

Borough of Roselle Park Regular Meeting of September 3, 2009

Attendee Name	Organization	Title	Status	Arrived
Rick Matarante	Borough of Roselle Park	Councilman	A	-
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 DeLorio	Borough of Roselle Park	Mayor	P	7:30 PM

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

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

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

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

COMMUNICATIONS

Councilman Yakubov moved the following communications; seconded by Councilman Miranda, all members present voting Aye, said motion was adopted.

1. Request from the residents of the 600 block of Ashwood Avenue to hold a Block Party on Saturday, September 5, 2009 from 10:00 a.m. until 10:00 p.m., with a rain date of Sunday, September 6th.
2. Request from the residents of the 600 block of Filbert Street to hold a Block Party on Saturday, October 10, 2009 from 11:00 a.m. until 10:00 p.m.
3. Request from the residents of the 100 block of East Clay Avenue (from Walnut Street to Cherry Street) to hold a Block Party on Saturday, September 19, 2009 from 11:30 a.m. until 10:00 p.m., with a rain date of Sunday, September 20th.
4. Request from Park Karate for Kids to use a small area of the municipal parking lot on Saturday, October 17 to conduct a Board Breaking kick-a-thon as part of their 20th Anniversary Celebration Event.

REPORT AND RECOMMENDATIONS OF MAYOR

- September 11th Roselle Park will hold its annual Remembrance Services at 7:00 p.m. at Mike Mauri Gazebo Park. He encouraged all members of the public to attend.

- Asked that Keith Hyman be recognized at the next Council Meeting for his services to TV34.
- Regarding the Interlocal Agreement between Roselle and Roselle Park he has been able to request certain information and would like to offer a recommendation to the Governing Body.
- There has been ongoing concern regarding this Agreement between the Boroughs.
- On a number of occasions he requested information from the Borough of Roselle.
- Due to lack of response, he had to make an official OPRA request.
- He received a response from the Borough of Roselle.
- Due to limited information received, he recommended they rescind the Agreement with Roselle for the following reasons: the lack of response from Roselle has been unconscionable and borderline illegal.
- The information was received beyond the allowable timeframe set by statute, which shows a blatant disregard from the Roselle Administration to work with Roselle Park and to eventually produce a significant tax savings for both Boroughs.
- It is clear and evident that certain financial information is not yet available.
- They agreed to enter into this Agreement providing the books would be clean; all financial information and requirements would be up to date and it is obvious they are not.
- The Agreement is completely erroneous and their lack of presenting the information to Roselle Park proves it.
- The Civil Service Commission denied the Agreement and it is still unknown when that dispute will be finalized.
- Roselle's Governing Body recently terminated their Chief Financial Officer, who alleges he will sue and we do not know how this lawsuit will affect Roselle Park.
- If Roselle Park is named in the suit, this may require us to expend potentially unavailable expenses.
- The proposed change from a fiscal to a calendar year budget in Roselle is still in question; there have been many contradictory responses from the Administration.
- The position of Administrator in Roselle is still unfilled; leaving uncertainty as to who is in charge to proceed with this Agreement.
- He commended the officials in Roselle on their willingness to work with Roselle Park, but the current state of affairs is unstable and controversial.
- It is in our best interest to rescind this resolution.

Councilman Hokanson said when this Agreement was presented to the Governing Body; they asked that the books be audited because they did not want any problems. He agreed that at this time, they should walk away from the Agreement.

Councilman Yakubov moved to rescind the Interlocal Agreement with the Borough of Roselle to provide financial services; seconded by Councilman Miranda, all members present voting Aye, said motion was adopted.

- Mayor DeIorio said he appreciated all the comments from the residents of Roselle and he also met with the President of the Roselle Branch of the NAACP.

- This weekend he will be participating in a bike ride from Boston to New York City to raise money from HIV and AIDS.

REPORT OF STANDING COMMITTEES AND OTHER MAYOR AND COUNCIL COMMITTEES

Councilman Dinardo

- Attended the Municipal Services Meeting.
- Interviews for the new DPW Superintendent will begin on September 14th.
- They also discussed the parking problem on Dalton Street.
- School will be starting and reminded everyone to be careful of the children.

Mayor DeIorio said that at the Council Meeting on September 17th, the introduction of the Municipal Budget will take place.

Councilman Miranda

- Attended the Public Safety Meeting.
- The Police Chief is working on getting a traffic light at the intersection of Sumner Avenue and Locust Street.
- He requested another stop sign near Aldene School and thanked the Chief.
- There will only be a drop off zone by the Middle School.
- Attended the Casano Center Meeting.

Councilman Yakubov

- Spoke to the DPW and Traffic Officer Mike Antonucci about various issues in his Ward.
- There are cars entering into Colfax Manor the wrong way.
- DPW installed two signs.
- The signs on Amsterdam will be readjusted.
- There was an issue on Myrtle Avenue; construction was taking place after the time allowed by Borough ordinance.

Councilwoman Chen-Hoerning

- Attended the Planning Board Meeting and there are some new businesses coming into town.
- Attended the Library picnic last week.

Councilman Hokanson

- Worked with the DPW tree crew on August 10th.
- Thanked Cranford for giving us the trees for free.
- August 24th he held an Environmental Committee Meeting.

- There will be a welcome garden when entering Roselle Park maintained by the Environmental Committee.
- Asked if he is authorized to drive a DPW truck on the weekends and Mayor DeIorio said he must check to see if that is a legal or insurance issue.
- The Environmental Committee would like an ordinance or resolution put in place regarding that if a tree is removed, it will automatically be replaced.
- Thanked the DPW for removing the graffiti from the bridges.
- Thanked Carl Pluchino for resolving the tree issue on Union Road.
- There is a flu clinic schedule available.
- There will be a town wide cleanup on October 10th.
- Gave animal report for the month of July.
- Mr. Paul Endler's daughter, Amy, will be walking for the American Heart Association; anyone interested can obtain information from the website: www.heartwalk.kintera.org.

REPORTS OF DEPARTMENTS

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

- Fire Department Reports for July and August 2009
- Administrative Assistant Report for July 11, 2009 through August 7, 2009
- Treasurer's Report for July 31, 2009
- Borough Engineer Report for September 3, 2009
- Police Department Report for August 2009
- Construction Code Enforcement Report for August 2009
- DPW Report for August 2009

MINUTES TO BE APPROVED, PENDING ANY CORRECTIONS

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

- Regular Meeting of August 6, 2009

Vote Record – Minutes Acceptance of August 6, 2009		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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"/>

MOTION BILLS AND PAYROLLS BE NOT READ

MOTION BILLS AND PAYROLL BE PASSED FOR PAYMENT

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

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

RESOLUTION NO. 178-09

BE IT RESOLVED that Kevin M. Florczak, 29 Orchard Road, Middlesex, New Jersey 08846 is hereby appointed a Probationary Police Officer (7-12months), in the Roselle Park Police Department, at an annual salary of \$46,091.87 effective September 7, 2009 for a 12 month period ending September 6, 2010.

Vote Record – Resolution 178-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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"/>

Mayor DeLorio said for the record, the Police Committee met with the Police Chief to approve this candidate.

