

## Borough of Roselle Park Regular Meeting of June 5, 2008

Attendee Name	Organization	Title	Status	Arrived
Ricky Badillo	Borough of Roselle Park	Councilman	P	7:30 PM
Rick Matarante	Borough of Roselle Park	Councilman	P	7:30 PM
Larry Dinardo	Borough of Roselle Park	Councilman	P	7:30 PM
Michael Yakubov	Borough of Roselle Park	Councilman	A	10:05 PM
Larissa Chen-Hoerning	Borough of Roselle Park	Councilwoman	P	7:30 PM
Modesto Miranda	Borough of Roselle Park	Councilman	P	7:30 PM
Joseph DeLorio	Borough of Roselle Park	Mayor	P	7:30 PM

Mayor DeLorio called the meeting to order at 7:30 p.m. and said it is being held in accordance with the Open Public Meetings Act and adequate notice of this meeting has been provided 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.

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

### COMMUNICATIONS

Councilman Badillo moved the following communication; seconded by Councilman Matarante.

- Request from the residents of Charlotte Terrace (between East Grant and Madison Avenues) to hold a Block Party on Saturday, July 19, 2008 from 12:00 Noon until 8:00 p.m.

Councilman Badillo moved the following communication; seconded by Councilman Miranda.

- Request from Mr. & Mrs. Thomas Italiano to donate a tree with a memorial plaque to the Michael Mauri Gazebo Park.

Councilman Badillo moved the following communications; seconded by Councilman Dinardo.

- Request from the residents of the 400 Block of Hemlock Street to hold a Block Party on Saturday, July 26, 2008, with a rain date of Sunday, July 27<sup>th</sup>.
- Request from the residents of the 400 Block of Spruce Street to hold a Block Party on Saturday, June 14, 2008 for a birthday party.

- Request from the families on the 400 Block of Hemlock Street to hold end of school parties on Friday, June 20, 2008.

Councilman Badillo moved the following communication; seconded by Councilman Miranda.

- Letter from the Borough of Roselle requesting the use of a damaged/unrepairable police vehicle for parts to fix their vehicle.

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

RESOLUTION NO. 150-08

BE IT RESOLVED that Michael Tighe, 16 Astor Place, Piscataway, New Jersey 08854, is hereby appointed a Probationary Police Officer (7-12 months), in the Roselle Park Police Department, at an annual salary of \$44,149.30 effective June 6, 2008 for a 12 month period ending June 5, 2009.

<input checked="" type="checkbox"/> Vote Record – Resolution #150-08		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mr. Tighe thanked Mayor and Council for the opportunity to become a member of the Roselle Park Police Department. He also thanked his family for their support.

Mayor DeIorio said there was an essay contest about recycling in the schools and the winners will be presented with a certificate and recycling can.

CERTIFICATES/PROCLAMATIONS

Certificates

- Recycling Essay Winners
- Roselle Park Junior Varsity Softball Team
- Cast and Crew of “Anything Goes”

REPORT AND RECOMMENDATIONS OF MAYOR

- Reminded everyone the Relay for Life will be held on Saturday, June 7<sup>th</sup> and Sunday, June 8<sup>th</sup> from 6:00 to 7:00 p.m.
- Reminded everyone the Townwide Garage Sale will be on Saturday June 14<sup>th</sup>.

## INTERRUPT REGULAR ORDER OF BUSINESS

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

## RESUME REGULAR ORDER OF BUSINESS

Councilman Badillo moved to resume the regular order of business; seconded by Councilman Miranda and adopted.

## PUBLIC COMMENT

Councilwoman Badillo moved at 8:30 p.m. to open the public portion of the meeting; seconded by Councilwoman Chen-Hoerning and adopted.

### Jacob Magiera, 612 Sheridan Avenue

- Congratulated the recipients of the certificates.
- Asked if there was an announcement regarding the budget meeting. Mayor DeIorio said the meeting notice was advertised and Mr. Magiera asked when the next budget meeting is scheduled for. It is scheduled for June 12<sup>th</sup> at 6:00 p.m.
- After the last Council Meeting, he was asked about the Historical Society and said it should be housed at the Library.
- Asked about the Townwide Garage Sale and if only those paying the fee can participate; Mayor DeIorio said the Borough does not have a fee for a garage sale, but the advantage of the townwide sale is the addresses will be published on a townwide map. Also the bulk waste will be on June 19<sup>th</sup> and 20<sup>th</sup>.
- Asked if Council has a copy of the Federal Stimulus Rebate information; residents can apply until August, but must file a tax return first.
- Thanked all those who attended and participants of the Memorial Day Parade.
- Asked about amount that was given out at the budget meetings pertaining to the increase per household. Mr. Blum said it is going up \$155 per house assessed at \$65,000 and \$113 of that is State mandated, making the increase to \$42. Mandated costs include PERS, contractual obligations and \$175,000 in state aid.
- Asked about the medical benefits for Police Officers; they can opt out and receive \$5,000. Councilman Badillo said the schools have a similar package.
- Asked about Elizabeth McKenzie, who is the moderator of the AvalonBay mediation and asked if she is pro-development. She is court appointed and has experience in planning. Mr. Magiera said she was speaking with Mr. Ladell outside of the Borough Hall the evening of the mediation on April 16<sup>th</sup>.
- Asked if the Council is familiar with the N.J. Clean Air Program.
- Councilman Matarante is back and why was he not presented with his certificate; Mayor DeIorio said it was mailed to him. Councilman Matarante thanked everyone for being recognized. Mr. Magiera publicly read the certificate and said he joins two other Councilmembers who refused to pay an increase in 1991; Councilman Muroski and himself.

- Read from the Union County Air Traffic and Noise report.

Glen Marczewski, 622 Sherman Avenue

- Asked if any of the Councilmembers have business sense because of the lawsuits that have taken place with the Borough. Mayor DeIorio said the Borough is mandated to defend employees when there is a lawsuit against them when they are on duty. Mr. Marczewski said other municipalities such as Newark have their police defend themselves or put a cap on it; Councilman Miranda said that is not the case, Newark defends its police legally without a cap.
- Asked how many people voted in the primary election this year.
- Brought baseball heart protectors to the Council's attention; they can be used during Little League and other youth baseball games.

Suzanne Kinloch, 336 Sheridan Avenue

- Spoke about the Relay for Life, which is being held on June 7, 2008 at 6:00 p.m. at the Roselle Park High School track. The committee has been working hard and there will be many activities including Dancing Under the Stars. Laura Hahn is the Entertainment Director and is doing a good job.
- Spoke about the CPS Study, which is critical in helping to find lifestyle and genetic links to cancer. Roselle Park has been chosen for a location to sign up this year.
- She is a 29 year multiple cancer survivor and when diagnosed at age 8, there was no immediate family history of cancer.
- The CPS Study can help find what may trigger the cancer.
- The study will take place on June 7<sup>th</sup> between the hours of 5:30 p.m. and 9:30 p.m. The age limit is between 30 and 65 and never been personally diagnosed with cancer.
- For more information visit [www.cancer.org/cps3](http://www.cancer.org/cps3).
- The Relay for Life is a way to honor cancer victims.

