

REGULAR MEETING – SEPTEMBER 7, 2017

READ PUBLIC MEETINGS LAW ARTICLE

ROLL CALL

MOMENT OF SILENCE/PRAAYER

PLEDGE OF ALLEGIANCE

COMMUNICATIONS

1. Request from the residents of the 300 block of Hemlock Street to hold a Block Party on Saturday, September 16, 2017 from 12:00 Noon until 10:00 p.m.; with a rain date of Saturday, September 23, 2017.

PROCLAMATIONS & PRESENTATIONS

- Daniel Vassallo – 100 Years Old

*** APPROVAL OF MEETING MINUTES, PENDING ANY CORRECTIONS**

Special Meeting & Special Meeting Closed Session of July 20, 2017

Regular Meeting & Regular Meeting Closed Session of July 20, 2017

*** MOTION BILLS & PAYROLLS BE NOT READ**

*** MOTION BILLS & PAYROLLS BE PASSED FOR PAYMENT**

PUBLIC PORTION (Time Limit of 7 Minutes; Limited to Agenda Items Only)

ORDINANCES FOR 2ND READING: COUNCILMAN SHIPLEY

ORD. No. 2500 AN ORDINANCE AMENDING AND ABOLISHING CHAPTER VI, SECTION 7 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “REGULATIONS FOR LICENSEES AND EMPLOYEES OF LICENSED PREMISES”

ORD. No. 2501 AN ORDINANCE OF THE BOROUGH OF ROSELLE PARK CREATING AND IMPLEMENTING CHAPTER X OF THE BOROUGH OF ROSELLE PARK HEALTH CODE ENTITLED, “GREASE TRAPS”

ORD. No. 2503 AN ORDINANCE AMENDING CHAPTER XL, PART 3, ARTICLE XXX, SECTION 3002 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “SIGNS” WITH SPECIFIC AMENDMENTS TO SUBSECTION F

ORD. No. 2504 AN ORDINANCE AMENDING CHAPTER XXIII, SECTION 1.3 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “MAKING OPENINGS IN MCADAM STREETS; REPAVING”

ORDINANCES FOR INTRODUCTION: COUNCILMAN SHIPLEY

None

CONSENT AGENDA

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

RESOLUTIONS:

- * # **238-17** – Awarding a Contract to A3 Contracting, LLC in an Amount Not to Exceed \$19,600.00 for the Project: Roselle Park Home Improvement Program Case #RP-28 Block 1014/Lot 9 (327 Sheridan Avenue)

- * # **239-17** – Appointing Paul Devito as an Apprentice Operator within the Department of Public Works

- * # **240-17** – Authorizing an Agreement Between the County of Union and the Borough of Roselle Park for Participation at the Leaf Composting Facility for the 2017 Leaf Season

- * # **241-17** – Approving the Insertion of a Union County HEART Grant as a Special Item of Revenue in the 2017 Municipal Budget in the Amount of \$1,000.00

- * # **242-17** – Approving the Insertion of a 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant as a Special Item of Revenue in the 2017 Municipal Budget in the Amount of \$5,500.00

- * # **243-17** – Authorizing a Special Need Waiver for the Project: Roselle Park Home Improvement Program Case #RP-27 Block 806/Lot 20 (141 East Clay Avenue)

- * # **244-17** – Awarding a Contract to MZ Contractors in an Amount Not to Exceed \$22,000.00 for the Project: Roselle Park Home Improvement Program Case #RP-27 Block 806/Lot 20 (141 East Clay Avenue)

- * # **245-17** – Awarding a Contract to Reivax Contracting Corp. for the Project: Stream Bank Retaining Wall Improvements – Various Locations in an Amount Not to Exceed \$154,654.00

- * # **246-17** – Awarding a Contract to Cifelli & Son General Contracting, Inc. for the Project: Spruce Street Improvements in an Amount Not to Exceed \$223,843.50

