

**REGULAR MEETING – JUNE 15, 2017**

**READ PUBLIC MEETINGS LAW ARTICLE**

**ROLL CALL**

**MOMENT OF SILENCE/PRAYER**

**PLEDGE OF ALLEGIANCE**

**COMMUNICATIONS**

1. Request from the residents of the 500 block of Amsterdam and Ashwood Avenues to hold a Block Party on Tuesday, July 4, 2017 from 12:00 Noon until 10:00 p.m., with a rain date of Saturday, July 8, 2017.
2. Request from Rosalette Layug-Nucum to use Acker Park for her daughter's first birthday on Sunday, July 2, 2017 from 3:00 p.m. to 7:00 p.m.
3. Request from the residents of Berwyn Street to hold a Block Party on Saturday, July 29, 2017 from noon until 10:00 p.m., with a rain date of Sunday, July 30, 2017.

**PROCLAMATIONS & PRESENTATIONS**

- Bail Reform Presentation
- Joshua Regan – Eagle Scout Project
- Business of the Month: Vito's Barber Shop

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

Budget Meeting & Closed Session of May 10, 2017

Regular Meeting & Closed Session of May 18, 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 2<sup>ND</sup> READING: COUNCILMAN SHIPLEY**

ORD. No. 2494      BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,468,000 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,300,000 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

ORD. No. 2495      AN ORDINANCE AMENDING CHAPTER XIII, ARTICLE I, SECTION 1.18 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "CODE ENFORCEMENT, DIRECTOR OF"

ORD. No. 2496      AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 30 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "DEPARTMENT OF CODE ENFORCEMENT"

- ORD. No. 2497 AN ORDINANCE AMENDING CHAPTER XIX OF THE CODE OF THE BOROUGH OF ROSELLE PARK INSERTING SECTION 19-5 ENTITLED, "BOARD-UP OF BUILDINGS"
- ORD. No. 2498 AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXVIII, SECTION 2803 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "OFF-STREET PARKING" WITH SPECIFIC AMENDMENTS TO PARAGRAPH D
- ORD. No. 2499 AN ORDINANCE OF THE BOROUGH OF ROSELLE PARK AMENDING CHAPTER XIX OF THE CODE OF THE BOROUGH OF ROSELLE PARK INSERTING SECTION 19-6 TO BE ENTITLED "RESIDENTIAL MAINTENANCE AND REGISTRATION" TO ESTABLISH STANDARDS FOR THE REGISTRATION AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL PROPERTIES IN FORECLOSURE BY CREDITORS

**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."

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**RESOLUTIONS:**

- \* # 166-17 – Renewing Certain ABC Licenses for the 2017-2018 Licensing Term
- \* # 167-17 – Accepting a Donation from Arthur and Anthony Mastapeter, 131 Harbor Inn Road, Bayville, NJ 08721, in the form of four (4) Model #AR-15A4 Colt Rifles to be kept, maintained, and utilized by the Roselle Park Police Department
- \* #168-17 – Authorizing the Treasurer to Issue Multiple Checks Totaling \$23,810.03 Payable to Three (3) Lien Holders on Three (3) Properties and Multiple Checks Totaling \$34,300.00 from the Tax Collector’s Premium Account
- \* #169-17 – Reserving the Borough’s Right to Plant Trees Along Residential Roadways
- \* #170-17 – Accepting the Resignation of Ann Marie Peterson from the Arts Committee

- \* **#171-17** – Approving a Five-Year Tax Abatement for 504 Laurel Avenue
- \* **#172-17** – Awarding a Three-Year Contract to Nature’s Choice Corporation for Wood/Vegetative Waste Roll-Off Services in the Amount of \$670.00 per container Inclusive of Trucking and Disposal Costs for all Three Years
- \* **#173-17** – Granting Permission to AT&T Corp. to Install Communications Facilities Along, Under, and Over the Public Right-of-Way in Order to Provide Communications Services to the Public
- \* **#174-17** – Authorizing the Execution of a Redevelopment Agreement between the Borough of Roselle Park and the Redeveloper, Meridia on Westfield Urban Renewal, LLC for the Property Commonly Known as Block 314, Lots 8, 9, 10, 11 and 12 on the Tax Map of the Borough of Roselle Park
- \* **#175-17** – Appointing Sonia Cabezas as an Employee Assigned to Casano Community Center Events
- \* **#176-17** – Approving the insertion of a Clean Communities Program Grant as a special item of revenue in the 2017 Municipal Budget in the amount of \$21,914.36
- \* **#177-17** – Approving the insertion of an Alcohol Education and Rehabilitation Fund Grant as a special item of revenue in the 2017 Municipal Budget in the amount of \$3,603.03
- \* **#178-17** – Authorizing Change Order # 1 to JTG Construction, Inc., for the Project: 2016 CDBG Improvements to Park Place; in the Amount of a \$24,952.83 Decrease (16.48% Decrease) to Reflect a Total Contract Amount of \$126,447.17
- \* **#179-17** – Authorizing Close Out of the Contract with JTG Construction, Inc. for the Project: 2016 CDBG Improvements to Park Place
- \* **# 180-17** – Renewing ABC License 2015-33-012-005, Gourmet Food Merchant, LLC, 16 Cornwall Road, Glen Rock, NJ 07452, t/a The Castle for the 2017-2018 Licensing Term with Special Conditions

