soccer.	
Wrestling	
K & 1st Grade	\$ 55.00
2nd – 8th Grade	\$ 75.00
Family (3 or more)	\$155.00
Tournament Entry	\$ 20.00
T-Shirt	\$ 8.00
Hoodie	\$ 27.00
Shorts	\$ 12.00
Bag	\$ 7.00
Special Circumstances	\$ 0.00
Singlet not returned	\$100.00
Wrestling clinic	\$ 25.00
Roselle Park Training Center (per season)	
Individual (3 rd to 8 th Grade)	\$ 40.00
Family (3 or more)	\$110.00
Special Circumstances	\$ 0.00

T-Shirt	\$ 8.00
Tank Top	\$ 15.00
Shorts	\$ 12.00
Basketball	
Individual	\$ 65.00
Family (3 or more)	\$170.00
Basketball clinic	\$ 30.00
Special circumstances	\$ 0.00
Jersey Basketball Association	
Individual	\$ 95.00
Family (3 or more)	\$260.00
Special Circumstances	\$ 0.00
Women's Softball Team	\$325.00
Roselle Park Men's Over 35 Basketball and Softball League	\$625.00 per team (sponsorship)
Roselle Park Women's Basketball and Softball League	\$275.00 per team (sponsorship)
Happy Haunted School Ages 10 & under (Must be accompanied by an admission free adult)	\$5.00
Haunted School	\$5.00
<i>Community Center</i>	<i>Fee</i>
Community Center	
Membership, lifetime	\$ 1.00
Ceramics, senior (10-week session)	\$ 10.00
Aerobics (10-week session)	
Once per week	\$ 30.00
Twice per week	\$ 40.00
Saturday night dance	\$ 2.00
Snack pack (5-week session)	\$ 5.00
Parent/tot (4-week session)	\$ 4.00
Canning, per class	\$ 35.00
Community Center Rental for Private Parties Up to and including five (5) hours	<p>\$275.00 for Roselle Park Residents (which includes a \$50.00 nonrefundable deposit)</p> <p>\$375.00 for Non-Roselle Park Residents (which includes a \$50.00 nonrefundable deposit)</p> <p>All rental fees shall be waived for the following entities: the Roselle Park School District; agencies of municipal, county, state, and federal government; and, Union County-based non-profit organizations. Insurance and other policy related requirements for rentals shall not be waived.</p>

Over five (5) hours	<p>\$275.00 for Roselle Park Residents (which includes a \$50.00 nonrefundable deposit) plus \$100 per additional hour</p> <p>\$375.00 for Non-Roselle Park Residents (which includes a \$50.00 nonrefundable deposit) plus \$100 per additional hour</p> <p>All rental fees shall be waived for the following entities: the Roselle Park School District; agencies of municipal, county, state, and federal government; and, Union County-based non-profit organizations. Insurance and other policy related requirements for rentals shall not be waived.</p>
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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. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 5. Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2607

**AN ORDINANCE AMENDING CHAPTER XL, SECTION 40-311
OF THE CODE OF THE BOROUGH OF ROSELLE PARK,
ENTITLED, "DECISIONS"**

WHEREAS, Section 40-311 of the Code of the Borough of Roselle Park relates particularly to decisions of the Municipal Land Use Board related to applications for development; and,

WHEREAS, the governing body wishes to clarify and otherwise establish the enforcement authority for said decisions made by the Municipal Land Use Board; and,

WHEREAS, the Municipal Land Use Board, at its January 27, 2020 Regular Meeting reviewed said foregoing Ordinance and referred the same back to the governing body for final action.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XL of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Amendment(s) to Procedure for Enforcement of Decisions

Part 1 Procedures

Article III Provisions Applicable to the Municipal Land Use Board

40-311 DECISIONS.

- A. Each decision on any application for development shall include findings of fact and conclusions based thereon and shall be reduced to writing. The findings and conclusions shall be provided through:
1. A resolution adopted at a meeting held within the time period provided in this chapter for action on an application for development; or,
 2. A memorializing resolution adopted at a meeting held not later than forty-five (45) days after the date of the meeting at which the vote to grant or deny was approved. Only the members of the Planning Board or Board of Adjustment who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution. An action pursuant to N.J.S.A. 40:55D-9, resulting from the failure of a motion to approve an application, shall be memorialized by resolution as provided above, with those members voting against the motion for approval being the members eligible to vote of the memorializing resolution. The vote on any such resolution shall be deemed to be a memorialization of the action of the Planning Board or Board of Adjustment and not to be an action of the Planning Board or Board of Adjustment; however, the date of the adoption of the resolution shall constitute the date of the decision for purposes of the mailings, filings and

publications required by subsections h. and i. of N.J.S.A. 40:55D-10. If the Planning Board or Board of Adjustment fails to adopt a resolution or memorializing resolution as hereinabove specified, any interested party may apply to the Superior Court of New Jersey in a summary manner for an order compelling the Planning Board or Board of Adjustment to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorneys' fees, shall be assessed against the Borough of Roselle Park.

- B. A member of the Planning Board or Board of Adjustment who was absent for one (1) or more of the meetings at which a hearing was held shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding his absence from one (1) or more of the meetings; provided, however, that such member has available to him the transcript or recording of all of the hearing from which he was absent and certifies in writing to the Board that he has read such transcript or listened to such recording.
- C. A copy of the decision shall be mailed by the Board within ten (10) days of the date of decision to the applicant or, if represented, then to his attorney, without separate charge. A copy of the decision shall also be mailed to all persons who have requested it and have paid the fee prescribed by the Board for such service. A copy of the decision shall also be filed in the office of the Borough Clerk, who shall make a copy of such filed decision available to any interested party upon payment of a fee calculated in the same manner as those established for copies of other public documents in the municipality and available for public inspection at the Clerk's office during reasonable hours.
- D. **The decision, and thereby the accompanying Resolution as prescribed in Paragraph A of this Section, shall be explicitly enforceable by the Construction Official, Zoning Officer, or their respective designee(s) assigned from within the Department of Code Enforcement. Actions, omissions, or other deviations from any decision promulgated by the Municipal Land Use Board shall be considered a violation of the Municipal Code by reference hereto and shall be subject to a fine of not more than two thousand dollars (\$2,000.00) for each and every day that such a violation shall exist.**

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. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 5. Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

ORDINANCE NO. 2608

AN ORDINANCE AMENDING CHAPTER II, ARTICLE IV OF THE CODE OF THE BOROUGH OF ROSELLE PARK, ENTITLED, “BOARDS, COMMITTEES AND COMMISSIONS” SO AS TO ESTABLISH THE ROSELLE PARK GREEN TEAM AS A STANDING SUBCOMMITTEE OF THE ROSELLE PARK ENVIRONMENTAL COMMISSION

WHEREAS, the Borough of Roselle Park first established its Sustainable Jersey “Green Team” via Resolution through the governing body’s adoption of Resolution No. 108-18; and,

WHEREAS, the Roselle Park Green Team was further established via Ordinance, and thereafter codified, through the governing body’s adoption of Ordinance No. 2558; and,

WHEREAS, the governing body now desires to restructure the Roselle Park Green Team such that it shall exist as a standing subcommittee of the Roselle Park Environmental Commission as permitted by the Sustainable Jersey certification program’s “Create Green Team” action; and,