- * # 247-17 – Awarding a Contract to Cifelli & Son General Contracting, Inc. for the Project: Butler Avenue Improvements in an Amount Not to Exceed \$186,787.50
- * # 248-17 – Accepting the Resignation of Jean Coop as Alternate Crossing Guard
- * # 249-17 – Accepting the Resignation of Dennis Lescota as Crossing Guard
- * # 250-17 – Accepting the Resignation of Diane Lescota as Crossing Guard
- * # 251-17 – Appointing Lawrence MacDonald to the Position of Crossing Guard
- * # 252-17 – Appointing Owen Iungerman to the Position of Crossing Guard
- * # 253-17 – Appointing William Mongeau, Frederick G. Boyne, and Todd W. Kraft to the Position of Alternate Crossing Guard
- * # 254-17 – Authorizing Settlement of the 2013, 2014, 2015 & 2017 Tax Appeals Entitled JSP Development Co., Inc./KB CAMP, LLC v. Borough of Roselle Park, Docket Nos.: 012422-2013, 011355-2014, 009504-2015 & 009462-2017, Block 609, Lot 9, Commonly Known As 130 W. Westfield Avenue

MAYOR AND COUNCIL COMMITTEE REPORTS / REPORTS OF DEPARTMENTS

- Police Chief's Reports for July 2017 & August 2017
- Construction Official's Report for August 2017
- Mayoral Appointment(s) (No Confirmation from Council Required):
None

WORKSHOP DISCUSSION

Items Carried from Prior Meeting(s):
None

New Items:

- Air B&B (Councilwoman Storey)
- Helping Victims of Hurricane Harvey (Councilman Shipley)
- Security Cameras for Vacant Buildings (Councilwoman Storey)
- Backyard Chickens (Councilwoman Storey)

PUBLIC PORTION (Time Limit of 5 Minutes; On any Subject)

EXECUTIVE (CLOSED) SESSION

ADJOURNMENT

**NEXT REGULAR SCHEDULED MEETING OF THE MAYOR AND COUNCIL
WILL BE HELD ON SEPTEMBER 21, 2017**

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2500

AN ORDINANCE AMENDING AND ABOLISHING CHAPTER VI, SECTION 7
OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED,
“REGULATIONS FOR LICENSEES AND EMPLOYEES OF LICENSED PREMISES”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter VI, Section 7 be and hereby is amended and abolished as follows:

SECTION 1. 6-7 Reserved. REGULATIONS FOR LICENSEES AND EMPLOYEES OF LICENSED PREMISES.

~~6-7.1—Identification Card Required for Licensee and Agents, Bartenders, Waiters and Waitresses and Other Employees.~~

~~a. Every licensee holding a plenary retail consumption license or a plenary retail distribution license, and the agents, bartenders, waiters, waitresses, barmaids, or other employees of the licensee, shall make application to the Alcoholic Beverage Control Investigation and Enforcement Unit for an identification card, which card shall be issued only upon completion of the application form provided by the Alcoholic Beverage Control Investigation and Enforcement Unit. The application shall require complete answers in writing as to the identity, character, general experience and other pertinent information with regard to the licensee, his agent, bartender, waiter or other employees.~~

~~b. The provisions of paragraph a. shall not apply to any person, whether designated as an employee, independent contractor or otherwise, whose sole function on the licensed premises is to provide entertainment for the patrons.~~

~~(Ord. No. 2207 §1)~~

6-7.2—Fingerprinting and Photograph; Fees.

~~—Upon notification by the Alcoholic Beverage Control Investigation and Enforcement Unit to the licensee, agent, bartender, waiter, waitress, barmaid and/or other employee that his application has been approved, that individual shall report immediately to the Roselle Park Police Department and permit the Police Department to take an impression of the thumb and fingertips of both hands. At the time of taking of the fingerprints, the individual shall also permit the Police Department to take a photograph of the individual which photograph shall be attached to an identification card, which shall be issued to the individual and shall be on file on the licensed premises where he is employed so that it can be exhibited on demand at any time. Such identification card shall expire one (1) year from the date of issuing, at which time new photographs shall be taken and an updated identification card issued to the licensee, agent, bartender, waiter and/or other employee. Each individual shall be required to pay a fee of twenty-five (\$25.00) dollars per year for each identification card. In the event at the discretion of the Alcoholic Beverage Control Investigation and Enforcement Unit the licensee, agent, bartender, waiter, waitress, barmaid or other employee shall physically change in appearance so that identification card photograph no longer depicts their appearance, the licensee, agent, bartender, waiter, waitress, barmaid or other employee shall be required to have a new photograph taken for which the cardholder shall pay a fee of five (\$5.00) dollars. Notwithstanding the above, nothing in this subsection is to be interpreted as~~

increasing the civil or criminal liability of the Borough or any of its agencies as a result of the above described procedure. (Ord. No. 2207 § 1)