REPORT AND RECOMMENDATIONS OF MAYOR

- Gave the following website [www.njcleanenergy.com](http://www.njcleanenergy.com) for cost-saving energy tips, information or rebates and other suggestions.
- Deadlines for the Senior Freeze Program has been extended to August 15<sup>th</sup>; the Homestead Rebate has also been extended.
- Thanked all for the encouraging words and support residents regarding his 100 mile bike ride in Long Island. He completed it for cancer awareness and donations for the Relay for Life.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Dinardo

- Attended the Library Board meeting.

- Library has been painted and the Summer Reading Program will hold its registration on June 9<sup>th</sup> and Blood Pressure Screenings on June 24<sup>th</sup>.
- Reminded everyone about the Relay for Life.
- Participated in the Memorial Day Parade.
- Reminded everyone of the Townwide Garage Sale on June 14<sup>th</sup>.

#### Councilman Badillo

- Attended the Memorial Day Parade and thanked Mr. Vigliotti for singing the “Star Spangled Banner”. This is the 50<sup>th</sup> year he has done this and would like to recognize him.
- Attended the Dad’s Club All Sports Dinner, which was very successful. He encouraged those who are interested to contact him at 241-2785 or Mr. Iachio, Mr. Delrio, or Mr. Bundy through the website.
- Attended the Little League Meeting and the tournament will begin on June 21st. Anyone interested can contact him at 241-2785.
- Thanked Carl Pluchino and Councilman Miranda for helping a senior resident on Seaton Avenue with two 55 gallon drums of oil left on his property. The County was notified; the DEP removed the drums at no cost to the resident or the Borough. Residents should be a good neighbor and keep an eye out, especially for seniors and the handicapped.
- Attended the Firemen’s Memorial Ceremony.
- Attended an Officer’s meeting.
- Attended the mediation meeting with the Mayor and other members of the municipality. The next meeting will be July 9<sup>th</sup>.

Mayor DeIorio said Councilman Dinardo will also attend the mediation meetings.

- Councilman Badillo met with CFO Ken Blum, Bill Heim and Art Henn to move forward with the grant to renovate the field house on W. Colfax Avenue.
- Met with Nick Villano pertaining to Union Road, after the storm drain was repaired there was a problem with water puddling in the gutter. They are going to try to re-mill the gutter so the water will run off. They also discussed the flood zone, which includes Union Road and Dalton Street. They are working on trying to have the homes removed from the flood zone as was done with Morses Creek.
- Attended the Middlesex Fire Academy live burn training with Councilmembers Chen-Hoerning, Miranda, Yakubov and Matarante; thanked them for participating.
- Thanked everyone who participated in the 5K fundraising event for Alan Bodtmann Jr.

#### Councilman Matarante

- Has been working with the Labor Attorney and the Department of Public Works Superintendent to forge an agreement with the Union Members of the department to allow Roselle Park High School and college students to work for the DPW in the

summer next year. He would like to forward it to the Municipal Services Committee for their recommendations.

- Would like to schedule a Public Safety Meeting on June 19<sup>th</sup> at 6:30 p.m. and he will email the agenda items.

#### Councilman Miranda

- Thanked Chief Morrison for addressing complaints from residents regarding older students using foul language and congregating by the deli near Sherman School.
- Thanked Chief Tobe for being invited to the live burn training at the Fire Academy.

#### Councilwoman Chen-Hoerning

- Held a sprucing up the town meeting on May 19<sup>th</sup> at which there were many helpful suggestions and comments.
- Thanked Chief Tobe for being invited to the live burn training at the Fire Academy.
- Attended the Project Graduation rummage sale.
- Attended the Memorial Day services.
- Thanked the DPW for the “Do Not Enter” sign on Locust Street and Warren Avenue.
- Was inspired by Councilman Yakubov’s neighborhood walks and would like to start a weekly walk over the summer. The first one will be on June 11<sup>th</sup> at 6:30 p.m. and they will meet on the corner of Sumner Avenue and Locust Street.
- Referred to how streets are addressed on W. Roselle Avenue. Some are the same as Colfax Manor, which causes problems when mail is delivered. Mayor DeIorio suggested contacting the Postal Service so they can be addressed with the local Postmaster.
- Had a resident bring up issues regarding the noise ordinance. At this time work can begin at 7 a.m. on a weekday and 8 a.m. on the weekends. The resident would like to see if that could be changed to an hour later.

Councilman Badillo said there is a nuisance clause in the noise ordinance, for example if a dog is continually barking and it is causing a nuisance at any time of the day, the Police Department can be called under the nuisance.

- Councilwoman Chen-Hoerning said in this instance, it was an issue with landscapers.

Councilman Dinardo said he looked into this issue with former Councilman Harms and at that time it dealt with evening hours.

- Councilwoman Chen-Hoerning said the Tri-County Red Cross has a “Be Red Cross Ready” program which would help, residents, businesses, churches or organizations at no cost for more than 10 people. Mayor DeIorio said they could have Ms. Intile organize a presentation to be held at the Community Center.

## REPORTS OF DEPARTMENTS

### Police Chief – Paul Morrison

- There have been questions regarding the contract with CenCom and he has brought Detective Cocca with him who is the liaison between CenCom and the Police Department.

Mayor DeIorio asked if the First Aid Squad supports this and Chief Morrison said yes. He said he will sign off on it as long as the First Aid Squad has.

- Chief Morrison met with Global Connect from Union, New Jersey regarding reverse 911. The price is very reasonable and it would be a one time cost of \$1,400 to buy the phone list from Verizon and then about \$3000 per year with unlimited access to the system. The company is willing to come before Council or the Public Safety Committee. A meeting was set up with the Public Safety Committee for the presentation.
- He met with American Traffic Solutions regarding cameras on the traffic lights. They are based closer than the other company and based on their statistics, they have more accounts than other companies. They are willing to negotiate the percentage on the fines, whereas the other company is not. He would like to set up a date for them to make their presentation to Mayor and Council.

Councilman Badillo asked if the other company could also pick up multiple violators, and Chief Morrison said that both companies could pick up multiple violators.

Mayor DeIorio said the cost would mandate the Borough go out for bid.

Mr. Blum said they would have to go for bid because they could not estimate the amount, because it is based on the number of tickets issued. Bid specs would have to be specific to Roselle Park.

- Chief Morrison said an ordinance would have to be adopted before proceeding.
- The Police Department completed a 14 day traffic study on the 700 block of Walnut Street because of complaints of speeding vehicles. The study indicated that 4,329 vehicles traveled on that block and out of that number, 5 vehicles reached speeds of 40 mph and all other traveled 26 mph or less. As a result, periodic monitoring of that area would suffice at this point.

Councilman Badillo requested a copy of the study.

Councilman Badillo asked about a scam in the county that people are posing as gas or utility employees and asked the Chief to elaborate on it.

- Chief Morrison said that has been happening for many years and if there is any doubt, residents should call the Police Department and should always check their credentials.

All residents should be aware of scams such as black topping of driveways, roof repairs, etc.

- Spoke with the business owners on Chestnut Street concerned with employees receiving tickets in the center of town. Maybe we can reinstitute permit parking for business owners.

Mayor DeLorio said it is available and is in an ordinance; we just have to determine pricing.

Mr. Blum said the cost for a space would be about \$1,560 per year, which is quite high. Possibly we could do lease agreements where the price would be half of that.

Mayor DeLorio asked that this issue be brought up to the Finance and Administration Committee.