WHEREAS, the governing body also now desires to make such other amendments to the Roselle Park Green Team that it feels will improve operational efficiencies.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter II of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Deletion of Roselle Park Green Team as Stand-Alone Entity

~~2-42 ROSELLE PARK GREEN TEAM. RESERVED.~~

~~2-42.1 — Roselle Park Green Team Created.~~

~~There is hereby established within the Borough of Roselle Park the Roselle Park Green Team in accordance with the policies and requirements of the Sustainable Jersey certification program. The forgoing shall be intended to act in accordance with and otherwise supersede that which is set forth in Borough of Roselle Park Resolution 108-18.~~

~~2-42.2 — Purpose; Mission, Goals and Objectives.~~

~~a. — The mission of the Roselle Park Green Team shall be to advise and recommend methods for improving municipal operations with environmentally friendly initiatives which are economically and environmentally sound through research and evaluation.~~

~~b. — The goals of the Roselle Park Green Team shall be to submit reports and recommendations to the Governing Body which include:~~

~~1. — Initiatives involving the Borough of Roselle Park that keep with the Sustainable Jersey Program.~~

~~2. — Plans, programs, and educational opportunities that support the creation of a sustainable community.~~

~~3. Suggested best practices for more environmentally conscious municipal operations.~~

~~e. The objectives of the Roselle Park Green team shall include:~~

~~1. Collaborating with Borough employees, service providers, and other governmental agencies to share resource information and ideas consistent with its mission.~~

~~2. Encouraging participation of all community stakeholders to solicit ideas on green initiatives.~~

~~3. Researching and analyzing green initiatives which are environmentally and financially practical.~~

~~2-42.3 Composition.~~

~~a. The Roselle Park Green Team shall consist of not more than forty (40) members, who shall be residents or employees of the Borough of Roselle Park, appointed by the Mayor and confirmed by the Borough Council for the following terms:~~

~~1. All forty (40) members shall be appointed for an initial term expiring on December 31, 2019.~~

~~2. Upon the completion of the initial term, all members shall be appointed for a term of two (2) years, expiring on December 31st of each second year after December 31, 2019.~~

~~b. Any vacancy on the Roselle Park Green Team which occurs during the unexpired term shall be filled by appointment as outlined herein for the unexpired term only.~~

~~c. The Chairperson of the Roselle Park Green Team shall be the Clean Communities Coordinator who shall also serve as a member of the Green Team for the same term as all other members. Such individual shall also serve as the Borough of Roselle Park's agent for Sustainable Jersey Municipal Certification.~~

~~d. The Governing Body may remove any members of the Roselle Park Green Team for cause, on written charges served upon the member and after a hearing therein at which the member shall be entitled to be heard in person or by counsel. Reasoning for a removal for cause may include, but shall not be limited to, a continued absence of a member for five (5) consecutive meetings (regular or special meetings) of the Roselle Park Green team without a good cause shown.~~

~~e. The Roselle Park Borough Council shall appoint one of its members to be a liaison to the Roselle Park Green Team for a term of one (1) year, which expires on December 31st of that year.~~

SECTION 2. Relocation of Roselle Park Green Team within Environmental Commission

2-34.2 Members; Terms; Vacancies.

a. *Regular Members.*

1. The Commission shall consist of seven (7) members appointed by the Mayor, one of whom shall also be a member of the Municipal Land Use Board and all of whom shall be residents of the Borough of Roselle Park. Members shall serve without compensation except as hereinafter provided. The Mayor shall designate one (1) of the members to serve as Chairman and presiding officer of the Commission. Members shall be appointed for terms of three (3) years and until the appointment and qualification of their successors pursuant to N.J.S.A. 40:56A-1 et seq.
2. The Mayor or Governing Body may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

Reasoning for a removal for cause may include, but shall not be limited to, a continued absence of a member for five (5) consecutive meetings (regular or special meeting) of the Environmental Commission without good cause shown.

b. *Alternate Members.*

1. The Mayor may appoint not more than two (2) alternate members, to be designated "Alternate No. 1" and "Alternate No. 2."
2. The terms of the alternate members shall be for two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.
3. An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the Governing Body for cause.
4. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

c. *Green Team Subcommittee; Membership.*

1. **Established. There is hereby established within the Borough of Roselle Park's Environmental Commission the Roselle Park Green Team which shall exist as a standing**

subcommittee of the Commission on matters of sustainability. Such Green Team is hereinafter established in accordance with the policies and requirements of the Sustainable Jersey certification program.

2. **Mission.** The mission of the Roselle Park Green Team shall be to advise and recommend methods for improving municipal operations with environmentally friendly initiatives which are economically and environmentally sound through research and evaluation. The goals and objectives of the Roselle Park Green Team shall be to work collaboratively within its own membership, municipal employees, community leaders, and local stakeholders to submit reports and recommendations to the Environmental Commission for ultimate submission to the governing body, which include:

- i. Initiatives involving the Borough of Roselle Park that keep with the Sustainable Jersey Program.
- ii. Plans, programs, and educational opportunities that support the creation of a sustainable community.
- iii. Suggested best practices for more environmentally conscious municipal operations.

3. **Composition; Appointment of Members.** The Roselle Park Green Team shall consist of not more than twenty (20) members, who shall be residents or employees of the Borough of Roselle Park, appointed by the Mayor and confirmed by the Borough Council for a term of two (2) years; all terms shall expire on each second year succeeding December 31, 2019. Any vacancy which occurs prior to the term's expiration shall be filled by appointment as outlined herein for the unexpired term only.

- i. The Chairperson of the Roselle Park Green Team shall be appointed from amongst the membership of the Green Team by the Chairperson of the Environmental Commission.

4. **Removal of Members.** The Governing Body may remove any members of the Roselle Park Green Team for cause, on written charges served upon the member and after a hearing

therein at which the member shall be entitled to be heard in person or by counsel. Reasoning for a removal for cause may include, but shall not be limited to, a continued absence of a member for five (5) consecutive meetings (regular or special meetings) of the Roselle Park Green team without a good cause shown.

- 5. Liaison. The member of the governing body who serves as the liaison to the Environmental Commission shall serve concurrently as the liaison to the Roselle Park Green Team.**

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. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 6. Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 2609

A BOND ORDINANCE PROVIDING FOR VARIOUS 2020 CAPITAL IMPROVEMENTS, BY AND IN THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION, STATE OF NEW JERSEY; APPROPRIATING \$1,425,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$730,000 IN BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey, with not less than two-thirds of all members thereof affirmatively concurring, that the following be enacted:

SECTION 1. The improvements or purposes described in Section 3 of this Bond Ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Roselle Park, in the County of Union, State of New Jersey (the "Borough"). For the said improvements or purposes stated in Section 3 hereof, there is hereby appropriated the sum of \$1,425,000, which sum includes (a) \$240,000 available in the Capital Surplus Fund (the "Surplus Fund"), (b) a grant in the amount of \$390,000 expected to be received from the State of New Jersey Department of Transportation (the "Grant"), and (c) a down payment in the amount of \$65,000 now available for said improvements or purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq., as amended and supplemented (the "Local Bond Law"). Said down payment is now available therefor by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$1,425,000 appropriation not provided for by application hereunder of said Surplus Fund, Grant or down payment, negotiable bonds of the Borough are hereby authorized to be issued in a principal amount not exceeding \$730,000 pursuant to and within the limitations prescribed by the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$730,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3.