~~6-7.3—Compliance by Licensee Holding a Club License.~~

~~—Every licensee holding a club license shall be required to have its president and bar manager comply with the provisions of subsections 6-6.6 and 6-6.7. Further, any club licensee shall notify the Alcoholic Beverage Control Investigation and Enforcement Unit as to any change in the individuals serving in the capacity as president and/or bar manager. (Ord. No. 2207 § 1)~~

~~6-7.4—Employee to Conform to Requirements.~~

~~—No licensee shall engage or employ any agent, bartender, waiter or other employee in connection with the business of the licensee until and unless such person shall have conformed to the requirements of this chapter. (Ord. No. 2207 § 1)~~

SECTION 2. Invalidity

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

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

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

ORDINANCE NO. 2501

AN ORDINANCE OF THE BOROUGH OF ROSELLE PARK CREATING
AND IMPLEMENTING CHAPTER X OF THE BOROUGH OF
ROSELLE PARK HEALTH CODE ENTITLED, “GREASE TRAPS”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey that Chapter X of the Borough of Roselle Park Health Code be created and implemented to read as follows:

SECTION 1. BH: 10-1 PURPOSE.

The purpose of this section is to control discharges into the public sewerage collection system and wastewater treatment plants that interfere with the operations of the system, cause blockage and plugging of pipelines, interfere with normal operation of pumps and their controls, and contribute waste of a strength or form that either causes treatment difficulties or is beyond the treatment capability of the wastewater treatment plant.

SECTION 2. BH: 10-2 DEFINITIONS.

“Grease” shall mean material composed primarily of fats, oil and grease (FOG) from animal or vegetable sources. The terms fats, oil, and grease shall be deemed as grease by definition. Grease does not include petroleum based products.

“Grease trap” shall mean a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities, prior to the water exiting the trap and entering the sanitary sewer collection and treatment system.

“Food service facilities” shall mean those establishments primarily engaged in activities of preparing, serving, or otherwise making available for consumption foodstuffs and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sautéing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include restaurants, cafeterias, hotels, motels, hospitals, nursing homes, schools, grocery stores, prisons, jails, churches, camps, caterers, manufacturing plants, or any other sewer users as determined by the plumbing sub-code official who discharge applicable waste. Exempted herefrom are self-contained single-family living units.

“User” shall mean any person or establishment including those located outside the jurisdictional limits of the borough who contributes, causes, or permits the contribution or discharge of wastewater into the borough's wastewater collection or treatment system, including persons who contribute such wastewater from mobile sources, such as those who discharge hauled wastewater.

“Oil/water separator” shall mean an approved and industry standard system that is specifically designed and manufactured to separate oil from water. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved. Adequate support literature from the manufacturer will be required so as to allow a proper review by the Director of Code Enforcement and/or Plumbing Subcode Official.

“Sanitary Sewer” shall mean and refer to the sanitary system of the Borough of Roselle Park.

SECTION 3. BH: 10-3 GENERAL CRITERIA.

A. Installation Requirements: All existing, proposed, or newly remodeled food service facilities inside the Borough of Roselle Park shall be required to install, at the user's expense, an approved, properly operated and maintained grease trap, capable of preventing accumulation of grease in the sanitary sewer system of the Borough of Roselle Park.

1. Such above captioned establishments who do not possess a proper grease trap in accordance with the provisions of this chapter shall have such grease trap installed within ninety (90) days of the effective date of the enabling Ordinance. Upon the expiration of the ninetieth (90th) day following the effective date of the enabling ordinance an establishment not possessing a proper grease trap in accordance with this chapter shall be deemed in violation and shall be subject to fines pursuant to section 10-8 of this chapter.

B. Sanitary Sewer Flows: Sanitary sewer flows from toilets, urinals, lavatories, etc. shall not be discharged into the grease trap. These flows shall be conveyed separately to the sanitary sewer service lateral.

C. Floor Drains: Only floor drains which discharge or have the potential to discharge grease shall be connected to a grease trap.

D. Garbage Grinder/Disposers: It is recommended that solid food waste products be disposed of through normal solid waste/garbage disposal means. If a grinder/disposal is used it must be connected to the grease trap. The use of grinders is discouraged since it decreases the operational capacity of the grease trap and will require an increased pumping frequency to ensure continuous and effective operation.