PASSAGE OF ORDINANCES

SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 2277

RIPARIAN BUFFER CONSERVATION ZONE ORDINANCE

- I. Intent and Purpose**
- II. Statutory Authority**
- III. Definitions**
- IV. Establishment of Riparian Zones**
- V. Uses Permitted in Riparian Zones**
- VI. Performance Standards for Riparian Zones**
- VII. Nonconforming Structures and Uses in Riparian Zones**
- VIII. Uses Prohibited in Riparian Zones**
- 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 to open the public hearing on Ordinance #2277; 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 and adopted.

Councilman Yakubov moved that Ordinance #2277 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo.

Vote Record – Ordinance #2277					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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.

Councilman Yakubov moved to open the public hearing on Ordinance #2278; 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 and adopted.

Councilman Yakubov moved that Ordinance #2278 be adopted on second reading and advertised as prescribed by law; seconded by Councilman Dinardo.

Vote Record – Ordinance #2278					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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"/>

INTRODUCTION

ORDINANCE NO. 2279

AN ORDINANCE AMENDING LAND USE CHAPTER XL, ARTICLE XXVIII SECTION 40-2803 OF THE CODE OF THE BOROUGH OF ROSELLE PARK REGARDING OFF-STREET PARKING

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey that Chapter XL, Article XXVII, Section 40-2803 is hereby amended as follows:

SECTION 1:

40-2803 OFF-STREET PARKING is amended to ADD #1 to Subsection G to read as follows:

1. Restaurants and other establishments for the sale and on-premises consumption of food, drink or refreshment in the business zones shall be allowed to provide seating up to twelve (12) people without having to provide parking.

SECTION 2: If any section or portion of a section of this Code shall be invalid for any reason, such invalidity shall not affect the validity of the remaining sections or portions of this Ordinance.

SECTION 3: All ordinances or parts of ordinances, to the extent that they are inconsistent herewith, are hereby repealed.

Councilman Yakubov moved that Ordinance #2279 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 1, 2009; seconded by Councilman Dinardo.

Councilman Hokanson thanked everyone for their effort on this ordinance.

Vote Record – Ordinance #2279		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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 2280

AN ORDINANCE AMENDING CHAPTER IV, SECTION 4-19
OF THE CODE OF THE BOROUGH OF ROSELLE PARK
REGARDING TOWING AND STORAGE

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter IV, Section 4-19 of the Borough Code regarding Towing and Storage is hereby amended in its entirety to read as follows:

SECTION I:

4.19-1 License Required to Provide Emergency Services.

No towing operator should provide Police-requested or emergency tow truck services within the Borough without obtaining a license in accordance with the provision of this section. Specifically exempted from this license requirement are the towing, transportation, conveying and removing of vehicles from private property except in the case of a Police emergency. The Borough of Roselle Park shall solicit proposals of licensed towing operators to provide Police-requested and emergency towing services pursuant to N.J.S.A. 40:49 et seq. The Borough shall award a two (2) year license with the option to renew for two (2) additional years at the Mayor’s and Police Chief’s discretion to operate Police-requested or emergency towing services consistent with the following provisions.

4-19.2 Rating and Evaluating Licensees.

Each proposal shall be evaluated pursuant to the criteria set forth herein. Licensees are required to meet all of the minimum criteria. Failure to do so, whether determined by the Borough upon the review of the proposal or upon the inspection of the licensee’s facility and vehicles, may result in the rejection of the proposal.

a. Licensees who meet and do not exceed the minimum criteria will receive a score of “1” for each of the criteria. Failure to meet the minimum criteria will result in a score of “0” for that criteria.

b. If no licensee achieves “1” for every category, then the Borough reserves the right to award to the tower(s) with the greatest score on a nondiscriminatory basis.

c. All books, ledgers, and other pertinent records of the licensee shall be available for inspection by authorized representatives of the Borough at all reasonable times, and the licensee agrees to furnish the Borough with such records, reports, or tabulations of services rendered under this agreement as may be required for a minimum of seven (7) years after the expiration of the contract. Failure to comply may result in the Police Chief issuing an immediate suspension.

The Borough shall request from DMV a MVI within ten (10) days of the initial tow. The information will be promptly provided to the contractor and thereafter the Police Department shall apply for title in accordance with the laws of the State of New Jersey.

4-19.3 Mandatory Submittal Requirements.

In addition to meeting each and every standard and/or requirement set forth within this section, each proposed licensee shall provide the following information and documents as part of the sealed proposal. Each proposed licensee is required to include each of the below-mentioned items and the mandatory towing garage information sheet with its proposal package. The absence of any of these completed documents with the sealed proposal will cause the proposal to be rejected.

a. One (1) each of the following: stockholders disclosure; fully completed proposal sheet; affidavit of moral integrity, compliance and noncollusion; certificates of insurance; joint venture agreement (if applicable); list of additional credit cards and/or motor club cards accepted in addition to those required and a fully completed towing garage information form.

b. A list of all vehicles and equipment to be used during the contract term must be submitted. State the quantity, make, year, capacity, condition, and registration number of each vehicle and include copies of the vehicle registration and proof of ownership of lease/interest with a copy of lease/subcontract from a company regularly in the business of leasing.

c. The name and address of the principal place of business, and the address of any branch offices and/or off-premises storage facilities.

d. Proposed licensee shall provide current letter of reference from each of the following: a commercial account; a motor club; and a City, County or State highway or toll road of the municipality for which he tows. "Current" is defined as "issued within the past twelve (12) months."

e. A roster of all employees who will perform services under the proposal and/or contract. The Borough reserves the right to perform criminal background checks and/or credential checks on each of the employees listed by the proposed licensee from, but not limited to, the following agencies: Division of Consumer Affairs in the Department of Law and Public Safety, and Division of Fraud in the Department of Banking and Insurance. The following information shall be included as part of the roster of employees.

1. Name, position and general duties;
2. Address;
3. Date of birth;
4. Social security number;
5. Driver's license number (copy of license included);
6. Driver's license expiration date;
7. Type of license;
8. Abstract of driver's license for driver.

f. Proposed licensees shall also submit a complete list of all criminal convictions of all directors, partners and employees of any crime of the fourth degree or higher within the past ten (10) years from the date of the proposal opening. The licensee shall immediately notify the Borough, in writing, of any criminal charges that may become pending against the business, its officers, directors, principals, partners, stockholders, employees, or employer (closed corporations only) during the term of the contract or pending at the time of the receipt of the within proposal.

g. A description as to the support of storage space available. This description shall include the size of the available storage area and spaces available.

h. Proof of ownership or rental of the storage facility or facilities. In the case of rental, a copy of the fully executed lease agreement covering the term of this contract shall be submitted. The lease shall state that the storage of towed vehicles will be allowed under the lease provisions.

i. A list of all leased or subcontracted equipment to be used during the contract term, including the name and address of the owner and/or subcontractor and a copy of the lease or contract.

j. A statement of experience and at least three (3) contact names and telephone numbers.

4-19.4 Licensing Standards.

a. Reliability.

1. The licensee shall not have had two (2) or more contracts, with any government entity, suspended for cause for a period of thirty (30) days or more and/or terminated for cause within the last one (1) year prior to the proposal due date.

