

Borough of Roselle Park Regular Meeting of August 6, 2009

Attendee Name	Organization	Title	Status	Arrived
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	P	7:30 PM
Larissa Chen-Hoerning	Borough of Roselle Park	Councilwoman	P	7:30 PM
Modesto Miranda	Borough of Roselle Park	Councilman	P	7:30 PM
Carl Hokanson	Borough of Roselle Park	Councilman	P	7:30 PM
Joseph DeIorio	Borough of Roselle Park	Mayor	P	7:30 PM

Mayor DeIorio 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.

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

COMMUNICATIONS

Councilman Yakubov moved the following communications; seconded by Councilman Dinardo and adopted.

- Request from the residents of the 300 block of Hemlock Street to hold a Block Party on Saturday, September 19, 2009 from 12:00 Noon until 10:00 p.m., with a rain date of Saturday, September 26th.
- Request from the residents of Park Place and West Clay Avenue to hold a Block Party on Saturday, August 29, 2009 from 2:00 p.m. until 10:00 p.m., with a rain date of Saturday, September 5th.
- Request from the residents of the 600 block of Sheridan Avenue to hold a Block Party on Saturday, August 22, 2009 from 10:00 a.m. until 10:00 p.m.
- Request from the residents of the 400 block of Bender Avenue to hold a Block Party on Saturday, September 5, 2009 from 12:00 Noon until 10:00 p.m., with a rain date of Sunday, September 6th.

REPORT AND RECOMMENDATIONS OF MAYOR

- Roselle Park will conduct the 911 Remembrance Services at Gazebo Park at 6:00 p.m. Anyone interested, please contact Karen Intile.
- Thanked the residents for their compliments on the fireworks celebration on July 4th.
- Thanked the Band Parents Association for their work on the carnival.

CERTIFICATES/PROCLAMATIONS

- Breastfeeding Awareness Month

REPORTS OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Miranda

- Conrail will begin work on the Faitoute Avenue Bridge by the end of August.
- Sent his condolences to the Lines Family and the Picarelli Family on their losses.

Councilman Yakubov

- Road around areas of the Fifth Ward with the Code Enforcement Officer, DPW Superintendent and Traffic Safety Officer to evaluate what issues need to be taken care of.
- Issues will be addressed in Woodside and Webster Gardens.
- Also drove around to evaluate any tree issues in the Fifth Ward.
- Evaluated three things with the Traffic Officer. The first was speeding in the Fifth Ward; one major concern was Amsterdam Avenue near Ashwood Avenue.
- The second is parking by the fields.
- Has noticed many youngsters skateboarding in the middle of the streets and would like it addressed.
- There will be an American Cancer Society event at the Manor Park Swim Club on August 9th at 4:00 p.m.
- The property on Valley Road where A & B Auto Glass is will be demolished and there will be a new business.

Mayor DeIorio said there will be a Rummage Sale held at the Assumption Church in October.

Councilman Matarante

- Congratulated the American Legion Post 60 Junior Baseball Team; they have finished a successful season. Commended the kids for their great effort.
- Asked Mr. Hoover about flooding problems on E. Clay Avenue.
- Contacted the DPW and was assured the sewers are clear.

Mr. Hoover said he received the pictures and is aware of the flooding and will look into it along with Mr. Cosentino. He will then present his findings to the Council.

- Councilman Matarante asked the Borough Clerk to reconvene the Acker Park Committee.
- The park has gone through some renovation, but is not yet complete.
- Asked Ms. Cali to explain how the grant works.

Ms. Cali said there are two aspects open. Confirmation has been received from the State Green Acres that they have approved the low interest 2% loan up to \$352,000 with a matching \$117,000 in grant money. The \$117,000 is based on how much is spent. On Tuesday, she received from the County a Kid's Recreation Trust Fund grant application. Thanked the baseball, basketball, soccer and football leagues for bringing in their equipment requests, which have been put in the grant application along with the scholarship money. The title of the subject this year is "Renovation of Parks and Playgrounds." There will be a matching grant and Council will have to determine an amount because it is a 50/50 match. All those monies can be put toward the Green Acres money and they have considered what we have spent and they have approved the money we have already spent. That will reduce the amount we need to fix the playground and increases the money from the Green Acres grant.

Mayor DeIorio said that depends on the money that is available in the municipal budget.

Councilman Matarante would like the committee involved in the decision; he does not know what they are still looking to do.

Ms. Cali said the deadline for the application is September 12th.

Councilwoman Chen-Hoerning

- Conducted her weekly walk in her Ward.
- Attended National Night Out.
- Thanked everyone that participated in the event.
- Reminded everyone about the Farmer's Market on Wednesdays.
- Asked for updates on the Rahway Valley Sewerage.
- Was unable to attend the Planning Board Meeting.

Councilman Hokanson

- July 26th he held his 200th Day in Office Conference.
- Tuesday and Wednesday he worked with Matt Rondeau on cleaning the center island.
- July 29th he attended the Concerns Citizens Meeting along with Councilmen Miranda and Yakubov.
- August 4th he attended the National Night Out and thanked everyone that participated in the event.
- The Environmental Committee Meeting will be on August 17th at 7:00 p.m.
- Working with the DPW on a joint effort with Cranford to get some trees.
- Thanked Mr. Hoover for his work with the water company.
- Thanked him for also checking some problems on Spruce and Larch Streets.
- Gave monthly animal report.

William Hoover – Borough Engineer

- There has been progress on Webster Avenue Sanitary Sewer Replacement.

- Has spoken to Penn Bower and expects them to complete the improvements in the next 10 days.
- Has contacted NJ Transit regarding the E. Lincoln Train Station Enhancement.
- They needed new plans that they are now reviewing.
- There have been preconstruction meetings on the following street projects: East Sumner Ave., Roosevelt Street, Laurel Avenue, East Webster Avenue, Ashwood Avenue, Maplewood Avenue, Myrtle Avenue and Pinewood Avenue.
- They are currently re-advertising the Casano Center Improvements and new bids will be received on August 12th.
- They have been following up with Statewide regarding the crosswalks.
- A meeting is scheduled on August 24th regarding the Chestnut Street Crosswalks Phase II.
- The advertisement for the Generators at Borough Hall and the Lorraine and Central Firehouses will be sent to the Borough Clerk for publication next week.

Councilman Hokanson asked about the work being done on Grant Avenue, and Mr. Hoover said they plan to have that done soon.

Councilman Yakubov asked if all the street projects will take place at the same time and Mr. Hoover said generally yes. They anticipate a lot of work on four streets within the next two weeks.

Bill Lane – Borough Attorney

- Has the following items for closed session: New Jersey Environmental vs. Occidental Chemical and proposal brought forth by Cablevision.

Doreen Cali – Borough Clerk

- Asked Council to form an ordinance committee to review ordinances that have some inconsistencies in them.

Mayor DeIorio said that can be placed under Municipal Services.

- Ms. Cali said regarding Westfield Avenue, she received an email from the State of New Jersey and the plans are completed; they are in State landscaper's hands to finish and we should have the proposed renovations for Westfield Avenue; that is anticipated within the next thirty days.
- There has been a request that the potholes be fixed on Sheridan Avenue and there has been discussion of vacating it.

Mayor DeIorio said in order to vacate a street, the property owners that abut the street have to have the opportunity to acquire that portion of the street that would be equally divided.

Mr. Lane said he will look into the issue.

Ken Blum – Chief Financial Office

- Research was done on sale of assets money from 2002 through 2008.
- Monies were appropriated for the municipal budget; \$117,000 for this year's budget.
- Those two amounts were used to fund the COAH Fair Share Housing line.
- In 2007, the money appropriated was \$165, 275 which was \$117,000 for the Fair Share Housing and \$48,275 for the judgment on the Spagnoli-Tucci lawsuit.
- Other amounts are \$62,000, \$135,000, \$135,000 and \$85,000; further research is being done on those amounts.

Mayor DeIorio asked Councilmen Miranda and Hokanson to be liaisons to the Sidewalk Replacement Program.

Matt Rondeau, Assistant Superintendent of Public Works

- Work is being done throughout the Borough.
- Tree trimming is being done.
- Trash cans are being emptied.
- SLAP is working with the DPW cleaning areas in the Borough.
- SLAP cleaned the gutters at the Library.
- Cleaned along the bike path.
- Cleaned along Westfield Avenue.

Councilman Miranda asked if the saddle on the door at Lorraine Firehouse was being done and Mr. Rondeau said he will look into that.

Councilman Hokanson asked if the weeds will be sprayed and Mr. Rondeau said that is being taken care of.

Councilman Matarante asked if the potholes on Sheridan Avenue can be repaired.