E. Dishwashers: Commercial dishwashers must be connected to the grease trap. Dishwashers discharge soap and hot water which can melt grease and allow it to pass through an undersized grease trap. Traps must be sized accordingly to allow enough detention time to allow water to cool and grease to solidify and float to the top of the trap.

F. Locations: Grease traps shall be installed upstream from the sanitary sewer service lateral connection. This will allow easy access for inspection, cleaning, and removal of the intercepted grease at any time.

G. Pass Through Limits: No user shall allow wastewater discharge concentration from grease trap to exceed 100 MgPL (milligrams per liter) as identified by EPA method 1664A.

SECTION 4. BH: 10-4DESIGN CRITERIA.

A. Construction: Grease traps/interceptors shall meet the specifications of Chapter 6 of the current National Standard Plumbing code/ N.J.A.C. 5:23-3.15. All grease removal devices or technologies shall be subject to the written approval of the Director of Code Enforcement or Plumbing Subcode Official as designated. Such approval shall be based on demonstrated removal efficiencies of the proposed technology.

B. Access: Access to grease traps shall be available at all times requested by the Director of Code Enforcement, Deputy Code Enforcement Officer, Plumbing Subcode Official, Health Officer, or their designee(s), to allow for maintenance and inspection.

C. Load-Bearing Capacity: In areas where additional weight loads may exist, the grease trap shall be designed to have adequate load-bearing capacity. (For Example: Vehicular traffic in driving or parking areas).

SECTION 5. BH: 10-5GREASE TRAP MAINTENANCE.

A. Cleaning/Pumping: The user, at the user's expense, shall maintain all grease traps to assure proper operation and efficiency. Maintenance of grease trap shall include the complete removal of all contents, including floating materials, wastewater, and bottom sludge and solids. This work shall be performed by a qualified and licensed hauler. Decanting or discharging of removed waste back into the trap from which it was removed or any other grease trap, for the purpose of reducing the volume to be disposed, is

prohibited. This service shall also include a thorough inspection of the trap and its components. Any needed repairs shall be noted. Repairs shall be made at user's expense.

B. Cleaning/Pumping Frequency: The grease trap must be pumped out completely a minimum of once every four (4) months, or more frequently, as determined by the Director of Code Enforcement, Health Officer or Plumbing Subcode Official, as needed to prevent carry over of grease into the sanitary sewer system.

C. Disposal: All waste removed from each grease trap must be disposed of at a facility approved to receive such waste in accordance with the provisions of this program. In no way, shall the materials pumped from the grease trap be returned to any private or public portion of the Borough of Roselle Park's sanitary sewer collection system. All materials pumped from grease traps must be tracked by a manifest, which confirms pumping, hauling, and disposal of waste. The customer must obtain and retain a copy of the original manifest from the hauler.

D. Maintenance Log: A grease trap cleaning/maintenance log indicating each pumping for the previous twenty-four (24) months shall be maintained by each food service facility. This log shall include the date, time, amount pumped, hauler, and disposal site and shall be kept on-location for inspection. Said log shall be made available to the Director of Code Enforcement, Health Officer, Plumbing Subcode Official or their designee(s) upon request.

E. Submission of Records: Each user shall submit all cleaning and maintenance records to the Plumbing Subcode Official. The maintenance records shall include the following information:

- (1) Facility name, address, contact person, and telephone number.
- (2) Company name, address, telephone number, and contact name of person responsible for performing the maintenance, cleaning, pumping, or repair of grease trap.
- (3) Types of maintenance performed.
- (4) Dates maintenance was performed.
- (5) Date of next schedule maintenance.
- (6) Copies of manifests.

The user shall be required to submit maintenance records to the Plumbing Subcode Official on a biannual basis (twice per year). Records shall be submitted by March 1 and September 1 of each year. The records shall be submitted to:

Plumbing Subcode Official
Borough of Roselle Park
110 East Westfield Avenue
Roselle Park, New Jersey 07204

SECTION 6. BH: 10-6 INSPECTIONS.