**MAYOR AND COUNCIL COMMITTEE REPORTS / REPORTS OF DEPARTMENTS**

- Construction Official’s Report for May 2017
- Police Chief’s Report for May 2017
- Borough Clerk’s Report for May 2017
- Municipal Court Reports for February – May 2017
- Treasurer’s Report for May 2017
- Casano Center Director’s Report for May 13 – June 9, 2017
- Mayoral Appointment(s) (No Confirmation from Council Required):
  - Appointing Jenny Lichtenwalner, 163 Berwyn Street, Roselle Park, NJ 07204 as a member of the Arts Committee to fill the unexpired term of Ann Marie Peterson set to expire December 31, 2017.

## **WORKSHOP DISCUSSION**

### Items Carried from Prior Meeting(s):

None

### New Items:

- Code Enforcement on County and State Roads (Councilman Fahoury)
- ABC Employee Cards (Mayor Hokanson)
- Roselle Park Arts (RPA) “Arts in the Park” Use of Gazebo Park: 4 Wednesday Evenings in August 2017 (Councilman Shipley)

## **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 JULY 20, 2017**

## **ORDINANCES FOR SECOND READING**

### **ORDINANCE NO. 2494**

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$2,468,000 FOR VARIOUS CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$2,300,000 IN BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE PARK, IN THE COUNTY OF UNION, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Roselle Park, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$2,468,000, such sum includes the sum of (a) \$25,000 expected to be received as a Union County Senior Focus Grant in connection with the improvement described in Section 3(a)(ii) and (b) \$143,000 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A, Municipalities and Counties of the Revised Statutes of New Jersey (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments for capital improvement purposes.

In order to finance the cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$2,300,000 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$2,300,000 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

The Improvements hereby authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each improvement are as follows:

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
(i) Purchase of equipment and capital items for various departments including but not limited to (a) street sweeper and signs for the Public Works Department; (b) emergency communications radio system for the Public Works Department, Police and Fire Department, First Aid Squad and Office of Emergency Management; (c) Scott SCBA air bottles, turnout gear and pagers and batteries for the Fire Department and (d) computer equipment and software for all Borough Departments.	\$1,042,000	\$980,000	10.80 years
(ii) Various improvements to Borough property including but not limited to improvements to municipal buildings and grounds, sidewalk improvements, tree plant Borough-wide, improvements to Library buildings and grounds ADA ramp and replacement of roof and gutters at the Casano Center, including all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on the file in the Office of the Clerk.	360,000	\$313,000	15 years
(iii) Resurfacing of various streets, including but not limited to East Colfax Avenue from Chestnut Street to Walnut Street, resurfacing of Butler Avenue from Meadow Street to Locust Street, resurfacing of Spruce Street from East Clay Avenue to East Lincoln Avenue, including all work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on the file in the Office of the Clerk.	716,000	677,000	10 years
(iv) Open channel storm sewer improvements between East Lincoln Avenue and East Webster Avenue and various improvements to sewer system, including all work and materials necessary	350,000	330,000	40 Years

Purpose	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Average Period of Usefulness
therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on the file in the Office of the Clerk.			
TOTAL:	\$2,468,000	\$2,300,000	

The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$2,300,000.

The estimated cost of the Improvements is \$2,468,000, which amount represents the appropriation made by the Borough.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Borough Clerk and is available for public inspection.

The following additional matters are hereby determined, declared, recited and stated:

The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Borough may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

The average period of usefulness of the Improvements within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15.32 years.

The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$2,300,000 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

An aggregate amount not exceeding \$500,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

Any funds or grant monies received for the purpose described in Section 3 of this Ordinance shall be used for financing said Improvement by application thereof either to direct payment of the cost of said Improvement or to the payment or reduction of the authorization of the obligations of the Borough authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvement shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this Bond Ordinance.

The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that Borough incurs debt obligations under this Bond Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$2,300,000.