Ted Dima (reporting for Police Chief Morrison)

- The Police Chief's Report was forwarded to Mayor and Council.

Councilman Yakubov asked that the Chief be notified regarding the parking regulations being suspended while the street projects are being done.

Councilman Matarante commended Ted Dima and all the officers that were present at the barricade situation that SWAT had to be brought in on. Although there was danger, our men stood up in the situation and took control.

Councilman Hokanson said he has been approached by Alex Balaban regarding an ongoing problem on Chestnut Street and Warren Avenue; there is someone throwing liquor bottles in the street.

Councilwoman Chen-Hoerning asked the possibility of doing a traffic study on East Roselle Avenue. Also asked what can be done to accommodate renters with parking permits.

Councilman Miranda commended the Police Department on their work on the barricade situation.

Joe Signorello – Fire Chief

- The Lorraine Firehouse saddle and door have not been completed.
- Commended Mayor and Council on the July 4th fireworks display.
- Thanked all the Fire personnel that helped out.
- There was a boot drive held on Saturday and everyone was very generous.
- Trying to start work again on the Kelly-Kaulfers Park.
- There may be a slight delay in the rescue truck.

REPORTS OF DEPARTMENTS

Councilman Yakubov moved to approve the following reports; seconded by Councilman Dinardo and adopted.

- Municipal Court Report for July 2009
- DPW Report for July 2009
- Police Department Report for July 2009
- Construction Code Enforcement Report for July 2009

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting of July 1, 2009
- Regular Meeting of July 16, 2009

✓ Vote Record – Minutes Acceptance of July 1, 2009					
		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

✓ Vote Record – Minutes Acceptance of July 16, 2009					
		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input 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 Yakubov moved that bills and payrolls not be read and passed for payment; seconded by Councilman Dinardo; all members present voting Aye, said motion was adopted.

PASSAGE OF ORDINANCES

SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 2271

AN ORDINANCE PROVIDING FUNDING FOR RESURFACING OF VARIOUS STREETS FOR THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION, NEW JERSEY, APPROPRIATING \$512,000.00 FROM CAPITAL SURPLUS FOR SUCH PURPOSE

Councilman Yakubov moved to open the public hearing on Ordinance #2271; seconded by Councilman Dinardo and adopted.

There being no one wishing to speak, Councilman Yakubov moved to close the public hearing; seconded by Councilman Dinardo.

Councilman Yakubov moved that Ordinance #2271 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo and adopted.

✓ Vote Record – Ordinance #2271		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"/>
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	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DeIorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 2272

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,014,880 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,454,000 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

Councilman Yakubov moved to open the public hearing on Ordinance #2272; seconded by Councilman Dinardo and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked what public improvements will be made according to this ordinance.

Bob Zeglarski, 521 Chester Avenue

- This is one of the largest bond ordinances in a long time.

Mr. Blum said this ordinance is authorizing 2.4 million in debt. One project is 1.5 million for the East Grant Avenue Sewer Improvement.

- Mr. Zeglarski spoke about the differences between the reconstruction of the 500 and 600 blocks of Chester Avenue.

Mr. Hoover explained how the reconstruction will be done.

- Mr. Zeglarski asked about the rates for bonds.
- Asked about the Borough's debt level.

There being no one else wishing to speak, Councilman Yakubov moved to close the public hearing; seconded by Councilman Dinardo.

Councilman Yakubov moved that Ordinance #2272 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo and adopted.

✓ Vote Record – Ordinance #2272		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"/>
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	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 2273

ORDINANCE OF THE BOROUGH OF ROSELLE PARK,
COUNTY OF UNION, NEW JERSEY
APPROVING A LONG TERM TAX EXEMPTION AND
AUTHORIZING EXECUTION OF A FINANCIAL AGREEMENT

Mr. Northgrave said this is the final process regarding the construction of AvalonBay. This is the authorization for the execution of the Financial Agreement.

Councilman Yakubov moved to open the public hearing on Ordinance #2273; seconded by Councilman Dinardo and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked Mr. Northgrave how much more he has to do with the AvalonBay issue.

Mr. Northgrave said only to make sure the Agreement is executed by the Borough and AvalonBay.

- Mr. Magiera asked about the \$10,000 increase in his fee.

Mayor DeIorio said initially the Governing Body decided to start at the lower amount, but because the issue went on, Mr. Northgrave's services were still needed. After the adoption of the ordinance, he has to see that the Agreement is executed properly; then his services will no longer be needed.

Mr. Northgrave said he bills the Borough by the hour.

- Mr. Magiera asked if there is anything more we should know about the long term tax exemption; it is not the ordinary form of taxation that the residents of Roselle Park pay.

Mr. Northgrave explained how the Payment In Lieu of Taxes works.

Bob Zeglarski, 521 Chester Avenue

- Asked if this Agreement only pertains to the AvalonBay project.

Mr. Northgrave said the Agreement is for a specific block and lot.

Glenn Marczewski, 622 Sherman Avenue

- Does the PILOT Program run for a full 30 years.

Mr. Northgrave said if it is not advantageous, they can renounce the PILOT Program.

Mayor DeIorio said the PILOT runs with the land. If in 10-15 years from now, AvalonBay should tear down the project and the new owner builds something else, then the PILOT no longer exists.

There being no one else wishing to speak, Councilman Yakubov moved to close the public hearing; seconded by Councilman Dinardo.

Councilman Yakubov moved that Ordinance #2273 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo and adopted.

✓ Vote Record – Ordinance #2273		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 2274

AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXX,
SECTION 40-3002 OF THE LAND USE CODE OF THE
BOROUGH OF ROSELLE PARK REGARDING SIGNS

Councilman Yakubov moved to open the public hearing on Ordinance #2274; seconded by Councilman Dinardo and adopted.

There being no one wishing to speak, Councilman Yakubov moved to close the public hearing; seconded by Councilman Dinardo.

Councilman Yakubov moved that Ordinance #2274 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo and adopted.

The Ordinance was reviewed by the Planning Board who recommended a clarification to the ordinance.

Ms. Cali said the clarification regarded the change in the size of the sign.

✓ Vote Record – Ordinance #2274		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 2275

AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE
BOROUGH OF ROSELLE PARK, ARTICLE XXX, LAND USE REGULATIONS,
§40-3002, “SIGNS”, TO PROVIDE FOR THE REGULATION OF “FOR SALE” AND
“OPEN HOUSE” DISPLAY SIGNS IN RESIDENTIAL DISTRICTS AND TO
ESTABLISH PENALTIES FOR VIOLATIONS

Councilman Yakubov moved to open the public hearing on Ordinance #2275; seconded by Councilman Dinardo and adopted.

Saul Qersdyn, 150 Berwyn Street

- Asked for clarification of the first paragraph of the ordinance.

There being no one else wishing to speak, Councilman Yakubov moved to close the public hearing; seconded by Councilman Dinardo.

Councilman Yakubov moved that Ordinance #2275 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo and adopted.

Councilman Hokanson thanked Carl Pluchino for all the work he put into this.

✓ Vote Record – Ordinance #2275		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DeIorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 2276

AN ORDINANCE AMENDING CHAPTER XVI, SECTION 16-1.3 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING BUILDING AND CONSTRUCTION, UNIFORM CONSTRUCTION CODE

Councilman Yakubov moved to open the public hearing on Ordinance #2276; seconded by Councilman Dinardo and adopted.

Jacob Magiera, 612 Sheridan Avenue

- Asked if this has to do with buildings that have burned down and need repair.

Ms. Cali said the purpose of this ordinance is to add the word “fire” to building, plumbing and electric to the ordinance; the word fire was omitted.

- Mr. Magiera asked if anything in the ordinances pertains to demolition and Mayor DeIorio said Mr. Pluchino is addressing that issue.

There being no one else wishing to speak, Councilman Yakubov moved to close the public hearing; seconded by Councilman Dinardo.

Councilman Yakubov moved that Ordinance #2276 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo and adopted.