2. The licensee shall provide the name and telephone number of a contact person who will be available twenty-four (24) hours a day, seven (7) days per week.

3. The licensee shall be able to provide towing and related services twenty-four (24) hours a day, seven (7) days a week, including all holidays.

4. The licensee will provide towing at no charge for any Borough-owned vehicles within a reasonable distance to Borough (no farther than twenty-five (25) miles).

5. The licensee shall provide that all personnel and equipment used in performance of his duties as a license holder shall be and remain his direct responsibility and that in no event shall any personnel or equipment be represented or considered as belonging to or employed by the Borough. The licensee agrees and fully understands that he is operating under this agreement as an independent contractor and in no way as an agent, servant, or employee of the Borough of Roselle Park.

b. Experience.

1. At a minimum, the licensee must have five (5) years experience within the last seven (7) years in providing emergency towing service to a municipality or other government entity. The Borough may take into account the proposer's type of government experience in evaluating the proposals.

2. The licensee shall warrant that equipment operators shall be competent, experienced and appropriately licensed in the operation of all equipment needed to perform towing and emergency services. The equipment operator shall, at all times, be courteous and present a clean, neat appearance, and shall obey and respect all rules and regulations of the Borough and such modifications thereof as shall be prescribed by the Borough in the interest of efficient service to be performed by a contractor.

3. The licensee shall employ experienced drivers who have valid driver's licenses for the equipment to be operated.

c. Response Time. The licensee shall reach the furthest areas in the municipality from his facility within twenty (20) minutes at all times; the licensee shall also return to his garage facility within twenty (20) minutes at all times. (Heavy traffic periods will be included in calculation).

d. Acceptance of Credit Cards and Prepaid Towing Contracts. At a minimum, the licensee shall accept AMEX, Visa and MasterCard from motorists for services rendered. Failure to comply with these provisions or refusal to accept the credit cards when tendered by a motorist shall be deemed to be a substantial violation of the requirements of this contract. The licensee shall indicate on his application for license other credit cards and auto club memberships he accepts in addition to those listed above.

e. Price to Patrons.

1. Towing charge and mileage charge shall start at the point of disablement. No travel time or mileage charge to the point of disablement will be permitted. All calls for disabled vehicle service originating on or dispatched by the Borough of Roselle Park shall be charged the

rates stipulated to by the licensee, with respect to Class I vehicles, or shall adhere to the rates with respect to Class II and Class III vehicles. No licensee shall charge a motorist or any other third party (such as an insurance company or a motor club) an amount in excess of the amount bid with respect to Class I vehicles.

2. Pursuant to N.J.S.A. 40:48-2.49, as amended, all licenses shall provide a statement that regulations and fee schedules are available to the general public during normal business hours of the Borough.

3. Pursuant to this section, a licensee shall post in a conspicuous manner, in the motorist waiting area, a copy of the Roselle Park contract municipal rates as outlined in the Municipal Request for Proposal for Towing and Related Services.

4. The licensee shall supply all the information requested on the proposal sheet. In the case of an accident, any additional repair services not specifically listed in this section may be charged pursuant to the agreement of the licensee and the vehicle's owner or owner's agent after the vehicle is removed from the scene of the accident.

5. The equipment rental rate and all other fees as specified in this section and/or the Maximum Rate Schedule shall include experienced operators for each vehicle and all fuel, repair, insurance and any and all other operating expenses.

6. Maximum Rate Schedule.

(a) In order to protect the motoring public and to ensure reasonable charges and guard against predatory pricing, the Borough has imposed limitations on rates which may be charged for towing and emergency services. Maximum rates will be in effect twenty-four (24) hours a day, seven (7) days a week, including holidays. At no time during the term of this contract may the licensee charge rates to motorists that exceed the maximum rate established by the Borough, nor may the contractor charge rates in excess of those quoted in his proposal; site relation charges; waiting time; administrative fees; or any other service.

This provision regarding maximum rates does apply to service provided to other than Class I vehicles (except as set forth herein to the contrary), and to charges for incidental labor and winching provided herein.

(b) Maximum rates for services to be provided under this section:

(1) Maximum rates on towing cars and campers up to a registered maximum gross weight of six thousand nine hundred ninety-nine (6,999) pounds (cars and other Class I vehicles), are as follows:

[a] Towing charge: sixty-five (\$65.00) dollars.

[b] Mileage: three (\$3.00) dollars per mile or fraction thereof.

[c] Road service, twenty-four (24) hours per day: thirty (\$30.00) dollars.

[d] Tire change: thirty (\$30.00) dollars.

[e] Fuel, oil and water call: thirty (\$30.00) dollars.

[f] Battery boost: thirty (\$30.00) dollars.

[g] Storage per day: thirty (\$30.00) dollars.

[h] Winching: two (\$2.00) dollars per foot.

[i] Labor: fifteen (\$15.00) dollars per quarter hour, or any part thereof, when not performing any of the above specified charges.

[j] Upright rollovers and off-roadway recovery: one hundred (\$100.00) dollars per hour.

(2) Rates on road service for other than cars and other Class I vehicles are as follows:

[a] Road service, twenty-four (24) hours per day: seventy-five (\$75.00) dollars per tow truck required.

[b] The above average charge shall be in addition to the thirty (\$30.00) dollar charge for motor fuel, oil, labor, parts and other material needed for repair, but shall not be in addition to the towing charge, if any.

[c] The charge of parts and labor shall be in accordance with the current edition of Motor's Publications or similar industry guides.

(3) Rates on towing trucks and buses (two-axle) and cars and campers with a registered maximum gross weight from seven thousand (7,000) pounds to fourteen thousand nine hundred ninety-nine (14,999) pounds (Class II vehicles), are as follows:

[a] Towing charge: one hundred fifty (\$150.00) dollars, plus five (\$5.00) dollars per mile or fraction thereof, per tow truck required.

(4) Rates on towing trucks, with or without trailers, and buses (three-axle or more), or other vehicles with a registered maximum gross weight exceeding fourteen thousand nine hundred ninety-nine (14,999) pounds (Class III vehicles), are as follows:

[a] Towing charge: two hundred fifty (\$250.00) dollars, plus five (\$5.00) dollars per mile or fraction thereof, per tow truck.

[b] The charge for use of a land-all trailer (lowboy) is one hundred fifty (\$150.00) dollars for the first hour, with an additional seventy-five (\$75.00) dollar charge for each additional hour used. In addition, there will be a towing charge of five (\$5.00) dollars per mile.

[c] The charge for the use of a heavy-duty under reach is two hundred fifty (\$250.00) dollars per hour, plus five (\$5.00) dollars per mile or fraction thereof.

(5) The mileage charges for a Class I vehicle shall not apply when the operator of the vehicle elects to be towed to a destination beyond thirty (30) miles. In such cases, the mileage charge shall be reasonable and as mutually agreed upon between the operator of the vehicle and the garage. In no case shall the mileage charge exceed four (\$4.00) dollars per mile within the State of New Jersey.

7. Charges for Parts, Repairs, Labor and Service.

(a) By submitting an application for a license, the licensee covenants and agrees that the charges to the motorist for parts, repairs, labor, and service for each vehicle as described in this section shall in no event exceed the rates of reasonably accepted commercial rates for parts. Labor charges for repair shall be comparable to those allowed by Motor's Publications or similar industry guides.

