

Regular Meeting of Mayor and Council April 20, 2006

PRESENT: Mayor DeIorio: Councilmembers Badillo, Harms, Matarante,  
Zeglarski, Rubilla and Dinardo

ABSENT: None

Mayor DeIorio called the meeting to order at 7:43 p.m. and said it is being held in accordance with the Open Public Meeting Act and adequate notice of this meeting has been provided as required by law.

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

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

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

ADOPTION OF THE 2006 MUNICIPAL BUDGET

The following resolution was offered by Councilman Badillo and seconded by Councilman Rubilla.

BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park, County of Union, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein as set forth as appropriations, and authorization of the amount of \$8,598,140.22 for municipal purposes and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

General Revenues	
Surplus Anticipated	\$ 1,220,000.00
Miscellaneous Revenues Anticipated	\$ 2,119,380.19
Receipts from Delinquent Taxes	\$ 242,000.00
Amount to be raised by taxation for Municipal Purposes	\$ 8,598,140.22
TOTAL REVENUES	\$12,179,520.41
GENERAL APPROPRIATIONS WITHIN "CAPS"	
(a & b) Operations Including Contingent	\$10,126,486.01
(e) Deferred Charges and Statutory	
Expenditures – Municipal	\$ 296,450.40
EXCLUDED FROM "CAPS"	
(a) Operations – Total Operations Excluded from "CAPS"	\$ 1,220,844.00
(b) Capital Improvements	\$ 5,000.00
(d) Municipal Debit Service	\$ 38,760.00
(e) Deferred Charges – Municipal	\$ 30,300.00
(m) Reserve for Uncollected Taxes	\$ 698,000.00

TOTAL GENERAL APPROPRIATIONS

\$12,179,520.41

PUBLIC HEARING ON THE 2005 MUNICIPAL BUDGET

Councilman Badillo moved to open the public hearing on the 2006 Municipal Budget; seconded by Councilman Rubilla and adopted.

Jacob Magiera, 612 Sheridan Avenue, addressed;

- Questioned the amount of the telephone bill. Mayor DeIorio stated the amount covered all of the Municipal Buildings.
- Questioned what the Municipal Service Act other expenses where. Jeanne Decker said it is for reimbursement to condominiums and apartments for garbage removal services.
- Questioned Board of Health Salary, Wages and other expenses. Jeanne Decker said the largest part of the other expense is part of the contract with Westfield to undertake Board of Health services. Mayor DeIorio said this is part of a regional service instead of having an in house person.
- Mr. Magiera said there was no figure for snow removal. Mrs. Decker said that figure was in the budget because last year the State allowed certain expenses for snow removal to be outside the cap. She said that does not apply to this year and it will be covered through the DPW.
- He questioned maintenance of the free public library and asked what kind of maintenance was being done. Jeanne Decker said it means the cost of covering all library expenses and is the verbiage used by the State. Mayor DeIorio said this figure is the minimum amount required by the State to be appropriated.
- Mr. Magiera requested a line item for all other expenses but was told he would have to request that through OPRA. Mrs. Decker explained that the Division of Local government requires that the Municipality prepare a budget that lists all appropriations categorized by either salary and wages or other expenses. She said Mr. Magiera inquired if Council prepared the budget with line item breakdowns under the category of other expenses. She suggested that they had and that is for internal control to see at the end of they year to analysis. Mr. Magiera said if he had the line item of other expenses and then received the monthly report he could compare what is being spent and what is not.

Michael Peterson, 45 E. Colfax Avenue, addressed;

- Mr. Peterson opposed the current budget and urged Council to vote no. He said there is a budget surplus because Council under budgets the revenues. He suggested reducing the surplus and adding real tax relief by returning a percentage of the surplus to the property taxpayers.

Robert Zeglarski, Sr., 521 Chester Avenue, addressed;

- Complimented Mrs. Decker saying she was a wise choice to help with the budget

and give a presentation.

- Mentioned that when the budget was introduced there was no information on the budget available to the general public. He said he would have liked to have Council explain more about the budget so that the public has a better understanding of it.
- Disagreed with the Mayor that dept service was down by \$43,000.00.
- Mr. Zeglarski asked the total value of ratables in the area. Mayor DeIorio said the net valuation taxable for Roselle Park in 2006 is \$291,140,164.00. He asked what that would be on an equalized basis and Mrs. Decker said about 27% of true value. She said the tax point was about \$30,000.00, the averaged assessed home \$65,000 and the municipal rate last year was 2.745 per \$100.00 of assessed valuation. She said the school tax rate last year was 5.036 per \$100.00, open space was .051 and the County was 1.264 for a total tax rate of 9.096 per \$100.00 of assessed valuation.
- Mr. Zeglarski stated that he still has not heard anything about the sewer utility especially Rahway Valley. He said residents of Roselle Park should be kept informed as to why the sewer rates are going to more then double.

Mayor DeIorio said the sewer utility dollar amounts are also outlined in detail on the State required budget. He said the amounts Roselle Park will be experiencing with the Rahway Valley Sewer Utility has gone up but Roselle Park has the ability to separate the two costs. He said the Joint Sewer Utility also goes through Roselle Park and that has decreased slightly from last year.

Mrs. Joseph Iungerman, 824 Prospect Street, addressed;

- Asked if anyone else requested a copy of the budget besides Mr. Zeglarski and Mr. Magiera. Borough Clerk Doreen Cali said no and Mrs. Iungerman stated that was because the people of Roselle Park trust their Mayor and Council.

Maria DelRio, 138 E. Colfax Avenue, addressed;

- Agreed with Mrs. Iungerman and said Mayor and Council are doing a great job.

There being no one else wishing to speak, Councilman Badillo moved to close the hearing on the 2006 Municipal Budget; seconded by Councilman Rubilla and adopted.

Mr. Zeglarski said it was unfortunate that people are not interested in the budget. He said he was not for this budget but did appreciate the work done by Jeanne Decker. He reminded members off Council that they are responsible for the budget and increase of property tax. He said the revenue side of the budget is almost ignored but the expenditure side is beaten over and over. He said a surplus is needed but an excessive surplus is dangerous and causes taxpayers to shell out more money then they need to. He also stated that the reserve for uncollected taxes was higher then necessary and the Borough was building surplus by overtaxing residents.

Mayor DeIorio said it would be easy for Council to say use more surplus but any financial person will tell you that you try to regenerate the amount that you use in the municipal budget. He said Mr. Zeglarski failed to mention that the Borough uses 1.2 million of that surplus each and every year. He said if the Borough uses more surplus and that money does not come back the next year taxes go up because the funds to continue to support the use of surplus are not there.

#### PUBLIC COMMENT

Councilman Harms moved, at 8:50 p.m., to open the public comment portion of the meeting; seconded by Councilman Matarante and adopted.

Robert Zeglarski, Sr., 521 Chester Avenue, addressed;

- Said it was refreshing to talk about the budget but would like to see more people in attendance. He said people are always complaining about taxes but do not take the time to see what is going on.
- He said Mayor and Council are carrying a huge surplus and that is not necessary to avert a financial disaster.
- He suggested making some minor changes on the revenue side of the budget and lowering the tax levy.

Ray Arocha, 715 Walnut Street, addressed;

- Thanked Mayor DeIorio, Councilman Badillo and Councilman Matarante for their overwhelming response regarding a speeding issue near the corner of Walnut and E. Colfax Avenue. He said while surveying the area Councilman Matarante also took up the issue of trees with dead limbs.

Michael Peterson, 45 E. Colfax Avenue, addressed;

- Stated that the intersection Mr. Arocha spoke about happens to be his corner and he was in agreement. He thanked him for bringing it to Council's attention.
- Mr. Peterson said the Asian Longhorn Beetle is heading this way and 17,000 trees have been destroyed. He said they have recently been sited at Warinanco Park, Elizabeth and Roselle and anyone who has Maple Trees should pay special attention because that is their preferred choice.
- He thanked Janet Pepck and her son Dan for organizing an Earth Day event on the bike path this Saturday, April 22<sup>nd</sup>, at 9:00 a.m. rain or shine. He thanked Elizabethtown Gas Company for donating \$1,200.00 for tee shirts, plants and mulch. Councilman Harms said there are 28 students involved in the project and stated the town should be proud because it shows just some of the good things our young people do.

Jacob Margiera, 612 Sheridan Avenue, addressed;

- Talked about the amount of dog waste at the bike path and reminded people to clean up after their animals.
- Said the sign at E. Colfax Avenue and Sherman Avenue is a lawsuit waiting to happen.
- Resolution should be sent to Exxon/Mobile regarding the high gasoline prices.
- Helmets for children should be required for all bike riding, skate boarding and roller blading.
- Police Officer should be stationed on Chestnut Street to help seniors and disabled with crossing the street because cars do not yield to pedestrians.
- State of New Jersey is talking about reevaluating properties and suggested doing that in Roselle Park.
- Storm sewers need to be cleaned.
- Suggested Council use some of the \$300,000.00 appropriated for beautification of the train station to paint the bridges. Mayor DeIorio said they could not do that.
- Questioned Councilman Matarante regarding 8 fold sale of assets. Councilman Matarante said the Borough had some properties they would be selling and the estimated revenue would be about \$500,000.00. He stated that would be used to offset part of the consulting agreement with Heyer & Gruel and that the money being spent would bring back almost 8 times the amount in sale of assets.
- Mr. Magiera said it does not matter how long a person lives in town but that they make it a better place to live.

#### PROCLAMATIONS/CERTIFICATES

Certificates:

- First Aid Squad
- Dave Hoffman

Proclamations:

- The American Cancer Society's May Day for Relay

#### PUBLIC COMMENT – (Con't)

Nick Pagnetti, 309 E. Grant Avenue, addressed;

- Applauded Councilman Rubilla for his efforts on getting the bridges painted.
- Said all houses in Roselle Park should have house numbers on them and suggested creating an ordinance or perhaps offer them at cost to residents.

- He said it is not illegal to fire a gun in Roselle Park and people that do can only be charged with a disorderly person's offense. He said firing a gun should be illegal and the Borough should create an ordinance making it so.

Ed Leonard, 504 Laurel Avenue, addressed;

- Spoke about a number of newspaper articles regarding Fanwood and Scotch Plains sharing some services. He said the City of Woodbridge was compared to a few Union County municipalities by taking equal population and combining them the budget in total would be several million dollars less. He asked if Roselle Park considered doing this. Mayor DeIorio said the Borough of Roselle Park uses shared services in different areas. He said co-operative purchasing programs, bulk waste pickup services with the City of Rahway which the Borough is also looking into sharing tree maintenance service. He said he discussed police patrol services along Westfield Avenue and First Avenue with Mayor Garrett Smith of Roselle and stated that the Borough also shares a shuttle bus program with them and Schering Plough.

### APPROVAL OF MINUTES

Councilman Harms moved to approve the following minutes; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

- Special Meeting: February 2, 2006
- Executive Meeting: February 2, 2006
- Regular Meeting: February 16, 2006
- Executive Meeting: March 2, 2006

### REPORT OF OFFICERS AND DEPARTMENT HEADS

Mayor DeIorio stated that members of the Governing Body have received the 2005 Annual Planning Board Report.

### PAYMENT OF BILLS

The following routine bills listed on a consent agenda were offered by Councilman Matarante and seconded by Councilman Harms.

Current Fund	\$2,643,481.88
Federal State and Grants	30,088.02
General Capital	13,518.90
Sewer Utility Operating	148,634.54
Recreation Trust Account	4,411.35
Other Trust	4,215.78
Animal Control Trust	285.04
HUD Trust Account	3,008.64

Public Assistance II Fund

3,510.00  
\$2,851,154.15

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$407.19 payable to:

Park Finance, LLC  
PO Box 109  
Cedar Knolls, NJ 07927

For redemption of Tax Sale Certificate #12-05, held by Park Finance, LLC on Block 403, Lot 4 (otherwise known as 815 Larch Street, Roselle Park, New Jersey) and assessed in the name of Joseph Bamber.

Lien #12-05 (dated 9/29/05)	\$158.16
Interest on Certificate @ 18%	15.90
Recording Fee	52.00

Subsequent Charges Paid by Lienholder:	
Taxes paid 10/24/05	166.48
Interest on above from 10/24/05-4/20/06 @ 18% interest	14.65
Total redemption amount	\$407.19

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RESOLVED: The Treasurer is hereby authorized to issue a check in the amount of \$546.94 payable to:

Sequoia Investments  
PO Box 5600  
Woodbridge, NJ 07095

For redemption of Tax Sale Certificate #1-05, held by Sequoia Investments on Block 604, Lot 29 (otherwise known as 59 Warren Avenue, Roselle Park, NJ) and assessed in the name of E. Florian and Maria Florian Batres.