(a) The improvements hereby authorized and purposes for the financing of which said bonds or notes are to be issued include, but are not limited to, the resurfacing of various streets in the Borough, including, but not limited to, Camden Street from Route 28 to East Grant Avenue, Prospect Street from East Roselle Avenue to the Roselle Park border, Seaton Avenue from Faitoute Avenue to Laurel Avenue, Bender Avenue from East Lincoln Avenue to Westfield Avenue, Sheridan Avenue from East Colfax Avenue to Westfield Avenue and Sherman Avenue from East Colfax Avenue to Westfield Avenue.

(b) The improvements or purposes set forth in Section 3(a) above shall also include, but are not limited to, as applicable, all engineering and design work, consulting, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto and all in accordance with the plans and specifications on file in the Office of the Clerk of the Borough and available for public inspection.

(c) The estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$730,000.

(d) The estimated cost of said improvements or purposes is \$1,425,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor is the \$240,000 available in the Surplus Fund, the Grant in the amount of \$390,000 and the down payment in the amount of \$65,000 available for such improvements or purposes.

SECTION 4. Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Union make a contribution or grant in aid to the Borough for the improvements and purposes authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Union. Except for the Grant, in the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Union shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this Bond Ordinance as “matching local funds” to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Borough. The Chief Financial Officer of the Borough shall determine all matters in connection with the notes issued pursuant to this Bond Ordinance, and the signature of the Chief Financial Officer of the Borough upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8.1. The Chief Financial Officer of the Borough is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer of the Borough is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this Bond Ordinance is made. Such report must include the principal amount, the description, the interest rate, the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget or budgets of the Borough are hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or budgets and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, will be on file in the office of the Clerk of the Borough and will be available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this Bond Ordinance are not current expenses and are improvements or purposes which the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of said improvements or purposes within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this Bond Ordinance by \$730,000 and the said bonds or notes authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$300,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 of the Local Bond Law is included in the estimated cost indicated herein for the purposes or improvements hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this Bond Ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the principal of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof and paid prior to the issuance of any bonds or notes authorized by this Bond Ordinance with the proceeds of such bonds or notes. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvements or purposes described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations §1.150-2. No reimbursement allocation will employ an "abusive arbitrage device" under Treasury Regulations §1.148-10 to avoid the arbitrage restrictions or to avoid the restrictions under Sections 142 through 147, inclusive, of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for costs of the improvements or purposes described in Section 3 hereof, or funds corresponding to such amounts, will not be used in a manner that results in the creation of "replacement proceeds", including "sinking funds", "pledged funds" or funds subject to a "negative pledge" (as such terms are defined in Treasury Regulations §1.148-1), of any bonds or notes authorized herein or another issue of debt obligations of the Borough other than amounts deposited into a "bona fide debt service fund" (as defined in Treasury Regulations §1.148-1). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvements or purposes described in Section 3 hereof will be issued in an amount not to exceed \$730,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of Section 150 of the Code. All reimbursement allocations will occur not later than eighteen (18) months after the later of (i) the date the expenditure from a source other than any bonds or notes authorized herein is paid, or (ii) the date the improvements or purposes described in Section 3 hereof is "placed in service" (within the meaning of Treasury Regulations §1.150-2) or abandoned, but in no event more than three (3) years after the expenditure is paid.

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all federally tax exempt bonds and notes issued under this Bond Ordinance.

SECTION 11. The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough, which are authorized herein, and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer of the Borough is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough, which are authorized herein, and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 12. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

ORDINANCE NO. 2610

**AN ORDINANCE AMENDING CHAPTER VII, SECTION 40, SUBSECTION 40.1,
PARAGRAPH G OF THE CODE OF THE BOROUGH OF ROSELLE PARK,
ENTITLED, "WEST WEBSTER AVENUE COMMUTER PARKING LOT (MUNICIPAL
PARKING LOT NO. 5)"**

WHEREAS, the Borough of Roselle Park has implemented no operational use of Municipal Parking Lot No. 5 as a commuter parking lot in recent history; and,

WHEREAS, the Borough of Roselle Park has recently utilized Municipal Parking Lot No. 5 for parking by municipal employees assigned to the Department of Public Works; and,

WHEREAS, the governing body recognizes that on-street parking in and around the West Webster Avenue corridor can be difficult for residents particularly during snow emergencies as defined by the Municipal Code; and,

WHEREAS, after consideration of its usage, the governing body wishes to amend the Municipal Code so as to allow more flexible usage of Municipal Lot No. 5 by Borough of Roselle Park residents during snow emergencies.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter VII, Section 40, Subsection 40.1, Paragraph G of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. Title

7-40.1g. ~~West Webster Avenue Commuter Parking Lot (Municipal Lot No. 5.)
Municipal Parking Lot Number 5~~

SECTION 2. Parking Lot Regulations

~~1. Centralized Meter Established in Municipal Lot Number 5.~~

~~(a) Upon placing a vehicle in a numbered parking space, the operator shall immediately deposit or cause to be deposited in the parking lot metering system the posted fee required for the numbered space occupied by their vehicle.~~

~~(b) In accordance with this section the following parking area is hereby designated as a metered zone:~~

~~(1) West Webster Avenue Commuter Parking Lot, Municipal Parking Lot No. 5, located on the south side of West Webster Avenue, adjacent to the D.P.W. Yard.~~

~~(c) The following fee is hereby established, effective April 1, 2002:~~

~~(1) West Webster Avenue Commuter Parking Lot (Municipal Lot No. 5)~~

~~[i] All parking stalls shall have a fee of two (\$2.00) dollars per day.~~

~~(d) Metered parking shall be in effect between the hours of 5:00 a.m. and 6:00 p.m. from Monday through Friday, specifically excepting Saturdays, Sundays and legal holidays.~~

1. **The location of Municipal Parking Lot Number 5 shall be understood as the designated off-street municipal property on the south side of West Webster Avenue directly adjacent to the Roselle Park Department of Public Works facility located at 180 West Webster Avenue in a westerly direction.**
2. **Parking shall be permitted in delineated parking spots of Municipal Parking Lot Number 5 as follows:**
 - i. **By employees of the Borough of Roselle Park; and,**
 - ii. **By residents of the Borough of Roselle Park only during times of an emergency as defined by Section 7-10 of the Municipal Code whereas snow has fallen and such accumulation covers the street. Residential parking in Municipal Lot Number 5 during any other time shall constitute a violation of this paragraph.**
3. **Any person who violates any provision of this paragraph shall be subject to the penalty set forth in Section 7-4 of this chapter. In addition, any person who violates any provision of this paragraph may be subject to their vehicle being towed at the owner's expense.**

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. Likewise, all strike through text ~~thus~~ should be considered a deletion from Borough Code, and all bolded text **thus** should be considered an addition to Borough Code.

SECTION 6. Effective Date.

This Ordinance shall become effective upon publication and in accordance with law.

RESOLUTIONS

RESOLUTION NO. 54-20

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Daniel J. Erazo of 804 Plainfield Avenue, Piscataway, New Jersey 08854 be and is hereby appointed to the position of Probationary Patrolman in the Roselle Park Police Department, at an annual salary of \$58,500.00 effective February 10, 2020, for a twelve (12) month period ending February 9, 2021.