✓ Vote Record – Ordinance #2276					
		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DeIorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INTRODUCTION

ORDINANCE NO. 2277

RIPARIAN BUFFER CONSERVATION ZONE ORDINANCE

- I. Intent and Purpose**
- II. Statutory Authority**
- III. Definitions**
- IV. Establishment of Riparian Zones**
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- VII. Nonconforming Structures and Uses in Riparian Zones**
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- IX. Activities Permitted in Riparian Zones in the Case of No Reasonable or Prudent Alternative or Extreme Hardship**
- X. Riparian Zone Management Plan**
- XI. Boundary Interpretation, Appeals Procedures, Inspections, Conflicts, Severability**
- XII. Enforcement**
- XIII. Effective Date**

I. INTENT AND PURPOSE

The Governing Body of *Borough of Roselle Park* finds that riparian lands adjacent to streams, lakes, or other surface water bodies that are adequately vegetated provide an important environmental protection and water resource management benefit. It is necessary to protect and maintain the beneficial character of riparian areas by implementing specifications for the establishment, protection, and maintenance of vegetation along the surface water bodies within the jurisdiction of *Borough of Roselle Park*, consistent with the interest of landowners in making reasonable economic use of parcels of land that include such designated areas. The purpose of this Ordinance is to designate riparian zones, and to provide for land use regulation therein in order to protect the streams, lakes, and other surface water bodies of *Borough of Roselle Park*; to protect the water quality of watercourses, reservoirs, lakes, and other significant water resources within *Borough of Roselle Park*; to protect the riparian and aquatic ecosystems of *Borough of Roselle Park*; to provide for the environmentally sound use of the land resources of *Borough of Roselle Park*, and to complement existing state, regional, county, and municipal stream corridor protection and management regulations and initiatives.

The specific purposes and intent of this Ordinance are to:

- A. Restore and maintain the chemical, physical, and biological integrity of the water resources of *Borough of Roselle Park*;
- B. Prevent excessive nutrients, sediment, and organic matter, as well as biocides and other pollutants, from reaching surface waters by optimizing opportunities for filtration,

deposition, absorption, adsorption, plant uptake, biodegradation, and denitrification, which occur when stormwater runoff is conveyed through vegetated buffers as stable, distributed flow prior to reaching receiving waters;

- C. Provide for shading of the aquatic environment so as to moderate temperatures, retain more dissolved oxygen, and support a healthy assemblage of aquatic flora and fauna;
- D. Provide for the availability of natural organic matter (leaves and twigs) and large woody debris (trees and limbs) that provide food and habitat for aquatic organisms (insects, amphibians, crustaceans, and small fish), which are essential to maintain the food chain;
- E. Increase stream bank stability and maintain natural fluvial geomorphology of the stream system, thereby reducing stream bank erosion and sedimentation and protecting habitat for aquatic organisms;
- F. Maintain base flows in streams and moisture in wetlands;
- G. Control downstream flooding; and
- H. Conserve the natural features important to land and water resources, e.g., headwater areas, ground water recharge zones, floodways, floodplains, springs, streams, wetlands, woodlands, and prime wildlife habitats.

II. STATUTORY AUTHORITY

The *Borough of Roselle Park* is empowered to regulate land uses under the provisions of the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, which authorizes each Borough of Roselle Park to plan and regulate land use in order to protect public health, safety and welfare by protecting and maintaining native vegetation in riparian areas. *Borough of Roselle Park* is also empowered to adopt and implement this Ordinance under provisions provided by the following legislative authorities of the State of New Jersey:

- A. Water Pollution Control Act, N.J.S.A. 58:10A-1 *et seq.*
- B. Water Quality Planning Act, N.J.S.A. 58:11A-1 *et seq.*
- C. Spill Compensation and Control Act, N.J.S.A. 58:10-23 *et seq.*
- D. Soil Erosion and Sediment Control Act, N.J.S.A. 4:24-39 *et seq.*
- E. Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 *et seq.*

III. DEFINITIONS

Acid producing soils means soils that contain geologic deposits of iron sulfide minerals (pyrite and marcasite) which, when exposed to oxygen from the air or from surface waters, oxidize to produce sulfuric acid. Acid producing soils, upon excavation, generally have a pH of 4.0 or lower. After exposure to oxygen, these soils generally have a pH of 3.0 or lower. Information regarding the location of acid producing soils in New Jersey can be obtained from local Soil Conservation District offices.

Administrative authority means the Planning Board or Board of Adjustment or Construction Office with all of the powers delegated, assigned, or assumed by them according to statute or ordinance.

Applicant means a person, corporation, Government Body or other legal entity applying to the Planning Board, Board of Adjustment or the Construction Office proposing to engage in an activity that is regulated by the provisions of this Ordinance, and that would be located in whole or in part within a regulated Riparian Zone.

Category One waters or C1 waters shall have the meaning ascribed to this term by the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards, for protection from measurable changes in water quality characteristics because of their clarity, color, scenic setting, and other characteristics of aesthetic value, exceptional ecological significance, exceptional recreational significance, exceptional water supply significance, or exceptional fisheries resources.

Category Two waters or C2 waters means those waters not designated as Outstanding Natural Resource waters or Category One waters in the Surface Water Quality Standards, N.J.A.C. 7:9B, for purposes of implementing the antidegradation policies set forth in those standards.

Floodway shall have the meaning ascribed to this term by the Flood Hazard Area Control Act, N.J.S.A. 58:16A-50 et seq., and regulations promulgated there under published at N.J.A.C. 7:13 et seq., and any supplementary or successor legislation and regulations from time to time enacted or promulgated.

Intermittent Stream means a surface water body with definite bed and banks in which there is not a permanent flow of water and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Lake, pond, or reservoir means any surface water body shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys; that is an impoundment, whether naturally occurring or created in whole or in part by the building of structures for the retention of surface water. This excludes sedimentation control and stormwater retention/detention basins and ponds designed for treatment of wastewater.

Perennial stream means a surface water body that flows continuously throughout the year in most years and shown on the New Jersey Department of Environmental Protection Geographic Information System (GIS) hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys.

Riparian zone means the land and vegetation within and directly adjacent to all surface water bodies including, but not limited to lakes, ponds, reservoirs, perennial and intermittent streams, up to and including their point of origin, such as seeps and springs, as shown on the New Jersey Department of Environmental Protection's GIS hydrography coverages or, in the case of a Special Water Resource Protection Area (SWRPA) pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h), C1 waters as shown on the USGS quadrangle map or in the County Soil Surveys. There is no riparian zone along the Atlantic Ocean nor along any manmade lagoon or oceanfront barrier island, spit or peninsula.

Riparian Zone Management Plan means a plan approved by the Engineer of *[Borough of Roselle Park]*. The plan shall be prepared by a landscape architect, professional Engineer or other qualified professional, and shall evaluate the effects of any proposed activity/uses on any riparian zone. The plan shall identify existing conditions, all proposed activities, and all proposed management techniques, including any measures necessary to offset disturbances to any affected riparian zone.

Special Water Resource Protection Area or SWRPA means a 300 foot area provided on each side of a surface water body designated as a C1 water or tributary to a C1 water that is a perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h).

Surface water body(ies) means any perennial stream, intermittent stream, lake, pond, or reservoir, as defined herein. In addition, any regulated water under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-2.2, or State open waters identified in a Letter of

Interpretation issued under the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A-3 by the New Jersey Department of Environmental Protection Division of Land Use Regulation shall also be considered surface water bodies.

Threatened or endangered species means a species identified pursuant to the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1 et seq., the Endangered Species Act of 1973, 16 U.S.C. §§1531 et seq. or the Endangered Plant Species List, N.J.A.C. 7:5C-5.1, and any subsequent amendments thereto.

Trout maintenance water means a section of water designated as trout maintenance in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

Trout production water means a section of water identified as trout production in the New Jersey Department of Environmental Protection's Surface Water Quality Standards at N.J.A.C. 7:9B.

IV. ESTABLISHMENT OF RIPARIAN ZONES

A. Riparian zones adjacent to all surface water bodies shall be protected from avoidable disturbance and shall be delineated as follows:

1. The riparian zone shall be 300 feet wide along both sides of any Category One water (C1 water), and all upstream tributaries situated within the same HUC 14 watershed. This includes Special Water Resource Protection Area's or SWRPA's as defined herein and shown on the USGS quadrangle map or in the County Soil Surveys within the associated HUC 14 drainage, pursuant to the Stormwater Management rules at N.J.A.C.7:8-5.5(h).
2. The riparian zone shall be 150 feet wide along both sides of the following waters not designated as C1 waters:
 - a. Any trout production water and all upstream waters (including tributaries);
 - b. Any trout maintenance water and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body;
 - c. Any segment of a water flowing through an area that contains documented habitat for a threatened or endangered species of plant or animal, which is critically dependent on the surface water body for survival, and all upstream waters (including tributaries) within one linear mile as measured along the length of the surface water body; and
 - d. Any segment of a surface water body flowing through an area that contains acid producing soils.
3. For all other surface water bodies, a riparian zone of 50 feet wide shall be maintained along both sides of the water.