A. Generally: In consideration for continued use of its sanitary sewer system, The Borough of Roselle Park shall reserve the right to periodically conduct routine inspections of the grease traps/interceptor(s) of any food service facility during regular business hours. During such inspections, the Borough of Roselle Park shall have the right to inspect (i) any food preparation areas (ii) any records maintained pursuant to this section (iii) all grease traps/interceptors which shall be opened upon request, and (iv) all wastewater lines from the establishment to the sanitary sewer system, which may be accomplished by use of a line camera.

B. Inspection Fee for New Grease Traps/Interceptor Installations and Re-Inspections: The inspection fee for new grease trap/interceptor is established in subsection 16-1.3 of the Borough Code. There is hereby established a fee for re-inspection of any grease trap found in violation of this chapter in the amount of \$250 for the first offense, \$500 for the second offense and \$1,000 for the third and any subsequent offense.

Anytime the retail food establishment is found in violation during the re-inspection, there shall the penalties of section 10-8 of this Chapter shall apply.

C. Blockage: Whenever the Borough of Roselle Park discovers a blockage of the sanitary sewer system caused by grease, the Borough of Roselle Park shall have the right to conduct an inspection of any food service facilities establishment connected to the main in which said blockage is found, without regard to any prior or recent inspection(s) thereof.

D. Violation Discovered: If during an inspection, the Borough discovers a violation of this section, the Borough shall notify the owner and/or operator of the eating and drinking food establishment of the nature of said violation as soon as reasonably possible and, in its discretion, issue a notice to the owner and/or operator for the correction of said violation within seven (7) calendar days thereof. If said violation is not corrected within such time the Borough shall issue a summons in accordance with section 10-8 of this chapter.

The owner and/or operator of the eating and drinking food establishment shall be subject to additional fees for any borough labor associated with correcting a blockage.

SECTION 7. BH: 10-7 ADDITIVES.

Any biological additive(s) placed into the grease trap or building discharge line including, but not limited to, enzymes, commercially available bacteria, or other additives designed to absorb, purge, consume, treat, or otherwise eliminate fats, oils, and grease shall require written approval by the Health Officer prior to use. The use of such additives shall in no way be considered as a substitution to the maintenance procedures required herein.

SECTION 8. BH: 10-8 VIOLATIONS AND PENALTIES

A. A violation of the provisions of this Chapter is subject to the penalty provisions of Section 1-5 of the General Ordinances of the Borough of Roselle Park.

B. Recovery of Damages: When the discharge from a food service facility causes an obstruction, damage, or any other impairment to the treatment works, or causes any expense, fine, penalty, or damage of whatever character or nature to the Borough, the Director of Code Enforcement or Plumbing Subcode

Official as designated shall invoice the owner for same incurred by the Borough. If the invoice is not paid, the plumbing Subcode Official Shall notify the Borough Attorney to take such actions as shall be appropriate to seek reimbursement.

C. Remedies Nonexclusive: The remedies provided for in this subsection are not mutually exclusive. The Borough and its various designated agents may take any, all, or any combination of these actions against a noncompliant person.

SECTION 9. BH: 10-9 ENFORCEMENT.

A. Generally: Except as otherwise provided, the Borough of Roselle Park Health Officer, Director of Code Enforcement and the Deputy Code Enforcement Officer, or their duly designated representative(s), including the Borough of Roselle Park Plumbing Subcode Official, shall have the authority to enforce the terms of this chapter and to perform all the duties described herein on behalf of the Borough of Roselle Park.

B.Related Authorities: Nothing contained herein shall limit the authority of the Deputy Code Enforcement Officer, Roselle Park Plumbing Subcode Official, and others so designated to enter the premises of any food service facilities at all reasonable hours for the purpose of inspecting any water or sewer connection or service equipment, nor limit the authority of the Borough of Roselle Park to assess penalties for any discharge of grease into the sanitary sewer system.

SECTION 10. Invalidation

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 11. Inconsistent Ordinances Repealed.

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

SECTION 12. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 13. Effective Date.

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

ORDINANCE NO. 2503

AN ORDINANCE AMENDING CHAPTER XL, PART 3, ARTICLE XXX, SECTION 3002
OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED,
“SIGNS” WITH SPECIFIC AMENDMENTS TO SUBSECTION F

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, Part 3, Article XXX, Section 3002, Subsection F of the Code Borough of Roselle Park be amended to read as follows:

SECTION 1. 40-3002 SIGNS.

[...]