RESOLUTION NO. 55-20

WHEREAS, the Borough of Roselle Park seeks the use of an adequate Firearms Training Facility by the officers of the Roselle Park Police Department for weapons qualification, training, and practice purposes; and,

WHEREAS, the Township of Union has and maintains a Police Firearms Training Facility for such mentioned purposes; and,

WHEREAS, the Township of Union has expressed a willingness and ability to share their Police Firearms Training facility with the Borough of Roselle Park; and,

WHEREAS, terms and conditions have been proposed by the Township of Union and the Borough of Roselle Park which have been mutually reviewed and deemed acceptable by the parties.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorizes a shared service agreement between the Borough of Roselle Park and the Township of Union for the purpose of the Roselle Park Police Department's use of the Township of Union's Police Firearms Training Facility; and,

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to sign a "Memorandum of Agreement" for the stated purpose, a copy of which shall be attached to the forgoing Resolution to be made and considered a part hereof.

RESOLUTION NO. 56-20

WHEREAS, Resolution No. 48-20 was adopted at the Regular Meeting of the governing body held on January 16, 2020; and,

WHEREAS, Resolution No. 48-20 authorized the Tax Collector to issue a reduction and/or refund on one (1) property as ordered by the Union County Board of Taxation; and,

WHEREAS, due to the omission of prorating ordered by the aforementioned Tax Board, Resolution No. 48-20 requires amendment so as to correct the authorized reduction and/or refund to reflect the total amount of \$619.89.

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. 48-20 be and is hereby amended so that the Tax Collector is authorized pursuant to the order of the Union County Board of Taxation to issue a reduction and/or refund for a County Tax Board Added/Omitted Tax Appeal on one (1) property located at

212 East Webster Avenue, Roselle Park, New Jersey 07204, Block 808, Lot 8 of the municipal tax map; and,

BE IT FURTHER RESOLVED that the aforementioned refund and/or reductions be issued accordingly in the total amount of \$619.89.

RESOLUTION NO. 57-20

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 per the State Tax Court of the State of New Jersey to issue a reduction and/or refund totaling \$10,676.88 for an appeal granted on Block 1116, Lot 4 (442-450 East Westfield Avenue, Roselle Park, New Jersey 07204) and assessed in the name of 450 East Westfield Ave. Realty Holdings::

Block	Lot	Year	Original Assessment	New Assessment	Reduction x Rate	=	Refund
1116	4	2017	\$ 1,171,400.00	\$ 900,000.00	\$ 271,400 x 3.934/100		\$ 10,676.88
Total:							\$ 10,676.88

BE IT FURTHER RESOLVED that the provisions of the Freeze Act shall not apply; and,

BE IT FURTHER RESOLVED that the check associated with the forgoing action shall be issued to Michael I. Schneck as Trustee.

RESOLUTION NO. 58-20

WHEREAS, NJ Transit has funds for the purchase of bus shelters throughout the State of New Jersey; and,

WHEREAS, the governing body of a municipality or the Board of Chosen Freeholders of a county may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and,

WHEREAS, the Borough of Roselle Park, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction.

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 application is hereby made by the Borough of Roselle Park to the New Jersey Transit Corporation for the purchase and installation of three (3) bus shelters in the Chestnut Street corridor as set forth in Exhibit A, made a part hereof; and,

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute agreements with NJ Transit to arrange for the purchase and installation of the shelters.

**Exhibit A
of Resolution No. 58-20**

<u>Location</u>	<u>Shelter Measurements</u>	<u>Code Letter</u>
Chestnut Street Northbound at East Lincoln Avenue	5' x 10'	S

Far Side (29525)

Chestnut Street 5' x 10' S
Southbound at West Lincoln Avenue
Far Side (29528)

Chestnut Street 5' x 7' A
Southbound at West Grant Avenue
Near Side (29529)

RESOLUTION NO. 59-20

WHEREAS, NJ Transit has funds for the purchase of bus shelters throughout the State of New Jersey; and,

WHEREAS, the governing body of a municipality or the Board of Chosen Freeholders of a county may apply to the New Jersey Transit Corporation for the purchase and installation of bus shelters at legally designated bus stops; and,

WHEREAS, the Borough of Roselle Park, in the interest of promoting public transportation, conservation of energy, traffic safety, and for the convenience of the public, endorses the concept of providing bus shelters within its jurisdiction.

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 application is hereby made by the Borough of Roselle Park to the New Jersey Transit Corporation for the purchase and installation of one (1) bus shelter in the Westfield Avenue corridor as set forth in Exhibit A, made a part hereof; and,

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk be and are hereby authorized to execute agreements with NJ Transit to arrange for the purchase and installation of the shelter.

**Exhibit A
of Resolution No. 59-20**

<u>Location</u>	<u>Shelter Measurements</u>	<u>Code Letter</u>
Westfield Avenue Westbound at Faitoute Avenue Near Side (29517)	5' x 10'	S

RESOLUTION NO. 60-20

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that they authorize the Tax Collector to direct the Treasurer to issue one (1) check totaling \$1,785.98 payable to one (1) lien holder on one (1) property; and,

BE IT FURTHER RESOLVED that one (1) check be issued in the total amount of \$1,300.00 from the Tax Collector's Premium Account.

BOROUGH OF ROSELLE PARK TAX COLLECTOR ANALYSIS OF LIEN REDEMPTIONS 2/6/2020														
TSC #	BLOCK	LOT	QUAL	PREMIUM	TOTAL AMOUNT REDEEMER	CERTIFICATE AMOUNT	REDEMPTION PENALTY PERCENTAGE	INTEREST ON CERTIFICATE DATE 2/8/2020	SEARCH FEE	RECORDING FEE	SUBSEQUENT TAXES PAID	INTEREST ON SUBSEQUENTS TO 2/6/2020	6% INTEREST PENALTY	LEGAL FEES
MAS CAPITAL	19-001	209	8	\$ 1,300.00	\$ 539.55	\$ 239.01	\$ 4.78		\$ 12.00	\$ 53.00	\$ 222.96	\$ 7.80		
MAS CAPITAL	19-006	1102	1	\$ 1,300.00	\$ 929.66	\$ 470.64	\$ 9.41		\$ 12.00	\$ 53.00	\$ 371.60	\$ 13.01		
MAS CAPITAL	16-056	1009	1	\$ 1,300.00	\$ 758.90	\$ 208.33			\$ 12.00	\$ 43.00	\$ 363.99	\$ 131.58		
				\$ -	\$ -	\$ -								
				\$ -	\$ -	\$ -								
				\$ -	\$ -	\$ -								
TOTAL				\$ 3,900.00	\$ 2,228.11	\$ 917.98	\$ 14.19	\$ -	\$ 36.00	\$ 149.00	\$ 958.55	\$ 152.39		\$ -

RESOLUTION NO. 61-20

WHEREAS, preparations for the 2020 United States Census are well underway, signaling the nation's decennial effort to count and analyze its growing population; and,

WHEREAS, the Census, mandated by Article 1, Section 2 of the United States Constitution, is a civic activity that affects people of all ages, races, cultures, and ethnicities; and,

WHEREAS, a complete and accurate 2020 Census is of chief importance as its results help decide how more than \$675 billion in federal funds are spent annually across the country on services ranging from emergency response to healthcare; and,

WHEREAS, Census results also determine the number of Congressional districts that New Jersey is allotted and will be used to draw legislative district lines; and,

WHEREAS, failing to achieve a complete count of the Borough of Roselle Park's residents could deny funding in federal grants for each person not counted; and,

WHEREAS, when Census Day arrives on April 1, 2020, people will, for the first time, be able to respond anytime and anywhere, online, from any device, by mail or by phone; and,

WHEREAS, conducting the 2020 Census will nonetheless be a massive undertaking, requiring the hiring of thousands of workers, community leaders, and volunteers to carry it out.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that April 1, 2020 be hereby recognized as "2020 Census Participation Day" throughout the Borough of Roselle Park in an effort to pledge full support for a thorough and accurate count of all Roselle Park residents; and,

BE IT FURTHER RESOLVED that the governing body urges municipal counterparts throughout the State of New Jersey to take action similar to the foregoing; and,

BE IT FURTHER RESOLVED that the governing body hereby establishes the "Census 2020 Complete Count Committee" of the Borough of Roselle Park as an ad hoc committee of the municipal government more specifically defined as follows:

1. The "Census 2020 Complete Count Committee" of the Borough of Roselle Park shall act as an ad hoc advisory committee in an effort to achieve full participation in the 2020 Census by working to increase awareness through events, activities, and other strategic communications.