(b) Whenever it is determined by the Borough that a charge has been made in excess of the rates listed, the contractor, upon demand by the Borough, will be required to make immediate reimbursement to the motorist. If the contractor disagrees that the amount charged is excessive, then the amount in dispute shall be deposited with the Chief of Police in certified funds pending a formal hearing before the Chief of Police or his designated Traffic Officer. The licensee agrees to maintain records of all services performed under this section and to provide a copy of them upon request. The licensee agrees that if the requested documents are not supplied within ten (10) business days, his license shall be subject to suspension for a period of up to two (2) years.

f. *Adequate Equipment.* Each licensee shall submit a complete towing garage information form, (a blank form of which is attached to the Municipal Request for Towing Services, attached hereto as Appendix A*) with the proposal showing that the licensee owns or

leases all equipment required to perform the contract service. Each licensee's equipment shall meet or exceed the Borough's requirements as listed below.

1. The licensee shall have available for service at a minimum two (2) wrecker trucks, with wheel-lifts (no bold-on attachments), and two (2) flatbed trucks equipped to render first class wrecking, towing, and road service, and two (2) heavy-duty wreckers with wheel lifts. The type, condition, and design of the equipment required shall be such that it will efficiently perform the work required and shall be subject to inspection by the Borough. Blinker lights and flags or flares with a visibility of one thousand (1,000) feet from a disabled vehicle must be on board each vehicle and shall be brought along for all calls.

2. Notwithstanding any other provision of this section, the licensee shall have immediate access to at least one (1) wrecker with a crane, capable of handling the heaviest trucks and motor vehicles allowed to operate without specific permission on New Jersey roadways.

3. The licensee's wreckers shall carry necessary mechanic's tools, including at a minimum, portable air compressors for tire inflation, flashlights and crowbars. Wreckers shall carry regular, no-lead and diesel motor fuels; oil; anti-freeze/coolant and water. In addition, sand, at least one (1) foam fire extinguisher, brooms, and shovels shall be carried to perform the necessary cleanup where required from an accident or removal scene. Cleanup will include sweeping the roadway and removing all glass, plastic, and/or other parts and shall include the drying or removal of any oil, gas, or other material at the scene on the roadway or in the vicinity.

4. The licensee shall maintain all equipment in good mechanical condition, and it must be available for inspection at all times by representatives of the Borough or the Police. Equipment shall meet all Federal and State regulations and all OSHA standards.

5. Each service vehicle shall be kept clean and have a freshly painted appearance and have permanently placed letters giving the name of the licensee.

6. Each service vehicle shall be appropriately identified on each side with the name and address of the licensee and the Borough identification as deemed necessary by the Borough. Magnetic signs are not acceptable.

7. The licensee shall ensure that each service vehicle is properly registered and insured as provided herein.

8. The licensee shall maintain written, separately dated monthly vehicle impound computerized records for unclaimed vehicles to be forwarded to the Police Chief, indicating the make, year and registration of each vehicle; date and time towed; date and time released; odometer reading, and VIN. All impounded vehicles will be released only after receiving written Police authorization. Each licensee shall be required to keep up-to-date computerized records of all vehicles towed in connection with this license. Each licensee shall provide the Borough Police Traffic Bureau with a list of all vehicles towed by order of the Police (impounded) that remain unclaimed in storage and a list of which vehicles have been released every Friday by 12:00 noon. A violation of this section shall be grounds for immediate suspension and possible revocation of license.

g. Location of Storage and Repair Facility. A licensee's facility shall be zoned for long-term storage for towed, damaged, wrecked and inoperable motor vehicles. Administrative and customer accommodations shall be clean and well-maintained at all times.

h. Security of Vehicles Towed or Stored.

1. Each licensee shall submit documentation with the proposal showing that he owns or leases all equipment required to perform the contract service prior to submission of an application for a license. In addition to any other vehicle already stored at the licensee's premises, the contractor shall have the capability of storing a minimum of fifty (50) passenger motor vehicles towed and three (3) trucks. Outside storage area(s) shall be secured, enclosed and

lighted, and subject to inspection at any time by the Borough. The storage area shall be adequately safeguarded by a fence, wall or other barrier no less than six (6) feet high against vandalism and theft. All storage areas shall meet the requirements of N.J.A.C. 11:3-38.2.

2. Inside Building Secured Storage. Each licensee shall have an inside building secured storage space sufficient to accommodate at least three (3) vehicles for exclusive use of the Police Department in connection with vehicles being held as evidence or under investigation. All storage areas shall meet the following requirements: a permanent fixed structure for a storage facility that is secured by a locking device on each opening. The inside building storage space shall be capable of being locked/safeguarded against access by unauthorized persons/employees.

3. The licensee shall provide a minimum of four (4) hours of free storage for each stored vehicle.

4. The licensee shall be available to surrender property from any vehicle stored on his premises when such property is not an integral part of the vehicle. At a minimum, property will be released Monday through Friday, for no less than nine (9) hours a day and Saturday hours shall be between the hours of 9:00 a.m. and 12:00 noon.

5. The licensee shall be available to release vehicles to motorists upon payment for those charges permitted by the contract. At a minimum, vehicles will be released Monday through Friday for no less than nine (9) hours a day and Saturday hours shall be between the hours of 9:00 a.m. and 12:00 noon.

6. Vehicle Retrieval. The licensee shall not place vehicles on top of one another in the storage lot. The licensee shall not store vehicles more than five (5) deep. There shall be sufficient space between vehicles for Police to identify vehicles. A vehicle shall be released within one (1) hour from when the owner presents the contractor with a release and payment.

i. *Adequate Liability Insurance.*

1. Insurance Requirements:

(a) Licensees shall submit certificates of insurance that meet or exceed the minimum requirements set forth below. The Borough has agreed to review proposed certificates of insurance prior to submission. Licensees who are notified that their certificates are compliant, are not required to submit additional copies of the certificates with the proposal. Licensees who are notified that their certificates are deficient/not compliant are required to submit compliant certificates with their proposal.

(b) Licensees shall have the following coverage and in the minimum amounts stated from an insurance company licensed to do business in the State of New Jersey:

(1) Workers' compensation: statutory New Jersey limits.

(2) Commercial general liability or garage liability, including personal injury coverage and such additional special endorsements as the particular activity or contract might require: one million (\$1,000,000.00) dollars per occurrence. In the event that commercial general or garage liability coverage contains an aggregate limit, the aggregate shall be at least three (3) times the minimum occurrence limit of one million (\$1,000,000.00) dollars.

(3) Automobile insurance or garage liability with limits of one million (\$1,000,000.00) dollars per occurrence. If automobile insurance is provided, coverage must indicate "any auto."

(4) Umbrella coverage will be acceptable in lieu of the higher aggregate limit if the umbrella policy contains a clause stating that it will drop down in the event the primary aggregate is impaired or exhausted.

(5) Each policy shall contain a thirty (30) day cancellation clause where they shall provide notice to the business owner and also notice must be provided to the Borough of Roselle Park.