SECTION 10: This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

ORDINANCE NO. 2495

AN ORDINANCE AMENDING CHAPTER XIII, ARTICLE I, SECTION 1.18  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
ENTITLED, "CODE ENFORCEMENT, DIRECTOR OF"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XIII, Article I, Section 1.18 be and hereby is amended as follows:

**SECTION 1. 13-1.18 Code Enforcement, Director of.**

a. *Position Created; Compensation.* There is hereby created the position of Director of Code Enforcement in the ~~Construction~~ Department of **Code Enforcement** of the Borough. This position/title will encompass the ~~positions~~**duties** of Construction Code Official, Housing Inspector, Building Subcode Official, **and** Building Inspector ~~and Zoning Officer.~~ Compensation shall be established in the Salary Ordinance.

b. *Manner of Payment.* See Section 13-6.

c. *Duties.* See Chapter II, Administration, Section 2-30.

~~d. *Deputy Code Enforcement Officer.* See Chapter II, Administration, subsection 2-30.7. (1980 Code §§ 43-115; 43-116; New)~~

**SECTION 2. 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 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. 2496

AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 30  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
ENTITLED, "DEPARTMENT OF CODE ENFORCEMENT"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter II, Article III, Section 30 be and hereby is amended as follows:

SECTION 1. 2-30.1 Department Created.

There is hereby created the Department of Code Enforcement. The head of the Department shall be known as the "Director of Code Enforcement-" **who shall also serve as, and be responsible to administer the duties of, the Construction Official, Building Subcode Official, and Building Inspector pursuant to 13-1.18 of the Code of the Borough of Roselle Park.**

SECTION 2. 2-30.2 Appointment of Director; Positions Established Within the Department.

a. The Director of the Department of Code Enforcement shall be appointed by the Mayor with confirmation of the Council. **Such appointment shall be made concurrent with the appointment of the Construction Official, Building Subcode Official, and Building Inspector.**

b. *Positions Within the Department.*

1. Director of Code Enforcement;
2. Zoning Officer;
3. Deputy Code Enforcement Officer;
4. Construction Official ~~and Building Subcode Official~~;
5. Housing Inspector;
6. Administrative Officer for zoning matters in accordance with N.J.S.A. 40:55D-3.
7. **Building Subcode Official / Inspector**

8. **Control Person**
9. **Electrical Subcode Official / Inspector**
10. **Fire Subcode Official / Inspector**
11. **Plumbing Subcode Official / Inspector**
12. **Anti-Litter/Code Enforcement Officer**
13. **Apartment House Inspector**
14. **Building Inspector/Construction Official Trainee**
15. **Hotel and Multiple Dwelling Inspector**
16. **Multidwelling Administrator**
17. **Residential Tenancy Inspector**
18. **Clean Community Coordinator**

SECTION 3. 2-30.3 Duties of Department Head.

The Department Head shall:

- a. Exercise and discharge the functions, powers and duties of the Department.
- b. Prescribe the internal organization of the Department and the duties of his/her subordinates and assistants, which shall include, but may not be limited to, the Apartment House Inspector, Clean Community Coordinator and Multi-Dwelling Administrator-, **Zoning Officer, Deputy Code Enforcement Officer, Administrative Officer for zoning matters in accordance with N.J.S.A. 40:55D-3.7, Control Person, Electrical Subcode Official, Fire Subcode Official, Plumbing Subcode Official, Anti-Litter/Code Enforcement Officer, Building Inspector/Construction Official Trainee, Hotel and Multiple Dwelling Inspector, Residential Tenancy Inspector.**
- c. Administer the work of the Department. ~~and the divisions established by this section and such other units of administration as he/she may find necessary or desirable with respect to the Borough Maintenance Code, the issuance of certificates of occupancy and the responsibilities of the Apartment House Inspector.~~
- d. Delegate such of his/her powers as he/she may deem necessary for the efficient administration of the Department to be exercised under his/her direction. ~~and supervision by Division Heads.~~
- e. Report to the Mayor and Council of the activities, progress, problems and achievements of the Department on a monthly basis.

- f. Perform such other duties as may be delegated to the Director of the Mayor and Council.
- g. Comply with all County, State and Federal requirements.

SECTION 4. 2-30.4 Compensation.

The Director of Code Enforcement and others of the Department shall receive such compensation as shall be established in the Salary Ordinance. (1980 Code § 19-4)

SECTION 5. 2-30.5 Duties of Construction Official.

The Construction Official shall have, exercise and discharge functions, powers and duties of the Construction Official as provided by ordinance and the Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and in accordance with the regulations for the New Jersey Uniform Construction Code (N.J.A.C. 5:23-1 and 5:23A-1 et seq.). ~~There should be appointed within the Division of Code Enforcement those subcode officials provided for in Ordinance No. 983 and amendments thereto.~~

The Construction Official shall ~~make~~ **perform and/or delegate** all of the required inspections to **applicable subcode officials or inspectors.**, ~~or shall accept reports of inspection by approved agencies or individuals.~~ All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The ~~Code~~ **Construction** Official is authorized to engage such expert opinion as deemed necessary to report upon technical issues that arise for plot plan review such as but not limited to drainage, landscape, utility work and grading. Initial escrow should be posted in the amount of seven hundred fifty (\$750.00) dollars to cover the expert charges. (1980 Code § 19-5; Ord. No. 2352)

SECTION 6. 2-30.6 Duties of Housing Inspector.