B. The portion of the riparian zone that lies outside of a surface water body is measured landward from the top of bank. If a discernible bank is not present along a surface water body, the portion of the riparian zone outside the surface water body is measured and ward as follows:

1. Along a linear fluvial or tidal water, such as a stream or swale, the riparian zone is measured landward of the feature's centerline;
2. Along a non-linear fluvial water, such as a lake or pond, the riparian zone is measured landward of the normal water surface limit;
3. Along a non-linear tidal water, such as a bay or inlet, the riparian zone is measured landward of the mean high water line; and

4. Along an amorphously-shaped feature such as a wetland complex, through which water flows but which lacks a definable channel, the riparian zone is measured landward of the feature's centerline.

Where slopes (in excess of 15 percent) are located within the designated widths, the riparian zone shall be extended to include the entire distance of this sloped area to a maximum of 300 feet.

For areas adjacent to surface water bodies for which the floodway has been delineated per the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-3 or the State's adopted floodway delineations, the riparian zone shall cover the entire floodway area, or the area described in Section IV.A.1. or IV.A.2. above, whichever area has the greatest extent. Requests for alterations to the adopted delineations can be provided to the New Jersey Department of Environmental Protection for consideration if site specific information is available.

- C. A riparian zone is an overlay to the existing zoning districts. The provisions of the underlying district shall remain in full force except where the provisions of the riparian zone differ from the provisions of the underlying district, in which case the provision that is more restrictive shall apply. These provisions apply to land disturbances resulting from or related to any activity or use requiring application for any of the following permits or approvals:
 - Building permit
 - Zoning variance
 - Special exception
 - Conditional use
 - Subdivision/land development approval
- D. A map of the riparian zones of the entire *Borough of Roselle Park*, including all land and water areas within its boundaries, which designates surface water bodies, shall be available at the Municipal Building Offices by request. Maps of the Borough of Roselle Park on which these designations have been overlain shall be on file and maintained by the Offices of the Clerk of *Borough of Roselle Park*. This map conforms to all applicable laws, rules and regulations applicable to the creation, modification and promulgation of zoning maps.
- E. It shall be the duty of the Engineer of Borough of Roselle Park, every second year after the adoption of this Ordinance, to propose modifications to the map delineating riparian zones required by any naturally occurring or permitted change in the location of a defining feature of a surface water body occurring after the initial adoption of the riparian zone map, to record all modifications to the riparian zone map required by decisions or appeals under Section XI., and by changes made by the New Jersey Department of Environmental Protection in surface water classifications or floodway delineations.
- F. The applicant or designated representative shall be responsible for the initial determination of the presence of a riparian zone on a site, and for identifying the area on any plan submitted to the *Borough of Roselle Park* in conjunction with an application for a construction permit, subdivision, land development, or other improvement that requires plan submissions or permits. This initial determination shall be subject to review and approval by the Municipal Engineer, Governing Body, or its appointed representative, and, where required, by the New Jersey Department of Environmental Protection.
- G. The Municipal Master Plan provides the legal basis for zoning and land use regulation at the local level. If found to be necessary by the Governing Body, a technical report on the

need for riparian zones in *Borough of Roselle Park* may be adopted as part of the Master Plan, N.J.S.A 40:55D-28b (11). The technical report would include the following information: a statement setting forth the rationale and need to protect riparian zones; and reference to the methods used to designate and delineate riparian zones.

H. Exemptions:

Instead of the riparian zone protection requirements above, the applicant must demonstrate compliance with one of the following:

1. The proposed project or activity is not in the riparian zone established at Section IV.A above;
2. The proposed disturbance in a riparian zone is for a linear development with no feasible alternative route. If the riparian zone is associated with Category One waters, the linear development must also meet the requirements for Special Water Resource Protection Areas under the Stormwater Management rules at N.J.A.C. 7:8-5.5(h);
3. The proposed disturbance in a riparian zone is in accordance with a stream corridor restoration or stream bank stabilization plan or project approved by the New Jersey Department of Environmental Protection;
4. The proposed disturbance of a riparian zone is necessary to provide for public pedestrian access or water dependent recreation that meets the requirements of the Freshwater Wetlands Protection Act rules, N.J.A.C. 7:7A, the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, or the Coastal Zone Management rules, N.J.A.C. 7:7E;
5. The proposed disturbance of a riparian zone is required for the remediation of hazardous substances performed with New Jersey Department of Environmental Protection or Federal oversight pursuant to the Spill Compensation and Control Act, N.J.S.A. 58:10-23.11a et seq. or the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601 et seq.;
6. The proposed disturbance is for redevelopment that does not exceed the limits of existing impervious surfaces;
7. The proposed disturbance would prevent extraordinary hardship on the property owner peculiar to the property; or prevent extraordinary hardship, provided the hardship was not created by the property owner, that would not permit a minimum economically viable use of the property based upon reasonable investment; and/or
8. Demonstrate through site plans depicting proposed development and topography that new disturbance is not located in areas with a 20 percent or greater slope, except as allowed under H.6 and H.7 above.

V. USES PERMITTED IN RIPARIAN ZONES

- A. For riparian zones in Category One waters (C1 waters), permitted uses are governed by the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, unless otherwise exempt.
- B. Any other riparian zone area shall remain in a natural condition or, if in a disturbed condition, including agricultural activities, at the time of adoption of this ordinance may be restored to a natural condition. There shall be no clearing or cutting of trees and brush, except for removal of dead vegetation and pruning for reasons of public safety or for the replacement of invasive species with indigenous species. There shall be no altering of watercourses, dumping of trash, soil, dirt, fill, vegetative or other debris, regrading or construction. The following uses are permitted either by right or after review and approval by the Borough of Roselle Park in riparian zones. No new construction,

development, use, activity, encroachment, or structure shall take place in a riparian zone, except as specifically authorized in this Section. The following uses shall be permitted within a riparian zone:

1. Open space uses that are primarily passive in character shall be permitted by right to extend into a riparian zone, provided near stream vegetation is preserved. These uses do not require approval by the Zoning Enforcement Officer or compliance with an approved Riparian Zone Management Plan. Such uses include wildlife sanctuaries, nature preserves, forest preserves, fishing areas, game farms, fish hatcheries and fishing reserves, operated for the protection and propagation of wildlife, but excluding structures. Such uses also include passive recreation areas of public and private parklands, including unpaved hiking, bicycle and bridle trails, provided that said trail have been stabilized with pervious materials.
2. Fences, for which a permit has been issued by the Construction Code Office, to the extent required by applicable law, rule or regulation.
3. Crossings by farm vehicles and livestock, recreational trails, roads, railroads, storm water lines, sanitary sewer lines, water lines and public utility transmission lines, provided that the land disturbance is the minimum required to accomplish the permitted use, subject to approval by the Zoning Enforcement Officer, provided that any applicable State permits are acquired, and provided that any disturbance is offset by buffer improvements in compliance with an approved Riparian Zone Management Plan and that the area of the crossing is stabilized against significant erosion due to its use as a crossing.
4. Stream bank stabilization or riparian reforestation, which conform to the guidelines of an approved Riparian Zone Management Plan, or wetlands mitigation projects that have been approved by the New Jersey Department of Environmental Protection, subject to approval by the Zoning Enforcement Officer and subject to compliance with an approved Riparian Zone Management Plan.

VI. PERFORMANCE STANDARDS FOR RIPARIAN ZONES

- A. All encroachments proposed into riparian zones in C1 waters shall comply with the requirements of the Stormwater Management rule at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, and shall be subject to review and approval by the New Jersey Department of Environmental Protection, unless exempt.
- B. For all other riparian zones, the following conditions shall apply:
 1. All new major and minor subdivisions and site plans shall be designed to provide sufficient areas outside of the riparian zone to accommodate primary structures, any normal accessory uses appurtenant thereto, as well as all planned lawn areas.
 2. Portions of lots within the riparian zone must be permanently restricted by deed or conservation easement held by *Borough of Roselle Park*, its agent, or another public or private land conservation organization which has the ability to provide adequate protection to prevent adverse impacts within the riparian zone. A complete copy of the recorded conservation restriction that clearly identifies the deed book and pages where it has been recorded in the Office of the Clerk of the applicable county or the Registrar of Deeds and Mortgages of the applicable county must be submitted to the Borough of Roselle Park. The applicant shall not commence with the project or activity prior to making this submittal and receiving actual approval of the plan modification and receipt of any applicable permits from the New Jersey Department of Environmental Protection. The recorded conservation restriction shall be in the form approved by the Borough of Roselle

Park and shall run with the land and be binding upon the property owner and the successors in interest in the property or in any part thereof. The conservation restriction may include language reserving the right to make *de minimus* changes to accommodate necessary regulatory approvals upon the written consent of the Borough of Roselle Park, provided such changes are otherwise consistent with the purpose and intent of the conservation restriction. The recorded conservation restriction shall, at a minimum, include:

- a. A written narrative of the authorized regulated activity, date of issuance, and date of expiration, and the conservation restriction that, in addition, includes all of the prohibitions set forth at N.J.S.A. 13:8B-2b(1) through (7);
 - b. Survey plans for the property as a whole and, where applicable, for any additional properties subject to the conservation restrictions. Such survey plans shall be submitted on the surveyor's letterhead, signed and sealed by the surveyor, and shall include metes and bounds descriptions of the property, the site, and the areas subject to the conservation restriction in New Jersey State Plane Coordinates, North American Datum 1983, and shall depict the boundaries of the site and all areas subject to the conservation restriction as marked with flags or stakes onsite. All such survey plans shall be submitted on paper and in digital CAD or GIS file on a media and format defined by the Borough of Roselle Park. The flags or stakes shall be numbered and identified on the survey plan; and
 - c. A copy or copies of deeds for the property as a whole that indicate the deed book and pages where it has been recorded in the Office of the Clerk of the applicable county or the Registrar of Deeds and Mortgages of the applicable county.
3. Any lands proposed for development which include all or a portion of a riparian zone shall as a condition of any major subdivision or major site plan approval, provide for the vegetation or revegetation of any portions of the riparian zone which are not vegetated at the time of the application or which were disturbed by prior land uses, including for agricultural use. Said vegetation plan shall utilize native and non-invasive tree and plant species to the maximum extent practicable in accordance with an approved Riparian Zone Management Plan, described in Section X.
 4. For building lots which exist as of the date of adoption of this ordinance, but for which a building permit or a preliminary site plan approval has not been obtained or is no longer valid, the required minimum front, side, and rear setbacks may extend into the riparian zone, provided that a deed restriction and/or conservation easement is applied which prohibits clearing or construction in the riparian zone.
 5. All stormwater shall be discharged outside of but may flow through a riparian zone 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.* (see N.J.A.C. 2:90-1.3.)
 6. If stormwater discharged outside of and flowing through a riparian zone cannot comply with the Standard for Off-Site Stability cited in Section VI.5, then the proposed stabilization measures must meet the requirements of the Flood Hazard

Area Control Act rules at N.J.A.C. 7:13-10.2 et seq., and have an approved flood hazard area permit.

VII. NONCONFORMING STRUCTURES AND USES IN RIPARIAN ZONES

Nonconforming structures and uses of land within the riparian zone are subject to the following requirements:

- A. Legally existing but nonconforming structures or uses may be continued.
- B. Any proposed enlargement or expansion of the building footprint within the riparian zone of a C1 water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.
- C. For all other riparian zones:
 - 1. Encroachment within the riparian zone shall only be allowed where previous development or disturbance has occurred and shall be in conformance with the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.
 - 2. Existing impervious cover shall not be increased within the riparian zone as a result of encroachments where previous development or disturbances have occurred.
 - 3. Discontinued nonconforming uses may be resumed any time within one year from such discontinuance but not thereafter when showing clear indications of abandonment. No change or resumption shall be permitted that is more detrimental to the riparian zone, as measured against the intent and purpose under Section I, than the existing or former nonconforming use. This one-year time frame shall not apply to agricultural uses that are following prescribed Best Management Practices for crop rotation. However, resumption of agricultural uses must be strictly confined to the extent of disturbance existing at the time of adoption of this ordinance.

VIII. USES PROHIBITED IN RIPARIAN ZONES

- A. Any use within a riparian zone of a C1 water shall comply with the standards in the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.
- B. For other riparian zones, any use or activity not specifically authorized in Section V or Section VII shall be prohibited within the riparian zone. By way of example, the following activities and facilities are prohibited:
 - 1. Removal or clear-cutting of trees and other vegetation or soil disturbance such as grading, except for selective vegetation removal for the purpose of stream or riparian area stabilization or restoration projects that require vegetation removal or grading prior to implementation.
 - 2. Storage of any hazardous or noxious materials.
 - 3. Use of fertilizers, pesticides, herbicides, and/or other chemicals in excess of prescribed industry standards or the recommendations of the Soil Conservation District.
 - 4. Roads or driveways, except where permitted in compliance with Section V.
 - 5. Motor or wheeled vehicle traffic in any area, except as permitted by this Ordinance.
 - 6. Parking lots.
 - 7. Any type of permanent structure, except structures needed for a use permitted by Section V.

8. New subsurface sewage disposal system areas. The expansion and replacement of existing subsurface sewage disposal system areas for existing uses is permitted.
9. Residential grounds or lawns, except as otherwise permitted pursuant to this Ordinance.

IX. ACTIVITIES PERMITTED IN RIPARIAN ZONES IN THE CASE OF NO REASONABLE OR PRUDENT ALTERNATIVE OR EXTREME HARDSHIP

- A. For riparian zones in C1 waters, requests for exemptions must be authorized by the New Jersey Department of Environmental Protection, as per the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13.
- B. For other riparian zones, hardship variances may be granted by the Zoning Board of Adjustment in cases of a preexisting lot (existing at the time of adoption of this ordinance) when there is insufficient room outside the riparian zone for uses permitted by the underlying zoning and there is no other reasonable or prudent alternative to placement in the riparian zone, including obtaining variances from setback or other requirements that would allow conformance with the riparian zone requirements, and provided the following demonstrations are made:
 1. An applicant shall be deemed to have established the existence of an extreme economic hardship, if the subject property is not capable of yielding a reasonable economic return if its present use is continued or if it is developed in accordance with provisions of this ordinance and that this inability to yield a reasonable economic return results from unique circumstances peculiar to the subject property which:
 - a. Do not apply to or affect other property in the immediate vicinity;
 - b. Relate to or arise out of the characteristics of the subject property because of the particular physical surroundings, shape or topographical conditions of the property involved, rather than the personal situations of the applicant; and are not the result of any action or inaction by the applicant or the owner or his predecessors in title.
 - c. The necessity of acquiring additional land to locate development outside the riparian zone shall not be considered an economic hardship unless the applicant can demonstrate that there is no adjacent land that is reasonably available or could be obtained, utilized, expanded or managed in order to fulfill the basic purpose of the proposed activity.
 2. An applicant shall be deemed to have established compelling public need if the applicant demonstrates, based on specific facts that one of the following applies:
 - a. The proposed project will serve an essential public health or safety need;
 - b. The proposed use is required to serve an existing public health or safety need; or
 - c. There is no alternative available to meet the established public health or safety need.
 3. A variance can only be granted if it is shown that the activity is in conformance with all applicable local, state, and federal regulations, including but not limited to the Stormwater Management rules, N.J.A.C. 7:8, and the Flood Hazard Area Control Act rules, N.J.A.C. 7:13, and that the exception granted is the minimum relief necessary to relieve the hardship.
- C. If such an exception is granted, the applicant shall rehabilitate an environmentally degraded riparian zone area within or adjacent to the same site, and at least equivalent in size to the riparian zone reduction permitted, or, if not possible, rehabilitate or expand a

riparian zone area at least equivalent in size within a nearby site and, if available, within the same watershed. Rehabilitation shall include reforestation, stream bank stabilization and removal of debris, in accordance with a Riparian Zone Management Plan, as described in Section X below.

X. RIPARIAN ZONE MANAGEMENT PLAN

- A. Within any riparian zone, no construction, development, use, activity, or encroachment shall be permitted unless the effects of such development are accompanied by preparation, approval, and implementation of a Riparian Zone Management Plan.
- B. The landowner, applicant, or developer shall submit to [*Borough Clerk*], or its appointed representative, a Riparian Zone Management Plan prepared by an environmental professional, professional engineer or other qualified professional which fully evaluates the effects of any proposed uses on the riparian zone. The Riparian Zone Management Plan shall identify the existing conditions including:
 - 1. Existing vegetation;
 - 2. Field delineated surface water bodies;
 - 3. Field delineated wetlands;
 - 4. The 100-year floodplain;
 - 5. Flood Hazard Areas, including floodway and flood fringe areas, as delineated by the New Jersey Department of Environmental Protection;
 - 6. Soil classifications as found on Soil Surveys;
 - 7. Existing subdrainage areas of site with HUC (Hydrologic Unit Code) 14 designations;
 - 8. Slopes in each subdrainage area segmented into sections of slopes less than 15 %; above 15 % but less than 20%; and steep slopes greater than 20%.

The proposed plan shall describe all proposed uses/activities, and fully evaluate the effects of all proposed uses/activities in a riparian zone, and all proposed management techniques, including proposed vegetation and any other measures necessary to offset disturbances to the riparian zone. A discussion of activities proposed as well as management techniques proposed to offset disturbances and/or enhance the site to improve the riparian zone's ability to function effectively as a riparian zone shall also be included with the Riparian Zone Management Plan submittal to *Borough of Roselle Park*.