(6) The Borough of Roselle Park shall be named as an additional insured and certificate holder, and the policy shall contain a severability clause.

(c) Unless preapproved, the licensee shall submit with his application for a license copies of the certificates of insurance evidencing such coverage. The policies shall be effective prior to the beginning date of the proposed agreement and shall remain in force during the term of the agreement. In event of interruption of coverage for any reason, all services under this agreement shall cease and shall not resume until coverage has been restored.

(d) Neither approval by the Borough of Roselle Park nor failure to disapprove certificates of insurance furnished by licensee shall release licensee of full responsibility for all liability and casualty claims or losses. Insurance is required as a measure of protection and licensee's liability is not limited thereby.

(e) Licensees shall review and comply with all of the minimum requirements set forth herein. Failure to comply fully shall result in rejection of their proposal or termination of any license.

4-19.5 License Fees.

a. The following schedule of fees is hereby adopted for applications and obtaining the license.

1. Application fee: two hundred fifty (\$250.00) dollars.

2. Licensing fee, payable within five (5) days of a conditional award: seven hundred fifty (\$750.00) dollars.

b. Fees paid pursuant to this subsection shall not be refundable for any reason.

4-19.6 Terms of License.

Licenses issued pursuant to this section shall be for a two (2) year term, effective from the date of the award of the license. At the end of the term, the applicant may reapply for a new license.

4-19.7 Authority; Rotation List.

a. The Mayor and Council are the licensing/issuing authority.

b. *Rotation.* If there is more than one (1) license issued, each licensee shall be placed on a rotation list as compiled by the Police Chief or his designee. Such licensee shall be called upon to respond to the needs of the Police Department on a rotation basis of two (2) week duration.

4-19.8 General Rules and Regulations.

a. No towing operator shall engage in "cruising," as defined in this section.

b. No towing operator shall solicit or attempt to divert patrons of another towing operator whether or not licensed under this section, nor shall a towing operator solicit or divert prospective patrons of a given repair service to any other repair service, nor shall any police officer designate or suggest any towing operator to perform service.

c. The licensee shall furnish the equipment and labor necessary to perform any road service during the term of the license per the terms and conditions specified in this section.

d. The licensee shall ensure that the removal of all vehicles shall be done in accordance with towing industry standards, utilizing the appropriate piece of equipment, including, but not limited to a hook tow, winch, sling, wheel lift, flatbed, or under reach.

e. Nothing in this section shall be constructed as to prevent or prohibit a motorist who is not interfering with traffic or public safety when broken down from summoning emergency wrecking or towing services from any other garage or other source, provided the vehicle is removed from public property within three (3) hours.

f. No licensee shall respond to the scene of an accident unless so notified by the Police Department or the driver or owner of the vehicles involved therein.

g. Upon being called out by the Borough of Roselle Park, the licensee shall respond to the call and shall not refuse service.

h. If a licensee is partially or wholly unable to respond due to failure of any equipment or personnel insufficiencies, the licensee will immediately notify the Police Department which will contact the next towing company in the rotation to handle the request. If such an incident occurs, the licensee will furnish, in writing, within five (5) business days, the details of the circumstances which caused the failure to respond to the Borough Police Department's Traffic Bureau, which will make a determination if a follow-up investigation and/or inspection of the licensee's facilities is required.

i. Each licensee will be responsible for all vehicles and visible contents in his custody that are towed off the roads at the direction of the Police and shall assist officers to make an inventory at the scene to note such contents.

j. Each licensee, prior to departing from the scene of towing services, shall be required to clean and clear the roadway of any nonhazardous debris resulting from any accident when rendering towing services. At all times, the licensee shall carry the necessary equipment to perform such cleaning services. Such equipment shall minimally include, but is not limited to, a broom and shovel. The licensee may charge the owner or his insurance company for the services rendered.

k. The licensee shall be willing to tow the vehicle within the State of New Jersey, up to fifteen (15) miles from the point of pickup.

l. In the event of any emergency when the licensee is unable to provide sufficient equipment to render necessary services, the Borough of Roselle Park reserves the right to call in additional service or request equipment from any available source.

m. The Borough Police Department will provide MVI to each licensee, who will notify all owners and lien holders of abandonment towed at the request of the Borough and apply for title through procedures as outlined by New Jersey Motor Vehicle Services. All vehicles towed by order of the Police and stored by the licensee shall be not be released by the licensee without written authorization from the Police Department.

4-19.9 License Suspension or Revocation.

a. *Termination and Suspension.* The Borough may suspend a licensee's license for a period of thirty (30) days or terminate same after a hearing for cause.* The Borough of Roselle Park shall suspend and/or terminate a licensee's license under this section by giving the contractor notice of termination in writing at least thirty (30) days prior to the effective date of termination. Breaches include but are not limited to:

1. Licensee being adjudicated bankrupt or making an assignment for the benefit of creditors.

2. A receiver being appointed for the licensee or for any of his property, who is not dismissed within twenty (20) days after such appointment, or the proceedings or connection therewith having been stayed or appealed within twenty (20) days.

3. Licensee refusing or failing, after notice or warning from the Borough of Roselle Park, to furnish the required equipment and/or property to perform the services contemplated under this contract.

4. Contractor performing the work unsuitably or in violation of the rates set forth by the term of this contract, the determination of which should be at the sole discretion of the Borough of Roselle Park.

5. The continued utilization of inadequate or unsafe equipment within ten (10) days after notification that the equipment is inadequate or unsafe.

6. Persistent and/or repeated violations of motor vehicle laws and regulations concerning moving vehicles.

7. Except when snow or ice conditions otherwise prohibit timely responses, repeated late arrival at the scene of an accident or following request for towing or road service.

8. Fraud or willful and knowing misrepresentation or false statement made in the submission of documents related to this proposal.

9. Violations of any law or regulation of the State of New Jersey by any officer, owner, or employee of the licensee.

10. Failure of licensee to comply with any obligation during an emergency.

11. Otherwise be in violation of any of the requirements of this section, including but not limited to insurance requirements.

12. Failure to maintain written, separately dated monthly vehicle impound computerized records for unclaimed vehicles to be forwarded to the Police Chief, indicating the make, year and registration of each vehicle; date and time towed; date and time released; odometer reading, and VIN. Failure to provide the Borough Police Traffic Bureau with a list of all vehicles towed by order of the Police (impounded) that remain unclaimed in storage every Friday by 12:00 noon. A violation of this section shall be grounds for immediate suspension and possible revocation of license.

b. In the event of default, the Borough of Roselle Park reserves all rights inclusive of, but not limited to, the right to purchase materials, and/or services and/or complete the required work and to recover any actual excess costs from the vendor or contractor.

4-19.10 License Transfer.

No controlling interest in a license issued hereunder shall be assigned, transferred, or sold unless under specific approval of the Mayor and Council. The cessation of activity under the license shall render the license null and void. In no event shall any such license be posed as collateral. At the time of the application for the license, the towing operator shall list on the application forms the statement of ownership. Any controlling interest, transfer of ownership in a licensee's business, be it actual transfer or stock transfer, without approval of the Borough of Roselle Park, shall render the license void.