F. *General Sign Regulations.* The following shall apply to all signs in the Borough.

1. No sign shall be erected or maintained so as to prevent free and safe ingress to and egress from any window, door or fire escape and no sign shall be attached to a fire escape.

2. No sign shall be erected or maintained at the intersection of streets or at a driveway entrance or exit so as to obstruct free and clear vision, and if, located near or within a line of vision of any traffic control sign or signal, such sign shall have no red, green or amber illumination.

3. Signs may be painted on or affixed flat against the walls of buildings or may project therefrom not more than three and one-half (3 1/2) inches.

4. Directional signs of a public or semi-public nature, not exceeding ten (10) square feet in area, may be erected in any district; provided, however, that no advertising matter shall be contained thereon, which signs may be used for the following purposes:

a. To indicate name or location of a municipality or public facilities, including without limitation, parking, administrative offices, community centers, schools and places of worship.

b. To indicate an event of general public interest lasting not more than seven (7) consecutive calendar days, including without limitation, a garage sale, flea market, car wash, trade show, fair, benefit, general election and the like. Any such sign shall be deemed a temporary sign and subject to the conditions governing temporary signs.

5. Whenever a sign becomes dilapidated or structurally unsafe or endangers the safety of the public, a building or premises, the Construction Official or authorized designee shall give written notice to the owner of the sign or the owner of the premises upon which such sign is located, and such sign shall be made safe, repaired or removed, as applicable, within a period of ten (10) days from receipt of such written notice; otherwise such owner shall be in violation of this chapter.

6. Neon, argon, or similar tubular gaseous illuminated signs shall be permitted only pursuant to the following regulations:

a. Those signs which are located in the interior of a building, but are intended to be viewed from the outside, are limited to one (1) sign per window and shall be no larger than six (6) square feet, or ten (10%) percent of the total window area, whichever is less.

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

7. Temporary Signs.

a. Temporary signs, including affixed banners and pennants, shall be permitted for special public and semi-public events and for private grand openings and special sales events.

b. One (1) temporary sign used by a business shall not be used more than four (4) times in any calendar year with each use limited to not more than thirty (30) days.

c. No temporary sign shall exceed five (5%) percent of the wall to which it is attached, or ten (10%) percent of the wall to which it is attached if the building faces the Westfield Avenue Corridor. Temporary signs shall require a permit from the Zoning Official. No banner shall be affixed to a freestanding permanent sign.

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

9. No sign shall be erected on any public property owned in the Borough of Roselle Park, including, but not limited to, municipal, county, state, and federal lands.

[...]

SECTION 2. Invalidity

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

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

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

ORDINANCE NO. 2504

AN ORDINANCE AMENDING CHAPTER XXIII, SECTION 1.3
OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED,
“MAKING OPENINGS IN MCADAM STREETS; REPAVING”

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, and State of New Jersey that Chapter XXIII, Section 1.3 of the Code Borough of Roselle Park be amended to read as follows:

SECTION 1. 23-1.3 Making Openings in Macadam Streets; Repaving.

a. All trench openings in streets paved with macadam, telford, stone block or pavements of which the foundations are of crushed stone covered with any bituminous material shall be backfilled as described in subsection 23-1.1 and the pavement opened one (1) foot wider than the trench as specified in subsection 23-1.2 and eight (8) inches below the subgrade of any such pavement above mentioned and the surface restored by placing a six (6) inch bituminous concrete base over the trench and for six (6) inches on each side thereof and topped with two (2) inches of bituminous concrete top course. The new pavement shall be continuous with the surface of the existing pavement.

b. **Should any entity excavate a street within five (5) years of the Borough’s reconstruction, revitalization, or otherwise repaving of the same, other than for reasons of an**

emergency as outlined in Section 1.23 of this Chapter, it shall be required that the roadway be repaved from curb-to-curb pursuant to the standards promulgated by the Borough and approved by the Borough Engineer.

All costs associated with curb-to-curb repaving shall be explicitly assumed by, and the responsibility of the entity conducting the excavation of such street.

SECTION 2. Invalidity

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

SECTION 3. Inconsistent Ordinances Repealed.

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

SECTION 4. Captions.

Captions contained in this Ordinance have been included only for the purpose of facilitating reference to the various sections and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 5. Effective Date.