Lien #1-05 (dated 9/29/05)	\$149.64
Interest on Certificate @ 18%	10.41
Recording Fee	52.00

Subsequent Charges Paid by Lienholder:	
Taxes paid 10/17/05	311.67
Interest on above from 10/17/05-3/16/06 @ 18% interest	23.22

Total redemption amount

\$546.94

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Roll called, all members voting Aye, said resolutions were adopted.

### PASSAGE OF ORDINANCES

#### Second Reading and Public Hearing

An Ordinance (#2169) entitled, “AN ORDINANCE AMENDING SECTION 29 OF THE CHAPTER 170 OF THE CODE OF THE BOROUGH OF ROSELLE PARK FOR THE PURPOSE OF ESTABLISHING THE RATE OF CHARGES FOR SERWER USERS IN THE BOROUGH”, was brought up and read by title only on its second reading and public hearing.

Councilman Rubilla moved to open the public hearing on Ordinance #2169; seconded by Councilman Badillo and adopted.

Robert Zeglarski, Sr.,521 Chester Avenue, addressed;

- Asked if the rate charge of \$1.99 was only for residential property. Jeanne Decker said if was for all property in the municipality.
- He asked the rate for 2005 and how much the increase was. Jeanne Decker said the largest increase was last year and the cost was \$316,600.00 and in 2006 it will be \$384,197.00.
- He asked if any surplus was in the sewer utility and Jeanne Decker said there was no surplus.

Jacob Magiera, 612 Sheridan Avenue, addressed;

- Stated that dirty sewers could affect the budget because they have to treat the water.

There being no one wishing to speak, Councilman Rubilla moved to close the public hearing; seconded by Councilman Badillo and adopted.

Mayor DeIorio said the State of New Jersey has appropriated funds to help offset cost for the Rahway Valley Sewerage Authority. He stated that officials are continuing to work diligently to get additional funds.

Councilman Rubilla moved that Ordinance #2169 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo, all members present voting Aye, said ordinance was adopted.

An Ordinance (#2170) entitled, “AN ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)”, was brought up and read by title only on its second reading and public hearing.

Councilman Rubilla moved to open the public hearing on Ordinance #2170; seconded by Councilman Badillo and adopted.

There being no one wishing to speak, Councilman Rubilla moved to close the public hearing; seconded by Councilman Badillo and adopted.

Councilman Rubilla moved that Ordinance #2170 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Badillo.

Roll called, Councilmembers Badillo, Harms, Matarante, Rubilla and Dinardo voting Aye; Councilman Zeglarski voting No. There being five affirmatives and one negative, said ordinance was adopted.

### Introduction

### ORDINANCE NO. 2171

AN ORDINANCE TO AMEND ORDINANCE NO. 1637  
CHAPTER 75, SECTION 3, OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
SETTING LICENSE FEES FOR LIQUOR ESTABLISHMENTS WITHIN THE BOROUGH  
OF ROSELLE PARK

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

SECTION 1: Paragraph A of Chapter 75-3 of the Code of the Borough of Roselle Park is hereby amended as follows:

A. The classes of licenses to be issued by the Borough are hereby fixed as follows:

(1) Plenary Retail Consumption License	\$1,155.00
(2) Plenary Retail Distribution License	770.00
(3) Club License	132.00
(4) Warm Beer	50.00

SECTION 2: 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: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

SECTION 4: This amendment to the Code of the Borough of Roselle Park shall become effective upon publication and in accordance with law.

Councilman Rubilla moved that Ordinance #2171 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on May 4, 2006; seconded by Councilman Matarante, all members present voting Aye, said motion was adopted.

ORDINANCE. No. 2172

AN ORDINANCE TO ESTABLISH THE REGULATION OF THE SALE OR  
PURCHASE OF USED JEWELRY, USED ELECTRONIC DEVICES,  
USED AUTO PARTS, AND USED METALS

WHEREAS, the Borough of Roselle Park is concerned with the increasing number of thefts of jewelry, electronic devices and auto parts; and

WHEREAS, the Borough of Roselle Park has a genuine concern with the ease with which thieves are able to sell stolen items for ready cash within the boundaries of the Borough; and

WHEREAS, the Borough of Roselle Park is desirous of reducing the number of burglaries by regulating outlets where stolen property can be sold and purchased; and

WHEREAS, the Borough of Roselle Park has a legitimate interest in dissuading criminal elements from outside of the Borough from travelling to the Borough to sell stolen property; and

WHEREAS, the Borough of Roselle Park is attempting to discourage the theft of jewelry, auto parts and electronic devices, by regulating merchants who sell used merchandise,

BE IT ORDAINED by the Governing Body of the Borough of Roselle Park:

SECTION 1. DEFINITIONS

MERCHANT/DEALER – Any person(s), partnership or corporation who advertises, sells, offers to sell or attempts to sell used personal property including, but not limited to, used jewelry, used auto parts or used electronic devices to any other person, partnership or corporation.

MINOR – Any person under the age of eighteen (18).

REGULATED ACTIVITY – The sale or purchase of any used personal property including, but not limited to, used jewelry, used auto parts, used electronic devices and used metals.

USED ITEM – Any used personal property including, but not limited to, jewelry, electronic devices, auto parts and metals sold from one party or parties to a second party or parties.

JEWELRY – Any ornament or decorative piece made from gold, silver, precious stones, semi-precious stones or gems or any ornament or decorative piece containing gold, silver, precious stones, semi-precious stones or gems including, but not limited to, necklaces, watches, rings, bracelets, earrings and cufflinks.

ELECTRONIC DEVICE – Electronic equipment including, but not limited to, VCR's, televisions, computers, video games, pagers, beepers, cellular phones, telephones, typewriters, fax machines and audio/stereo equipment. This shall also include, but not be limited to, the parts for building or making electronic equipment.

AUTO PARTS – Any part or equipment that is used in the manufacturing of an automobile including, but not limited to, auto body parts, radio/stereo equipment, compact disc players, cellular phones, speakers, tires, rims, mags and chrome fixtures.

METAL – Any of a class of elementary substances or an alloy thereof including, but not limited to gold, silver, copper and aluminum.

**SECTION 2. LICENSE REQUIREMENT, APPLICATION AND APPLICATION FEE, BOND REQUIREMENT, EXPIRATION DATE**

**A. LICENSE REQUIREMENT**

No person or persons shall engage in the regulated activity without first having obtained a license from the Borough Clerk of the Borough of Roselle Park. Said license shall bear a number issued by the Borough Clerk and shall be clearly displayed within the licensed premises. Said License shall also be available for inspection at any time by Borough officials.

**B. APPLICATION AND APPLICATION FEE**

An application to engage in the regulated activity must be completed and submitted to the Borough Clerk for review and approval. The application shall be submitted along with an initial license fee of Two-Hundred Fifty (\$250.00) Dollars. A Fifty (\$50.00) Dollar renewal fee must be paid per annum for each premises, which conducts the regulated activity.

**C. BOND REQUIREMENT**

Each licensee shall submit, in addition to the initial application and application fee, a bond to the Borough Clerk executed by the applicant as principal, from a surety company authorized to conduct business under the laws of the State of New Jersey. The bond shall be in the penal sum of Ten Thousand (\$10,000.00) Dollars for the purpose of securing compliance with the provisions of this Ordinance and for the protection of any person who purchases a used item which is determined to be stolen or sold deceptively or fraudulently by a court of law of the State of New Jersey.

**D. EXPIRATION DATE**

Each license shall expire on December 31 of the year in which it is issued.

**SECTION 3. APPLICATION PROCESS, APPROVAL/DENIAL, RETURN OF APPLICATION FEE, APPEALS PROCESS**

**A. APPLICATION PROCESS**

Upon demand, a member of the Borough Clerk's Office shall make available to a merchant an application for the purposes of maintaining, keeping and operating said business within the Borough. No permit shall be issued unless such application is completed, executed and all requirements contained therein are fully met and delivered to the Borough Clerk. Upon receipt of an application, fee and bond surety, the Borough Clerk shall refer such applications to the Chief of the Roselle Park Police Department, who shall conduct an investigation into the applicant's moral character and business responsibility, as he deems necessary for the protection of the public welfare. Upon the completion of the investigation and within a reasonable amount of time, the Chief of Police shall return the application, or a copy thereof with any recommendations, to the Borough Clerk.

**B. APPROVAL/DENIAL**

The Police Chief, after engaging in the necessary investigation, shall make a recommendation to the Borough Clerk as to whether the application should be approved or denied. The grounds for denial of an application shall be clearly stated and may include, but not limited to, with respect to the owner or owners of the premises: (1) if a natural person or persons, including partners of a partnership, that he, she or they are 21 years of age or older, citizens of the United States and residents of the State of New Jersey, and never convicted, in this State or elsewhere, of a crime involving moral turpitude involving dishonesty, fraud, deceit or misrepresentation; (2) if a corporation, that all officers and members of the board of directors, and every stockholder holding 10% or more of the stock of the corporation, directly or indirectly having a beneficial interest therein, have the same qualifications as set forth in this subsection for

an applicant who is a natural person. The Borough Clerk, upon the recommendation of the Police Chief, shall approve or deny the license accordingly. If such application is denied, the Borough Clerk shall set down in writing her findings and conclusions and deliver a copy of same to applicant upon demand.

C. RETURN OF APPLICATION FEE

If the application for license is denied, seventy five percent (75%) of the fees shall be returned to the applicant. The balance of the application fee will be kept by the Borough of Roselle Park to offset the costs of the investigation.

D. APPEALS PROCESS

Any person aggrieved by such denial may appeal to the Governing Body of the Borough of Roselle Park within 30 days of the date of denial of the application. The Governing Body may, at its own discretion, affirm, reverse or modify the decision of the Borough Clerk.

SECTION 4. ACCURATE ACCOUNTS, RECORDS REQUIRED, INSPECTIONS AUTHORIZED

A. SUBMISSION TO THE POLICE DEPARTMENT OF TRANSACTION FORMS; TIME LIMIT PRESCRIBED

Each licensed dealer operating in the Borough of Roselle Park shall deliver to the Chief of Police and the Borough Clerk a description of all items purchased, received or sold, as well as the identities of those who sold or bought the items from him. The dealer shall file this description on consecutively numbered transaction forms prescribed and provided by the Chief of Police. The prescribed transaction form must be filed within seventy-two (72) hours after the purchase, sale or receipt of any item. A copy of the transaction form is to be kept on the subject premises at all times during operating hours and available for review and inspection by any Borough official.

B. RECORDS BOOK

All licensees shall keep an accurate log of accounts of all sales made. The said logs shall be open to inspection by any Borough official. This log shall be kept on the subject premises at all times during operating hours. This log shall also include sales tax collected for each transaction.

SECTION 5. RESTRICTIONS

A. No dealer shall melt, change the form of or dispose of any used items purchased or received within five (5) days from the date the notification is made to the Chief of Police and the Borough Clerk, and all such items shall remain on the premises where the purchase was made for at least five (5) days from the date of notification of the Chief of Police and the Borough Clerk.

B. Each dealer must require two forms of identification from the person with whom he is transacting business. The type of identification must be noted on the transaction form presented to the Chief of Police and Borough Clerk.

C. Each dealer shall photograph each seller of merchandise and shall identify the photographs by name, date of sale, item purchased amount paid. The photograph shall be retained for a period of two (2) years and shall be subject to inspection by any Borough officials.

SECTION 6. SALE OR PURCHASE BY MINORS

No merchant or dealer shall sell, purchase or receive any used item, goods, article or thing from any minor unless the minor has expressed written parental consent to make such transaction. In the event that written parental consent be provided, the merchant or dealer must keep written consent on file for potential inspection by the proper Borough official.

**SECTION 7. EXEMPTIONS**

Used car lots, properly licensed by the State of New Jersey, Garage sales, Yard sales and Estate sales, shall be excluded from the provisions of this Ordinance.

**SECTION 8. VIOLATIONS AND PENALTIES**

Any person violating the provisions of this Ordinance shall, be subject to a fine of not less than Five-Hundred (\$500.00) Dollars nor more than One-Thousand (\$1,000.00) Dollars or imprisonment in the County Jail or in any place provided by the Borough of Roselle Park for the detention of prisoners for any term not exceeding ninety (90) days or by both such fine and such imprisonment.