- C. The Plan shall be reviewed and must be approved by the Engineer of *Borough of Roselle Park*, in consultation with the Environmental Commission, as part of the subdivision and land development process.
- D. The Riparian Zone Management Plan must include management provisions in narrative and/or graphic form specifying:
 - 1. The manner in which the area within the riparian zone will be owned and by whom it will be managed and maintained.
 - 2. The conservation and/or land management techniques and practices that will be used to conserve and protect the riparian zone, as applicable.
 - 3. The professional and personnel resources that are expected to be necessary, in order to maintain and manage the riparian zone.
 - 4. A revegetation plan, if applicable, that includes: three (3) layers of vegetation, including herbaceous plants that serve as ground cover, understory shrubs, and trees that when fully mature, will form an overhead canopy. Vegetation selected must be native, non-invasive species, and consistent with the soil, slope and moisture conditions of the site. The revegetation plan shall be prepared by a qualified environmental professional, landscape architect, or professional

engineer, and shall be subject to the approval of the Engineer of *Borough of Roselle Park*, in consultation with the Environmental Commission. Dominant vegetation in the Riparian Zone Management Plan shall consist of plant species that are suited to the riparian zone environment. The Engineer of *Borough of Roselle Park* may require species suitability to be verified by qualified experts from the Soil Conservation District, Natural Resources Conservation Service, New Jersey Department of Environmental Protection, US Fish and Wildlife Service and/or State or Federal forest agencies.

- E. A Riparian Zone Management Plan is not required where the riparian zone is not being disturbed and conservation easements/deed restrictions are applied to ensure there will be no future clearing or disturbance of the riparian zone.
- F. Performance of the Riparian Zone Management Plan shall be guaranteed for 2 years by a surety, such as a bond or cash, which shall be provided to the *Borough of Roselle Park* prior to the *Borough of Roselle Park* issuing any permits or approving any uses relating to the applicable use or activity.

XI. BOUNDARY INTERPRETATION, APPEALS PROCEDURES, INSPECTIONS, CONFLICTS, SEVERABILITY

- A. When a landowner or applicant disputes the boundaries of a riparian zone, or the defined bank-full flow or level, the landowner or applicant shall submit evidence to *the Borough Engineer* that describes the riparian zone, presents the landowner or applicant's proposed riparian zone delineation, and presents all justification for the proposed boundary change, including but not limited to, a verification issued under the Flood Hazard Area Control Act rules at N.J.A.C. 7:13-6, or an approval from the New Jersey Department of Environmental Protection to encroach within the Special Water Resource Protection Area (SWRPA) of a C1 water pursuant to the Stormwater Management rules at N.J.A.C. 7:8-5.5(h) 1ii.
- B. Within 45 days of a complete submission of Section XI.A above, the Engineer of *Borough of Roselle Park*, or appointed representative, shall evaluate all material submitted and shall make a written determination, a copy of which shall be submitted to the *Borough Clerk* and the landowner or applicant. Failure to act within the 45-day period shall not be interpreted to be an approval of the proposed boundary change.
- C. Any party aggrieved by any such determination or other decision or determination under Section XI.B may appeal to the *Borough Clerk* under the provisions of this ordinance. The party contesting the location of the riparian zone boundary shall have the burden of proof in case of any such appeal.
- D. Any party aggrieved by any determination or decision of the *Borough Clerk* under this Ordinance may appeal to the *Governing Body of Borough of Roselle Park*. The party contesting the determination or decision shall have the burden of proof in case of any such appeal.
- E. Inspections:
 - 1. Lands within or adjacent to an identified riparian zone shall be inspected by the *Municipal Engineer* when:
 - a. A subdivision or land development plan is submitted;
 - b. A building permit is requested;
 - c. A change or resumption of a nonconforming use is proposed;
 - d. A discontinued nonconforming use is resumed more than a year later, as described in Section VII.

2. The riparian zone may also be inspected periodically by representatives from *Borough of Roselle Park* if excessive or potentially problematic erosion is present, other problems are discovered, or at any time when the presence of an unauthorized activity or structure is brought to the attention of municipal officials or when the downstream surface waters are indicating reduction in quality.
- F. Conflicts: All other ordinances, parts of ordinances, or other local requirements that are inconsistent or in conflict with this ordinance are hereby superseded to the extent of any inconsistency or conflict, and the provisions of this ordinance apply.
- G. Severability:
1. Interpretation: This Ordinance shall be so construed as not to conflict with any provision of New Jersey or Federal law.
 2. Notwithstanding that any provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, all remaining provisions of the Ordinance shall continue to be of full force and effect.
 3. The provisions of this Ordinance shall be cumulative with, and not in substitution for, all other applicable zoning, planning and land use regulations.

XII. ENFORCEMENT

A prompt investigation shall be made by the appropriate personnel of *Borough of Roselle Park*, of any person or entity believed to be in violation hereof. If, upon inspection, a condition which is in violation of this Ordinance is discovered, a civil action in the Special Part of the Superior Court, or in the Superior Court, if the primary relief sought is injunctive or if penalties may exceed the jurisdictional limit of the Special Civil Part, by the filing and serving of appropriate process. Nothing in this Ordinance shall be construed to preclude the right of *Borough of Roselle Park*, pursuant to N.J.S.A 26:3A2-25, to initiate legal proceedings hereunder in Municipal Court. The violation of any section or subsection of this Ordinance shall constitute a separate and distinct offense independent of the violation of any other section or subsection, or of any order issued pursuant to this Ordinance. Each day a violation continues shall be considered a separate offense.

Any person violating any of the provisions of this section shall, upon conviction, be liable for the penalty stated in Chapter I, Section 1-5.

XIII. EFFECTIVE DATE

This Ordinance shall take effect upon final adoption and publication in accordance with the law.

Councilman Yakubov moved that Ordinance #2277 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on September 3, 2009; seconded by Councilman Dinardo.

✓ Vote Record – Ordinance #2277		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORDINANCE NO. 2278

CALENDAR YEAR 2009
ORDINANCE TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 2.5% or the cost of living adjustment of 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations subject to the 2.5 % cap and the 3.5% cost of living adjustment when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Roselle Park, County of Union, hereby determines that this difference in the amount of \$106,404.50 that is not appropriated as part of the final budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

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

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

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

Mr. Blum explained this is an annual ordinance, which is done before the introduction of the Municipal Budget and is required by the State.

Councilman Yakubov moved that Ordinance #2278 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on September 3, 2009; seconded by Councilman Dinardo.

✓ Vote Record – Ordinance #2278		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"/>
	Matarante	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Dinardo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Yakubov	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Chen-Hoerning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Miranda	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTIONS

The following resolutions, listed on consent agenda, were offered by Councilman Yakubov; seconded by Councilman Dinardo.

RESOLUTION NO. 154-09

WHEREAS, the Borough of Roselle Park no longer has use for the attached unclaimed Police 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 N.J.S.A. 40A:11-36 et seq. subject to the following conditions:

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

Items to be Auctioned

Year	Make	Identification Number	Minimum Bid
1996	Dodge Stratus	1B3EJ46X1TN292149	None
1992	Toyota Camry	4T1SK12E5PU231105	None
1997	Dodge Ram	1B7HF13Z4J550644	None
1996	Dodge Intrepid	2B3HD56FXTH256129	None
1996	Chevy Cavalier	1G1JC1240TM105709	None
1999	Ford Taurus	1FAFP53S0XA222967	None
2003	Honda Motor Cycle	JH2PC37193M001531	None
1995	Chevy Tahoe	1GNEK13K5SJ412163	None

<input checked="" type="checkbox"/> Vote Record – Resolution #154-09		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"/>
	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Dinando	<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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO.158 -09

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses expire on June 30, 2009; and

WHEREAS, the following applicants have complied with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control applicable, thereto, now therefore

BE IT RESOLVED, that the Borough Clerk be and is hereby authorized to issue licenses to expire June 30, 2010, to the following as approved by the License Committee:

PLENARY RETAIL CONSUMPTION LICENSES - \$1385.00
2015-33-15-02 Imedio, Inc, 157 East Westfield Avenue

<input checked="" type="checkbox"/> Vote Record – Resolution #158-09		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 159-09

BE IT RESOLVED that the Collector is hereby authorized per the State Tax Court of New Jersey to issue reduction/and or refund for a County Appeal on Block 210/Lot 7 (otherwise known as 420 Seaton Ave, Roselle Park, NJ) and assessed in the name of Malic Kajosevic as follows:

<u>Block/Lot</u>	<u>Year</u>	<u>Original Assessment</u>	<u>New Assessment</u>	<u>Reduction/Refund</u>
210/7	2008	168,000.00	143,000.00	25,000.00 10.940 2,735.00

Check to be issued to Daniel G. Keough, Esquire.