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

ORDINANCES FOR INTRODUCTION

NONE

RESOLUTIONS

RESOLUTION NO. 238-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby award a contract to A3 Contracting, LLC, P.O. Box 1483, 707 Washington Avenue, Linden, NJ 07036 in an amount not to exceed Nineteen Thousand Six-Hundred dollars (\$19,600.00) for the project Roselle Park Home Improvement Program, Case No. RP-28, Block 1014/Lot 9 (327 Sheridan Avenue).

RESOLUTION NO. 239-17

BE IT RESOLVED that Paul Devito, 168 East Lincoln Avenue, Roselle Park, New Jersey, be and is hereby appointed to the position of Apprentice Operator for the Roselle Park Department of Public Works, effective September 25, 2017, to be compensated at the rate of \$64,394.92 per annum, as set forth by Borough Ordinance and the collective bargaining agreement between the Borough of Roselle Park and Roselle Park Department of Public Works employees (Local 2326).

RESOLUTION NO. 240-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize the agreement between the County of Union and the Borough of Roselle Park for participation at the Leaf Composting Facility for the 2017 leaf season; and,

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.

RESOLUTION NO. 241-17

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$1,000.00 which item is now available as a revenue from the Union County HEART Grant pursuant to the provisions of statute; and,

BE IT FURTHER RESOLVED that the like sum of \$1,000.00 is hereby appropriated under the caption of the Union County HEART Grant; and,

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified copy of this resolution with enclosures to the Chief Financial Officer to submit the resolution electronically to the Director of the Division of Local Government Services.

RESOLUTION NO. 242-17

WHEREAS, N.J.S.40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or

municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and,

WHEREAS, the Director may also approve the insertion of any item of appropriation for equal amount.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2017 in the sum of \$5,500.00 which item is now available as a revenue from the 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant pursuant to the provisions of statute; and,

BE IT FURTHER RESOLVED that the like sum of \$5,500.00 is hereby appropriated under the caption of the 2017 Drive Sober or Get Pulled Over Statewide Labor Day Crackdown Grant; and,

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified copy of this resolution with enclosures to the Chief Financial Officer to submit the resolution electronically to the Director of the Division of Local Government Services.

RESOLUTION NO. 243-17

WHEREAS, an application has been submitted for the Borough of Roselle Park's Home Improvement Program in connection with the owner occupied residence at 141 East Clay Avenue, Roselle Park, NJ 07204 (Block 806, Lot 20); and,

WHEREAS, the above referenced application includes improvements that require the abatement of code or safety violations or weatherization rehabilitation that will result in the expenditure of rehabilitation funds in excess of the basic program limit of \$20,000.00 for a single family owner occupied house, or \$16,000.00 per unit in an owner occupied multi-family or investor property.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby authorize the Borough Clerk to execute a Special Needs Waiver in order to waive the program limit and allow an expenditure of \$22,000.00 for remediation of code and safety violations and to weatherize the unit.

RESOLUTION NO. 244-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby award a contract to MZ Contractors, 13 Bahama Avenue, Toms River, NJ 08753 in an amount not to exceed \$22,000.00 for the project Roselle Park Home Improvement Program, Case No. RP-27, Block 806/Lot 20 (141 East Clay Avenue).

RESOLUTION NO. 245-17

WHEREAS, the Borough Clerk received sealed bids at 10:30 a.m. on Wednesday, August 30, 2017 for the project: Stream Bank Retaining Wall Improvements – Various Locations.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Borough Engineer, Michael J. Neglia, the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby award a contract to Reivax Contracting Corp., 46 Washington Street, Harrison, New Jersey 07029 pursuant to the advertised specifications for the project: Stream Bank Retaining Wall Improvements – Various Locations, in an amount not to exceed one hundred fifty four thousand six hundred fifty four dollars (\$154,654.00); and,

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 246-17

WHEREAS, the Borough Clerk received sealed bids at 11:00 a.m. on Wednesday, August 30, 2017 for the project: Spruce Street Improvements.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Borough Engineer, Michael J. Neglia, the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby award a contract to Cifelli & Son General Construction, Inc., 81 Franklin Avenue, Nutley, New Jersey 07110, pursuant to the base bid and alternate of advertised specifications for the project: Spruce Street Improvements, in an amount not to exceed two hundred twenty three thousand eight hundred forty three dollars and fifty cents (\$223,843.50) and,

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 247-17

WHEREAS, the Borough Clerk received sealed bids at 11:30 a.m. on Wednesday, August 30, 2017 for the project: Butler Avenue Improvements.