2. Committee membership shall be appointed by the Mayor without the need for confirmation by the Borough Council and shall include the Mayor as an ex officio member; furthermore, membership may include other Borough officials and members of the Roselle Park community including, but not limited to: head(s) of municipal departments, head(s) of the public school system, head(s) of the public library, and representatives of faith-based organizations and places of worship. All members shall serve on a volunteer basis without compensation.
3. Complete Count Committee members may be added or removed by the Mayor as necessary and/or appropriate within the Mayor's sole discretion.
4. The Complete Count Committee shall organize immediately upon the appointment of membership. The Mayor shall designate the Chairperson of the Committee and can designate other members to serve in leadership roles as necessary.
5. The Complete Count Committee shall disband without any further formal action required by the governing body after the completion of the 2020 United States Census or as deemed appropriate by the Mayor.
6. The Complete Count Committee shall have the right to draw upon the general resources of the municipality to enable it to accomplish its goals stated herein. The use of any resources is to be coordinated through the Committee Chairperson and approved by the Borough Administrator or their designee.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward a fully executed copy of this Resolution to each individual appointed to the Complete Count Committee upon their appointment.

RESOLUTION NO. 62-20

WHEREAS, Andrew J. Casais was duly appointed Municipal Clerk of the Borough of Roselle Park pursuant to the adoption of Resolution No. 90-17 in accordance with N.J.S.A. 40A:9-133, et seq. for a statutory three (3) year term effective March 6, 2017 and set to expire on March 5, 2020; and,

WHEREAS, Andrew J. Casais is and has been certified as a Registered Municipal Clerk and has satisfied the continuing education requirements for said certification; and,

WHEREAS, Mayor Joseph Signorello III has filed his appointment of Andrew J. Casais as Municipal Clerk; and,

WHEREAS, the Borough Council wishes to confirm the aforementioned appointment and thereby effectuate reappointment of Andrew J. Casais as Municipal Clerk of the Borough of Roselle Park effective March 6, 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Andrew J. Casais be and is hereby reappointed to the position of Municipal Clerk of the Borough of Roselle Park effective March 6, 2020 pursuant to the employment agreement between the Borough of Roselle Park and Andrew J. Casais as set forth in Exhibit A attached hereto made a part hereof; and,

BE IT FURTHER RESOLVED that Andrew J. Casais has, upon the effective date of this reappointment, attained tenure as Municipal Clerk pursuant to N.J.S.A. 40A:9-133 et seq.

**Exhibit A
of Resolution No. 62-20**

**EMPLOYMENT AGREEMENT
MUNICIPAL CLERK**

This is an Agreement between the Borough of Roselle Park (the “Borough”) with offices located at 110 East Westfield Avenue, Roselle Park, New Jersey 07204 and Andrew J. Casais, who at the time of agreement execution resides at, 674 Willow Avenue, Garwood, New Jersey 07027.

WHEREAS, Andrew J. Casais was duly appointed Municipal Clerk of the Borough of Roselle Park pursuant to the adoption of Resolution No. 90-17 in accordance with N.J.S.A. 40A:9-133, et seq. for a statutory three (3) year term effective March 6, 2017 and set to expire on March 5, 2020; and,

WHEREAS, on February 6, 2020 the Borough’s governing body adopted Resolution No. 62-20 reappointing Andrew J. Casais to the position of Municipal Clerk effective March 6, 2020; and,

WHEREAS, upon the effective date said reappointment Andrew J. Casais attained tenure as Municipal Clerk of the Borough of Roselle Park with all statutory protections, responsibilities, and authorities granted by N.J.S.A. 40A:9-133 et seq.; and,

WHEREAS, the Borough and Andrew J. Casais desire to set forth all of the terms and conditions of Andrew J. Casais’ employment as the Borough’s Municipal Clerk in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, the Borough and Andrew J. Casais agree as follows:

1. **Incorporation of Recitals.** The recitals outlined above are considered agreed by the Borough and Andrew J. Casais and incorporated fully into the forgoing agreement.
2. **Reporting Structure.** Andrew J. Casais shall report directly to the Mayor and Council.
3. **Responsibilities.** Andrew J. Casais will perform all of the duties and responsibilities of Municipal Clerk as set forth in N.J.S.A. 40A:9-133 and in Section 2-8.3 of the Municipal Code of the Borough of Roselle Park which are incorporated into this Agreement by reference.
4. **Working Hours.** Andrew J. Casais will work the hours needed to fulfill all of the duties and responsibilities of the position in a timely and efficient manner. Under normal circumstances, Andrew J. Casais’ regular work schedule will be 8:30 a.m. to 4:30 p.m. Andrew J. Casais will be available at other times as needed and understands that the fulfillment of his responsibilities will require working outside of the regular work schedule. Andrew J. Casais further understands that meetings, such as budget discussions and council meetings, will generally occur in the evening. It is understood and agreed that the Borough will not provide Andrew J. Casais with additional compensation for attendance at these meetings or for work performed outside of the regular work schedule.
5. **Annual Salary.** As of the time of execution of this agreement the Borough agrees to pay Andrew J. Casais an annual base salary of Seventy Nine Thousand Five Hundred Ninety One Dollars and Zero Cents (\$79,591.00) as Municipal Clerk and to provide adjustments in future years in accordance with N.J.S.A. 40A:9-165.