**SECTION 9. INCONSISTENT ORDINANCES**

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed.

**SECTION 10. SEVERABILITY**

If any portion of clause of this Ordinance is declared invalid for any reason whatsoever, same shall not effect the validity or constitutionality of any other part or portion of this Ordinance.

**SECTION 11. EFFECTIVE DATE**

The effective date of this Ordinance shall be twenty (20) days after its final passage by the Borough of Roselle Park and approval by the Mayor at the time and in the manner provided by law.

**TRANSACTION FORM FOR THE SALE/PURCHASE OF MERCHANDISE**

Name and address of business \_\_\_\_\_  
License #: \_\_\_\_\_

Date of sale or purchase: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Was merchandise sold: \_\_\_\_\_ or purchased: \_\_\_\_\_

Person who made sale/purchase \_\_\_\_\_  
(employee, manager, owner, etc.)

Forms of identification used and \_\_\_\_\_ #1 \_\_\_\_\_  
Identifying number(s) \_\_\_\_\_ #2 \_\_\_\_\_

Name and address of buyer/seller \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Description of buyer/seller Race \_\_\_\_\_ Sex \_\_\_\_\_ Hgt \_\_\_\_\_  
Wgt \_\_\_\_\_ Hair \_\_\_\_\_ Eyes \_\_\_\_\_  
DOB \_\_\_\_\_ SS # \_\_\_\_\_

\*Optional\*

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Type of photograph Polaroid \_\_\_\_ Roll Film \_\_\_\_ Other \_\_\_\_  
(Mark picture with Transaction Form number and attach to licensee copy of form)

Detailed description of merchandise purchased/sold (make, model, serial #, type of gold, color of precious stones (diamond, ruby), length of chain, etc.)

- #1
- #2
- #3
- #4

Signature of buyer: \_\_\_\_\_ Signature of seller: \_\_\_\_\_

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PLEASE USE SUPPLEMENTAL FORM FOR ADDITIONAL ITEMS

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SUPPLEMENTAL TRANSACTION FORM FOR THE SALE/PURCHASE OF MERCHANDISE

# \_\_\_\_\_

Signature of buyer: \_\_\_\_\_ Signature of seller: \_\_\_\_\_

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Councilman Rubilla moved that Ordinance #2172 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on May 4, 2006; seconded by Councilman Badillo, all members present voting Aye, said motion was adopted.

ORDINANCE NO. 2173

AN ORDINANCE TO AMEND CHAPTER 105 (EXCAVATION OF STREETS) OF THE CODE OF THE BOROUGH OF ROSELLE PARK, TO PRESCRIBE PROCEDURES FOR STREET EXCAVATIONS, OBSTRUCTIONS AND OPENINGS, AND TO REVISE OTHER PROVISIONS OF SAID CHAPTER

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE PARK:

SECTION 1. Article I (Excavations, Obstructions and Openings) in Chapter 105 (Excavation in Streets) of the Code of the Borough of Roselle Park, is hereby amended to read as follows:

**§105-1. Backfilling.**

Immediately after the work is performed for which the opening was made, road repair and backfilling shall be done in accordance with details prepared by the Borough Engineer, which accompanied the permit. Excavated material shall not be used as backfill in roadway. Backfilling with clay or heavy black loam shall not be permitted. Temporary pavement or patch work shall be removed approximately one month later. In all cases, the opening shall be restored to the grade, slope and profile that prevailed at the time of the opening as directed by the Superintendent of Public Works.

**§105.4. Utility Mains.**

For utility main construction, other or additional regulations may be prescribed by the Mayor and Council. Plans for such projects must have the approval of the Borough Engineer before a permit may be issued.

**§105-5. Fees.**

No permit shall be granted except upon payment by the applicant of the following fees:

ROAD OPENING PERMITS

Application Fee	
Normal	\$ 30.00
Non-reported opening	90.00
Permit Fee	
Up to 20 sq. ft.	\$ 50.00
Between 20 and 80 sq. ft.	100.00
Additional over 80 sq. ft.	0.50 per sq. ft.
Multiple openings are a minimum of \$50.00 each	
Inspection Fee	\$ 75.00
Cash Bond	
Up to 43 sq. ft.	\$800.00
Over 43 sq. ft.	\$18.75 per sq. ft. per opening
Multiple openings are a minimum of \$800.00 each	
Newly paved roads (5 years of less)	1 year - \$2,500.00
	2 years - \$2,000.00
	3 years - \$1,500.00
	4 years - \$1,000.00
	5 years - \$ 500.00

CURB PERMITS

Application Fee	\$ 20.00
Permit Fee	
Depressed curb (driveway opening)	\$ 50.00
Full height curb	0.50 per lin. ft.
	\$ 50.00 minimum
Inspection Fee	\$ 75.00
Cash Bond	
For a single driveway	\$ 12.00 per linear ft.
All others	\$ 12.00 per linear ft.

**§105-5.1. Deposit required.**

A. All permittees, including public utilities, shall deposit the cash bond specified in §105.5, which may be paid in cash, or by check or bank draft, unless otherwise determined by the Superintendent of Public Works. All deposits required hereunder shall be held in a separate account by the Chief Financial Officer. All deposits shall be retained by the Borough for a period of one year from the completion of the work. If the work meets the specifications of the Borough of Roselle Park, upon approval by the Superintendent of Public Works, in writing, the cash bond shall be returned to the permittee. If the Superintendent of Public Works determines, however, upon final inspection, that the construction or repair was unsatisfactory or otherwise in violation of the approved plans, and should the permittee, upon receipt of written notice of deficiencies fail to remedy same within seven (7) days, then the Superintendent of Public Works shall cause repair, replacement or restoration of the opening to be done, either in whole or in part, and the cost thereof shall be deducted from the cash bond made by the permittee.

B. The Superintendent of Public Works shall have the right to perform borings in the pavement, cut cores in the pavement or to perform other investigations as deemed necessary to confirm that the provisions of the road opening permit have been satisfied. The cost of such investigations shall be charged to the permittee. The Superintendent of Public Works may require the permittee to enter into a cash bond which shall be in place for a period of one (1) year from the date of acceptance of said work and shall provide that the permittee guarantee the work in the manner required by the specifications.

The Superintendent of Public Works may require an extended maintenance period or an additional maintenance bond depending upon the nature of the work involved or the workmanship observed during construction.

The maintenance bond shall be executed by the permittee as principle and surety company licensed to do business in the State of New Jersey as surety and shall be conditioned as follows:

(1) To indemnify and hold harmless the Borough of Roselle Park for all loss, damage, claim or expense, including expenses incurred in defense of any litigation arising out of injury to any person or property resulting from any work done by the permittee under the permit.

(2) To indemnify the Borough of Roselle Park for any expense incurred in enforcing any of the provisions of this section.

(3) To indemnify any person who shall sustain personal injuries or damage to his property as a result of any act or omission of the permittee, his agents, employees or subcontractors done in the surface and foundation of the road, and for which the permit is granted in the manner acceptable to the Superintendent of Public Works. The bond shall be conditioned upon the permittee restoring the surface and foundation of the street abutting the work site and those streets which had sustained damage through the use of construction equipment and by their construction vehicles which had been utilized for the transportation of material to and from the work site for which the permit is granted in a manner acceptable to the Borough Engineer.

**§105-5.2. Future costs.**

If future installation of drainage or sewer facilities or the regarding and/or realignment and widening of pavements is prevented by the presence of the underground structures covered by this permit, then the cost of making the necessary changes in said structures, so as to permit

installation of the proposed drainage or sewer facilities or to permit regarding and/or realignment and widening of pavements, shall be done by the permittee.

**§105-7. Bridges; culverts.**

Wherever it is necessary to cross over, through or under existing bridges, or culverts, plans must be filed with the Borough Engineer which will outline in detail the proposed method of crossing such structures. No work of any kind whatsoever shall be performed until the said supplemental plans have been approved by the Borough Engineer.

Detailed plans of all construction proposed at waterways and bridges shall be submitted to the New Jersey Department of Environmental Protection and Energy, for approval when required; after which an approved copy shall be forwarded to the Borough Engineer for approval

**§105-9. Permit required.**

No person, firm, corporation, public utility or authority, shall hereafter tear up, open or excavate any portion of the right of way of any street in the Borough of Roselle Park, owned, maintained or controlled by the Borough of Roselle Park for any purpose whatsoever without first making application for and receiving a permit therefor, signed in the name of the Borough of Roselle Park by the Superintendent of Public Works or such other person as the Superintendent of Public Works shall designate in a writing filed in the Office of the Borough Clerk.

**§105-9.1 Application for permit.**

Application for permits shall be made in writing to the Superintendent of Public Works shall set forth the name and address of the applicant, and shall describe the location of the intended excavation, opening, tunnel, obstruction; the size and purpose thereof; time for completion of the work; the name and address of the person to perform the work; the person ordering the work and the person responsible for restoring the permanent pavement. A diagram, in triplicate, indicating the nature and extent of the excavation, opening, tunnel, or obstruction shall accompany this application. A separate permit shall be required for each and every opening unless otherwise agreed by the Borough Engineer. The applicant shall sign the application and shall be bound for all obligations of the permit and shall be referred to hereafter as the permittee. A permit shall not be transferred unless authorized in writing by the Borough Engineer.

**§105-9.2. Prior Notification.**

A. Prior to the start of any paving or repaving work on any street of the Borough of Roselle Park, the Borough Engineer shall notify each utility company of said work in order that any excavations be completed before paving is started. Such notice shall provide that no excavation permit shall be issued for openings, cuts or excavations in said street for a period of five (5) years from the date of such paving. The notice shall also provide that applications for excavation permits for work to be done prior to such paving or repaving shall be submitted promptly in order that any work may be completed not later than forty-five (45) days from the date of such notification.

B. Within said forty-five (45) days, every public utility company receiving notice as prescribed herein shall perform such excavation work, subject to the provisions of this resolution, as may be necessary to install or repair sewers, mains, conduits, or their utility installations. In the event any permittee shall fail within said forty-five (45) days to perform such excavation work as may be required to install or repair utility service lines or service connections to the property lines, any and all rights of such permittee or his successors in interest to make openings, cuts or excavations in said streets, shall be forfeited for a period of five (5) years from the date of enactment of said resolution. During said five-year period no excavation

permit shall be issued to open, cut, or excavate in said street unless, in the judgment of the Superintendent of Public Works, an emergency exists which makes it absolutely essential that the excavation permit be issued.

C. A permittee obtaining such emergency permits shall observe any special backfill or other construction requirements requested by the Superintendent of Public Works. All emergency work performed in the absence of the Superintendent of Public Works shall be subject to testing, if deemed necessary, to determine those conditions of said permits have been satisfied. All testing costs shall be charged to the permittee.

**§105.10. Method of construction.**

The street when opened pursuant to this ordinance and permit shall conform to the most recent restoration designs, plans, details, specifications and method of construction and traffic control devised and required by the Superintendent of Public Works and Police Department Safety Officer.

All permits issued under this section shall be subject to the following rules and regulations:

A. Safety

1. All work shall be conducted in such a manner as to cause the least public inconvenience and to permit the use of the sidewalk by pedestrians, the roadway by vehicles and the flow of water in the gutters. All openings, digging, excavation, piles of material, equipment, machinery, barricades or obstructions, including earth and stone removed from excavation shall be properly guarded at all times to prevent accidents and a sufficient number of lights, shall be maintained between sunset and sunrise by the person whom such permits have been issued to designate such openings or obstructions during the hours of darkness. Reflective barrels, blinking lights, warning signs, flagman, uniformed traffic officers and all other man-powered equipment as required by or directed by the Borough Safety Officer shall be provided.

2. The work area shall be made passable to all emergency vehicles during all phases of the work.

3. In the event that the work requires the detour of the vehicular traffic, the permittee shall submit a detour plan for review and approval by the Borough Safety Officer, who at his sole discretion, may require the approval of the municipalities involved prior to any road closings.

4. If any sidewalk is blocked by any such work, a temporary sidewalk shall be constructed or provided, which shall be safe for travel and convenient for users.

B. All existing pavements, road surfaces, sidewalks, curbs, gutters, pipes, manholes, drains, conduits or other installation or fixtures and property liable to be damaged or destroyed shall be properly protected by the person doing any work for which a road opening permit has been issued during the time when such work is being performed and the responsibility for any such damage shall be assumed by the person to whom such permit has been issued.