4-19.11 Establishment and Posting of Rates.

a. Pursuant to N.J.S.A. 40:48-2.49, as amended, all licensees shall provide a statement that regulations and fee schedules are available to the general public during normal business hours of the Borough.

b. Pursuant to this section, a licensee shall post in a conspicuous manner, in the motorist waiting area, a copy of the Roselle Park contract municipal rates as outlined in the Municipal Request for Proposal for Towing and Related Services.

(1980 Code § 202-11)

4-19.12 Definitions of Vehicles.

a. Cars and campers with a registered maximum gross weight up to six thousand nine hundred ninety-nine (6,999) pounds shall be considered "cars and other Class I vehicles" under this section.

b. Trucks and buses (two (2) axle) and cars and campers with a registered maximum gross weight from seven thousand (7,000) pounds to fourteen thousand nine hundred ninety-nine (14,999) pounds shall be considered Class II vehicles under this section.

c. Trucks with or without trailers and buses (three (3) axle or more) or other vehicles with a registered maximum gross weight in excess of fourteen thousand nine hundred ninety-nine (14,999) pounds shall be considered Class III vehicles within the meaning of this section.

4-19.13 Towing into Police Department Lot Restricted.

No vehicles are to be towed into the municipal lot unless specifically ordered by the Police Department.

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

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

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

Councilman Yakubov moved that Ordinance #2280 be adopted on first reading and advertised as prescribed by law for second reading and public hearing on October 1, 2009; seconded by Councilman Dinardo.

Vote Record – Ordinance #2280		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Matarante	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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"/>

RESOLUTIONS

Mayor DeLorio said that Resolution #167-09 will be postponed to the September 17th Council Meeting.

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

RESOLUTION NO. 168-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector is hereby authorized per the Tax Court of New Jersey a Judgment to reduce the assessments for the year 2007 and 2008 on Block 913/Lot 16 (otherwise known as 218 Westfield Avenue East, Roselle Park, N.J.) and assessed in the name of Briar Lane, Inc. The Borough Treasurer is further authorized to reduce/refund any overpayments created by these reductions in the amount of \$3,227.40 as follows:

Block/Lot	Assessment	Year	Judgment	Reduction		Tax Rate	Reduction/Refund
913/16	310,000	2007	300,000	10,000	x	10.394	= 1,039.40
913/16	310,000	2008	290,000	20,000	x	10.940	= 2,188.00

Check to be issued to Michael I. Schneck, Trustee (for Briar Lane, Inc.).

Vote Record – Resolution 168-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 169-09

WHEREAS, Ukrainian-Americans form an integral part of the ethnographic map of Roselle Park and contribute to its rich cultural diversity, and

WHEREAS, 2009 marks the 76th Anniversary of the Ukrainian famine-genocide of 1932-33, which resulted in the deaths of at least 6,000,000 Ukrainians and was covered up and officially denied by Russian Communist authorities, and

WHEREAS, Russian Communists deliberately confiscated grain harvests and starved millions of Ukrainian men, women, and children in a policy of forced collectivization that sought to destroy Ukrainian aspirations for independence, and

WHEREAS, the Russian Communist authorities ordered the borders of Ukraine sealed to prevent anyone from escaping the artificial famine and preventing any international food relief shipments to reach the starving masses, and

WHEREAS, at the height of the famine, Ukrainian villagers were dying at the rate of 25,000 per day, and

WHEREAS, 1 in 3 Ukrainian children perished as a result of the forced famine-genocide, and

WHEREAS, the United States Congress formed a Commission on the Ukraine Famine on December 13, 1985 to conduct a study with the goal of expanding the world’s knowledge and understanding of the famine, and

WHEREAS, the Commission’s formal report concluded that the victims ‘starved to death in a man-made famine’ and that ‘Joseph Stalin and the Russian Communist leadership committed genocide against Ukrainians in 1932-33’, and

WHEREAS, today the Russian Federation government continues its disinformation propaganda campaign in order to discredit the historical truth and significance of the Famine Genocide in Ukraine which was planned and perpetrated by Russian Communist leaders: Stalin, Molotov, Kaganovich and others, now therefore

BE IT RESOLVED by the Governing Body of the Borough of Roselle Park that:

1. Ukrainian victims of the Russian communist-engineered famine-genocide of 1932-33 be solemnly remembered by Roselle Park residents on its 76th Anniversary,
2. The United Nations and all the governments of the world should recognize the Ukrainian famine-genocide of 1932-33 as an act of “crimes against humanity.”

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Board of Education member Alexander Balaban who is an Ukrainian-American, the Ukrainian Mission to the United Nations, the Consulate of Ukraine in New York, UN Secretary General Ban Ki-moon, the Ukrainian Weekly, the Ukrainian Congress Committee of America and the Local Source Newspaper.

Vote Record – Resolution 169-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 170-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey, that the Contract for the project Safe Routes to Schools West Webster Sidewalk Improvements be awarded to Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071 for the sum of Eight Thousand Five Hundred Dollars and Zero Cents (\$8,500.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

Vote Record – Resolution 170-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 171-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey, that the Contract for the project Warren Avenue 2009 Roads Fall Program be awarded to Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071 for the sum of Thirteen Thousand One Hundred Dollars and Zero Cents (\$13,100.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

Vote Record – Resolution 171-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 172-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey, that the Contract for the project West Webster Avenue and East Clay Avenue 2009 Roads Fall Program be awarded to Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071 for the sum of Fifty Seven Thousand Five Hundred Dollars and

Zero Cents (\$57,500.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available

Vote Record – Resolution 172-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 173-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey, that the Contract for the project West Clay Avenue, Wood side Avenue, East Webster Avenue and Beachwood Avenue 2009 Roads Fall Program be awarded to Neglia Engineering Associates, 34 Park Avenue, Lyndhurst, NJ 07071 for the sum of Sixty Two Thousand Five Hundred Dollars and Zero Cents (\$62,000.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

Vote Record – Resolution 173-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 174-09

WHEREAS, the County of Union Open Space Trust Fund provides Kids Recreation Trust Fund grants to municipal governments; and

WHEREAS, the Borough of Roselle Park desires to expand recreational activities and increase the opportunity for participation by obtaining grant funding from the County;

NOW, THEREFORE BE IT RESOLVED that Joseph DeIorio, Mayor and/or the Borough Clerk is hereby authorized to:

- (a) make application for such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the County shall determine if the application is complete and in conformance with the scope and intent of the Open Space Trust Fund, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the County’s funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County for the above project;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Borough of Roselle Park that should said grant be awarded the applicant will match its share of the project.