6. **No Eligibility for Overtime.** Aside from work conducted during the course of Election Day operations, Andrew J. Casais is not eligible for overtime compensation or compensatory time. However, with permission from Mayor and Council, Andrew J. Casais may be permitted to utilize excessive work hours as a means of time off.
7. **Borough Policies.** Andrew J. Casais understands and agrees that he will follow all Borough policies, procedures, rules and regulations concerning employee conduct in the workplace. These policies, procedures, rules and regulations are incorporated by reference into this Agreement.
8. **Insurance/Pension.** The Borough shall provide health insurance, hospitalization, dental, prescription and life insurance coverage consistent with all other management/non-union employees hired after January 1, 1999 and commencing consistent with the terms of said coverage. Andrew J. Casais will be responsible for contributing the same percentage as the Clerical Bargaining Unit toward the cost of health insurance coverage. Employee will have pension coverage under the New Jersey Public Employee Retirement System (“PERS”).
9. **Notification of Absence.** Andrew J. Casais will provide the Mayor and Council with as much advance notice as possible of all absences, but in no event less than three (3) working days, except in cases of emergency or where advance notice is not practicable, at which time Andrew J. Casais will provide notice of his absence as soon as practicable.
10. **Benefits.** Andrew J. Casais shall receive twenty five (25) days per year of vacation time, fifteen (15) holidays consistent with the Clerical Bargaining Unit, three (3) personal days, and fifteen (15) sick leave days. Upon mutual agreement of the parties, Andrew J. Casais may receive additional benefits deemed appropriate for someone at his level, with his years of experience, and his proven dedication to the Borough.
11. **Accumulated Sick Time.** Upon retirement Andrew J. Casais shall be entitled to sell his accumulated sick leave at the rate of one (1) day for every three (3) accumulated sick days up to a maximum of \$15,000.00.
12. **Retirement.** Upon Andrew J. Casais attaining fifteen (15) years of service with the Borough and having reached the age of sixty-five (65), he will be entitled to receive Borough-paid major medical insurance and prescription program insurance, unless Andrew J. Casais is receiving similar benefits from another employer, a former employer or another source on a non-contribution basis. Andrew J. Casais will be responsible to contribute pursuant to State law.
13. **Worker’s Compensation.** The Borough will provide Andrew J. Casais with worker’s compensation insurance in accordance with established State regulations.
14. **Seminars, Conferences and Training.** The Borough will permit Andrew J. Casais to use a reasonable amount of time to attend seminars, conferences and training programs. Andrew J. Casais may also participate in professional associations. The Borough agrees to pay for dues for membership in the various Municipal Clerk’s Associations. The Borough will also pay for Andrew J. Casais to attend seminars and conferences which are necessary for him to maintain his Registered Municipal Clerk (RMC) license. The Borough will underwrite or reimburse the travel, housing and registration expenses for the annual New Jersey League of Municipalities Convention.

In the case of out-of-state seminars or conferences, the Borough will underwrite or reimburse the costs for registration expenses for such seminars, conferences, and training programs, but will not pay for travel or housing; such costs shall be borne and paid for by Andrew J. Casais.

Should Andrew J. Casais enroll in a training program through the State of New Jersey Department of Community Affairs' Certification Unit and leave the Borough within three (3) years of his start date of class for any reason, he will be obligated to reimburse the Borough for the costs of such training program.

15. **Resignation.** Andrew J. Casais will provide a minimum of thirty (30) days advance written notice of his intent to resign. If mutually acceptable, the Borough and Andrew J. Casais may agree to reduce the length of notice at the time it is given. Failure to provide a minimum of thirty (30) days advance notice will constitute a resignation not in good standing.
16. **Termination.** Except as otherwise provided in this Agreement, Andrew J. Casais' employment as Municipal Clerk shall terminate the earliest to occur of the dates specified below:
 - a. The close of business on an early resignation date mutually agreed to in writing by the Borough and Andrew J. Casais.
 - b. The close of business on the thirtieth (30th) day following Andrew J. Casais having provided written notification of his intent to voluntarily resign.
 - c. The close of business of the date of Andrew J. Casais' death.
 - d. Upon Andrew J. Casais' conviction on charges filed with the Director of the Division of Local Government Services of the New Jersey Department of Community Affairs provided by N.J.S.A. 40A:9-133.7.
17. **Performance Evaluation.** Andrew J. Casais agrees to take part in an ongoing performance evaluation process where formalized evaluations take place no less than once per year. Such evaluations shall be conducted by the Mayor and Council as whole, and shall be performed in a manner pursuant to formal and generalized policies promulgated by them in consult with labor counsel.
18. **Residency.** The Borough shall not require Andrew J. Casais to become a resident of the Borough at any time during his employment as Municipal Clerk.
19. **Defense.** The Borough shall defend, hold harmless and indemnify Andrew J. Casais against any tort, professional liability claim, demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of his duties, including any action which might commence or continue after his retirement, resignation or termination. The Borough shall not defend, hold harmless or indemnify Andrew J. Casais where he was acting outside the scope of his responsibilities or engaged in willful or gross misconduct.
20. **Entire Agreement.** This Agreement sets forth the entire agreement between the parties, fully supersedes any and all prior agreements or understandings between the parties, and many not be modified orally. Either party may seek to terminate or amend this Agreement. All amendments to this Agreement must be in writing signed by the Borough, through its Governing Body, and Andrew J. Casais.

21. **Severability.** Should any provision of this Agreement be declared or determined by the court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected and the illegal or invalid part, term or provision shall be revised by the court in order that it should be considered legal.
22. **Arbitration Disputes.** The Borough and Andrew J. Casais agree that any dispute that may develop under this Agreement shall be resolved through binding arbitration in accordance with the rules of the New Jersey Public Employment Relations Commission. Each party shall be responsible for its own attorney's fees and the costs of the arbitration will be evenly split between the parties. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction.
23. **Outside Employment.** Outside employment must be secondary to Borough work. However, Andrew J. Casais is permitted to have outside employment as long as the schedule of such employment does not conflict with Borough business or create a conflict of interest or appearance of impropriety for the Borough. Andrew J. Casais must obtain the written approval of the Mayor before accepting any outside employment.
24. **Confidential Information.** "Confidential Information" is technical or business information of the Borough discovered, invented, authored or acquired by Andrew J. Casais during his employment with the Borough and not generally known to the public. Andrew J. Casais recognizes and acknowledges that Confidential Information, which Andrew J. Casais will become knowledgeable of as an employee of the Borough, are valuable, special and unique aspects of the Borough. Accordingly, during Andrew J. Casais' employment and for an unlimited period following the termination of his employment with the Borough, whether termination is voluntary or involuntary, and regardless of the reason, Andrew J. Casais shall not, without the express written consent of the Borough, directly or indirectly, by Andrew J. Casais or through any other person, firm, partnership, corporation, entity or enterprise, disclose or use in any manner, or allow to be disclosed or used in any manner the Borough's Confidential Information.
25. **Borough Property.** All originals and photocopies or any other form of reports, memoranda, manuals, agreements, books, computer records and printouts, customer lists, sales records, and any other material and/or equipment furnished to and/or maintained by Andrew J. Casais in connection with his employment with the Borough shall remain the property of the Borough and shall be returned to the Borough: (1) upon demand; or, (2) immediately upon termination of employment. In the case of the latter, the Borough reserves the right to withhold Andrew J. Casais' final paycheck until such a time as all Borough property is returned.
26. **Governing Law.** This Agreement shall be governed by and construed under the laws of the State of New Jersey applicable to agreements made to be performed therein. The courts of the State of New Jersey, Union County, shall have exclusive jurisdiction.
27. **Incorporation by Reference.** This Agreement incorporates by reference relevant Borough Codes. In the event of a conflict between this Agreement and Borough Codes, this Agreement will control.
28. **Survival of Obligations.** The obligations in this Agreement shall continue after termination of Andrew J. Casais' employment, regardless of the reason for termination.