C. No person shall divert or discharge water into, upon or across any street or sidewalks so that a nuisance is created, or a hazardous condition is caused to exist, as a result of the work of the permittee or cause the adjacent pavement to be damaged.

D. It shall be unlawful to make any such excavation, or tunnel, in any way contrary to or at variance with the terms of the permit thereof. Proper bracing shall be maintained to prevent the collapse of adjoining ground, and protection of the workers shall be in accordance with the regulations of the New Jersey Department of Labor and Industry and the Occupational Safety

and Health Administration; the excavation shall not have any portion below the surface extending beyond the opening at the surface.

E. No injury shall be done to any pipes, cables, or conduits in the making of such excavations, or tunnels. Notice shall be given beforehand to the utility company maintaining any such pipe, cables or conduits or to the Officer charged with the care thereof, which are or may be endangered or affected by the making of any such excavation or tunnel.

The permittee shall not be authorized to proceed with any excavation until he submits to the Bureau of Inspection a reference number of verification stating that *Garden State Underground* was notified at:

*One Call System  
Garden State Underground  
1450 Route 22 West  
Mountainside, New Jersey 07092  
1-800-272-1000*

All work by the permittee shall be done in accordance with the provisions of N.J.S.A. 34:6-47.1 et seq., and in accordance with the provisions of the Federal Occupational Safety and Health Act of 1970 and of subpart N, Paragraph 1926.550 of the rules and regulations issued under said acts.

F. No work shall occur in such a manner as to result in damage or destruction of any property of the Borough of Roselle Park unless this is necessary for completion of the work and written permission has been obtained in advance from the Borough Engineer or Superintendent of Public Works.

G. The permittee shall clean up and remove promptly from the work site at the end of each work day, all surplus excavated material and debris, and upon final completion of the project shall leave the site of work in a neat and orderly condition as good as it was previously.

Where topsoil, seeded areas or sod is disturbed in the course of the work, permittee shall restore such ground surfaces to a condition equal to that prior to commencement of work.

H. Bar holes and probes by utility companies shall be restored after work has been completed unless otherwise authorized by the Superintendent of Public Works.

I. If permittee shall fail to comply with the rules and regulations as provided in this section, after receipt of written notice, then the Borough reserves the right to take any action to insure compliance with the section. In that event, the permittee shall be charged with the cost of same at a rate determined by the Borough Engineer based on annual Borough contract rates, if such are in effect, or a certain schedule of costs maintained by the Borough Engineer, based on the rates in the contractor's blue book plus fifteen (15%) percent. Permittee shall be responsible for the expense incurred by the Borough. Any monies due to the Borough in excess of the permit fee shall be billed upon completion of the work and shall be paid by the permittee within thirty (30) days after the receipt of the bill. Failure to pay such dues shall result in the permittee paying the maximum interest rate allowed by law, as well as any attorney's fees and costs incurred by the Borough in furtherance of the collection of said monies.

The Superintendent of Public Works shall also have the authority to deny all future permits until differences identified as above are corrected to the satisfaction of the Superintendent of Public Works.

#### **§105-11. Violations and Penalties.**

Any person who violates any provision of this article shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment for a term not exceeding 90 days, or

both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§105.13. Non-Liability of Borough.**

The Borough shall not be liable for damages for any personal injuries or damage to property sustained as the result of any excavation or opening in any street, bridge or curb work made by any person by virtue of the provisions of this chapter.

Neither the Borough nor any of its employees shall be deemed to be the agent of the permittee for the purpose of this section, nor shall they be deemed to have assumed any liability or responsibility by reason of the undertaking of any inspection authorized hereunder, the issuance of any permit, or the approval of any work, or for any other reason.

**§105.14. Indemnification.**

Every permittee shall, as a condition for accepting any permit issued hereunder, save and hold harmless the Borough and indemnify the Borough, its officers, agents, servants and employees from and against any and all loss, damage, claim, expense or demand whatsoever arising out of any matter or resulting of the opening of any street and the issuance of a permit therefore as provided in this section.

**§105.15. Release of Deposit or Bond.**

No cash deposit, certified check or performance bond shall be released until all repairs, payment of all monies due to the Borough pursuant to this ordinance, and the restoration and repaving of excavated areas to the satisfaction of the Superintendent of Public Works is completed and a one (1) year guarantee period, if required, in a form acceptable to Borough Counsel is in place to insure proper installation and maintenance. Deposits and bonds shall be released only by the Superintendent of Public Works.

**§105-16. Required notification.**

The permittee shall notify the Superintendent of Public Works in writing via fax or e-mail at least forty-eight (48) hours in advance of any activity. Likewise the permittee shall notify the Superintendent of Public Works at the completion of the activity or project. See permit application for contact information.

Failure to provide such notification may result in additional fines being imposed on the permittee. The permittee shall keep a copy of the permit at the site at all times. The permittee shall retain full responsibility for any damages, which may result from any construction activity notwithstanding any approvals from the Borough Engineer or Superintendent of Public Works.

The excavation and the work required to be done shall be completed within reasonable time. Trenches shall not be kept open when work is not in progress. If work is stopped, for more than 24 hours, the trench shall be temporarily backfilled and capped with a temporary pavement. Upon completion of work, it shall be inspected by the Superintendent of Public Works. The permittee shall start work within 20 working days of issuance of a permit and the permit shall remain valid for 60 working days from the start of work unless otherwise authorized by the Superintendent of Public Works. If work on the permit does not start in 20 working days, then the permit shall expire and a new permit shall be obtained, unless a written extension is obtained from the Superintendent of Public Works. The validity of a permit may be extended, if so requested, in writing by permittee prior to the expiration period thereof for such additional periods as determined by the Superintendent of Public Works.

**§105-17. Deficiencies.**

In the event the repairs are not performed within the required time frame on the permit, the Superintendent of Public Works does not approve the replacement, the permittee shall be so

notified in writing and shall be given a reasonable time to correct the deficiencies. Upon failure of the permittee to correct said deficiencies, the Superintendent of Public Works shall cause the street to be properly repaired and any expenses shall be billed to the permittee. The Superintendent of Public Works shall also have the authority to deny all future permits until deficiencies identified as above are corrected to the satisfaction of the Superintendent of Public Works.

**§105-18. Inspection.**

The Superintendent of Public Works, at such time or times as he shall deem necessary, may cause the work being done by the permittee to be inspected by the Superintendent of Public Works.

The Superintendent of Public Work may, upon failure of a permittee to comply with the conditions of the permit and upon reasonable notice, stop any work being performed in the Right-of-Way. The Borough shall have the right to remedy and deficiency and assess the permittee the costs of any remediation. The Superintendent of Public Works may deny any and all future permits to said permittee until trench backfilling, trench restoration and final repair activities shall be scheduled in succession and shall not be fragmented.

**§105-19. Emergencies.**

In the event of any emergency in which a sewer main, conduit or utility in or under any road breaks, bursts or otherwise is in such condition as to immediately endanger the property, life, health or safety of any individual, the person, company or utility owning or controlling such sewer, main, conduit or utility, without first applying for and obtaining an excavation permit hereunder, shall immediately take proper emergency measures to secure or remedy the dangerous conditions for the protection of property, life, health and safety of individuals. However, such person owning or controlling such a facility shall apply for an excavation permit not later than the end of the next succeeding day during which the Borough permit office is open for business, and shall not proceed with permanent repairs without first obtaining an excavation permit hereunder.

**§105-20. Revocation of permit.**

Where the permittee is not making progress satisfactory to the Superintendent of Public Works, or violates any provision of the permit, the Mayor and Council hereby authorizes the Superintendent of Public Works to revoke the permit and to replace, by its own repair force, the payment removed by said permittee on any Borough street, bridge, or curb, at the expense of the permittee. Written notice shall be given by the Superintendent of Public Works of intent to make such repairs. The permittee shall complete proposed construction within the time specified in the permit. If not done within this time and if no extension has been obtained, such failure to complete shall be deemed a violation.

**§105-21. Performance.**

The permittee shall maintain vehicular and pedestrian traffic over the street within the scope of the project at all times.

The permittee shall backfill all excavated areas within the street to a grade compatible with the existing traveled way at such time he is not actively working. This shall include nights, weekends, and periods of shutdowns. Trenches shall not remain open overnight under any circumstances without prior approval from the Superintendent of Public Works.

Streets in areas within which the permittee has actually commenced construction operations and which are reserved for traffic shall be maintained by the permittee, at his expense,

free from obstructions and in a smooth riding condition at all times, including seasonal shutdowns.

Escape ramps shall be provided at the edges of pavement lifts or at excavations.

Final responsibility for the installation of adequate precautions and for the protection of the traveling public and his own personnel, for the duration of the work, shall rest with the permittee.

Compliance with all prescribed safety precautions contained herein shall not relieve the permittee of his primary responsibility to take all necessary measures to protect and safeguard the public nor relieve him of any responsibilities described in the resolution.

If the excavation extends the full width of the street, only one-half of the street shall be excavated at one time, and shall be backfilled and a temporary pavement placed before the other half is excavated, unless otherwise permitted by the Superintendent of Public Works or Borough Safety Officer, so as not to interfere with traffic. Where considered necessary, work under a permit shall be carried on only within such hours as allotted by the Superintendent of Public Works. If work cannot be completed within time specified, open trenches shall be backfilled or covered with steel plates of sufficient strength to carry all traffic safely. Plates must be recessed, pinned and can only be left out with the approval of the Superintendent of Public Works. If, in his judgment, traffic conditions, the safety or convenience of the traveling public or the public interest requires that the excavation work be performed as emergency work, the Superintendent of Public Works shall have full power to order, at the time the permit is granted, that a crew of men and adequate facilities be employed by the permittee twenty-four (24) hours a day to the end that such excavation work may be completed as soon as possible. The Superintendent of Public Works shall also have full power to limit the hours of work as the public interest may require.

**§105-22. Avoidance of inconvenience.**

Each permittee shall conduct and carry out the excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris.

**§105-23. Drawings and plans.**

Users of sub-surface street space shall maintain accurate drawing and plans, showing the location and character of all underground structures including abandoned installations. Said drawings and plans are to be kept on file in the office of said users and shall at all times be available for inspection by the Borough Engineer or Superintendent of Public Works.

**§105-24. Non-applicability.**

The provisions of this chapter shall not be applicable to any excavation work under the direction of Borough authorities by employees of the Borough or by any contractor of the Borough performing work for and on behalf of the Borough necessitating openings or excavations in Borough streets, curbs or bridges.

**§105-25. Obstructions.**

A. No person shall obstruct or damage any sidewalk or cause or suffer the same to be encumbered with debris or other obstructions of any kind.

B. Nothing in this section shall prohibit merchants from placing wares, goods, or merchandise upon the sidewalks for the purpose of loading and unloading the same, provided that free passage over such sidewalk is not obstructed and provided that the same is removed without unreasonable delay.

**§105-26. Refusal to remove obstruction.**

Any building or any appurtenance or fixture connected therewith, or any window, sign, showcase, showbill, step, porch, platform, cellar door, covering (except a cloth awning having an elevation of at least seven feet above the sidewalk), or any other structure, obstruction, or encroachment of any kind which now or hereafter be erected or constructed or maintained, or any goods, wares or merchandise placed or maintained contrary to the provisions of §105-25, shall forthwith be removed by the person erecting, constructing, or maintaining the same, upon notice in writing from the Superintendent of Public Works so to do; in the event of the refusal or neglect of such person so to remove such building or other obstruction or encroachment after such notice, the Superintendent of Public Works may remove the same, or cause it to be removed at the expense of the person so erecting, constructing or maintaining the same.

**§105-27. Operating vehicle on sidewalk.**

A. No person operating any vehicle shall drive upon the sidewalk or curb in the Borough, or cause or permit to be caused any damage to any sidewalk or curb in the Borough.

B. The Borough Clerk may upon receipt of a deposit of \$200, said deposit to serve as security for any damage to a curb or sidewalk, issue a temporary permit for the passage of any vehicles over or across any curb or sidewalk, but such a permit shall not in any case be permanent, and, at the expiration of the time of the permit, the deposit or portion of same may remain after just deductions for repairs to said sidewalk or curb shall be returned to the holder of said permit. This provision shall in no way be construed to limit the liability of the holder of said permit to the amount of the deposit. In the event the damage exceeds the amount of said deposit, liability to the Borough shall be for the full amount of damages.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

SECTION 4. This ordinance shall take effect upon final passage and publication in accordance with the law.