- Chief Morrison said the Sheriff's Department has a new program called "Project Lifesaver" for family members who may have a loved one suffering from Alzheimer's or a child with Downs Syndrome. Participants will receive watch-type GPS that is strapped on to the person's wrist and can be activated if they are lost. The program is available and is very successful.
- The Police Department took part in a Drinking and Driving exercise along with the Roselle Park High School and the State Police.
- All meters on Chestnut Street are working and the meters on Westfield Avenue are in the process of being configured.
- The Click-It-Or Ticket program through the State grant issued 189. The Click-It-Or-Ticket Program was very successful.

#### Department of Public Works – Frank Wirzbicki

- Turned in his report and asked if there were any questions.

Councilman Miranda asked how the Casano Center work is progressing and Mr. Wirzbicki said they are making good progress. The tree bucket and crew are removing large pine trees and branches and next week the work should be completed. The SLAP crew will then go in to remove small bushes and cleanup on the side of the building. He said they are waiting for yellow paint for the curbs.

Mayor DeLorio said the Casano Center is going through a major facelift and they are addressing the backyard area, as well as the inside. If anyone is interested in helping on additional cleanup work, they can volunteer at the Clerk's Office or the Community Center Office.

- Mr. Wirzbicki said the two trees between the Firehouse and the First Aid Squad have been removed.



Mayor DeIorio said Councilman Yakubov did a walk-through in his ward and has a list of items to be addressed.

#### Fire Department – Chief Bob Tobe

- Spoke with Frank Wirzbicki about some buildings and grounds issues that need to be addressed. Three months ago the Firehouse in Piscataway burned down due to an electrical cause. The electrical wiring and fixtures need to be upgraded in Station 1, and Station 3, which is the original wiring from when the station was built.

Mayor DeIorio said Ms. Cali sent out a memo to all Borough buildings to identify anything that needed to be addressed. He said it should be addressed in the capital purchases as soon as possible.

- Chief Tobe said the ladder and Engine 3 need extensive work done with electrical problems.
- The fire alarm boxes in town are all tagged out of service and are no longer in use. They would have to be removed and auctioned off.

Councilman Badillo said that was discussed at the Officer's meeting and he proposed the boxes be removed and donated to the volunteer firemen in town. If they are valued at \$1,500 or more, they have to be auctioned off and if it is less, you can donate them to the organizations.

- Chief Tobe said Garwood recently donated their boxes. He said to hire someone to remove them it would be costly.
- Thanked all the Councilmembers that came to the fire exercise services.

Mayor DeIorio thanked the Fire Chief for presenting the Fire Department report and welcomed any department willing to give a report to the public.

Councilman Yakubov entered the meeting at this time.

#### Borough Engineer

- The Borough Engineer was not present at the meeting. Ms. Corrigan said he attends the second meeting of the month.

Mayor DeIorio said there are several capital projects the Governing Body has passed and would like that information relayed to the Engineer, so they can be addressed at the next meeting.

#### Borough Attorney – Blake Johnstone

- Received a response from Conrail regarding the donation of property for senior housing. He said at this time, the ball is in Conrail's court. We are waiting for them to come back with a counter proposal.

- An issue of a gun permit appeal by Mr. Frank Galan is being heard in the Union County Superior Court, and we should be receiving a decision about that in the near future.

Councilman Yakubov

- Completed the walk in his ward with Code Enforcement Officer Carl Pluchino. He said there are some issues that do need to be addressed. He thanked the DPW for addressing the issues along Valley Road and SLAP was there within hours and cleaned up; only the railroad ties were left.
- Also noticed low lighting in some areas in his ward; suggested a study be done.
- Thanked residents that walked with him. He found that residents offered their views and made suggestions; it was very successful.

MINUTES TO BE APPROVED PENDING ANY CORRECTIONS

Councilman Badillo moved to approve the following minutes; seconded by Councilman Yakubov.

<b>✓ Vote Record – Minutes - May 1, 2008</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>✓ Vote Record – Minutes – May 15, 2008</b>					
		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

MOTION BILLS AND PAYROLLS BE NOT READ

MOTION BILLS AND PAYROLLS BE PASSED FOR PAYMENT

Councilman Badillo move that bills and payrolls not be read and passed for payment; seconded by Councilman Yakubov, all members voting Aye, said motion was adopted.

REPORTS OF DEPARTMENTS

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

- Police Chief’s Report for May 2008
- Construction Code Enforcement Report for May 2008
- Treasurer’s Report for April 2008

- DPW Report for May 2008

## PASSAGE OF ORDINANCES

### INTRODUCTION

#### ORDINANCE NO. 2245

AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF ROSELLE PARK TO AMEND SECTION 128-58-B RELATING TO STORM DRAINS AND CREATE CHAPTER 130, A STORMWATER CONTROL ORDINANCE, IN THE BOROUGH OF ROSELLE PARK TO ENACT STORMWATER CONTROL REGULATIONS

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

SECTION 1. Chapter 128-58.B (1). Is hereby amended to read as follows:

Provisions shall be made for stormwater drainage, sanitary sewerage and disposal, water mains, culverts and utilities. Sanitary sewers, water mains and other utilities shall be adequate for all present and probable future development and shall be made according to standard requirements and specifications of the borough and as approved by the Borough Engineer.

Stormwater drainage shall be designed and constructed in accordance with Chapter 130 of this code, where applicable, but in no case shall the rate of runoff for a 2, 10 and 100 year storm be increased over the present rate of runoff for any development or redevelopment. All improvement and changes to stormwater drainage shall be reviewed and approved by the Borough Engineer prior to implementation.

SECTION 2. Chapter 130 "STORMWATER CONTROL" Ordinance is hereby created as part of the Code of the Borough of Roselle Park to establish Stormwater Control Regulations enacting the following:

#### STORMWATER CONTROL

§130-1 Scope and Purpose.

##### A. Policy Statement.

Flood control, groundwater recharge, and pollutant reduction through nonstructural or low impact techniques shall be explored before relying on structural Best Management Practices (BMPs). Structural BMPs should be integrated with nonstructural stormwater management strategies and proper maintenance plans. Nonstructural strategies include both environmentally sensitive site design and source controls that prevent pollutants from being placed on the site or from being exposed to stormwater. Source control plans should be developed based upon physical site conditions and the origin, nature, and the anticipated quantity or amount of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

##### B. Purpose.

It is the purpose of this ordinance to establish minimum stormwater management requirements and controls for "major development," as defined in § 130-2.

##### C. Applicability.

1. This ordinance shall be applicable to all site plans and subdivisions for the following major developments that require preliminary or final site plan or subdivision review:

Non-residential major developments; and

Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Roselle Park.

D. Compatibility with Other Permit and Ordinance Requirements.

Development approvals issued for subdivisions and site plans pursuant to this ordinance are to be considered an integral part of development approvals under the subdivision and site plan review process and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§130-2. Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

“CAFRA Planning Map” means the geographic depiction of the boundaries for Coastal Planning Areas, CAFRA Centers, CAFRA Cores and CAFRA Nodes pursuant to N.J.A.C. 7:7E-5B.3.

“CAFRA Centers, Cores or Nodes” means those areas within boundaries accepted by the Department pursuant to N.J.A.C. 7:8E-5B.

“Compaction” means the increase in soil bulk density.

“Core” means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency; or

A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the New Jersey Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, by any person, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, development means: any activity that requires a State permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water-body or to a particular point along a receiving water-body.

“Environmentally critical areas” means an area or feature which is of significant environmental value, including but not limited to: stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Non-game Species Program.