RESOLUTION NO. 63-20

WHEREAS, Section 3-1.1 of the Municipal Code of the Borough of Roselle Park generally prohibits the consumption of alcoholic beverages and/or the possession of unsealed alcoholic beverage containers in public places including public streets; and,

WHEREAS, Section 3-1.3 of the said Municipal Code indicates that, among the several stated exceptions, the provisions and preclusions outlined in Section 3-1.1 shall not apply to groups specifically permitted to provide for the consumption of alcoholic beverages and/or the possession of unsealed alcoholic beverage containers in public places including public streets by the Resolution of Mayor and Council; and,

WHEREAS, Dowling’s Irish Pub and Restaurant, located at 117 Chestnut Street, Roselle Park, New Jersey 07204 has submitted a request dated January 20, 2020 for the partial closure of Williams Street, a public place immediately adjacent to their place of business, for a Saint Patrick’s Day celebration on Saturday, March 14, 2020 from 9:00 a.m. to 8:00 p.m.; and,

WHEREAS, in addition to street closure permissions, the ownership of Dowling’s Irish Pub and Restaurant request permission for the consumption of alcoholic beverages and/or the possession of unsealed alcoholic beverage containers on the closed portion of Williams Street pursuant to Section 3-1.3 of Municipal Code; and,

WHEREAS, in consideration of the advice and suggested best practices of the Borough’s Joint Insurance Fund and the recommendations of the Chief of Police, the governing body wishes to take action on the aforementioned request.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Dowling’s Irish Pub and Restaurant located at 117 Chestnut Street, Roselle Park, New Jersey 07204 be and is hereby granted permission to host a “Block Party” style Saint Patrick’s Day celebration on Saturday, March 14, 2020 from 9:00 a.m. to 8:00 p.m. within a closed and secured area of approximately one-hundred (100) yards of Williams Street beginning at the intersection of Chestnut Street; and,

BE IT FURTHER RESOLVED by passage of the forgoing Resolution that Dowling’s Irish Pub and Restaurant be permitted to provide for the consumption of alcoholic beverages and/or the possession of unsealed alcoholic beverage containers on the closed and secured portion of Williams Street pursuant to Section 3-1.3 of Municipal Code; and,

BE IT FURTHER RESOLVED that, upon the recommendation of the Chief of Police, it shall be specifically required that Dowling’s Irish Pub and Restaurant provide for no less than four (4) portable bathroom stations within the approved event area for the duration of the event; and,

BE IT FURTHER RESOLVED that the forgoing approval shall be conditioned upon Dowling’s Irish Pub and Restaurant’s provision of all requisite proofs of insurance and indemnification documentation as recommended by the Borough’s Joint Insurance Fund.

RESOLUTION NO. 64-20

WHEREAS, Manuel Jimenez retired from employment with the Borough of Roselle Park effective February 1, 2020; and,

WHEREAS, it has been agreed by the Mayor and Council of the Borough of Roselle Park and Manuel Jimenez that the break-down of time-due compensation will be paid as follows:

<u>Description</u>	<u>Amount of Days/Hours</u>	<u>Daily/Hourly Rate</u>	<u>Amount Due</u>
Vacation Days for 2019 (Carried Due to Sickness)	25 Days	\$ 518.02	\$ 12,950.50
Vacation Days for 2020	25 Days	\$ 518.02	\$ 12,950.50
Personal Days for 2020	3 Days	\$ 518.02	\$ 1,554.06
Sick Days for 2020 (Ratio - 1:3 Days of 87 days; \$6,000.00 contractual maximum)	29 Days	\$ 518.02	\$ 6,000.00
Comp. Time for 2020	480.00 Hours	\$ 60.7341	\$ 29,152.37
Holidays for 2020	5 Days	\$ 518.02	\$ 2,590.10
Vacation Days for 2021 (25 Days Prorated for 1 Month)	2.083 Days	\$ 518.02	\$ 1,079.04
Total Due			<u>\$ 66,276.57</u>

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 Chief Financial Officer is hereby directed to pay Manuel Jimenez the entitled compensation at the above schedule.

RESOLUTION NO. 65-20

WHEREAS, Edward Nortrup was employed by the Borough of Roselle Park up until the time of his death on January 19, 2020; and,

WHEREAS, it has been agreed by the Mayor and Council of the Borough of Roselle Park that the Estate of Edward Nortrup be paid as follows for Edward Nortrup's time-due:

<u>Description</u>	<u>Amount of Days/Hours</u>	<u>Daily/Hourly Rate</u>	<u>Amount Due</u>
Vacation Days for 2020	22 Days	\$ 415.63	\$ 9,143.86
Personal Days for 2020	3 Days	\$ 415.63	\$ 1,246.89
Sick Days for 2020 (Ratio - 1:3 Days of 71.93 days; \$4,500.00 contractual maximum)	23.98 Days	\$ 415.63	\$ 4,500.00
Comp. Time for 2020	239.93 Hours	\$ 48.4087	\$ 11,614.70
Holidays for 2020	4 Days	\$ 415.63	\$ 1,662.52

Vacation Days for 2020 (22 Days Prorated for 1 Month)	1.830 Days	\$ 415.63	\$ 760.60
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Total Due **\$ 28,928.57**

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 Chief Financial Officer is hereby directed to pay the Estate of Edward Nortrup the entitled compensation at the above schedule.

RESOLUTION NO. 66-20

WHEREAS, the governing body of the Borough of Roselle Park adopted Resolution No. 42-20 on January 2, 2020 reauthorizing the Roselle Park Police Department's participation in the United States Department of Defense 1033 Program; and,

WHEREAS, certain amendments to verbiage of said Resolution are required by the Department of Defense to effectuate the same stated goals therein; and,

WHEREAS, the forgoing Resolution shall act so as to amend, repeal, or otherwise Replace Resolution No. 42-20; and,

WHEREAS, in consideration of the above, it is stated that the United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 Program to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and,

WHEREAS, DLA rules mandate that all equipment acquired through the 1033 Program remain under the control of the requesting LEA; and,

WHEREAS, participation in the 1033 Program allows municipal and county LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response, and resiliency; and,

WHEREAS, although property is provided through the 1033 Program at no cost to municipal and county LEAs, these entities are responsible for the costs associated with delivery, maintenance, fueling, and upkeep of the property, and for specialized training on the operation of any acquired property; and,

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both enrollment in, and the acquisition of any property through, the 1033 Program.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize the Roselle Park Police Department's re-enrollment in the 1033 Program for no more than a one-year period, with authorization to participate terminating on December 31st of the current calendar year; and,

BE IT FURTHER RESOLVED that the Roselle Park Police Department be and is hereby authorized to acquire items of non-controlled property designated "DEMIL A," which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, Clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devised and containers, tools, medical and first aid equipment and supplies, personal protection equipment

and supplies, construction materials, lighting supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binoculars, and any other supplies or equipment of a non-military nature identified by the LEA, if it shall become available in the period of time for which this Resolution authorizes, based on the needs of the Roselle Park Police Department, without restriction; and,

BE IT FURTHER RESOLVED that the Roselle Park Police Department is hereby authorized to acquire “DEMIL B through Q” property, if it shall become available in the period of time for which this Resolution authorizes; and,

BE IT FURTHER RESOLVED that the “DEMIL B through Q” controlled three (3) page property list in its entirety is hereby approved and hereto attached to this Resolution as Exhibit A; and,

BE IT FURTHER RESOLVED that the Roselle Park Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property; and,

BE IT FURTHER RESOLVED that the Roselle Park Police Department shall provide a quarterly accounting of all property obtained through the 1033 Program which shall be available to the public request; and,

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately and shall be valid to authorize requests to acquire “DEMIL A” property and “DEMIL B through Q” property that may be available through the 1033 Program during the period of time for which this Resolution authorizes; with Program participation and all property request authorization terminating on December 31st of the current calendar year from January 2, 2020 through December 31, 2020.