Vote Record – Resolution 174-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 175-09

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

WHEREAS, the County of Union, hereinafter referred to as the “Lead Agency” has offered voluntary participation in a Cooperative Pricing System for the purchase of work, materials and supplies; and

WHEREAS, the Borough of Roselle Park, County of Union, State of New Jersey, desires to participate in the Cooperative Pricing System;

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Mayor of the Borough of Roselle Park is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency for the purchase of Natural Gas from:

Vendor: Pepco Energy Services
60 Kings Road
Chatham, New Jersey 07928

Pricing: \$2.038/per Decathem for 24 months
September 1, 2009 – August 31, 2011

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

Vote Record – Resolution 175-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 176-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector hereby authorizes the Treasurer to issue a check in the amount of \$833.34 payable to CCTS Capital LLC for redemption of TSC #6-07 on Block 206/Lot 23 (otherwise known as 120 Bridge St., Roselle Park, NJ 07204) and assessed in the name of Mack, Brian & Lisa. Interest calculated to meeting date of 9/3/09 as follows:

CERTIFICATE AMT	385.89
FLAT PENALTY 2%	7.72
INTEREST ON CERTIFICATE @10%	27.55
SEARCH FEE	12.00
RECORDING FEE	40.00

SUBSEQUENT TAXES:

3/23/09 328.93
 INTEREST ON ABOVE TO 9/3/09 31.25
 TOTAL AMOUNT TO REDEEM \$ 833.34

Vote Record – Resolution 176-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 177-09

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby authorize the agreement between the County of Union and the Borough of Roselle Park for participation at the Leaf Composting Facility for the 2009 leaf season.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to sign the Memorandum of Understanding and an Indemnification Agreement regarding Union County's Leaf Composting Facility.

Vote Record – Resolution 177-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 179-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, Union County, New Jersey upon the recommendation of the Borough Engineer, Michael J. Neglia, that the Contractor for:

Furnishing and Installation of New Emergency Generators and Perform Electrical Work at the Municipal Complex and the Lorraine and Central Firehouses

BOROUGH OF ROSELLE PARK
 UNION, NEW JERSEY

Be awarded to Manor II Electric, Inc., Fair Haven, New Jersey 07704 for the sum of One Hundred Ninety Four Thousand Seven Hundred Three Dollars and Zero Cents (\$194,703.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

Vote Record – Resolution 179-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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. 180-09

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park that the Collector hereby authorizes the Treasurer to issue a check in the amount of \$1,783.93 payable to Bernard Sabin for redemption of TSC #9-07 on Block 602/Lot 10 (otherwise known as 124 Grant Ave. W. Roselle Park, NJ 07204) and assessed in the name of Batista, Fernando. Interest calculated to meeting date of 9/3/09 as follows:

CERTIFICATE AMT	439.89
FLAT PENALTY 2%	8.80
INTEREST ON CERTIFICATE @18%	150.22
SEARCH FEE	12.00
RECORDING FEE	40.00
SUBSEQUENT TAXES:	
10/22/07	409.21
INTEREST ON ABOVE TO 9/3/09	137.29
8/29/08	496.21
INTEREST ON ABOVE TO 9/3/09	<u>90.31</u>
TOTAL AMOUNT TO REDEEM	\$1,783.93

Vote Record – Resolution 180-09					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/>	Adopted	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" 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"/>

PUBLIC COMMENT

Councilman Yakubov moved at 8:30 p.m. to open the public comment portion of the meeting; seconded by Councilman Dinardo and adopted.

David Jacobs, 621 Maplewood Avenue

- Had questions about the construction of Maplewood Avenue and the streets in the vicinity.
- They were not noticed until the day before; which was not enough warning.
- There were people with special needs who were unable to make arrangements.
- Asked for more of an advanced warning in the future.

Mayor DeIorio said that was addressed to the Engineer and apologized for any inconvenience it may have caused.

- Mr. Jacobs asked who is paying for the curbs that have been installed.

Mayor DeIorio said the curbs that were installed where there were none will be assessed to the property owner.

- Mr. Jacobs asked why they have to pay for curbs; something the town owns and they did not ask for.

Mayor DeIorio said this was discussed in 1990 and there was much debate over the assessment issue. Because the curbing is installed on a particular parcel, it will increase the value of the property. It was decided the assessment would continue. If there was a senior citizen living on that street that met certain guidelines by the State of NJ, they would be waived of that assessment. If it was a corner property, then the assessment would be different because of the additional curbing.

- Mr. Jacobs asked what about people who already had curbing and it was ripped out replaced.

Mayor DeIorio said the Engineering firm is addressing that issue.

- Mr. Jacobs asked about the concrete skirts of the driveways and why weren't they replaced with what they had before.

Mayor DeIorio said before the last payment is made, the Engineer will review and address any complaints that have been made.

- Mr. Jacobs asked what the price is for the Belgian block curbing, and the Engineer said it is \$20-\$25 per linear foot.
- The residents did not ask for it and how could they fight the payment.

Mayor DeIorio said the ordinance would have to be changed and it will be taken under review.

Councilman Yakubov said the Belgian block curbing enhances the value of the property.

Patrick Jones, 5-B Sheridan Avenue

- Thanked the DPW for filling in the potholes on Sheridan Avenue.
- Asked about the street being abandoned.

Mayor DeIorio said the street has not been abandoned; that would have to be done by ordinance and all the homeowners would have to be notified.

- Mr. Jones spoke about the property behind by the railroad and the fence that is there.
- The street needs to be redone and there is very little parking for residents.

Jacob Magiera, 612 Sheridan Avenue

- Spoke about Resolution 175-09 and said the cost of natural gas would be coming down.
- Little League Baseball came in second in the Greenbrook Tournament.
- There is a program called “New Jersey Clean Energy” which will pay the town \$30 per refrigerator for picking them up. The number is 1-877-270-3520 or visit www.njcleanenergy.com.
- Curbing is installed on streets so the street does not stretch.
- At the August 16th Meeting, shared services with Cranford was mentioned.
- New filing date for Senior Freeze Property Tax and Homestead Rebate is November 2, 2009.
- Governor Corzine signed legislation making Gloucester County a pilot for a Countywide Property Tax Assessment.
- Asked why they are doing away with Crossing Guards during lunchtime.
- What is the town going to do to meet the housing quota.

Mayor DeIorio said during the Settlement Agreement, we will have met our affordable housing obligations. Once it is approved by the courts, we will have satisfied that. However, there is a recent court ruling in which Hampton Township, even though they met their obligation, must allow the developer to build additional affordable housing. This is an issue the League of Municipalities is fighting. At this time, that is the Appellate Court ruling.

- Mr. Magiera said Mr. Endler, Tax Assessor, has a very good suggestion.
- Asked for an update on crosswalk pavers.

Mr. Villano said there is a two year Maintenance Bond that the contractor posts. If there are any problems during that period, we can have the contractor come back to fix it or go to the Bonding Company.

- Mr. Magiera said more “Yield to the Pedestrian” signs are needed.
- The Historical Society Museum should not be put in the AvalonBay project; it should be added to the Library where it would be more centralized and accessible.

Glen Marczewski, 621 Sherman Avenue

- Asked about the Westbrook, and how many feet are they taking away from the people’s property.

Councilman Hokanson said the homeowner will not be losing any property; the ten foot easement just gives them access to fix it.

- Mr. Marczewski spoke about the pedestrian crosswalks.

Councilman Hokanson said in July, undercover details were on the 200 block of Chestnut Street and motorists were summoned for not stopping for pedestrians, seatbelts and cellphones.

- Mr. Marzewski asked about probationary Police Officers.
- Asked about Senior Citizen Housing and where it will be built.

Andrew Casais, 166 Berwyn Street

- The next Concerned Citizens Meeting will be held on Saturday, September 12th at 1:00 p.m. at the Casano Center.
- The organization applauds Mayor and Council for rescinding the resolution for the Agreement with Roselle.
- Asked if the flags will be half staff for 9/11.