“Empowerment Neighborhood” means a neighborhood designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice or gravity.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Major development” means any “development” that provides for ultimately disturbing one or more acres of land or an increase of 10,00 square feet of additional impervious surface. Disturbance for the purpose of this rule is the placement of impervious surface or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation.

“Municipality” means any city, borough, town, township, or village.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, the Borough of Roselle Park, or political subdivision of this State subject to municipal jurisdiction pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and non-hazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management basin” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management basin may either be normally dry (that is, a detention basin or infiltration basin), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any structural or nonstructural strategy, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Tidal Flood Hazard Area” means a flood hazard area, which may be influenced by stormwater runoff from inland areas, but which is primarily caused by the Atlantic Ocean.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

- (1) Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- (2) Designated as CAFRA Centers, Cores or Nodes;
- (3) Designated as Urban Enterprise Zones; and
- (4) Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal

circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§130-3. General Standards.

A. Design and Performance Standards for Stormwater Management Measures

1. Stormwater management measures for major development shall be developed to meet the erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality standards in §130-4. To the maximum extent practicable, these standards shall be met by incorporating nonstructural stormwater management strategies into the design. If these strategies alone are not sufficient to meet these standards, structural stormwater management measures necessary to meet these standards shall be incorporated into the design.

2. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§130-4. Stormwater Management Requirements for Major Development.

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §130-10.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department' Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §130-4 F and G:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;

2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and

3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements of §130-4 F and G may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

2. The applicant demonstrates through an alternatives analysis, that through the use of nonstructural and structural stormwater management strategies and measures, the option selected complies with the requirements of §130-4 F and G to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of §130-4 F and G, existing structures currently in use, such as homes and buildings, would need to be condemned; and

4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under D.3 above within

the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §130-4 F and G that were not achievable on-site.

E. Nonstructural Stormwater Management Strategies.

1. To the maximum extent practicable, the standards in §130-4 F and G shall be met by incorporating nonstructural stormwater management strategies set forth at §130-4E into the design. The applicant shall identify the nonstructural measures incorporated into the design of the project. If the applicant contends that it is not feasible for engineering, environmental, or safety reasons to incorporate any nonstructural stormwater management measures identified in Paragraph 2 below into the design of a particular project, the applicant shall identify the strategy considered and provide a basis for the contention.

2. Nonstructural stormwater management strategies incorporated into site design shall:

- a. Protect areas that provide water quality benefits or areas particularly susceptible to erosion and sediment loss;
- b. Minimize impervious surfaces and break up or disconnect the flow of runoff over impervious surfaces;
- c. Maximize the protection of natural drainage features and vegetation;
- d. Minimize the decrease in the "time of concentration" from pre-construction to post-construction. "Time of concentration" is defined as the time it takes for runoff to travel from the hydraulically most distant point of the watershed to the point of interest within a watershed;
- e. Minimize land disturbance including clearing and grading;
- f. Minimize soil compaction;
- g. Provide low-maintenance landscaping that encourages retention and planting of native vegetation and minimizes the use of lawns, fertilizers and pesticides;
- h. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas;
- i. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site, in order to prevent or minimize the release of those pollutants into stormwater runoff. Such source controls include, but are not limited to:

- (1) Site design features that help to prevent accumulation of trash and debris in drainage systems, including features that satisfy §130-4E.3 below;
- (2) Site design features that help to prevent discharge of trash and debris from drainage systems;
- (3) Site design features that help to prevent and/or contain spills or other harmful accumulations of pollutants at industrial or commercial developments; and
- (4) When establishing vegetation after land disturbance, applying fertilizer in accordance with the requirements established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules.

3. Site design features identified under §130-4E.2.i(2) above shall comply with the following standard to control passage of solid and floatable materials through storm



drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §130-4E.3.c below.

a. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(1) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(2) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

b. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

c. This standard does not apply:

(1) Where the review agency determines that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows from the water quality design storm as specified in §130-4.G.1 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of 0.5 inches.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars, to the elevation of the water quality design storm as specified in §130-4.G.1; or

(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

4. Any land area used as a nonstructural stormwater management measure to meet the performance standards in §1306-4.F and 4.G shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.
  5. Guidance for nonstructural stormwater management strategies is available in the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in §130-7, or found on the Department's website at [www.njstormwater.org](http://www.njstormwater.org).
- F. Erosion Control, Groundwater Recharge and Runoff Quantity Standards.
1. This subsection contains minimum design and performance standards to control erosion, encourage and control infiltration and groundwater recharge, and control stormwater runoff quantity impacts of major development.
    - a. The minimum design and performance standards for erosion control are those established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq. and implementing rules.
    - b. The minimum design and performance standards for groundwater recharge are as follows:
      - (1) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §130-5, either:
        - (a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
        - (b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
      - (2) This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to (3) below.
      - (3) The following types of stormwater shall not be recharged:
        - (a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
        - (b) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, which is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of

pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(4) The design engineer shall assess the hydraulic impact on the groundwater table and design the site so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems and other subsurface structures in the vicinity or downgradient of the groundwater recharge area.

c. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 5, complete one of the following:

(1) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the two, 10, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(2) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the two, 10, and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(3) Design stormwater management measures so that the post-construction peak runoff rates for the 2, 10 and 100 year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed. The percentages shall not be applied to post-construction stormwater runoff into tidal flood hazard areas if the increased volume of stormwater runoff will not increase flood damages below the point of discharge; or

(4) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with (1), (2) and (3) above shall only be applied if the increased volume of stormwater runoff could increase flood damages below the point of discharge.

2. Any application for a new agricultural development that meets the definition of major development at §130-2 shall be submitted to the appropriate Soil Conservation District for review and approval in accordance with the requirements of this section and any applicable Soil Conservation District guidelines for stormwater runoff

quantity and erosion control. For the purposes of this section, “agricultural development” means land uses normally associated with the production of food, fiber and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacturing of agriculturally related products.

G. Stormwater Runoff Quality Standards.

1. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff by 80 percent of the anticipated load from the developed site, expressed as an annual average. Stormwater management measures shall only be required for water quality control if an additional ¼ acre of impervious surface is being proposed on a development site. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollution Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1. The calculation of the volume of runoff may take into account the implementation of non-structural and structural stormwater management measures.

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
0	0.0000	65	0.8917
5	0.0083	70	0.9917
10	0.0166	75	1.0500
15	0.0250	80	1.0840
20	0.0500	85	1.1170
25	0.0750	90	1.1500
30	0.1000	95	1.1750
35	0.1330	100	1.2000
40	0.1660	105	1.2250
45	0.2000	110	1.2334
50	0.2583	115	1.2417
55	0.3583	120	1.2500
60	0.6250		

2. For purposes of TSS reduction calculations, Table 2 below presents the presumed removal rates for certain BMPs designed in accordance with the New Jersey Stormwater Best Management Practices Manual. The BMP Manual may be obtained from the address identified in §130-7, or found on the Department’s website at [www.njstormwater.org](http://www.njstormwater.org). The BMP Manual and other sources of technical guidance are listed in §130-7. TSS reduction shall be calculated based on the removal rates for the BMPs in Table 2 below. Alternative removal rates and methods of calculating removal rates may be used if the design engineer provides documentation

demonstrating the capability of these alternative rates and methods to the review agency. A copy of any approved alternative rate or method of calculating the removal rate shall be provided to the Department at the following address: Division of Watershed Management, New Jersey Department of Environmental Protection, PO Box 418 Trenton, New Jersey, 08625-0418.

3. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (AXB)/100$$

Where

R = total TSS percent load removal from application of both BMPs, and

A = the TSS percent removal rate applicable to the first BMP

B = the TSS percent removal rate applicable to the second BMP

Best Management Practice	TSS Percent Removal Rate
Bioretention Systems	90
Constructed Stormwater Wetland	90
Extended Detention Basin	40-60
Infiltration Structure	80
Manufactured Treatment Device	See Section 6.C
Sand Filter	80
Vegetative Filter Strip	60-80
Wet Pond	50-90

4. If there is more than one onsite drainage area, the 80 percent TSS removal rate shall apply to each drainage area, unless the runoff from the subareas converge on site in which case the removal rate can be demonstrated through a calculation using a weighted average.

5. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include nonstructural strategies and structural measures that optimize nutrient removal while still achieving the performance standards in §130-4.F and 4.G.

6. Additional information and examples are contained in the New Jersey Stormwater Best Management Practices Manual, which may be obtained from the address identified in § 130-7.

7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

8. Special water resource protection areas shall be established along all waters designated Category One at N.J.A.C. 7:9B, and perennial or intermittent streams that drain into or upstream of the Category One waters as shown on the USGS Quadrangle Maps or in the County Soil Surveys, within the associated HUC14 drainage area. These areas shall be established for the protection of water quality, aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, and exceptional fisheries significance of those established Category One waters. These areas shall be designated and protected as follows:

a. The applicant shall preserve and maintain a special water resource protection area in accordance with one of the following:

(1) A 300-foot special water resource protection area shall be provided on each side of the waterway, measured perpendicular to the waterway from the top of the bank outwards or from the centerline of the waterway where the bank is not defined, consisting of existing vegetation or vegetation allowed to follow natural succession is provided. (2) Encroachment within the designated special water resource protection area under Subsection (1) above shall only be allowed where previous development or disturbance has occurred (for example, active agricultural use, parking area or maintained lawn area). The encroachment shall only be allowed where applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable. In no case shall the remaining special water resource protection area be reduced to less than 150 feet as measured perpendicular to the top of bank of the waterway or centerline of the waterway where the bank is undefined. All encroachments proposed under this subparagraph shall be subject to review and approval by the Department.

b. All stormwater shall be discharged outside of and flow through the special water resource protection area and shall comply with the Standard for Off-Site Stability in the “Standards For Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq.

c. If stormwater discharged outside of and flowing through the special water resource protection area cannot comply with the Standard For Off-Site Stability in the “Standards for Soil Erosion and Sediment Control in New Jersey,” established under the Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 et seq., then the stabilization measures in accordance with the requirements of the above standards may be placed within the special water resource protection area, provided that:

- (1) Stabilization measures shall not be placed within 150 feet of the Category One waterway;
- (2) Stormwater associated with discharges allowed by this section shall achieve a 95 percent TSS post-construction removal rate;
- (3) Temperature shall be addressed to ensure no impact on the receiving waterway;
- (4) The encroachment shall only be allowed where the applicant demonstrates that the functional value and overall condition of the special water resource protection area will be maintained to the maximum extent practicable;
- (5) A conceptual project design meeting shall be held with the appropriate Department staff and Soil Conservation District staff to identify necessary stabilization measures; and
- (6) All encroachments proposed under this section shall be subject to review and approval by the Department.

d. A stream corridor protection plan may be developed by a regional stormwater management planning committee as an element of a regional stormwater management plan, or by a municipality through an adopted municipal stormwater management plan. If a stream corridor protection plan for a waterway subject to §130-4.G(8) has been approved by the Department of Environmental Protection, then the provisions of the plan shall be the applicable special water resource protection area requirements for that waterway. A stream corridor protection plan for a waterway subject to G.8 shall maintain or enhance the current functional value and overall condition of the special water resource protection area as defined in G.8.a. (1) above. In no case shall a stream corridor protection plan allow the reduction of the Special Water Resource Protection Area to less than 150 feet as measured perpendicular to the waterway subject to this subsection.

e. Paragraph G.8 does not apply to the construction of one individual single family dwelling that is not part of a larger development on a lot receiving preliminary or final subdivision approval on or before February 2, 2004, provided that the construction begins on or before February 2, 2009.

#### §130-5. Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

1. The design engineer shall calculate runoff using one of the following methods:
  - a. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in the NRCS National Engineering Handbook Section 4 – Hydrology and Technical Release 55 – Urban Hydrology for Small Watersheds; or
  - b. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations.
2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology at §130-5.A.1.a and

the Rational and Modified Rational Methods at §130-5.A.1.b. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds and other methods may be employed.

5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32 A Method for Evaluating Groundwater Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at <http://www.state.nj.us/dep/njgs/>; or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 427 Trenton, New Jersey 08625-0427; (609) 984-6587.

#### §130-6. Standards for Structural Stormwater Management Measures.

A. Standards for structural stormwater management measures are as follows:

1. Structural stormwater management measures shall be designed to take into account the existing site conditions, including, for example, environmentally critical areas, wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone).

2. Structural stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure as appropriate, and shall have parallel bars with one-inch (1”) spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third (1/3)



the width of the diameter of the orifice or one-third (1/3) the width of the weir, with a minimum spacing between bars of one-inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §130-8.D.

3. Structural stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement.

4. At the intake to the outlet from the stormwater management basin, the orifice size shall be a minimum of two and one-half inches in diameter.

5. Stormwater management basins shall be designed to meet the minimum safety standards for stormwater management basins at §130-8.

B. Stormwater management measure guidelines are available in the New Jersey Stormwater Best Management Practices Manual. Other stormwater management measures may be utilized provided the design engineer demonstrates that the proposed measure and its design will accomplish the required water quantity, groundwater recharge and water quality design and performance standards established by §130-4 of this ordinance.

C. Manufactured treatment devices may be used to meet the requirements of §130-4 of this ordinance, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department.

#### §130-7. Sources for Technical Guidance.

A. Technical guidance for stormwater management measures can be found in the documents listed at 1 and 2 below, which are available from Maps and Publications, New Jersey Department of Environmental Protection, 428 East State Street, P.O. Box 420, Trenton, New Jersey, 08625; telephone (609) 777-1038.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures such as: bioretention systems, constructed stormwater wetlands, dry wells, extended detention basins, infiltration structures, manufactured treatment devices, pervious paving, sand filters, vegetative filter strips, and wet ponds.

2. The New Jersey Department of Environmental Protection Stormwater Management Facilities Maintenance Manual, as amended.

B. Additional technical guidance for stormwater management measures can be obtained from the following:

1. The "Standards for Soil Erosion and Sediment Control in New Jersey" promulgated by the State Soil Conservation Committee and incorporated into N.J.A.C. 2:90. Copies of these standards may be obtained by contacting the State Soil Conservation Committee or any of the Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey 08625; (609) 292-5540;

2. The Rutgers Cooperative Extension Service, 732-932-9306; and

3. The Soil Conservation Districts listed in N.J.A.C. 2:90-1.3(a)4. The location, address, and telephone number of each Soil Conservation District may be obtained

from the State Soil Conservation Committee, P.O. Box 330, Trenton, New Jersey, 08625, (609) 292-5540.