BOROUGH OF ROSELLE PARK

# **POLICY AND PROCEDURES FOR RIGHT-OF-WAY EXCAVATION**

Roselle Park Department of Public Works  
180 West Webster Avenue  
Roselle Park, New Jersey 07204  
Phone: (908) 245-7676  
Fax: (908) 241-6927

**APPLICATION FOR CONSTRUCTION WITHIN A PUBLIC RIGHT-OF-WAY  
IN THE BOROUGH OF ROSELLE PARK**

Date: \_\_\_\_\_ Permit No.: \_\_\_\_\_

Type of Permit – Road Opening: \_\_\_\_\_ Curb: \_\_\_\_\_ Other: \_\_\_\_\_ Description: \_\_\_\_\_

Application is made by: \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Construction by: \_\_\_\_\_ Phone #: \_\_\_\_\_

Address: \_\_\_\_\_ Emer. Phone #: \_\_\_\_\_

Type of work: \_\_\_\_\_

Location of work: \_\_\_\_\_

Total area of road opening: \_\_\_\_\_ Sq. Ft. Width: \_\_\_\_\_ Ft. Length: \_\_\_\_\_ Ft. Depth: \_\_\_\_\_ Ft.

Class of pavement – Concrete ( ) Bituminous Concrete ( ) Other ( ) Specify \_\_\_\_\_

Total Lineal ft. of std. Curb \_\_\_\_\_ Ft. Depressed Curb \_\_\_\_\_ Ft.

Type of material to be used – Concrete ( ) Belgian Block ( )

Remarks: \_\_\_\_\_

Date work will be started on \_\_\_\_\_ and finished by \_\_\_\_\_

Call 1-800-272-1000 72 hours before any digging

All work must conform to construction standards of the Borough. A copy of the ordinance for the standards and requirements is attached.

Applicant's Signature: \_\_\_\_\_

Application Fee: \$ \_\_\_\_\_ Application issued by: \_\_\_\_\_ Date: \_\_\_\_\_

Permit Fee: \$ \_\_\_\_\_ Permit issued by: \_\_\_\_\_ Date: \_\_\_\_\_

Inspection Fee \$75.00 Inspected by: \_\_\_\_\_ Date: \_\_\_\_\_

Bond, if applicable: \$ \_\_\_\_\_ Work actually started on: \_\_\_\_\_ Completed on: \_\_\_\_\_

Inspect Temporary opening by: \_\_\_\_\_ Date: \_\_\_\_\_  
Final Inspection by: \_\_\_\_\_ Date: \_\_\_\_\_

Inspect Permanent opening by: \_\_\_\_\_ Date: \_\_\_\_\_

Remarks on permit: \_\_\_\_\_

Procedure: All restoration must conform to the requirements of the Borough. You should also have a copy of the ordinance outlining the Borough's requirements for this excavation work.

This application must be made before any work is started except in cases of emergency. The original permit approved and signed must be available on the site at all times when work is in progress.

The permittee agrees to comply with the current laws of the State of New Jersey and Borough Regulations. The acceptance of this permit shall be deemed an agreement to abide by all of its terms, conditions and requirements as set by the Borough of Roselle Park. Notice must be given 24 hours before work starts to the Superintendent of Public Works to allow the inspectors sufficient time to check forming and compliance to standards. Call Superintendent of Public Works, Frank Wirzbicki at 908-245-7676, if you have any questions.

### **RETURN TO BOROUGH OF ROSELLE PARK**

#### **ROAD EXCAVATION & RESTORATION**

All quarry process stone backfill must be placed and compacted in 6-inch layers. A temporary 2" bituminous top shall be placed and rolled.

Approximately 1 month later, the temporary patch and stone must be removed to sub-grade for permanent restoration. If existing pavement thickness is less than 6", a 4" thickness of bituminous stabilized base course (Mix I-2) and a 2" thickness of bituminous concrete surface course (Mix I-5) will be placed. If existing pavement thickness is greater than 6" the thickness of stabilized base will be increased so the depth of permanent restoration is the same as existing pavement. During the winter season, the pavement restoration will be deferred until April 1<sup>st</sup> or as soon thereafter as favorable weather permits; however, the temporary patch must be maintained.

The existing pavement abutting the trench shall be saw cut.

The trench in vehicular traffic lanes must be backfilled every night. Plates over trenches are not permitted, unless, specific approval is granted by the Superintendent of Public Works.

The applicant is responsible for the opening, protection of the opening, maintenance of the temporary and final pavement to the satisfaction of the Borough.

The Borough may perform any work necessary for the safety of the traveling public and deduct the cost of the work from the cash bond, or send additional billing to the permittee to cover the cost.

One year after final restoration, the Borough will re-inspect the site, and the cash bond will be returned to the permittee, if restoration is satisfactory.

All bar-holes must be filled in 24 hours after the job has been completed.

Traffic plans must be submitted with the permit when the traffic will be affected by the excavation.

**FOR APPLICANT**

**FEE SCHEDULE**  
**FOR BOROUGH OF ROSELLE PARK**  
**CONSTRUCTION PERMITS**

**ROAD OPENING PERMITS**

Application Fee	
Normal	\$30.00
Non-Reported Opening	\$90.00
Permit Fee	
Up to 20 sq. ft.	\$50.00
Between 20 & 80 sq. ft.	\$100.00
Additional over 80 sq. ft.	0.50 per sq. ft.
Multiple openings are a minimum of	\$50.00
Inspection Fee	\$75.00

**BONDS NON-REGULATED COMPANIES <sup>1</sup>**

Cash Bond	
Up to 43 sq. ft.	\$800.00
Over 43 sq. ft.	\$18.75 per sq. ft. per opening
Multiple openings are a minimum of	\$800.00 each
Newly paved roads (5 years or less)	1 <sup>st</sup> Year - \$2,500.00
	2 <sup>nd</sup> Year - \$2,000.00
	3 <sup>rd</sup> Year - \$1,500.00
	4 <sup>th</sup> Year - \$1,000.00
	5 <sup>th</sup> Year - \$500.00

**CURB PERMITS**

Application Fee	\$20.00
Permit Fee	
Depressed curb (driveway opening)	\$50.00
Full height curb	0.50 per lin. ft. \$50.00 minimum
Inspection Fee	\$75.00
Cash Bond	
For a single	\$12.00 per linear ft.
All others	\$12.00 per linear ft.

**NO BOND WILL BE REQUIRED FOR REGULATED (UTILITIES) COMPANIES**

Councilman Rubilla moved that Ordinance #2173 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on May 4, 2006; seconded by Councilman Matarante, all members present voting Aye, said motion was adopted.

ORDINANCE. NO. 2174

AN ORDINANCE AMENDING CHAPTER 128 OF THE CODE  
OF THE BOROUGH OF ROSELLE PARK REGARDING LAND USE

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter 128 of the Borough Code is hereby amended as follows:

SECTION I  
ARTICLE VII  
GENERAL PROVISIONS

**§ 128-41. Schedule of Fees for Applications to the Roselle Park Planning Board and the Roselle Park Board of Adjustment.**

**The Fees for Applications to the Planning Board of the Board of Adjustment are as follows:**

A.	Site Plan	Application Fee	Escrow Fee
	(1) Preliminary Site Plan		
	(a) For a multi family (3 or more units) residential use	\$300.00 + \$.03 per sq. ft.	\$500.00
	(b) For a commercial/ use	\$400.00 + \$.04 per sq. ft.	\$750.00 + \$0.03 per business sq. ft.
	(2) Final Site Plan		
	(a) Residential multi family	\$200.00 + \$.02 per sq. ft.	\$250.00
	(b) Commercial/business	\$200.00 + \$.02 per sq. ft.	\$400.00
	(c) Industrial	\$300.00 + \$.02 per sq. ft.	\$500.00
B.	Sub Division		

(1) Sketch plat for a major subdivision	\$200.00	-0-
(2) Preliminary		
(a) Minor	\$250.00	\$500.00
(b) Major	\$500.00 + \$100.00 per lot	\$150.00 per lot (minimum \$1,000.00)
(3) Final		
(a) Minor	\$200.00	\$300.00 + \$100.00 per lot
(b) Major	\$400.00 + \$50.00 per lot	\$150.00 per lot (minimum \$600.00)

**Application Fee**

**Escrow**

C.	Design Standard Waiver	\$50.00 per request	-0-
D.	Conditional Use	\$250.00	-0-
E.	Variance		
(1)	Bulk "C" Variance		
	(a) One family	\$200.00 + \$50.00 per additional "C" variance	-0-
	(b) Two family	\$300.00 + \$50.00 per additional "C" variance	-0-
	(c) Multi family (3 or more)	\$400.00 + \$50.00 per additional "C" variance	\$500.00
	(d) Commercial business	\$500.00 + \$100.00 per additional "C" variance	\$1000.00
	(e) Industrial	\$750.00 + \$100.00 per additional "C" variance	\$1,500.00
(2)	Use "D" Variance		
	(a) One family	\$200.00	\$200.00
	(b) Two family	\$300.00	\$500.00
	(c) Multi family, residential (3 or more units)	\$400.00	\$500.00
	(d) Commercial/Industrial Business	\$600.00	\$1,000.00
F.	Request for Zoning Interpretations and Appeal of a Construction Official Decision:		
	(1) One- and Two-family	\$100.00	-0-
	(2) Multi family and non-residential	\$200.00	-0-
G.	Hearings. The fee for a hearing scheduled at a special meeting held at the request of the applicant shall be \$1,500.00 for each hearing scheduled.		
H.	Legal Notice. The fee for publication of a legal notice indicating the decision of the approving authority shall be \$15.00.		
I.	Stenographer fees. The Board may require the taking of testimony stenographically and having same transcribed, the cost of which shall be borne by the applicant.		

- J. Informal Review. The fee for holding an informal review in accordance with this chapter shall be \$150.00.
- K. Zoning permit. The fee for a zoning permit shall be \$25.00.

**ARTICLE XXIII**  
**B-3 ARTERIAL BUSINESS DISTRICT**

**§128-97. 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 businesses shall be permitted, provided that there is a total connected electric motor load for manufacturing or processing of not more than 10 horsepower, and further provided that no steam plant shall carry steam at more than 100 pounds pressure: bakery, carpenter shop, cleaning and dyeing shop, food processing shop, frozen food lockers, laundry, plumber, printing shop and car wash.
  - (3) Retail trade.
  - (4) Retail services.
  - (5) Banks and financial institutions – NASICS Group 5221.
  - (6) Institutional and public uses – NASICS Groups 71211, 8131 and 92.
  - (7) Restaurants, Caterers and Banquet Halls - NASICS Group 7221, 7222, 72232 and 722320, excluding exotic and/or pornographic entertainment or activities and excluding drive-in restaurants.
  - (8) Hair, nail and skin care services – NASICS Group 81211.
  - (9) Funeral Homes – NASICS Group 812210, excluding crematories.
  - (10) Motion Picture Theaters – NASICS Group 512131.
- B. Any building used for any of the purposes enumerated in Subsection A(1) through (10) above may not have more than 40% of the first floor devoted to storage purposes incidental to the primary use.
- C. Facades of storefronts, including signs, window displays and lighting, of 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 §128-97 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.

## **ARTICLE XXVII**

### **MISCELLANEOUS**

#### **128-113. Signs** [Amended 11-12-1985 by Ord. No. 1348; 6-21-2001 by Ord. No. 2045]

- A. Types and area of signs. A sign shall include banners, steamers, whirling or lighting devices or any other type of attention-attracting device and may be a single-faced, double-faced or a V-type structure. As to Schedule 128-113, the following terms are defined as indicated below:
- (1) Business sign. A sign which directs attention to the sale of goods or to professional services, other services or entertainment rendered or offered upon the premises where such sign is located.
  - (2) Billboard. A sign, in excess of 24 square feet in area, that directs attention to a business, commodity, service, entertainment or facility and is not located upon the business premises.
  - (3) Flashing sign. Any illuminated sign on which the artificial light is not maintained stationary and constant in intensity or color at all times when such sign is in use, including but not limited to moving, rotating, flashing, oscillating, shuttered or similar signage.
  - (4) Directional sign. A sign containing no advertising other than a name, either temporary or permanent that serves as a convenience to the public to show direction to a place or activity.
  - (5) Campaign sign. A temporary sign advertising the name of a candidate for election, including the name of a political party.
  - (6) Temporary signs, including banners and pennants, shall be permitted for special public and semi-public events and for private grand openings, special sales events, contractors, mechanics, painters and artisans.
  - (7) Illuminated sign. Any sign which is designed to be seen at night by virtue of artificial light from within, behind or upon such sign, but not including reflector-type signs unless the source of light is made a part of, or is related to, such sign.
  - (8) Sign area. The gross area within a single continuous perimeter enclosing the extreme limits of such sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display unless such structural elements are purposely illuminated to form a part of the display. In the case of an open sign, made up of individual letters, figures or designs, the space between such letters,

figures or designs shall be included. In computing the area of a double faced sign, both sides shall be considered, regardless whether both sides are identical.