The Housing Inspector shall be responsible for enforcement of the Property Maintenance Code of the Borough.\* (1980 Code § 19-6)

SECTION 7. 2-30.7 Duties of Zoning Officer.

a. The Zoning Officer shall review all applications for construction within the Borough to determine if a project conforms with Chapter XXXV, Land Use Regulations.

b. The Zoning Officer shall sign off on all construction applications certifying that the construction conforms with all the requirements of Chapter XXXV, Land Use Regulations, or shall indicate what sections of the Regulations are intended to be violated and shall inform the applicant of his options.

c. The Zoning Officer shall review all applications before the Planning Board or Board of Adjustment and shall submit a written report to the applicant and appropriate Board with respect to the compliance or lack of compliance with the Zoning Regulations.

(1980 Code § 19-7)

SECTION 8. 2-30.8 Deputy Code Enforcement Officer.

There is hereby created the position of Deputy Code Enforcement Officer who shall have the responsibility and the authority to enforce the following portion of the Borough Ordinances:

- Chapter III – Section 3-3
- Section 3-6**
- Section 3-7
- Section 3-8
- Section 3-9
- Section 3-14
- Chapter IV – Section 4-3
- Section 4-7

<b>Chapter VIII</b>	<b>Section 8-8</b>
Chapter XIII –	Section 13-1
Chapter XVII –	Section 17-1
Chapter XIX –	Section 19-1 Section 19-2 Section 19-4
	<b>Section 19-5</b>
Chapter XX –	All Sections
Chapter XXIII –	Section 23-1.29 Section 23-2 Section 23-4 Section 23-5
Chapter XXVIII –	Section 28-1 Section 28-2 Section 28-3 Section 28-4 Section 28-5
Chapter XL –	All Sections

Specifically included in the responsibility and authority of the Deputy Code Enforcement Officer is to issue summonses or notices of violation for the following:

- a. Failure to obtain the requisite permits before initiating construction and/or alterations;
  - b. Failure to receive a Certificate of Occupancy before occupying the property;
  - c. Changing the use or converting the occupancy of any structure, in violation of the Land Use Ordinance as cited above;
  - d. Overcrowding of dwelling units;
  - e. Failure to adhere to the Borough's sanitation and litter ordinances; and
  - f. Inspecting structures and issuing certificates for smoke detectors and carbon monoxide.
- (1980 Code § 19-8; Ord. No. 2264 § 1)

**SECTION 9. 2-30.9 Subcode Officials**

**Subcode Officials, while subordinate to the Department Head for purposes of organization and efficient operation, shall be appointed and shall carry out all official duties in full compliance with the prevailing provisions of the Uniform Construction Code.**

**SECTION 10. 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 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. 2497

AN ORDINANCE AMENDING CHAPTER XIX  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
INSERTING SECTION 19-5 ENTITLED, "BOARD-UP OF BUILDINGS"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter XIX be and hereby is amended so as to insert a new section, 19-5, to be entitled "Board-Up of Buildings," as follows:

SECTION 1.      **19-5.1 Board-Up Required**

**Whenever a building, of any type or use, shall exhibit conditions where its means of ingress or egress, including but not limited to windows and doorways, are breached so as to leave the building itself open to the effects of adverse weather conditions, wildlife, intruders, and other undesirable effects, it shall be the responsibility of the owner of such building to board-up the breached means of ingress or egress in accordance to the provisions of this section.**

SECTION 2.      **19-5.2 Acceptable Materials**

**The board-up of buildings qualified by section 19-5.1 of this Chapter shall be conducted in a manner which utilizes polycarbonate clear boarding materials. Such materials should be fully transparent so as to allow clear sight into and out of the building. Such materials shall be affixed to the building so as so eliminate the exposure of the internal structure to exterior elements. The use of plywood is expressly prohibited.**

SECTION 3.      **19-5.3 Enforcement; Violations and Penalties**

- a. The enforcement of this section shall be the responsibility, and under the authority, of the Director of Code Enforcement and the Deputy Code Enforcement Officer on behalf of the Borough of Roselle Park.**
- b. This section shall be enforced throughout the Borough in its entirety without exception. The Borough shall not grandfather any buildings that are shown to have exhibited the conditions in section 19-5.1 prior the effective date of this ordinance. Nothing in the forgoing paragraph shall be construed as to authorize a retroactive penalty or fine.**
- c. Upon written notice of violation, the Borough shall provide fourteen (14) days in which the owner of a building may legally and without penalty abate conditions referenced in section 19-5.1.**
- d. Upon the expiration of the fourteenth (14<sup>th</sup>) day after the issuance of a written notice of violation a penalty shall be imposed pursuant to the provisions of the General Penalty, section 1-5 of the Code of the Borough of Roselle Park. Such aforementioned penalty shall compound each and every day that such violation shall exist in accordance with, and as permitted in Section 1-5.7 of the Code.**

SECTION 4.      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 5.      Inconsistent Ordinances Repealed.