§130-8. Safety Standards for Stormwater Management Basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions.

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:

a. The trash rack shall have parallel bars, with no greater than six inch spacing between the bars.

b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.

c. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.

d. The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs/ft sq.

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

b. The overflow grate spacing shall be no less than two inches across the smallest dimension.

c. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft sq.

3. For purposes of this paragraph 3, escape provisions means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:

a. If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in §130-8 C a free-standing outlet structure may be exempted from this requirement.

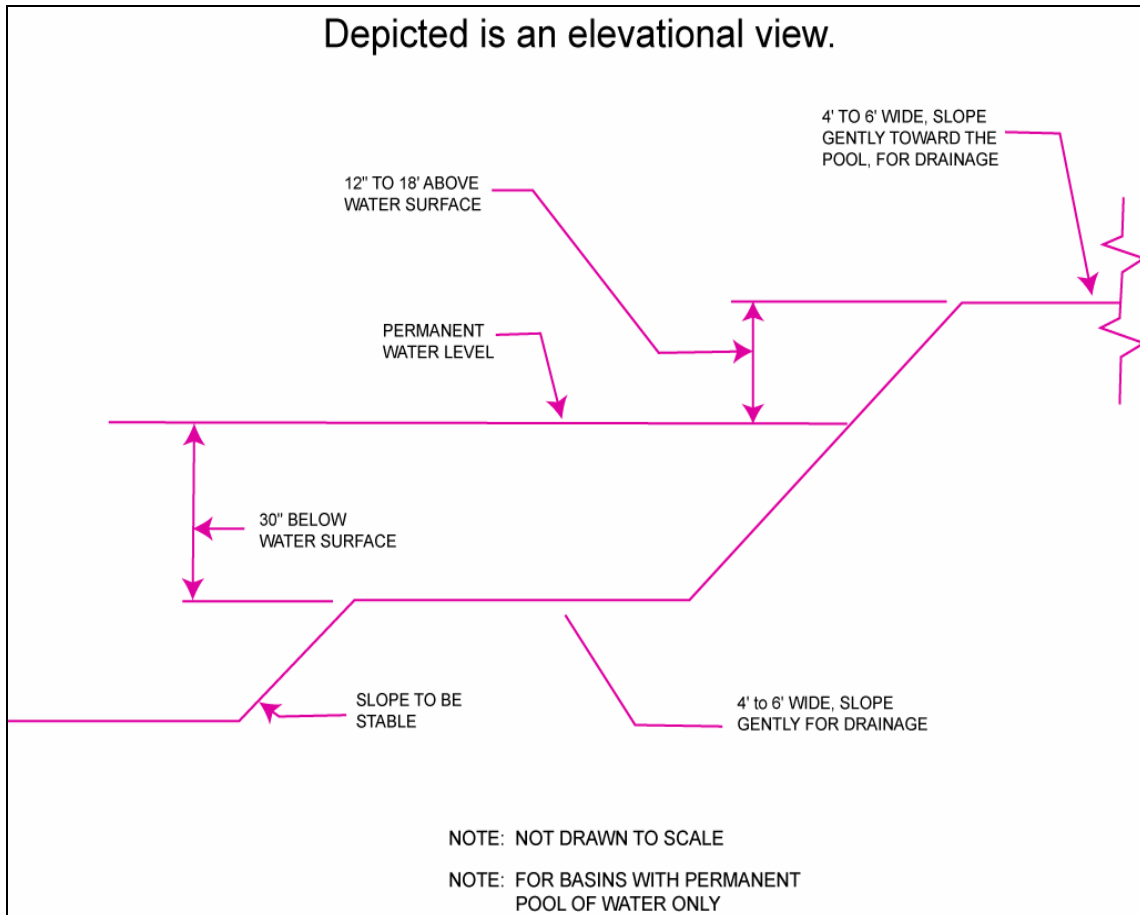
b. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half feet. Such safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See §130-8.D for an illustration of safety ledges in a stormwater management basin.

c. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.

C. Variance or Exemption from Safety Standards.

1. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or Department) that the variance or exemption will not constitute a threat to public safety.

D. Illustration of Safety Ledges in a New Stormwater Management Basin.



§130-9. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan.

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §130-9.C below as part of the submission of the applicant's application for subdivision or site plan approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit the number of copies required under § 128-42 or § 128-44 of the materials listed in the checklist for site development stormwater plans in accordance with §130-9.C of this ordinance.

## B. Site Development Stormwater Plan Approval.

The applicant's Site Development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from whom municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

## C. Checklist Requirements.

The following information shall be required:

### 1. Topographic Base Map.

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1" = 200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

### 2. Environmental Site Analysis.

A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

### 3. Project Description and Site Plan(s).

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions may also be provided.

### 4. Land Use Planning and Source Control Plan.

This plan shall provide a demonstration of how the goals and standards of Sections 3 through 6 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

### 5. Stormwater Management Facilities Map.

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- a. Total area to be paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of

vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

b. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations.

a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in 130-4 of this ordinance.

b. When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan.

The design and planning of the stormwater management facility shall meet the maintenance requirements of §130-10.

8. Waiver from Submission Requirements.

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipal engineer, waive submission of any of the requirements in §130-9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§130-10. Maintenance and Repair.

A. Applicability

1. Projects subject to review as in §130-1.C of this ordinance shall comply with the requirements of §130-10.B and 10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

3. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project.
  4. If the person responsible for maintenance identified under §130-10.B.2 above is not a public agency, the maintenance plan and any future revisions based on §130-10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
  5. Preventative and corrective maintenance shall be performed to maintain the function of the stormwater management measure, including repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of nonvegetated linings.
  6. The person responsible for maintenance identified under §130-10.B.2 above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders.
  7. The person responsible for maintenance identified under §130-10.B.2 above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
  8. The person responsible for maintenance identified under §130-10.B.2 above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §130-10.B.6 and 10.B.7 above.
  9. The requirements of §130-10.B.3 and 10.B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency.
  10. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to affect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person.
- B. Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53. The Planning Board shall provide in its resolution of approval for posting of such guarantees if favor of the municipality in the form approved by the municipal attorney and in the amount approved by the municipal engineer.

#### §130-11. Penalties.

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the following

penalties: A fine of up to \$1500.00, or imprisonment for up to 90 days, or both; each day that a violation continues shall be deemed a separate violation.

SECTION 3. This ordinance shall take effect after final passage and publication in accordance with law immediately upon the approval by the county review agency, or sixty (60) days from the receipt of the ordinance by the county review agency if the county review agency should fail to act.

SECTION 4. If the provisions of any section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Councilman Badillo moved that Ordinance #2245 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on June 19, 2008; seconded by Councilman Yakubov.

<b>✓ Vote Record – Ordinance #2245</b>		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTIONS**

The following resolutions, listed on consent agenda, were offered by Councilman Badillo; seconded by Councilman Miranda.

**RESOLUTION NO. 140-08**

WHEREAS, the Borough of Roselle Park has requested Atlantic Ambulance Corporation, 475 South Street, Morristown, New Jersey 07962, through CenCom, to furnish 911 Emergency Medical Telephone Call Screening services to the Municipality or the immediate vicinity thereof, now therefore

BE IT RESOLVED that the Mayor and Council, based on the recommendations of the Police Chief, are hereby authorized to execute the attached agreement for such services for a three year period commencing January 1, 2008 and terminating December 31, 2010.