- (9) Wall sign. A sign attached to or painted on a wall and subject to all sign regulations herein.
- (10) Pole sign. A sign constructed of one or two poles with the sign permanently affixed to the pole(s) and containing one or two sign faces.
- (11) Hanging sign. A sign that hangs off of brackets or chains.
- (12) Bulletin Board. A sign describing events, schedules, functions and the like, not exceeding 24 square feet in area and set back at least 1/3 from any existing front yard.

B. Signs in R-1, R-2, R-3 and R-4 Residential Districts as defined in the Land Use Ordinance of the Borough of Roselle Park. No sign shall be placed where it obstructs pedestrian or vehicular views.

- (1) The following signs may be erected and maintained, subject to the conditions specified.
  - a. One non-illuminated nameplate not exceeding one square foot in area announcing the name and address of the occupants of the residence.
  - b. One sign of a professional, including without limitation to physician, dentist, or lawyer or a person conducting a home occupation on the premises, having no greater dimension than eighteen (18) inches by nine (9) inches, which sign shall not be illuminated.
  - c. One bulletin board, which may be illuminated by non-flashing, uncolored, diffused or indirect lighting.
  - d. One sign, not exceeding **15 square** feet in area, identifying a place of worship, school, clinic or a public or semi public institution, which sign may be illuminated by non-flashing, uncolored, diffused or indirect lighting, and such sign shall be set back at least 1/3 from any existing front yard.
  - e. One non-illuminated real estate sign not exceeding four (4) square feet in area. Any such real estate sign shall be limited specifically to a “for sale” or “for rent” sign and must be removed within three (3) days of closing of title or beginning of tenancy.
  - f. “No trespassing” signs and signs indicating private ownership of a property or a road, not exceeding 1 ½ square feet in area, and located no closer to the street than the existing building setback.
  - g. One incidental sign shall be permitted for any multifamily dwelling in which a business or rental office is located, which sign shall have an area not exceeding two square feet; and, in addition, one sign

announcing the name of the multi family dwelling project having an area not exceeding eight square feet, which sign may be illuminated with non-flashing, uncolored, diffused or indirect light.

- h. Temporary signs of contractors, mechanics, painters and artisans, erected and maintained on the premises during the duration of the work only, one such sign per trade, each having an area of not more than four (4) square feet; and provided, however, that each such sign shall be removed three (3) days of the completion of the work to which it refers; shall not be illuminated; and shall be located no closer than 10 feet from the street line.

- (2) Signs conforming to Subsection B(1)(c) and/or (d) above shall not be subject to site plan approval.

C. Awnings/Signs in B-1, B-2, B-3, SCH and PD Districts as defined in the Land Use Ordinance of the Borough of Roselle Park. The following signs may be erected and maintained, subject to the conditions specified. No sign shall be placed where it would obstruct pedestrian or vehicular view.

- (1) Awnings shall be permitted on all retail buildings in the Borough in all zones except Residential. All awnings shall be constructed and installed so that the awning compliments the overall building design. No awning shall extend more than four (4) feet from the building façade. No awning frame shall be less than eight (8) feet above the ground, and no valance shall be closer than seven and one-half (7 ½) feet from the ground.
  - a. Where applicable, awnings shall be colors generally consistent with traditional architectural design. Awnings of bold patterns, checks or stripes are prohibited.
  - b. Any advertising/lettering on awnings must adhere to sign section of ordinance 128-113.
- (2) Any sign permitted in residential districts; provided, however, that real estate “for sale” and “for rent” signs may be increased to an area not exceeding two (2) feet by four (4) feet for each street frontage.
- (3) Business signs or signs for any permitted commercial activity. A sign may be erected and maintained on the same building or premises as use to which it refers, provided that:
  - a. The number of such signs shall not exceed two; provided, however, that only one of such signs shall be installed in the front of any building.
  - b. The maximum total area of the primary sign permitted in the front of the building shall not exceed 10% of the

wall of the building on which it is attached, and the maximum total area of the other permitted sign shall not exceed eight (8) square feet; provided, however, that any such sign shall be mounted flush with the face of the building and shall not protrude more than 3 ½ inches from the face of the building. No sign shall extend beyond the roof of the building.

- c. Temporary window signs shall not be considered in computing the number of permitted signs or allowable sign area, provided that such interior window signs do not cover more than 10% collectively, of any single window and are not permanently affixed to the windows.

- (4) With respect to this Subsection C, pole signs shall be permitted in the B-3 District only, subject to the following requirements:

- a. Such sign shall not have an area greater than 30 square feet per face;
- b. Such sign shall be within the property lines and shall not overlay the public right-of-way;
- c. The sign may be lighted by internal means only, provided that any illumination shall not produce any significant lighting effect measured at a horizontal distance five feet beyond the sign; and
- d. The total permitted height of the sign, including the post, shall not exceed 20 feet.

- D. Signs in the ROB District as defined in the Land Use Ordinance of the Borough of Roselle Park. The following signs may be erected and maintained, subject to the conditions specified:

- (1) Any sign permitted in residential districts; provided, however, that real estate signs permitted by this section may be increased to an area not exceeding 12 square feet for each street frontage.
- (2) Business signs or signs for any permitted commercial activity. A sign may be erected and maintained on the same building or premises as the use to which it refers, provided that the number of such signs shall not exceed two, only one of which shall be installed in the front of a building.
- (3) One sign designating the name and address of the building may be attached to the front wall of the building; provided, however, that the following restrictions shall apply:
  - a. Such sign shall not have electric lights or fixtures attached to it nor be lighted in any manner other than by general floodlighting illuminating the façade of the building.

- b. Such sign shall be a flat sign against the building and shall not project beyond the ends or above the roof of the building.
      - c. Such sign shall not have an area greater than 5% of the total area of the wall of the building to which it is attached or 60 square feet, whichever is less.
    - (4) One pole sign describing the business or businesses located on the lot in question; provided, however, that the following restrictions shall apply:
      - a. Such sign shall not have an area greater than 15 sq. ft per face.
      - b. Such sign shall be set back from the front property line at least 10 feet.
      - c. The sign may be lighted by internal means or with floodlights from ground level only, provided that the illumination shall not produce any significant lighting effect measured at a horizontal distance five feet beyond the sign.
      - d. The total permitted height of the sign, including the post shall not exceed eight feet.
    - (5) One directory sign bearing the name and/or business of the occupants of a multi-occupancy building may be located at the principal entrance to such building, provided that no such sign shall exceed an area of eight square feet, and the area devoted to each occupant shall not exceed 72 square inches.
- E. Signs in the Industrial District as defined in the Land Use Ordinance of the Borough of Roselle Park. The following signs may be erected and maintained, subject to the conditions specified:
  - (1) Any sign permitted in any other district.
  - (2) Signs for commercial use in the Industrial District shall be in accordance with the provisions of Subsection C hereinabove.
  - (3) Pole signs shall be permitted, subject to the following requirements:
    - a. Such sign shall not have an area greater than 30 square feet per face;
    - b. Such sign shall be within the property lines and shall not overlay the public right-of-way;
    - c. The sign may be lighted by internal means only, provided that any illumination shall not produce any significant lighting effect measured at a horizontal distance five feet beyond the sign; and
    - d. The total permitted height of the sign, including the post, shall not exceed 20 feet.
  - (4) On any lot, one billboard extending not more than 30 feet in height, such billboard having a display area no greater than eight feet high and 30 feet long, the bottom of the sign not

less than 10 feet above the ground, and provided that none of the above signs shall be permitted within a required front yard. No billboard shall be located any closer than 1,000 feet to any other billboard.

- F. General sign regulations: The following shall apply to all signs in the Borough.
- (1) No sign shall be erected or maintained so as to prevent free and safe ingress to and egress from any window, door or fire escape and no sign shall be attached to a fire escape.
  - (2) No sign shall be erected or maintained at the intersection of streets or at a driveway entrance or exit so as to obstruct free and clear vision, and if, located near or within a line of vision of any traffic control sign or signal, such sign shall have no red, green or amber illumination.
  - (3) Signs may be painted on or affixed flat against the walls of buildings or may project there from not more than 3 ½” inches.
  - (4) Directional signs of a public or semi-public nature, not exceeding 10 square feet, in area may be erected in any district; provided, however, that no advertising matter shall be contained thereon, which signs may be used for the following purposes:
    - a. To indicate name or location of a municipality or public facilities, including without limitation, parking, administrative offices, community centers, schools and places of worship.
    - b. To indicate an event of general public interest lasting no more than seven consecutive calendar days, including without limitation, a garage sale, flea market, car wash, trade show, fair, benefit, general election and the like. Any such sign shall be deemed a temporary sign and subject to the conditions governing temporary signs.
  - (5) Whenever a sign becomes dilapidated or structurally unsafe or endangers the safety of the public, a building or premises, the Construction Official or authorized designee shall give written notice to the owner of the sign or the owner of the premises upon which such sign is located, and such sign shall be made safe, repaired or removed, as applicable, within a period of 10 days from receipt of such written notice; otherwise such owner shall be in violation of this chapter.
  - (6) Neon, argon, or similar tubular gaseous illuminated signs shall be permitted only pursuant to the following regulations:
    - a. Those signs which are located in the interior of a building, but are intended to be viewed from the outside, are limited to one sign per window and shall be

no larger than 6 square feet, or ten (10%) percent of the total window area, whichever is less.

- b. Those signs located on the exterior of the building shall be counted in the overall regulated sign area, and shall be shielded by a translucent diffusing cover in order to minimize glare.

(7) Temporary Signs

- a. Temporary signs, including banners and pennants, shall be permitted for special public and semi-public events and for private grand openings and special sales events. One temporary sign used by a business shall not be used more than twice in any calendar year with each use limited to not more than forty-five (45) days. No temporary sign shall exceed six (6) square feet, or eight (8) square feet in the HC Zone. Temporary signs shall require a permit from the Construction Official. No banner shall be affixed to a freestanding sign.

- (8) No hanging sign shall be permitted in any district of the Borough of Roselle Park.

G. Sign permits, bond and license.

- (1) Permits. A sign permit shall be required for all signs regardless of size; temporary and permanent excluding temporary signs for contractors, mechanics, painters and artisans, and further provided that all signs shall incorporate the Borough's design standards for signage, as same may be amended from time to time.
- (2) Signs designating schools, non-profit organizations, charities, places of worship, political signs, etc. are exempt from requiring a permit but must comply with any other requirements and regulations of this ordinance.
- (3) All illuminated signs, regardless of size, shall require a sign permit, and such illumination shall be installed in accordance with applicable electric codes in force in the Borough, and further provided that all signs shall incorporate the Borough's design standards for signage, as same may be amended from time to time.
- (4) Permit fees. No sign permit shall be issued until a sketch showing the size, location, and text and owner has been indicated in writing and a fee has been submitted as set forth in Chapter 92 of the Borough Code to the office of the Construction Official, together with license or bond, if required.
- (5) Bond or liability insurance policy and license. For any sign in any district containing more than 50 square feet and for any sign of any size which projects over public property, a liability insurance policy or an indemnity bond in an amount

of \$10,000 payable to the Borough of Roselle Park and in a form satisfactory to the Borough Attorney, shall be posted by the owner or erector of such sign; and any such sign and any roof sign of whatever size, shall be erected by an experienced sign erector and certified by a licensed engineer.