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

SECTION 6.      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 7.      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. 2498

AN ORDINANCE AMENDING CHAPTER XL, ARTICLE XXVIII, SECTION 2803,  
OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
ENTITLED, "OFF-STREET PARKING"  
WITH SPECIFIC AMENDMENTS TO PARAGRAPH D

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 XXVIII, Section 2803, Paragraph D be and hereby is amended as follows:

SECTION 1.      **40-2803 OFF-STREET PARKING.**

[...]

D. Any parking area for any use permitted in this chapter which is open to the public later than one (1) hour after sunset or earlier than one (1) hour before sunrise shall be sufficiently lighted so as to provide a minimum of two-tenths (0.2) lumen per square foot throughout the area of the lot. **All outdoor lighting for any permitted use shall be shielded to reduce glare and shall be so arranged so as to reflect lights away from all adjacent residential districts, residences, and public thoroughfares so as not to interfere with the vision of motor vehicle operators or pedestrians.** All proposed lighting shall be approved by the Construction Code Official prior to installation. ~~All light shall be ground type lighting and shall be shaded in such a manner that no disturbing glare is visible to adjacent property owners or to motorists using the public streets.~~

- 1. Duly authorized events sponsored by and for the Borough of Roselle Park and the Roselle Park School District shall be expressly exempt from the restrictions and regulations of paragraph D of this section**
- 2. Nothing in this paragraph shall be interpreted or construed so as to hinder the Roselle Park Police Department, or any other public safety agency, in the full execution of their duties to protect the public's health, safety, and welfare.**

3. **Nothing in the section shall allow for the grandfathering, or otherwise allow for continued existence of conditions inconsistent with those regulations set forth in paragraph D upon the effective date and enforcement of this regulation.**

[...]

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. 2499

AN ORDINANCE OF THE BOROUGH OF ROSELLE PARK AMENDING  
CHAPTER XIX OF THE CODE OF THE BOROUGH OF ROSELLE PARK  
INSERTING SECTION 19-6 TO BE ENTITLED “RESIDENTIAL MAINTENANCE  
AND REGISTRATION” TO ESTABLISH STANDARDS FOR THE REGISTRATION  
AND MAINTENANCE OF VACANT AND ABANDONED RESIDENTIAL  
PROPERTIES IN FORECLOSURE BY CREDITORS

WHEREAS, mortgage foreclosures often result in the abandonment and neglect of residential properties; and,

WHEREAS, P.L., c.35. authorizes municipalities to adopt ordinances for the purpose of regulating the care, maintenance, security, and upkeep of the exterior of vacant and abandoned properties for which a creditor has filed an action to foreclose; and,

WHEREAS, it is in the public interest for the Borough of Roselle Park to establish a mechanism to identify and track vacant and abandoned residential properties in the Borough, which are in foreclosure, to establish standards for the maintenance of those properties, and to enforce those standards of maintenance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that Chapter XIX of the Code of the Borough of Roselle Park be and is hereby amended so as to insert a new Section 19-6, to be entitled “Residential Maintenance and Registration,” as follows:

SECTION 1.      **19-6.1 Purpose.**

The Purpose of this chapter is to create a regulation regarding registration and maintenance of vacant and abandoned residential properties in foreclosure.

SECTION 2.      **19-6.2 Definitions.**

- A. "Creditor" means a State chartered bank, saving and loan association or credit union, any person or entity required to be licensed under the provisions of the "New Jersey Residential Mortgage Act," P.L. 2009, c.53 (C. 17:11C-51 et seq.), any foreclosure entity subject to the provisions of C. 46:10B-51 (P.L. 2008, c. 127, Sec. 17, as amended from time to time) and any entity acting on behalf of the creditor named in the debt obligation including, but not limited to, services.
- B. "Vacant and Abandoned" residential property means, consistent with N.J.S.A. 2A:50-73, residential real estate, where a notice of violation has been issued pursuant to N.J.S.A. 40:48-2.12s(1)(b). Residential property shall further be deemed vacant and abandoned where a mortgage property is not occupied by a mortgagor or tenant and at least two of the following conditions exists:
1. Overgrown or neglected vegetation;
  2. The accumulation of newspapers, circulars, flyers, or mail on the property;
  3. Disconnected gas, electric, or water utility to the property;
  4. The accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
  5. The accumulation of junk, litter, trash, or debris on the property;
  6. The absence of window treatments such as blinds, curtains or shutters;
  7. The absence of furnishings and personal belongings;
  8. Windows or entrances to the property that are boarded up or closed off or multiple window panes that are damaged, broken, and unrepaired;
  9. Doors to the property that are smashed through, broken-off, unhinged, or continuously unlocked;
  10. A risk to the health, safety, or welfare of the public, or any adjoining or adjacent property owners, exists due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
  11. An uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
  12. The mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
  13. A written statement issued by any mortgagor expressing the clear intent of all mortgagors to abandon the property;
  14. Any other reasonable indicia of abandonment.
- C. A residential property shall not be considered "Vacant and Abandoned" if, on the property:
1. There is an unoccupied building which is undergoing construction, renovation or rehabilitation that is proceeding diligently to completion, and the building is in compliance with all applicable ordinances, codes, regulations, and statutes;
  2. There is a building occupied on a seasonal basis, but otherwise secure; or
  3. There is a building that is secure, but is the subject of a probate action, action to quiet title, or other ownership dispute.