NOW, THEREFORE, BE IT RESOLVED that upon the recommendation of the Borough Engineer, Michael J. Neglia, the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby award a contract to Cifelli & Son General Construction, Inc., 81 Franklin Avenue, Nutley, New Jersey 07110, pursuant to the advertised specifications for the project: Butler Avenue Improvements, in an amount not to exceed one hundred eighty six thousand seven hundred eighty seven dollars and fifty cents (\$186,787.50), and;

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon adoption and certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 248-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby accept the resignation of Jean Coop from the position of Alternate Crossing Guard effective immediately.

RESOLUTION NO. 249-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby accept the resignation of Dennis Lescota from the position of Crossing Guard effective immediately.

RESOLUTION NO. 250-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby accept the resignation of Diane Lescota from the position of Crossing Guard effective immediately.

RESOLUTION NO. 251-17

WHEREAS, a vacancy currently exists in the in the position of Crossing Guard.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Lawrence MacDonald to the position of Crossing Guard to be paid \$65.94 per day effective immediately.

RESOLUTION NO. 252-17

WHEREAS, a vacancy currently exists in the in the position of Crossing Guard.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Owen Iungerman to the position of Crossing Guard to be paid \$65.94 per day effective immediately.

RESOLUTION NO. 253-17

WHEREAS, vacancies currently exist in the in the position of Alternate Crossing Guard.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint the following individuals to the position of Alternate Crossing Guard to be paid \$65.94 per day effective immediately:

1. William Mongeau; A27 Woodside Gardens, Roselle Park, N.J. 07204
2. Frederick G. Boyne; 176 East Lincoln Avenue, Roselle Park, N.J. 07204
3. Todd W. Kraft; 506 Walnut Street, Roselle Park, N.J. 07204

RESOLUTION NO. 254-17

WHEREAS, an appeal of the real property tax assessment for tax years 2013, 2014, 2015 & 2017, involving Block 609, Lot 9 has been filed by the taxpayer, JSP Development Co., Inc./KB Camp, LLC; and,

WHEREAS, the Borough of Roselle Park desires to settle the tax appeal for the tax years 2013, 2014, 2015 and 2017, and the proposed settlement agreement has been reviewed and recommended by the Borough Special Tax Counsel and Tax Assessor; and,

WHEREAS, settlement of said matter as more fully set forth below is in the best interests of the Borough of Roselle Park;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the tax appeal settlement for the property and tax years herein are hereby authorized as follows:

1. Settlement of the 2013, 2014, 2015 and 2017 tax appeals are hereby authorized as follows:
130 W. Westfield Ave.

Year 2013	Original	County	Requested Tax
Assessment	Board Judgment	Court Judgment	
Land	\$ 93,900	\$ 93,900	\$ 93,900
Improvements	\$ 136,000	\$ 136,000	\$ 81,100
Total	\$ 229,900	\$ 229,900	\$ 175,000

Year 2014	Original	County	Requested Tax
Assessment	Board Judgment	Court Judgment	
Land	\$ 93,900	\$ 93,900	\$ 93,900
Improvements	\$ 136,000	\$ 136,000	\$ 81,100
Total	\$ 229,900	\$ 229,900	\$ 175,000

Year 2015	Original	County	Requested Tax
Assessment	Board Judgment	Court Judgment	
Land	\$ 93,900	\$ 93,900	\$ 93,900
Improvements	\$ 136,000	\$ 136,000	\$ 81,100
Total	\$ 229,900	\$ 229,900	\$ 175,000

Year 2017	Original	County	Requested Tax
Assessment	Board Judgment	Court Judgment	
Land	\$ 300,000	\$ 300,000	\$ 300,000
Improvements	\$ 422,700	\$ 422,700	\$ 330,000
Total	\$ 722,700	\$ 722,700	\$ 630,000

2. The provisions of N.J.S.A. 54:51A-8 (Freeze Act) shall not apply to the 2016 assessment.

3. The Mayor, Borough Clerk and Special Tax Counsel are hereby authorized and directed to execute and deliver such agreements, pleadings stipulations or other documentation as is reasonably necessary and/or appropriate to memorialize the settlement authorized herein.