<b>✓ Vote Record – Resolution 140-08</b>		<b>Yes/Aye</b>	<b>No/Nay</b>	<b>Abstain</b>	<b>Absent</b>
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 143-08

WHEREAS, the Borough of Roselle Park no longer has use for the attached unclaimed automobiles, therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public sale at a date within 60 calendar days. The auction will be advertised in the following media, Union Leader and Star Ledger and Borough of Roselle Park Web Site.

This sale shall be in accordance with the provisions of The Abandoned and Unclaimed Motor Vehicle Law, R.S. 39: 10A-1.

1. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
2. Said property is being sold "as is".
3. All prospective purchasers are put on notice to personally inspect the property.
4. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk. If the purchaser fails to take title and possession with ten (10) days of the date of purchase, the Governing Body of the Borough of Roselle Park may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
5. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further costs, expense, damage, claim against or liability upon the Borough.
6. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids

All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

Vehicles To Be Auctioned

- |    |      |                    |                          |
|----|------|--------------------|--------------------------|
| 1) | 1997 | Mitsubishi Eclipse | Vin: 4A3AX35G3VE003604   |
| 2) | 1997 | Honda Civic        | Vin: 1 HGEJ6221 VL092067 |
| 3) | 2003 | Toyota Camry       | Vin: 4TIBE32K83U159383   |
| 4) | 2001 | Toyota Camry       | Vin: 4T1 BG22K11 U808927 |
| 5) | 1990 | Acura Integra      | Vin: JH4DA9342LS017536   |
| 6) | 1993 | Nissan Quest       | Vin: 4N2DNII W6PD833832  |
| 7) | 2000 | Mercury Cougar     | Vin: 1ZWHT61L5Y5635549   |
| 8) | 1994 | Cadillac           | Vin: 1G6KD52B5RU274232   |



✓ Vote Record – Resolution #143-08		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION NO. 144-08**

WHEREAS, Block 1116/ Lot 9 (otherwise known as 484 E. Westfield Ave., Roselle Park, NJ) was assessed in error in the name of AC Stone Corporation; and

WHEREAS, Block 1116/Lot 9 be and is hereby corrected to the name of the City of Elizabeth and is classified as a class 15, exempt from taxes per the Roselle Park Tax Assessor; and

BE IT RESOLVED, that the Tax Collector is hereby authorized to cancel 2008 taxes for 1<sup>st</sup> and 2<sup>nd</sup> quarter in the amount of \$239.06. The 3<sup>rd</sup> and 4<sup>th</sup> quarter to be determined after tax rate is set, and to be cancelled accordingly.

✓ Vote Record – Resolution #144-08		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RESOLUTION NO. 145-08**

WHEREAS, the Mayor and Council of the Borough of Roselle Park in the County of Union wish to present a fireworks display for the entertainment of the Borough at the July 4, 2008 celebration; and

WHEREAS, Fireworks by Castiglione, has submitted a proposal for said display; and

WHEREAS, this contract falls within the exception to the bidding procedure mandated by the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., as its value is less than the statutory threshold, now therefore be it,

RESOLVED, by the Mayor and Council of the Borough of Roselle Park, that:

1. The proposed agreement between the Borough and Fireworks by Castiglione for the July 4, 2008 fireworks display at the cost of \$12,500.00 is hereby approved.
2. The Mayor and Borough Clerk are authorized to execute the said agreement.
3. A rain date of August 5, 2008 has been established. The cost of the fireworks display on that date is \$10,500.00.

✓ Vote Record – Resolution #145-08		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 146-08

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector hereby authorize the Treasurer to issue a check in the amount of \$60,996.89 payable to Plymouth Park Tax Services for redemption of TSC #6-10 on Block 903/Lot 1 (otherwise known as 157 E. Westfield Ave., Roselle Park, NJ) and assessed in the name of Funchal, Inc. as follows; and

BE IT FURTHER RESOLVED for the Treasure to issue a check in the amount of \$25,000 from the Collector's Premium Account.

CERTIFICATE AMOUNT			15,090.91
6% FLAT PENALTY			905.45
RECORDING FEES			40.00
SEARCH FEES			12.00
SUBSEQUENT TAXES PD			
PD 11/20/06	1 <sup>ST</sup> QTR	1,975.37	
	2 <sup>ND</sup> QTR	1,897.69	
	3 <sup>RD</sup> QTR	3,746.87	
	4 <sup>TH</sup> QTR	3,541.54	
ADDED	1 <sup>ST</sup> QTR	1,574.57	
	2 <sup>ND</sup> QTR	1,512.66	
SEWER		44.92	
<b>TOTAL</b>		14,293.62	INT 286.87
			6% PENALTY 874.77
<b>TOTAL</b>		15,454.26	
			INTEREST ON ABOVE TO 6/5/08 3,979.47
PD 2/11/07	1 <sup>ST</sup> QTR	3,316.23	528.94
	2 <sup>ND</sup> QTR	3,332.80	381.61
Tax&Sewer	3 <sup>RD</sup> QTR	4,181.28	265.51
	4 <sup>TH</sup> QTR	3,803.69	77.98
<b>TOTAL</b>		14,634.00	1,254.04
			6% PENALTY 953.28
<b>TOTAL</b>		15,888.04	
			INTEREST ON ABOVE TO 6/5/08 1,305.20
PD 2/13/08	1 <sup>ST</sup> QTR	3,563.85	199.58
	2 <sup>ND</sup> QTR	3,570.93	33.92
<b>TOTAL</b>		7,134.78	233.50
<b>TOTAL AMOUNT FOR REDEMPTION</b>			7,368.28
			\$60,996.89

✓ Vote Record – Resolution #146-08					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 147-08

WHEREAS, it is anticipated that the Borough of Roselle Park will not be able to adopt its budget sufficiently in advance of the third quarter tax due date of August 1, 2008; and

WHEREAS, the Borough of Roselle Park has determined that there will be insufficient cash flow to support operations in late July without third quarter revenue being received on time;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Roselle Park as follows:

1. The Tax Collector be and is hereby directed to take all necessary steps to send out estimated bills for the third quarter 2008 in accordance with the provisions of NJSA 54:5-66.2 et seq.
2. That the Chief Financial Officer has reviewed the permissible tax levy range and found the range should be set at 1.0506% of the previous year's tax levy. (2007 Tax Levy \$30,227,313.52 by 1.0506% = \$31,756,815.59 or a tax rate of \$10.943).
3. That the Tax Collector take any and all additional steps to implement the substance of this resolution.