SECTION 3.

**19-6.3 Creditor Responsibility for Vacant and Abandoned Properties.**

- A. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough of Roselle Park, shall be immediately responsible for the care, maintenance, security, and upkeep of the exterior of the property, after the property becomes Vacant and Abandoned.
- B. Where a Creditor is located out-of-state, the Creditor shall be responsible for appointing an in-State representative or agent to act on the Creditor's behalf for the purpose of satisfying the requirements of N.J.S.A. 2A:50-73(d)(1). Notice of said representative or agent shall be provided to the Municipal Clerk pursuant to N.J.S.A. 40:48-2.12(b)(3) & (4) and pursuant to N.J.S.A. 46:10B-51(a)(1).
- C. A Creditor filing a summons and complaint in an action to foreclose on a residential property within the Borough of Roselle Park, shall post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for purposes of service of process (if designated pursuant to section B of this section), and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24".

SECTION 4.

**19-6.4 Property Inspection and Notice.**

- A. The owner and/or creditor of any vacant property shall provide access to the Borough of Roselle Park to conduct an exterior and interior inspection of the building to Determine compliance with the municipal code following reasonable notice.
- B. The enforcement officers designated in Section 19-6.5 shall be authorized to issue a notice to a Creditor that has filed a summons and complaint in an action to foreclose on a residential property within the Borough of Roselle Park, if the enforcement officers determine that the Creditor has violated this Section by failing to provide the care, maintenance, security, and upkeep of the exterior of a Vacant and Abandoned property, or otherwise fail to comply with this Section.
- C. Where a creditor is an out-of-State Creditor, the notice shall be issued to the Representative or agent that has been identified by the Creditor pursuant to N.J.S.A. 2A:50-73(d)(2) and N.J.S.A. 46:10B-51(a)(1).
- D. The Notice referenced in paragraphs (b) and (c) of this subsection shall require the Creditor to correct the violation(s) within thirty (30) days of receipt of the notice, or within ten (10) days of the receipt of the notice if the enforcement officer has deemed the violation presents an imminent threat to public health and safety.
- E. The issuance of a notice pursuant to paragraphs (b) and (c) of this subsection shall constitute proof that a residential property is Vacant and Abandoned for the purposes of this Chapter.

**SECTION 5.      19-6.5 Enforcement Officers.**

The duty of administering and enforcing the provisions of this Chapter is conferred upon the Municipal Clerk, Director of Code Enforcement, Zoning Officer, Deputy Code Enforcement Officer, Board of Health, or their designees, and any other duly appointed representative of the Borough of Roselle Park.

**SECTION 6.      19-6.6 Registration of Vacant and Abandoned properties.**

The creditor of any property defined in Section 19-6.2, as defined herein shall, within thirty (30) days after the property becomes vacant and abandoned as defined herein, file a Registration Statement for such property with the Municipal Clerk of the Borough of Roselle Park on such form as may be provided by the Borough for such provisions. Failure to receive notice by the Municipality shall not constitute grounds for failing to register the property. Each registration shall contain the following:

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number, and email address (if applicable) of a person 21 years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceedings on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number, and email (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four hour per day, seven day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey as applicable.
- C. The registration shall remain valid for one (1) year from the date registration, except for the initial registration, which shall be prorated on a monthly basis through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant and abandoned property and shall pay a registration or renewal fee in the amount prescribed in Section 19:6-7, of this article for each vacant property registered.
- D. The annual renewal shall be completed by January 1 each year.
- E. The owner shall notify the Municipal Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court

proceeding instituted by the Borough against the owner or owners of the building.

**SECTION 7.           19-6.7 Registration Fee Schedule.**

The initial registration fee for each building, subject to Section 19-6.6 shall be \$500.00 per annum. The fee for the first renewal is \$1,500.00 per annum; the fee for the second renewal is \$3,000.00 per annum; and the fee for any subsequent renewal beyond the second renewal is \$5,000.00 per annum.