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

REPORTS OF DEPARTMENTS

Nick Villano – Borough Engineer

- They will be moving forward on the Westbrook Project very soon.
- The sidewalk has been installed at the Webster Avenue Sanitary Sewer Replacement site.
- Top course pavement was to be installed the week of August 24th on the East Grant Avenue Sanitary Sewer Repair Phase II.
- New Jersey Transit has been reviewing the plans for the E. Lincoln Avenue Train Station Enhancement and has requested some additional information. He will report when the comments are reviewed.
- Updated the various roads program that is in progress.
- Due to excessive flow readings and subsequent fee charges by the Rahway Valley Sewerage Authority, they are preparing a preliminary scope of construction and design costs for a pump station to pump the portion of the Borough currently flowing to the Rahway Valley Sewerage Authority to the Joint Meeting of Essex and Union Counties where the Borough has additional capacity.
- The changes to the Casano Center Improvements are minor and the contractor will work with us.
- Chestnut Street Crosswalks Phase II has been finished and the contractor has been contacted to make the repairs.
- The contract for the Generators at Borough Hall, Lorraine and Central Firehouses has been awarded. He will notify the Mayor and Council when a preconstruction meeting is scheduled.
- He will provide the Mayor and Council with an estimate for the ADA Compliant Entrance Door at Borough Hall.
- Quotes have been received for the Municipal Building Storm Sewer.

- The contractor has some questions regarding the Larch Street Underdrain Installation; he will revisit it and will get quotes from them.
- National Fence supplied the lowest quote for the fence at the Municipal Parking Lot.

Blake Johnstone – Borough Attorney

- Has several items for Closed Session.

Mayor DeIorio said he would like to recognize Eagle Scout applicant, Joel Reed, for his hard work at the Gazebo Park, as well as the Girl Scout Troop that assisted.

Ken Blum – Chief Financial Officer

- The public hearing on the budget will be on September 17th at 7:30 p.m.
- Sewer bills are due on September 1st with a grace period until September 10th.
- There was a 30% increase in the sewer bill rate this year.
- If there are questions, the timeframe for this was from April 2008 through March 2009 and the figures are received from the Water Company.
- Residents can contact the Water Company at 800-272-1325 for a printout of their account.
- The tentative date for the Tax Sale for 2008 is October 27th.

Mayor DeIorio said there were many questions regarding the sewer bills. The Rahway Valley Sewerage Authority had an increase of \$194,264.00 and Joint Meeting an increase of \$12,270. Consumption is down in the Borough, which caused a \$30,000 loss in revenue. The revenue we would ordinarily receive from Schering Plough is also down.

Councilman Hokanson said just for information a dripping faucet in a 24 hour period uses 15 gallons of water per day.

Mayor DeIorio said a change in the meter can also reflect on the consumption reading, as well as estimated bills.

Paul Morrison – Police Chief

- The elimination of School Crossing Guards at lunchtime has been discussed with the school for 2 years.
- Only 30 children go home for lunch.
- This will greatly help the Police Department in their patrol practices.
- The Superintendent of Schools spoke about this at the Board of Education Meeting; he has been very cooperative.
- This is mostly for the safety of the children, and is beneficial to everyone.
- This was agreed upon by the School Administration.
- Every Police Officer is a probationary officer for 6 months, if they have had Academy training.

- They have been experiencing problems in the cut out area in front of the Middle School, which is only 15 minute parking.
- It is not beneficial to the safety of the children having cars parked in the area.
- Met with school officials and have decided to make it no parking and drop off and pickup area.
- Spoke about painted parking spaces on Dalton Street.
- The Fire Department had some concerns regarding this issue.

Councilman Hokanson spoke with Chief Signorello and he is in favor of it on the east side of Dalton Street, but it would be hazardous on both sides of the street. We still would like to confer with the Fire Department and the First Aid Squad.

- Chief Morrison said a traffic study is being done on East Roselle Avenue and he will get back to Mayor and Council with the results.
- They have been looking into a device that can be placed in graffiti problem areas. When aerosol is dispensed, the device is activated and a text message will be sent to Dispatch computers and Patrol computers.
- Discussed the Red Light Program at the Public Safety Meeting. There were two bidders and two tiers for the fees. He will send a memo to the Governing Body regarding that information.

Councilman Yakubov said the drop off area at Aldene School has been very successful. Thanked the Police Department for addressing speeding problems on different streets in the Fifth Ward.

Matt Rondeau – Public Works Foreman

- Trash is being done on Monday and Friday.
- The Borough buildings are cleaned everyday.
- Two crews trimming trees in each ward as per work orders.
- Borough grass is being cut.
- Grinding stumps of removed trees.
- Crews painting yellow curbs.
- Potholes are being filled.
- SLAP worked the month of August cleaning the parking lots downtown.
- SLAP has been scraping the paint chips off the wall in the tunnel.
- All requested signs have been put up.
- Cleaning around the trees and bushes on Hawthorne Street.
- Cleaned up branches that fell from the storm in August.
- Painting of the crosswalks has been completed.

Mayor DeIorio has seen the improvement in the tunnel and he thanked the department.

Councilman Miranda thanked the DPW for cleaning up the cinder blocks that were by the bridge.

Councilman Hokanson asked about a resolution for the replanting of a tree when it is removed. He also asked about planting trees in the same area where one was removed.

Mr. Rondeau said when a tree is removed and it is diseased, then you cannot put a healthy tree back in a diseased area.

Karen Intile – Administrative Assistant

- The 9/11 Remembrance Service will be held on Friday, September 11th at 7:00 p.m.
- Oktoberfest 2009 has been scheduled for Sunday, October 4th from 2 to 6 p.m. There will be authentic German cuisine, Bernie's Oompah Band, German Dancers and a 50/50.
- Pet Appreciation Day is scheduled for Sunday, October 25th.
- Holiday Day Parade will be the first Saturday in December.
- Has not yet received the written report from Downtown New Jersey.
- The Casano Center has been rented for various functions in 2009 for a total of \$1,750.00

Mayor DeIorio said they are reviewing the ordinance regarding the Casano Center Committee and some amendments will be made.

Ray Parenteau – Fire Department

- They are in the process of upgrading the computers for fire reports that are submitted to State every month.
- Repairs to the firehouse have been ongoing.
- Final plans were signed off on the new rescue vehicle and we are looking at early March for delivery.
- Asked about an ordinance in place regarding debris remaining after a major fire.

Councilman Yakubov asked when the streets were redone, if the Fire Department was notified when the fire hydrants were used for water and Mr. Parenteau said no.

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 – AvalonBay Agreement
- Personnel – On-going Police Investigation
- Negotiations – Conrail and Purchase of Property
- Class Action Suit – US Gypsum vs. Clark vs. Roselle Park

RESUME REGULAR ORDER OF BUSINESS

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

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

- Litigation – AvalonBay Agreement
- Personnel – On-going Police Investigation
- Negotiations – Conrail and Purchase of Property
- Class Action Suit – US Gypsum vs. Clark vs. Roselle Park

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

Attest:

Deputy Borough Clerk