<input checked="" type="checkbox"/> Vote Record – Resolution #159-09		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Matarante	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Dinardo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Yakubov	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Chen-Hoerning	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	Miranda	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 160-09

WHEREAS, the following properties have refunds due to overpayment of taxes by First American Real Estate Tax Service; and

BE IT RESOLVED, that the Collector is hereby authorized to refund the following tax overpayments made payable to First American Real Estate Tax Service requested by First American.

BLOCK/ LOT	NAME	ADDRESS	YEAR QTR	AMOUNT
205/27	James & John J. DePaola	114 Jerome St	2009/2nd	\$1,671.08
714/35	Richard Negron & Michael Powell	139 Lincoln Ave. E.	2009/2nd	\$2,264.58
401/2.05 Condo	Miguel A. D'Andrea	6A Roselle Ave. W.	2009/2nd	\$981.86
904/36	Joselito & Leticia Dy	118 Camden St.	2009/2nd	\$1,712.11
124/13	Robert & Denise A. Knoepfel	526 Maplewood Ave	2009/2nd	\$1,887.15
603/19	Salvatore & Josephine Marino	108 Butler Ave.	2009/2nd	\$2,029.78
1114/13	Betty E. Soto	368 Westfield Ave.E	2009/2nd	\$2,056.72
1015/19	Joseph Masteron	465 Henry St.	2009/2nd	\$2,338.42
1009/15	William A. Crossett	412 Galloping Hill	2009 2nd	\$2,661.15

✓ Vote Record – Resolution #160-09					
		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 161-09

Award contract for towing services (**HOLD**)

RESOLUTION NO. 163-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey that the contract for the Chestnut Street Crosswalks, Phase II was constructed by Statewide Striping Corporation, Parsippany, NJ, in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer. The Contractor having supplied a 25% Guarantee Bond for a period of two (2) years from July 30, 2009. The said construction is hereby accepted and final payment in the amount of Thirty Four Thousand Twenty Seven Dollars and Fifty Cents (\$34, 027.50) is hereby approved.

This Resolution to take effect immediately.

✓ Vote Record – Resolution #163-09					
		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Delorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 164-09

The Governing Body of the Borough of Roselle Park desires to further the public interest by obtaining a grant from Union County, Open Space, Recreation and Historic Preservation Trust Fund: Greening Union County 2009 in the amount of approximately \$3,222.00;

Therefore, the Governing Body Resolves that Mayor Joseph DeIorio and the CFO are authorized (a) to make application for such a grant, (b) if awarded, to execute a grant agreement with the County of Union for the grant in an amount of \$3,222.00 and execute any amendments thereto which do not increase the Grantee's obligations.

The Borough of Roselle Park authorizes and hereby agrees to match 50% or \$3,222.00 of the Total Project Amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services, or property, is hereby certified.

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

✓ Vote Record – Resolution #164-09					
		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DeIorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION NO. 165-09

BE IT RESOLVED, that the Mayor and Council of the Borough of Roselle Park authorize the execution of the Municipal Alliance Grant application for the period from January 1, 2010 to December 31, 2010. This resolution shall authorize the Mayor, Borough Clerk and Chief Financial Officer to execute this application through the Union County Department of Human Services, Division of Planning in the following amounts:

Alliance Grant Funds	\$31,438.00
Matching Funds (Cash)	7,860.00
Matching Funds (In-Kind)	<u>23,578.00</u>
Total	\$62,876.00

✓ Vote Record – Resolution #165-09					
		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DeIorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Councilman Yakubov moved the following resolution; seconded by Councilman Dinardo.

RESOLUTION NO. 162-09

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for 2009.

BE IT FURTHER RESOLVED, that the Budget be published in the Local Source in the issue of August 13, 2009.

The Governing Body of the Borough of Roselle Park hereby approved the following as the Budget for the year 2009.

Notice is hereby given that the Budget and Tax Resolution was approved by the Mayor and Council of the Borough of Roselle Park, County of Union on August 5, 2009.

A Hearing on the Budget and Tax Resolution will be held at Borough Hall on September 17, 2009 at 7:30 o'clock (p.m.) at which time and place objections to said Budget and Tax Resolution for the year 2009 may be presented by taxpayers or other interested persons.

General Appropriations for:

Appropriations within "CAPS"

Municipal Purposes \$10,875,643.50

Appropriations excluded from "CAPS"

Municipal Purposes 2,273,249.49

Total General Appropriations

Excluded from "CAPS" 2,273,249.49

Reserve for Uncollected Taxes-Based on Estimated

97.50% of Tax Collections 946,316.00

Total General Appropriations 14,095,208.99

Less Anticipated Revenues Other Than Current Property Tax

(i.e., Surplus, Miscellaneous Revenues and Receipts from

Delinquent Taxes) 3,878,634.44

Difference: Amount to be Raised by Taxes for Support of

Municipal Budget

Local Tax for Municipal Purposes

Including Reserve for Uncollected Taxes \$10,216,574.55

Mayor DeIorio said the public hearing on this resolution and the adoption of the budget will be on September 17, 2009 at 7:30 p.m. All information will be available in the Clerk's Office and online.

Mr. Blum said that 2009 represents an increase of \$124.15 for the average house assessed at \$65,000 for municipal taxes. The preparation of the municipal budget was a difficult process and when first started, it was at an increase of \$234.00 for the average house assessed at \$65,000. Everyone worked diligently to reduce this amount without compromising municipal services. Mr. Blum explained all of the mandated appropriation increases in the budget. A factor that worked against the Borough, as well as many other municipalities, was the loss of State Aid for the second year. The goal is to reduce costs with minimal impact of loss of services to the residents. Some cuts were as follows: the elimination of three part time Fire Prevention Inspectors, one OEM Coordinator, the title of Police Captain as of April 1st for the remainder of 2009, four part time CAASA Staff, one Custodian and reduced bulky waste pickups of four to two. Paying taxes on time in the year they are due greatly reduces the reserve for uncollected taxes. The Borough must pay their taxes to the County and school whether or not they are paid by the taxpayer. All property owners suffer by not paying their taxes in the year they are due.

Councilman Hokanson said they worked very diligently together for many hours. They worked hard and hopefully there are a few more things that take place in September.

Councilwoman Chen-Hoerning thanked everyone for their hard work on the budget. They worked together to hopefully come up with something that would be agreeable to everyone. This year she wanted to provide the residents with a budget document that would be easier for them to read. If anyone has any questions, the documents are available on the town website or they may contact her or Mr. Blum.

Mayor DeIorio thanked everyone who worked on the budget and all the departments that supplied information to them. He especially thanked Mr. Blum who works day in and day out, providing the best services for everyone in Roselle Park.

✓ Vote Record – Resolution #162-09		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DeIorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Councilman Yakubov moved the following resolution; seconded by Councilman Dinardo.

RESOLUTION NO. 166-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, in the County of Union, that the resignation of Keith Heyman as Broadcast Technician for the Borough of Roselle Park effective September 1, 2009 be and is hereby accepted.

Mayor DeIorio thanked Keith for all his many years of service to the Borough.

Councilman Hokanson thanked Keith and said he has done a good job.

Councilman Yakubov thanked him for his years of work as a volunteer. He was always there for any situation and wished him the best of luck in his new position.

Councilman Dinardo said he has known Keith for a long time and thanked him for his service to the Borough.

Councilwoman Chen-Hoerning also thanked Keith for all his hard work and wished him well.

✓ Vote Record – Resolution #166-09		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"/>
	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"/>
	Hokanson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	DeIorio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PUBLIC COMMENT

Councilman Yakubov moved at 9:40 p.m. to open the public comment portion of the meeting; seconded by Councilman Dinardo.

Mayor DeIorio said they have received notification from the State of New Jersey that the Division of Taxation has begun to mail the 2008 Senior Freeze Property Tax Reimbursement checks to eligible applicants. The final deadline has been extended to August 17th. If there are any questions regarding these programs, you can contact the local Tax Office or State representatives.

Jacob Magiera, 612 Sheridan Avenue

- Spoke about the budget.
- Asked if the broken crosswalk pavers will be replaced from Costa's to East Grant Avenue on Chestnut Street.
- Asked for an update on sale of assets.
- Asked for an update on collection of parking meter money for on and off-street parking.

Mr. Blum said a ballpark figure would be around \$15,000.

- Mr. Magiera said the street is sinking in front of the three new houses on West Clay Avenue.