The initial registration fee shall apply upon initial registration of a building qualified by this Section, or upon transfer of ownership to another creditor.

**SECTION 8.           19-6.8 Violations and Penalties.**

- A. A Creditor subject to this Chapter that is found by the Roselle Park Municipal Court or by any other court of competent jurisdiction, to be in violation of the requirement to correct, care, maintenance, secure, or upkeep violation cited in a notice issued pursuant to this Chapter shall be subject to a fine of \$1,500.00 for each day of the violation. Any violation imposed pursuant to this paragraph shall commence thirty-one (31) days following the receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any violation shall commence eleven (11) days following receipt of the notice.
  
- B. An out-of-State Creditor subject to this Chapter that is found by the Municipal Court of the Borough of Roselle Park, or by any court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to this Chapter shall be subject to a fine of \$2,500.00 for each day of the violation. Any fines imposed on a Creditor for the failure to appoint an in-State representative or agent shall commence on the day after the ten (10) day period set forth in N.J.S.A. 46:10B-51(a)(1) for providing notice to the Municipal Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
  
- C. A Creditor subject to this Chapter that is found by the Roselle Park Municipal Court or by any other court of competent jurisdiction, to be in violation of the requirement to register a Vacant and Abandoned property pursuant Section 19-6.6 of this Chapter shall be subject to a penalty imposed pursuant to the provisions of the General Penalty, Section 1-5 of the Code of the Borough of Roselle Park.

**SECTION 9.           19-6.9 Grandfathering**

No properties and/or buildings shall be grandfathered.

**SECTION 10.        Severability.**

The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section, or clauses are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**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 with an implementation date of August 1, 2017.

**ORDINANCES FOR INTRODUCTION**

None

## RESOLUTIONS

### RESOLUTION NO. 166-17

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2017; and

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

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 Borough Clerk be and is hereby authorized to issue licenses effective July 1, 2017 to expire June 30, 2018, to the following:

PLENARY RETAIL CONSUMPTION LICENSES - \$1,385.00

2015-33-016-007      Spilanga Food, Inc., 120 Chestnut Street, Roselle Park, NJ 07204  
t/a Costas Ristorante & Pizzeria

2015-33-008-004      La Catena Restaurant, Inc., 386 E. Westfield Avenue, Roselle Park, NJ 07204  
t/a La Catena Restaurant

### RESOLUTION NO. 167-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby accept a material donation from Arthur and Anthony Mastapeter, 131 Harbor Inn Road, Bayville, NJ 08721, in the form of four (4) Model #AR-15A4 Colt Rifles to be kept, maintained, and utilized by the Roselle Park Police Department.

### RESOLUTION NO. 168-17

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the Tax Collector hereby authorizes the Treasurer to issue multiple checks totaling of \$23,810.03 payable to three (3) lien holders on three (3) properties; and,

BE IT FURTHER RESOLVED that multiple checks shall be issued in the amount of \$34,300.00 from the Tax Collector's Premium Account on multiple properties.

BOROUGH OF ROSELLE PARK TAX COLLECTOR ANALYSIS OF LIEN REDEMPTIONS 6/15/2017															
	TSC #	BLOCK	LOT	QUAL.	PREMIUM	TOTAL AMOUNT REDEEMED	CERTIFICATE AMOUNT	REDEMPTION PENALTY PERCENTAGE	INTEREST ON CERTIFICATE DATE 6/15/2017	SEARCH FEE	RECORDING FEE	SUBSEQUENT TAXES PAID	INTEREST ON SUBSEQUENTS TO 6/15/2017	6% INTEREST PENALTY	LEGAL FEES
FNA JERSEY LIEN SERVICES LLC	14-051	1106	11		\$ 1,000.00	\$ 1,953.41	\$ 146.96	\$ 2.94		\$ 12.00	\$ 43.00	\$ 204.42	\$ 48.27		\$ 1,495.82
CHRISTIANA TRUST/CUST C&E TAX LIEN FUND	16-038	713	6.01		\$ 32,000.00	\$ 21,342.73	\$ 3,690.40	\$ 73.81		\$ 12.00	\$ 43.00	\$ 16,391.31	\$ 1,132.21		
MAS CAPITAL	16-040	801	21		\$ 1,300.00	\$ 513.89	\$ 388.33	\$ 7.77		\$ 12.00	\$ 43.00	\$ 57.03	\$ 5.76		
					\$ -										
					\$ -										
					\$ -										
					\$ -										
<b>TOTAL</b>					\$ 34,300.00	\$ 23,810.03	\$ 4,225.69	\$ 84.52	\$ -	\$ 36.00	\$ 129.00	\$ 16,652.76	\$ 1,186.24		\$ 1,495.82

RESOLUTION NO. 169-17

WHEREAS, the governing body has determined that planting, maintenance, and care of trees by the Borough of Roselle Park, on Borough property, adds to the character, value, and general attractiveness of the community.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, hereby reserve the right and authority to direct and authorize the planting of various trees on public property; and,

BE IT FURTHER RESOLVED that the planting of such trees may be conducted along residential roadways, in consultation with the Borough’s tree expert, with regard only to benefitting the Borough as a whole, not according to the desires of singular adjacent property owners.