✓ Vote Record – Resolution #147-08					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 148-08

WHEREAS, an emergent condition has arisen wherein the appropriations set forth in the 2008 temporary budget are insufficient to meet the financial obligations as set forth below and the payroll for municipal officers and employees, and

WHEREAS, the permanent budget for the year 2008 has not yet been adopted, and

WHEREAS, the total emergency temporary resolutions adopted in the year 2008 pursuant to the provisions of N.J.S.A.40A:4-20 including this resolution total \$13,591,171.84 and utility budget \$1,411,952.51

NOW, THEREFORE, BE IT RESOLVED by (not less than two-thirds (2/3) of all the members thereof affirmatively concurring) that in accordance with the aforementioned statute the 2008 temporary budget be and the same is hereby amended to provide for an emergency temporary appropriation in the amount of \$4,936,873.05 and utility budget \$241,358.50, said appropriations as follows

<u>APPROPRIATIONS</u>	<u>SALARIES &amp; WAGES</u>	<u>OTHER EXPENSES</u>
Board of Health	\$ 2,212.50	\$ 1,625.00
Animal Control	\$ -	\$ -
Administration of Public Assistance	\$ -	\$ -
Community Alliance Program	\$ -	\$ 23,500.00
Recreation Services	\$ 1,087.50	\$ 12,830.00
Maintenance of Parks	\$ -	\$ -
Celebration of Public Events	\$ -	\$ 10,000.00
Youth Center	\$ -	\$ -
Community Center	\$ 17,100.00	\$ 750.00
Historical Sites Office	\$ -	\$ 1,400.00
Senior Citizen Activities	\$ -	\$ -
Environmental Services	\$ -	\$ 50.00
State Uniform Construction Code	\$ 76,535.00	\$ 5,325.00
Shuttle Bus	\$ -	\$ -
Union County S.L.A.P. Program	\$ -	\$ -
Municipal Services Act	\$ -	\$ -
Farmers Market	\$ 1,675.00	\$ 750.00
Prior Years Bills	\$ -	\$ -
Utilities:		
Street Lighting	\$ -	\$ 100,000.00
Fire Hydrant Service	\$ -	\$ 53,000.00
Cable TV 34	\$ -	\$ 2,050.00
Telephone	\$ -	\$ 34,500.00
Electricity	\$ -	\$ 53,000.00
Water	\$ -	\$ 7,000.00
Natural Gas	\$ -	\$ 35,000.00
Gasoline	\$ -	\$ 58,000.00
Contingent	\$ -	\$ 1,000.00
Contribution to:		
PERS	\$ -	\$ -
DCRP	\$ -	\$ 550.00
Social Security (OASI)	\$ -	\$ 117,250.00
Consolidated PFRS	\$ -	\$ -
PFRS	\$ -	\$ -
State Unemployment Insurance	\$ -	\$ 21,750.00
Municipal Court	\$ 82,590.00	\$ 7,550.00
Public Defender	\$ -	\$ -
Maintenance of Free Public Library	\$ -	\$ -
Police Dispatch/"911"	\$ 32,750.00	\$ 9,300.00
PEOSHA Act/Board of Health	\$ -	\$ -
L.O.S.A.P. Program	\$ -	\$ 66,628.12
Snow Emergency	\$ -	\$ -
Fair Share Housing/COAH	\$ -	\$ 58,500.00
Judgments	\$ -	\$ 46,279.40
Matching Funds For Grants	\$ -	\$ 993.12
Community Alliance Grant	\$ -	\$ -
Community Alliance Grant Match	\$ -	\$ -

<u>APPROPRIATIONS</u>	<u>SALARIES &amp; WAGES</u>	<u>OTHER EXPENSES</u>
Safe and Secure Grant	\$ -	\$ -
Safe and Secure Grant Match	\$ -	\$ -
Clean Communities Grant	\$ -	\$ 1,534.33
Farmers Market Grant	\$ -	\$ 600.00
Farmers Market Grant Match	\$ -	\$ 600.00
Body Armor Grant	\$ -	\$ -
Recycling Tonnage Grant	\$ -	\$ -
Stormwater Management Grant	\$ -	\$ 10,207.00
Alcohol Education and Rehabilitation Grant	\$ -	\$ 428.36
Union County Kids' Recreation Trust Fund:		
Grant	\$ -	\$ 11,250.00
Matching Funds	\$ -	\$ -
Click It or Ticket Grant	\$ -	\$ 4,000.00
Capital Improvement Fund	\$ -	\$ 47,937.50
Sidewalk Replacement	\$ -	\$ -
Bond Principal	\$ -	\$ -
Interest on Bonds	\$ -	\$ -
Reserve for Uncollected Taxes	\$ -	\$ 543,537.50
	<hr/>	<hr/>
Total Current Fund	\$ 2,375,361.45	\$ 2,561,511.60

**Sewer Utility Budget**

<u>APPROPRIATIONS</u>	<u>SALARIES &amp; WAGES</u>	<u>OTHER EXPENSES</u>
Joint Meeting Sewer	\$ -	\$ -
Rahway Valley Sewerage Authority	\$ -	\$ -
Operations	\$ 179,408.50	\$ 41,200.00
PERS	\$ -	\$ -
Social Security	\$ -	\$ 14,000.00
Unemployment Compensation Insurance	\$ -	\$ 1,750.00
Capital Outlay	\$ -	\$ 2,500.00
Maintenance of Vehicles	\$ -	\$ 2,500.00
Bond Principal	\$ -	\$ -
Interest on Bonds	\$ -	\$ -
	<hr/>	<hr/>
Total Sewer Utility	\$ 179,408.50	\$ 61,950.00

✓ Vote Record – Resolution #148-08					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 149-08

WHEREAS, the Borough of Roselle Park no longer has use for the attached vehicles, therefore, be it

RESOLVED, by the Mayor and Council of the Borough of Roselle Park that the Borough Clerk be and is hereby authorized to sell the attached items, as is, at public sale at a date within 60 calendar days. The auction will be advertised in the following media, Union Leader and Star Ledger and Borough of Roselle Park Web Site.

This sale shall be in accordance with the provisions of The Abandoned and Unclaimed Motor Vehicle Law, R.S. 39: 10A-1.

7. Said sale shall be conducted by the Borough Clerk or by any person so designated by her.
8. Said property is being sold “as is”.
9. All prospective purchasers are put on notice to personally inspect the property.
10. At the Time of said sale, the purchaser shall deposit the entire purchase price with the Borough Clerk. If the purchaser fails to take title and possession with ten (10) days of the date of purchase, the Governing Body of the Borough of Roselle Park may declare the contract of sale to be terminated and may retain all monies paid there under as liquidated damages, and the Borough may resell said property or pursue such other and further legal and equitable remedies as it may have. If the purchaser fails to take title or possession within said ten (10) days, purchaser will be liable for reasonable storage fees.
11. If the title to this property shall prove to be unmarketable, the liability of the Borough shall be limited to the repayment of the amount of any sums paid by said purchaser to the Borough without any further costs, expense, damage, claim against or liability upon the Borough.
12. The Borough of Roselle Park reserves the right to reject all bids and shall not be obligated to accept any bids
13. All prospective purchasers are put on notice that no employee, agent, officer, body or subordinate body has any authority to waive, modify or amend any of the within conditions of sale.

Vehicles To Be Auctioned

1983 Ford Dump Truck with Plow  
 1986 John Deere 444D Loader  
 Front End Loader  
 20 FT. Box Trailer

Vin #1FDXK84N7DVA41785  
 Vin # DW44DB511267

Pool Table  
 Upright Piano  
 Hot Dog Cart  
 Grill

✓ Vote Record – Resolution #149-08					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	Badillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Adopted as Amended	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Defeated	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Tabled	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	Withdrawn	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Mayor DeIorio thanked Ms. Romanno’s second grade class in Sherman School for having her students participate in a writing assignment. The students came up with ideas for making Roselle Park cleaner and prettier. They were based on ideas they got from reading a story in language arts called “City Green.” He read one from Claire Haftek regarding creating a gardening club; this would be a good project to be done at the Casano Center.

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

Attest:

Deputy Borough Clerk