**Exhibit A
of Resolution No. 66-20**

	A	B	C	D	E	F	G	H
AIRCRAFT, FIXED WING								
AIRCRAFT, ROTARY WING			1					
AIRPLANE,CARGO-TRANSPORT		1						5
AIRPLANE FLIGHT TADA		1						
AIRPLANE UTILITY	1							
AIRPLANE UTILITY LBE		1						
ARMORED SECURITY VEHICLE			1					
ARMORED SECURITY VEHICLE			1	1				
AUTOMOBILE SEDAN			1					
AUTOMOBILE WAGON			1					
BATON, KINETIC ENERGY				5				
BODY SHIELD		1						1
BREACH SYSTEM				1				
BREACHING RAM	1							
BREACHING SYSTEM	1							
CAPABILITIES SET NON-LETHAL								1
CAR ARMORED				1				
CAR ARMORED MINE DISPOSAL			7					
CAR ARMORED MINE DISPOSAL				2				
CARRIER AMBULANCE			1					
CARRIER, CARGO			3					
CARRIER, COMMAND POST			1					
CARTRIDGE, 12 GAUGE SHOTGUN							2	
CARTRIDGE, 12 GAUGE SHOTGUN, NON-LETHAL				1			11	
CARTRIDGE, 40 MILLIMETER			1		1		1	
CHARGE DIVERSIONARY							1	
CLUB, SELF-PROTECTION								7
COMMUN. EQUIP. SCMS-B						1		
DUTTER HEAD, HYDRAULIC BREACHING AND EXTRACATION TOOL	1							
DEMOLITION KIT, BLASTING								1
DEMOLITION KIT, BLASTING, PRACTICE								1
DEMOLITION KIT, BREACHING SYSTEM, ANTI-PERSONNEL, OBSTACLE				2			2	
DOOR OPENER, HYDRAULIC BREACHING AND EXTRACATION TOOL	1							
DRONE, TARGET				1				
DRONES								
FACESHIELD, MILITARY, RIOT CONTROL	1							

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q
FACESHIELD, RIOT CONTROL																	
FACESHIELD, RIOT CONTROL	1																
FORCED ENTRY AND RESCUE EQUIPMENT, AIRCRAFT CRASH	1																
GLIDERS																	
GOGGLES, PROTECTION, RIOT CONTROL			1														
GRENADE, HAND	5																
GRENADE, HAND, NON-LETHAL																	
GROUND SENSOR SURVEILLANCE VEHICLE																	
GUN, PORTABLE RIOT CONTROL			1														
HATBOX, RIOT CROWD																	
HELICOPTER, FLIGHT TRAINER	2																
HELICOPTER, FLIGHT TRAINER TH350A																	
HELICOPTER, MEDEVAC			1														
HELICOPTER, OBSERVATION																	
HELICOPTER, SEARCH AND RESCUE			3														
HELICOPTER, UTILITY			2														
HELMET, POLICE			1														
HELMET, SAFETY	1																
KIT, MECHANICAL BREX	1																
KIT, RIOT PROTECTION	2																
LIGHT ARMORED VEHICLE	1																
MINE CLEARING VEHICLE																	
MINE DETECTOR SYSTEM, VEHICLE MOUNTED			17														
MINE RESISTANT VEHICLE			3														
MISCELLANEOUS WEAPONS - LOGGA LSN			63														
MODIFICATION KIT, GUN, WEAPON																	
MURKIN, CROWD CONTROL, MODULAR, NON-LETHAL																	
No Item Name Available																	
NON-LETHAL WEAPONS CAPABILITIES SET																	
NON-BALLISTIC BODY SHIELD	1																
ONLY COMPLETE COMBAT/TACTICAL WHEELED VEHICLES																	
PROTECTIVE SHIELD, T																	
RAM, BATTERING	1																
RAM, DOOR, MINI	1																
RIOT CONTROL SHIELD	1																
SECURITY VEHICLE																	

	A	B	C	D	E	F	G
SHIELD, PERSONAL PROTECTIVE				1			3
SHIELD, SELF PROTECTION							6
SHOP EQUIPMENT, CONTACT MAINTENANCE	1		2				
SHOP SET, CONTACT MAINTENANCE, TRUCK MOUNTED (ENGINEER)	1						
SHOP SET, CONTACT MAINTENANCE, TRUCK MOUNTED (ORDNANCE)	1						
SIGHT, THERMAL				1			
SLEDGE HAMMER	1						
TOOL, BREAKER, HINGE	1						
TRAINING KIT, DEMOLITION		1					
TRUCK TRACTOR			4			5	7
TRUCK, AMBULANCE			9				
TRUCK, ARMORED			3				
TRUCK, BOLSTER						2	1
TRUCK, BOMB SERVICE			2			2	
TRUCK, CARGO		3	28			17	30
TRUCK, CARRYALL			22				1
TRUCK, COMMAND RECONNAISSANCE			2				
TRUCK, DUMP			2			6	7
TRUCK, MAINTENANCE						3	
TRUCK, MATERIALS HANDLING-CONTAINER HOISTING			1				
TRUCK, PALLETIZED LOADING			8				2
TRUCK, PANEL			2				
TRUCK, STAKE							2
TRUCK, TANK						13	8
TRUCK, UTILITY			5				4
TRUCK, VAN			84				1
TRUCK, WRECKER		1				14	1
TRUCKS AND TRUCK TRACTORS, DEMIL C		1	2			3	2
UNMANNED AIRCRAFT			1				1
UNMANNED VEHICLE			1				
UP ARMORED NTV8			1				
UTILITY VEHICLE, OFF ROAD		1	2	1	1	1	1

RESOLUTION NO. 67-20

WHEREAS, the Borough of Roselle Park desires and requires to purchase goods and services necessary for the acquisition of an e-ticket system for use by the Roselle Park Police Department; and,

WHEREAS, in furtherance of such purchase, the Qualified Purchasing Agent has researched and recommended the procurement of such goods and services from an authorized vendor under New Jersey State Contract; and,

WHEREAS, Gold Type Business Machines, Inc. of 351 Paterson Avenue, East Rutherford, New Jersey 07073 has been awarded State Contract No. 89980 set to expire March 31, 2020 for the provision goods and services relative to e-ticketing software, hardware, licensing, and support.

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 purchase of goods and services relative to e-ticketing software, hardware, licensing, and support for use by the Roselle Park Police Department be and is hereby authorized from Gold Type Business Machines, Inc. of 351 Paterson Avenue, East Rutherford, New Jersey 07073 pursuant to New Jersey State Contract No. 89980 for a term commencing January 1, 2020 and expiring December 31, 2024; and,

BE IT FURTHER RESOLVED that such purchase shall be in the amount of not more than four dollars and twenty-three cents (\$4.23) per ticket issued with a commitment level (minimum) of eight thousand one hundred (8,100) tickets for years one (2020) and two (2021); and,

BE IT FURTHER RESOLVED that if such committed level of eight thousand one hundred (8,100) tickets is not achieved in years three through five (2022 through 2024) payment shall be rendered by the Borough for the actual number of tickets issued, but not less than eighty percent (80%) of the commitment level, six thousand four hundred eighty (6,480) tickets; and,

BE IT FURTHER RESOLVED that the cost for excess paper demand shall be five dollars (\$5.00) per roll.