Doris Hartman, 138 East Clay Avenue

- Spoke regarding the easement on her property, which she refuses to do at this time.

Fred Hartman, 138 East Clay Avenue

- Spoke about the blanket easement.
- Mrs. Hartman's property is affected more than anyone.
- No one has been able to tell them how big an easement is required.
- The Engineer never came to the house.
- The town wants control of land that she pays taxes on.
- It will limit what she can do with that piece of property, which is not fair.
- Has a letter from the Attorney saying that if the easement is not signed, they will do it anyway.

- Has been in contact with Councilman Hokanson.
- Mrs. Hartman will give permission in perpetuity to repair the area, but will not give the easement.
- Will give a temporary easement.
- There is no protection for her here.
- Told land will be restored as best as possible.
- Asked how much do they need or how much do they want.

Mayor DeIorio asked if they would like any additional information.

Myrtle Counts, President Roselle Branch NAACP

- Is a resident of Roselle and has concerns regarding Roselle/Roselle Park sharing.
- The NAACP fights for justice for all.
- This Agreement was presented on 7/1/09 and not done in equal status.
- Annoyed the Mayor was not considered.
- This is about the people of Roselle not being able to take care of their town financially.
- Roselle's budget is twice that of Roselle Park's; why isn't Roselle taking over the finances.
- Civil Service turned this down because it was done improperly.

Mayor DeIorio said the Governing Body made every effort to share this information. There have been two requests for financial data from Roselle and has still not received a response. He does not want to cause any tension between the two towns.

Mildred Currie, Roselle Resident

- Disheartened about the Shared Services Agreement.
- There was a need for homework to be done.
- Now there is an opportunity for both Boroughs to get together and do something that is economically feasible for both of them.
- The Mayor of Roselle should have been considered regarding this Agreement.
- There are ramifications and consequences that can take place that will harm the relationship.

Reverend James Moore, 516 Sheridan Avenue, Roselle

- Commended the Mayor and Council for conducting a civil meeting.
- There is a great level of respect and professionalism.
- The political tension in Roselle may not be seen.
- Some things need consideration in a Share Services Agreement.
- Shared Services should not be a takeover.
- Questioned why Roselle personnel being fired and questioned the credentials of the Roselle Park employees.

- Roselle Park has a 13 million dollar budget and Roselle a 36-39 million dollar budget.
- It is a community with a budget three times larger; why is the smaller taking over the larger.
- Why wasn't a Shared Services Grant applied for from the DCA prior to the hasty Agreement.
- Encouraged the Roselle Park Council to rescind the Agreement.
- This could affect the County regarding Mayors not considering other Mayors and Shared Services.
- Asked if the Mayor and Council of both communities met to discuss the Arrangement.
- If this was done for the residents of both Boroughs, why weren't they considered before the process was done?

Mayor DeIorio said the Governing Body had instructed all departments to seek out shared services. Sometimes we need to leave it to the professionals to gather the information and then present it to the elected officials to see if they want to move forward. This was similar to our Shared Agreement with the Town of Westfield for Health Services and the County of Union for Welfare Services. In each case, we worked with the professionals and were successful. He does not know who the Union County Shared Services Coordinator is.

Councilman Matarante said Roselle Park did not consider this a takeover. Roselle presented the idea to us and we looked at how it would financially impact the Boroughs. The word "haste" has been used and there were many conversations at budget meetings starting last March or April. There were open discussions on this for a long time trying to keep Roselle Park residents informed. They looked at the numbers and it was a \$108,000 savings for both Boroughs. There was some concern that we moved the July meeting and there was some type of conspiracy involved. Councilman Matarante said he asked that the meeting be changed, so it would not conflict with the 4th of July holiday. This was not a takeover; this idea was presented to us and there were two victorious votes by the Roselle Council.

Sylvia Turnage, Second Ward Councilwoman, Borough of Roselle

- Takes some of the comments this evening to be disingenuous.
- Mr. Blum was CFO in Roselle when she came on Council; she always found him respectful and receptive.
- Mr. Blum should know the protocol and inner workings of the Finance Office.
- Not once was their CFO or the Mayor considered.
- In the beginning of April, there were meetings regarding Shared Services; what was the nature of those meetings.

Mayor DeIorio said Mr. Blum was doing what he was instructed to do; to seek out Shared Services; do not say he did anything wrong.

- Ms. Turnage said the more this is entertained, the taxpayers will see there is no cost savings or benefits to the Roselle residents.

- The CFO's salary will increase over 50% and the Clerks will be some of the highest paid in Union County.
- There will be four Civil Service Roselle employees/residents losing their jobs.
- A good idea would be to share school systems.
- Why weren't the four Roselle employees that will be losing their jobs considered for a part time employee position in this Agreement.
- What progress has been made in getting out their concerns; it was not all financial.
- Would the CFO be willing to handle two budgets in one calendar year.

Mayor DeLorio said the issue of calendar year versus fiscal year was to be part of the Agreement. He said he has not signed the Agreement because of that issue and also because if Roselle remains at a fiscal year, we can accomplish this; if they change to a calendar year, we cannot. It was suggested because of the Agreement the individuals involved would be the highest paid in Union County; he needs to see the comparison of how many towns share personnel in Union County. There was a question regarding the Mayor coming to the CFO's Office for information; that information was to be released by him and not the CFO to the Governing Body. As of today after two requests, we still have not received the financial data from Roselle. He instructed the CFO and the Clerk not to release the information until they presented a document to all of Mayor and Council because of the issues brought forth at the last meeting.

Councilman Matarante said he would vote no for this if two budgets had to be prepared in the same year. He said he would also not vote until all the issues in Roselle are resolved. They were not aware of all the issues until everyone from Roselle showed up at the last meeting. They want to work together, but for this issue to happen, it is not worth it.

Glen Marczewski, 621 Sherman Avenue

- Spoke about the Shared Services Agreement and is against it.
- Officials from both towns should have gotten together and discussed it.
- Asked about the Youth Center.
- Asked about mosquito control.
- Asked about appointments and taping the Planning and Zoning Boards.
- Asked about two vacant car lots.
- What is happening with Senior Housing.

Robin Henderson, Roselle Resident

- Spoke about the Shared Services Agreement.
- Has left messages for offices in Roselle Park and has not received phone calls back.
- Spoke about what the savings would be for the Borough of Roselle over five years.
- When it was presented to Roselle, it was going to be \$647,000.
- Will support the Mayor and Council of the Borough of Roselle.

Fred Anderson, Roselle Resident

- Asked what the actual status of the Agreement is.

Mayor DeIorio said the agreement has not yet been signed by either of the two parties and Roselle Park is requesting additional information from Roselle. They are also concerned over the requirement for the fiscal year to stay in tact, which should have been included in the Agreement.

- Mr. Anderson asked how the cost savings was arrived at and that over a five year period; one million dollars would be paid to Roselle Park employees in salaries.
- Questioned how Roselle Park will absorb all the hours in both Finance Departments.

Mayor DeIorio said some of the work can be done online and via the internet.

- Mr. Anderson said Roselle Park might be open an extra five hours a day, which will increase the facility costs up to 38%.

Councilman Matarante asked if this will go for a vote before the Roselle Council.

Garrett Smith, Mayor of Roselle

- Disappointed about the communication between him and the Mayor.
- Has made several phone calls to him with no response.

Mayor DeIorio said in the past they tried to join services regarding police services and it did not work. This time he wanted the professionals to work on it. All we can do now is move forward.

- Mayor Smith said when he makes a phone call to him; he is just asking that it be returned.

Andrew Casais, 166 Berwyn Street

- The next Concerned Citizens Meeting will be on Saturday, August 15th at 1:00 p.m.

There being no one else wishing to speak, Councilman Yakubov moved to close the public portion; seconded by Councilman Dinardo and adopted.

INTERRUPT THE REGULAR ORDER OF BUSINESS

Councilman Yakubov moved to interrupt the regular order of business for a Closed Session Meeting; seconded by Councilman Dinardo and adopted.

Mayor DeIorio read the Closed Session resolution and said Council would be discussing the following matters:

- Litigation – NJ DEP vs. Occidental Chemical
- Negotiations – Cablevision

RESUME REGULAR ORDER OF BUSINESS

Councilman Yakubov moved to interrupt the regular order of business; seconded by Councilman Dinardo and adopted.

Mayor DeIorio said that during Closed Session, Council discussed the following matters:

- Litigation – NJ DEP vs. Occidental Chemical
- Negotiations – Cablevision

There being no further business to come before the meeting, Councilman Yakubov moved to adjourn; seconded by Councilman Dinardo.

Attest:

Borough Clerk