- H. Lawful pre-existing non-conforming signs. The following provisions shall apply to any sign which was lawful prior to the adoption, revision or Amendment of the Land Use Ordinance, but which fails to conform to the requirements of the Land Use Ordinance by reasons of such adoption, revision or amendment:
- (1) Routine maintenance. Routine maintenance for any non-conforming sign shall be permitted, provided that such maintenance shall comply with the provisions of Subsections H(2), (3) and (4) below. The term “routine maintenance” is intended to include such activities as cleaning, replacement of light bulbs, and repainting.
  - (2) Restoration or repair of partial destruction. Any non-conforming sign existing at the time of the passage of this chapter or any amendment thereto may be continued upon the lot so occupied, and any such sign may be restored or repaired in the event of partial destruction thereof.
  - (3) Effect of removal. Nothing contained herein shall be construed to prohibit the removal and subsequent reinstallation of a non-conforming sign for purposes of maintenance, restoration, and repair or permitted alteration.
  - (4) Alterations. The following provisions shall regulate alterations of non-conforming signs:
    - a. Alteration of non-conforming sign use. Any sign which does not conform to the requirements of the district in which it is located shall not be enlarged, extended or relocated. In addition, the sign face and/or message and any lighting appurtenant thereto shall not be altered.
    - b. Alteration of non-conforming sign structure. A non-conforming sign structure may be altered only if such alteration reduces the extent of non-conformity or changes the structure to a conforming structure.
  - (5) Reversion to non-conforming sign prohibited. A sign which is a non-conforming use and which is changed to a conforming use may not thereafter be changed back to a non-conforming use. A non-conforming sign structure and/or message which is changed to a conforming or less non-conforming structure and/or message may not thereafter be changed back to a non-conforming or more non-conforming structure and/or message.
  - (6) Abandonment of non-conforming sign. Any non-conforming sign which is abandoned by way of lack of maintenance, restoration or repair or due to the restrictions on alteration as

required by this Subsection H shall be removed in its entirety prior to the issuance of any further sign permit.

- I. Prohibited signs and sign activities. The following signs and activities shall be prohibited throughout the Borough of Roselle Park, unless otherwise permitted by this chapter in specific circumstances:
- (1) Any sign which is a principal use on the lot, including but not limited to billboards;
  - (2) Signs which are not associated with and accessory to the use on the same lot, including but not limited to billboards;
  - (3) The parking or storage of a motor vehicle or other mobile unit displaying a sign or signs so as to be visible from the public right-of-way or abutting residential zone district;
  - (4) Portable signs, including but not limited to sandwich board signs, A-frame signs and movable pedestal signs, except to advertise events of general public interest as defined in Subsection F(4)(b);
  - (5) Flashing, fluttering, animated, moving, vibrating, sequential, tracer, rotating or revolving signs, except for barber poles;
  - (6) Signs attached to public buildings (except for official signs of the government entities using such buildings), sidewalks, curbs, traffic signs, trees, fences, retaining walls, freestanding walls, utility poles and other poles or posts which are not designed or intended specifically and primarily for the support of such signs;
  - (7) Signs on railroad or vehicular overpasses, except for official railroad or traffic signs or directional signs;
  - (8) Signs which simulate official directional or warning signs erected or maintained by the Federal Government, the State of New Jersey, and County or Municipality thereof or by a railroad, public utility or similar agency concerned with the public health, safety and welfare;
  - (9) Signs, illustrations or symbols placed so as to interfere with the opening of an exit door of any building, to obstruct any window opening of a room in a dwelling, to interfere with the use of any fire escape or to create a hazard to pedestrians;
  - (10) Signs in a series which carry a single message, part of which is contained on each sign;
  - (11) Signs placed, inscribed or supported upon any roof, including the lower slope of a mansard roof, excluding awnings with a projection not exceeding three inches;
  - (12) Any sign which falsely identifies the premises or occupant of any premises or building or which falsely advertises for sale on any premises or in any building any product or service not available therein;
  - (13) Any sign accessory to a home occupation; and
  - (14) Signs containing obscene, pornographic or lewd messages.

**§ 128-114 ACCESSORY STRUCTURES.**

- A. The minimum side yard and rear yard on all detached garages shall be three (3) feet. The minimum side yard for attached garages shall be three (3) feet, but shall average six (6) feet. Where either detached or attached garages contain living quarters above the garage area, the side yard and rear yard shall be a minimum of six (6) feet.
- B. No accessory building shall occupy more than thirty percent (30%) of a required rear yard.
- C. No accessory building in a district other than the R-1, R-2 or R-3 District shall be placed within five (5) feet of any lot line which abuts a lot in an R-1, R-2 or R-3 District; however, if the accessory building has a height greater than fifteen (15) feet adjacent to the lot line, the setback must be at least ten (10) feet.
- D. Except in the case of the Garden Apartment District, there shall not be more than one (1) main building or structure and its accessory building on one (1) lot. **[Added 11-12-85 by Ord. No. 1348]**
- E. No accessory building in a non residence district within twenty (20) feet of an existing residential building and no accessory building in a residence district shall be greater than twenty (20) feet in height on any side.
- F. Accessory structures, i.e. swimming pools, sheds, garages, etc., shall not be permitted to be located within ten (10) feet of the principal or main structure. **[Added 11-12-85 by Ord. No. 1348]**
- G. Free standing air conditioning equipment is prohibited in the front yard set back plus 4 feet or the side yard set back plus 4 feet, except that non-conforming air conditioning structures may be replaced without a variance provided the new unit does not increase the existing non-conforming characteristics of the structure.
- H. Satellite dish antennas shall be permitted as an accessory structure in all zones of the Borough, provided the following conditions are met and permits are obtained. The permit fee for a satellite dish shall be \$25.00. Satellite dish antennas are subject to the following restrictions:
  - (1) No more than one such antenna is to be permitted per residential dwelling unit.
  - (2) All satellite dish antennas located in single family residential zones shall be located on the principal structure no greater than two feet higher or two feet lower than the highest peak of the primary residential structure.
  - (3) Non-residential uses shall be permitted to erect an antenna on the principal or accessory building provided said antenna is suitably screened from public view. All satellite dish antennas will be located no greater than two feet above or below the highest point on the non-residential structure.
  - (4) No satellite dish antenna shall exceed two feet in diameter regardless of the zone.
- I. All outdoor brick ovens or permanent grills are permitted in the rear yard only and shall be no closer than six (6) feet from the rear property line or any side property line and no closer than ten (10) feet from any other structure (including, but not limited to, residences, garages and sheds). All outdoor brick ovens or permanent grills shall be subject to the following limitations:
  - (1) Size shall not exceed four (4) feet width by four (4) feet depth with a height measured from the base, not to exceed 42”.

(2) No roof or covering shall be constructed as part of the oven or grill.

J. Outside oil tanks of any size shall be prohibited.

**§ 128-117.6 DUMPSTERS.**

- A. No dumpsters shall be permitted to be placed in the street or public right of way, unless it is impossible to place the dumpster anywhere else. Any dumpster located in the public right of way should be illuminated or marked with reflector markings.
- B. Regardless of where the dumpster is placed, same shall be removed and emptied within seven (7) business days.
- C. Under no circumstances shall hazardous or toxic material be placed or stored in a dumpster in any zone.
- D. Any individual requesting the use of a construction “roll-off” type dumpster of ten yards or more will be required to apply for a permit through the Department of Public Works at a fee of \$20 and to demonstrate proof of third party liability insurance. In addition, any individual requesting the placement of a construction “roll-off” type dumpster of ten yards or more will be required to indemnify and hold the Borough of Roselle Park harmless from any and all claims resulting from the placement of that dumpster regardless of whether it is in or out of the municipal right of way.

Councilman Rubilla moved that Ordinance #2174 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on May 4, 2006; seconded by Councilman Matarante, all members voting Aye, said motion was adopted.

ORDINANCE. NO. 2175

AN ORDINANCE INCREASING THE MAXIMUM FINE WHICH THE MUNICIPAL COURT CAN ASSESS ON AN ORDINANCE VIOLATION

Councilman Rubilla moved that Ordinance #2175 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on May 4, 2006; seconded by Councilman Badillo, all members voting aye, said motion was adopted.

RESOLUTIONS

The following routine resolutions, listed on a consent agenda, were offered by Councilman Harms and seconded by Councilman Matarante.

RESOLUTION NO. 65-06

WHEREAS, the Borough of Roselle Park desires to enter into a contract with the Town of Westfield for the purpose of the Town providing health services of a technical and professional nature; and

WHEREAS, the Board of Health of the Borough of Roselle Park has recommended to the Mayor and Council that a contract be entered into with the Board of Health of the Town of Westfield in accordance with N.J.S.A. 26:3A2-1 et seq. and N.J.S.A. 40:8A-1 et seq.; and

WHEREAS, the Town of Westfield has agreed to provide health related services to the Borough of Roselle Park; and

WHEREAS, the funds are now available in the 2006 Municipal Budget under Board of Health, Other Expenses (01-0240-00-01512-205); now therefore

BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Mayor is hereby authorized to execute a contract on behalf of the Borough, wherein the Borough agrees to pay the Board of Health of the Town of Westfield, the sum of \$111,746.00 per annum for 2006, payable semi-annually in advance.

#### RESOLUTION NO. 66-06

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

WHEREAS, the Borough of Roselle Park wishes to lease-purchase one 2006 Ford Crown Victoria police car from an authorized vendor under the Township of Cranford Police Cooperative Purchasing System 47-CPCPS of which the Borough of Roselle Park is a member of said System; and

WHEREAS, Hertrich Fleet Services, 695 North Dupont Blvd., Milford, Delaware 19963, distributor of the vehicles for Ford Motor Credit, P.O. Box 1739, Dearborn, Michigan 48121-1739 has been awarded a contract by the Township of Cranford, hereinafter referred to as the "Lead Agency" on November 7, 2005 for 2006 Model Year Crown Victoria Police Interceptor; and

WHEREAS, the Chief of Police recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the lease-purchase of the 2006 Ford Crown Victoria is expected not to exceed \$11,051.99 year 1 payment, \$10,701.99 year 2 payment, and \$1.00 buyout at the end of the two year lease-purchase; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the first year of this contract under the 2006 Emergency Temporary Municipal Budget, Police, Other Expense (01-0240-00-01372-215) in the amount of \$11,051.99; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Hertrich Fleet Services be awarded a contract for the lease-purchase of a 2006 Ford Crown Victoria police car; and

BE IT FURTHER RESOLVED that the Lead Agency entering into contracts on behalf of the Borough of Roselle Park shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all the provisions of the revised statutes of the State of New Jersey.

#### RESOLUTION NO. 67-06

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

WHEREAS, the Borough of Roselle Park wishes to lease-purchase one 2006 Ford Explorer from an authorized vendor under the Township of Cranford Police Cooperative Purchasing System 47-CPCPS of which the Borough of Roselle Park is a member of said System; and

WHEREAS, Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, New Jersey 08034, distributor of the vehicles for Ford Motor Credit, P.O. Box 1739, Dearborn, Michigan 48121-1739 has been awarded a contract by the Township of Cranford, hereinafter referred to as the "Lead Agency" on December 28, 2005 for 2006 Model Year Ford Explorer XLS 4X4; and

WHEREAS, the Chief of Police recommends the utilization of this contract on the grounds that it represents the best price available; and

WHEREAS, the actual cost for the lease-purchase of the 2006 Ford Explorer is expected not to exceed \$11,298.78 year 1 payment, \$11,298.78 year 2 payment, and \$1.00 buyout at the end of the two year lease-purchase; and

WHEREAS, the Chief Financial Officer has certified the availability of funds for the first year of this contract under the 2006 Emergency Temporary Municipal Budget, Police, Other Expense (01-0240-00-01372-215) in the amount of \$11,298.78; now therefore

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Winner Ford be awarded a contract for the lease-purchase of a 2006 Ford Explorer; and

BE IT FURTHER RESOLVED that the Lead Agency entering into contracts on behalf of the Borough of Roselle Park shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all the provisions of the revised statutes of the State of New Jersey.

#### RESOLUTION NO. 68-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, that the Extension of Conditional Lease with World of Liquors and the Borough of Roselle Park dated December 30, 2004, in the amount of \$4,000.00, is hereby extended for the calendar year 2006 on the same terms and conditions as in the original Lease.

#### RESOLUTION NO. 70-06

WHEREAS, it is the desire of the Borough of Roselle Park to prepare a redevelopment plan with specific focus and coordination of the redevelopment and revitalization activities of the Borough; and

WHEREAS, Susan S. Gruel, P.P. of the firm of Heyer, Gruel & Associates, a pre-qualified planning firm with the New Jersey DCA Office of Smart Growth, has submitted a proposal for professional planning service for the preparation of a rehabilitation plan, area in need of redevelopment study and preparation of redevelopment plan; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) authorized the award of a contract for Professional Services without competitive bidding and further requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

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

1. The Susan S. Gruel, P.P. of the firm of Heyer, Gruel & Associates be and hereby is authorized to proceed with the preparation of a rehabilitation plan, area in need of redevelopment study and preparation of redevelopment plan on behalf of the Borough of Roselle Park consistent with the terms and conditions of the attached agreement in the amount not to exceed of \$47, 500.00.

2. The contract is awarded without competitive bidding as a “Professional Service” in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.

#### RESOLUTION NO. 71-06

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants (for calendar year 2006) will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council of the Borough of Roselle Park to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that Roselle Park hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Donald R. Guarriello to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

#### RESOLUTION NO. 72-06

RESOLVED, that Catherine Reveron, 9 Grand Street, South Amboy, be and is hereby appointed to the position of part-time Evening/Day Director for the Casano Community Center, effective April 10, 2006, at a salary of \$8.89 per hour.

#### RESOLUTION NO. 73-06

WHEREAS, A-4063 was introduced during the 2004-2005 legislative session, failed to be enacted, and has subsequently died; and

WHEREAS, A-4063 exempts the Municipal Clerk from penalties for Open Public Records Act violations under certain circumstances; and

WHEREAS, currently under the Open Public Records Act (OPRA) the Municipal Clerk is held responsible for not fulfilling the request, even when the records are in the possession of another official; and

WHEREAS, the proposed legislation would exempt the Municipal Clerk if it can be proven that a Municipal Clerk has exercised due diligence in attempting to collect a record requested under OPRA, by documenting at least two attempts to collect the record within seven days of receiving the request; and

WHEREAS, the Municipal Official in actual possession of the record will be deemed to be the custodian of the requested record, and therefore liable for any violations, penalties or disciplinary proceedings that may result from an unreasonable denial of access to the requested record; and

WHEREAS, it is the belief of the Mayor and Council of the Borough of Roselle Park that the official in possession of the requested record should be the one responsible for violations of the Open Public Records Act and considered custodian of the record; and

WHEREAS, the Mayor and Council of the Borough of Roselle Park urges the State Assembly to re-introduce the amendments to the Open Public Records Act as proposed in A-4063; and

WHEREAS, the Mayor and Council also urges the State Senate to join the Assembly with companion legislation that would similarly amend the Open Public Records Act;

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

1. That the Mayor and Council of the Borough of Roselle Park supports the intent and provisions of the proposed amendments to the Open Public Records Act.
2. That the Mayor and Council of the Borough of Roselle Park urges the re-introduction of this legislation during the next legislative session.
3. That the Mayor and Council of the Borough of Roselle Park urges the State Senate to join the Assembly with companion legislation.

BE IT FURTHER RESOLVED that the Municipal Clerk shall forward a certified copy of this Resolution to State Senator Thomas Kean, Assemblymen Eric Munoz and Jon Bramnick, the New Jersey State League of Municipalities, the State of New Jersey Government Records Council and all Union County Municipalities.

#### RESOLUTION NO. 74-06

WHEREAS, the Borough of Roselle Park desires to amend its By-Laws to more efficiently and timely pass Ordinances, Resolutions and conduct business; and

WHEREAS, the Borough of Roselle Park believes to accomplish same that it should conduct two regular meetings per month on the 1<sup>st</sup> and 3<sup>rd</sup> Thursday of each month beginning at 7:30 p.m. and continuing until 11:00 p.m. unless continued by the majority vote by the Council; and

WHEREAS, by scheduling two regular meetings as indicated above, the Mayor and Council will eliminate the need for an executive session meeting; and

WHEREAS, at each regular meeting the governing body shall include the review reports and recommendations of the Mayor; reports of department heads; reports of standing committees and other Mayor & Council committees; unfinished business; and new business; and

WHEREAS, the By-Laws of the Borough of Roselle Park are to be amended to accomplish the above;

NOW, THEREFORE, BE IT RESOLVED THAT, the By-Laws of governing body of the Borough of Roselle Park shall be amended as indicated in attachment "A" and made a part hereof; and

BE IT FURTHER RESOLVED THAT, the Mayor and Council shall adopt the new By-Laws to become effective May 1, 2006; and

BE IT FURTHER RESOLVED THAT, the By-Laws as amended and adopted shall remain in full force and effect until amended and revised by majority vote of the Mayor and Council.

#### RESOLUTION NO. 75-06

WHEREAS the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et.seq., authorizes and municipality to request a preliminary investigation by the local Planning Board to determine if an area is in need of redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6a states that no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in section 5 of P.L. 1992,c79 (C.40A:12A-5); and

WHEREAS, the Mayor and Council of the Borough of Roselle Park deems that the property known as Block 213 Lot 1. also known as (Romerovski Property) is an area which may be in need of redevelopment and meets the criteria according to N.J.S.A. 40A:12A-1, et seq.; and

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

1. The Roselle Park Planning Board is hereby authorized to undertake a preliminary investigation to determine whether the above proposed area is a Redevelopment Area according to the criteria set forth in Section 5 of P.L. 1992, c 79 (N.J.S.A. 40A:12A-5)

2. The Planning Board shall conduct the appropriate investigation and hearing in accordance with N.J.S.A. 40A:12A-6.

3. After completing its hearing on this matter, shall recommend that the area, be or not be, determined as a Redevelopment Area, and shall submit such recommendation to the Governing Body.

4. The Municipal Clerk shall, forthwith, submit a certified copy of this Resolution to the Roselle Park Planning Board.

#### RESOLUTION NO. 76-06

WHEREAS, the Mayor and Council of the Borough of Roselle Park hereby authorize the following agreement between Mary Richers and the Borough of Roselle Park;

WHEREAS, Mary Richers is desirous to complete the educational courses necessary for the designation of Registered Public Purchasing Agent; and

WHEREAS, the Borough of Roselle Park supports continuing education, personal development, advancement within the Borough and will benefit by having a Registered Public Purchasing Agent as a member of the Borough staff;

BE IT RESOLVED that Mary Richers hereby agrees that should she voluntarily resign/terminate her employment with the Borough of Roselle Park, any/all educational expenses, incurred within three years of her resignation, shall be reimbursed by said employee to the Borough.

BE IT FURTHER RESOLVED, that Mary Richers annual salary shall be increased in the amount of \$5,000.00 effective May 1, 2006.

#### RESOLUTION NO. 77-06

The Governing Body of the Borough of Roselle Park desires to further the public interest by obtaining a grant from Union County, Open Space, Recreation and Historic Preservation Trust Fund: Greening Union County 2006 in the amount of approximately \$7,000.00;

Therefore, the governing body Resolves that Mayor Joseph DeIorio and the CFO are authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the County of Union for the grant in an amount not less than \$7,000.00 and not more than \$7,000.00, and (c) to execute [ ] any amendments thereto [ ] any amendments thereto which do not increase the Grantee's obligations.

The Borough of Roselle Park authorizes and hereby agrees to match 50% or \$7,000.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified.

The Grantee agrees to comply with all applicable federal, State, and municipal laws, rules, and regulations in its performance pursuant to the agreement.

Roll called, all members voting Aye; said resolutions were adopted.

Councilman Harms moved the following resolution; seconded by Councilman Matarante.

#### RESOLUTION NO. 64-06

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park in the County of Union, that the current contract with Suburban Disposal for furnishing scavenger services be and is hereby extended for a period not to exceed June 30, 2006.

This Resolution to take effect upon certification of the Resolution by the Chief Financial Officer that sufficient funds are available.

Borough Clerk Doreen Cali explained that she became aware that the garbage disposal contract was expiring April 15<sup>th</sup>. She said the contract would have expired before the advertisement could be completed as required by State Statute. Ms. Cali said the Borough needed to extend the contract to July 1<sup>st</sup> and bids will be taken on June 1<sup>st</sup>.

Roll called, all members voting Aye, said resolution was adopted.

Councilman Badillo moved the following resolution; seconded by Councilman Rubilla.

RESOLUTION NO. 78-06

WHEREAS, the Governing Body of the Borough of Roselle Park, County of Union, State of New Jersey, has determined that there is no municipal purpose for continuing to maintain the westerly most portion of Woodside Road between the Western most boundary line of Pinewood Avenue and the boundary between the Borough of Roselle Park and the Township of Cranford; and

WHEREAS, the Governing Body has determined that it would be in the Borough's best interest to vacate the above described portion of Woodside Road, dividing same into two parcels with the dividing line being along the center line of said portion of Woodside Road, pursuant to N.J.S.A. 40:60-28; and

WHEREAS, the Southerly most portion of the vacated street would be annexed to and become a part of the premises known as Lot 5 in Block 144 and the Northerly most portion to be annexed to and become part of the premises known as Lot 1 in Block 102 in the Borough of Roselle Park; and

WHEREAS, an Ordinance was introduced on September 15, 2005 and adopted on October 20, 2005, providing for the vacation of a portion Woodside Road and the dividing and annexation of the respective portion as indicated above; and

WHEREAS, the Borough will receive a total of \$3,400.00 to be paid (\$1,700.00 each) by the Grantees; and

NOW, THEREFORE, BE IT RESOLVED THAT, the Borough shall and hereby vacate the Westerly most portion of Woodside Road as described above, allowing for annexation of the portions as indicated above; and

BE IT FURTHER RESOLVED THAT, the Mayor and Clerk of the Borough are hereby authorized to execute a Quitclaim Deed conveying the Southerly most parcel of the vacated portion of Woodside Road to the current owners of Lot 5, Block 114; and

BE IT FURTHER RESOLVED THAT, the Mayor and Clerk of the Borough are hereby authorized to execute a Quitclaim Deed conveying the Northerly most portion of the vacated portion of Woodside Road to the current owners of Lot 1, Block 102.

BE IT FURTHER RESOLVED THAT, the Deeds to be so executed will be maintained by the Borough Attorney of the Borough of Roselle Park until the stated consideration of \$1,700.00 each is paid by the respective Grantees, as indicated above and Ordinance described above at which time the Deeds will be released to the respective Grantees.

Roll called, all members voting Aye, said resolution was adopted.

MATTERS FOR REFERRAL

Councilman Dinardo:

- Attended a meeting with the Union County Engineers regarding shared services.

#### Councilman Badillo:

- Received a letter from a Galloping Hill Road resident complaining they get Union's cable access channel instead of Roselle Park's.
- Thanked the Atlas Club for their donations to the First Aid Squad and Little League.
- May 6<sup>th</sup> from 12 Noon until 4:00 p.m. the Atlas Club in conjunction with the Union County Sheriff's Department will have free fingerprinting and tooth prints for children.
- The Air Intelligence Agency will be honoring Captain Joseph C. Iungerman as "Airman of the Year". He requested having Council prepare a Proclamation honoring him and thanking him for his efforts and serving in the military.

#### Councilman Rubilla:

- Stated that he and the Downtown Management Corporation Chairwoman from Cranford have been working on a strategy to try to get the bridges painted.
- Residents from Sumner Avenue between Walnut and Chestnut have been complaining about the condition of the street. He said Councilman D'Errico did not have much success dealing with the Union side of Sumner and requested some direction from Council.

#### Councilman Matarante:

- Requested that the Borough Clerk notify all the residents on Prospect and Maple that Union has agreed to place speed humps there.
- A petition was has been signed for speed humps on the 700 block of Walnut and E. Colfax Avenue which he would like discussed at the next Public Safety Committee Meeting.
- Thanked Councilman Badillo for the portable dividers on E. Grant Avenue and requested the Public Safety Committee look into other areas where they would do well.
- Stated that the Borough Clerk has created an area for people to donate money for the 4<sup>th</sup> of July Bike Race on the Roselle Park Website.

#### Mayor DeIorio:

- Said representatives from Honeywell met with Councilmembers Matarante, Harms, Dinardo and himself regarding an Energy Conservation Plan and updating some efficiency items and issues. He said Honeywell will be forwarding a letter of authorization allowing them to go through the first step of auditing our energy conservation possibilities. He said when the letter is received it will be forwarded to Council for review.
- Said he had a matter for referral to the Finance & Administration Committee to discuss the Municipal Clerk and her additional duties.

MOTIONS

Councilman Rubilla moved to authorize the Borough Clerk to advertise for the furnishing of Scavenger Services; seconded by Councilman Badillo and adopted.

Councilman Rubilla moved to authorize the Borough Clerk to advertise for a Bus Driver for the Senior Citizen Bus; seconded by Councilman Badillo and adopted.

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

Attest:

Borough Clerk