RESOLUTION NO. 170-17

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 Ann Marie Peterson from the Roselle Park Arts Committee effective immediately.

RESOLUTION NO. 171-17

WHEREAS, the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, have adopted an Ordinance implementing a five-year tax abatement program for improvements made to single family and multi-family dwellings; and,

WHEREAS, the ordinance provides that a tax abatement shall not be granted unless approved by Resolution of the Borough Council; and,

WHEREAS, application for tax abatement has been received from the following:

Name	Address
Mary Leonard	504 Laurel Avenue, Roselle Park, New Jersey 07204

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 application listed above for abatement is hereby granted according to the terms of the Ordinance.

RESOLUTION NO. 172-17

WHEREAS, the Borough Clerk received sealed bids at 10:30 a.m. on June 13, 2017 for Wood/Vegetative Waste Roll-Off Services.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby award a contract to Nature’s Choice Corporation, 398 Lincoln Boulevard, Middlesex, NJ 08846, pursuant to Option 3 of the advertised specifications for a three (3) year period commencing July 1, 2017 with a cost breakdown as follows:

YEAR 1:	30 Yard (Wood/Vegetative Waste)	\$670.00 per container (trucking & disposal)
YEAR 2:	30 Yard (Wood/Vegetative Waste)	\$670.00 per container (trucking & disposal)
YEAR 3:	30 Yard (Wood/Vegetative Waste)	\$670.00 per container (trucking & disposal)

RESOLUTION NO. 173-17

WHEREAS, AT&T Corp., both itself and through its operating subsidiary Teleport Communications America, LLC (collectively, "AT&T"), is a communications carrier authorized to provide service by the New Jersey Board of Public Utilities; and,

WHEREAS, AT&T, as a public utility and common carrier, has requested approval to install communications facilities in Roselle Park's public right-of-way; and,

WHEREAS, AT&T is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey, Inc., and Verizon has required that AT&T obtain approval of the Roselle Park Borough Council as a condition of such access.

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

1. Permission and authority are hereby granted to AT&T to install communications facilities, or lease or obtain for such communications facilities space on existing poles or in existing conduits, in the public right-of-way in Roselle Park in order to provide communications services to the public, and to operate, maintain and repair said facilities, subject to the following:

A. The facilities shall be installed in underground conduit and/or on to existing poles in the public right-of-way.

B. AT&T, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.

C. AT&T, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.

D. Such permission be and is hereby given upon the condition and provision that AT&T, its successors and assigns, not only indemnify and save harmless the Borough of Roselle Park, its officers, agents, and servants, from any claims whatsoever arising from or in any way connected to the acts or omissions of AT&T in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.

E. In addition to the aforesaid indemnity agreement, AT&T, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Borough, in the amount of at least \$5,000,000, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an insured and including the indemnification clause in Section D shall be filed with the Borough Clerk prior to the installation of any plant. The Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided it does so generally for all companies using the public right-of-way within the Borough. Said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.

F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AT&T, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.

G. Such permission be and is hereby given upon the condition that AT&T shall obtain all applicable permits which may be required by the Borough.



H. AT&T shall be responsible for the repair of damage to paving existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation, or maintenance of said plant.

I. Notwithstanding any provision contained herein, neither the Borough nor AT&T shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this instrument.

J. This instrument shall be adopted on behalf of the Borough by the Roselle Park Borough Council and attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said execution, approval, and filing shall constitute the existence of public notification.

K. The permission and authority hereby granted shall be for a period of 50 years. However, after 15 years from the date of this agreement, the Borough shall have the right to terminate permission and authority, by Resolution with a minimum one year notice to AT&T to sell or liquidate its facilities in the public right-of-way. Conversely, AT&T shall be allowed to terminate permission and authority, by request of Resolution to sell or liquidate its facilities in the public right-of-way.

STATEMENT: This Resolution authorizes AT&T to install communication lines within conduit or on existing poles in the public right-of-way in order to provide communications services to the public.

#### RESOLUTION NO. 174-17

WHEREAS, the Borough Council of the Borough of Roselle Park, in the County of Union, State of New Jersey (the "Borough"), a public body corporate and politic of the State of New Jersey (the "State"), is authorized pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"), to determine whether certain parcels of land within the Borough constitute an area in need of rehabilitation and/or an area in need of redevelopment; and,

WHEREAS, in accordance with the criteria set forth in the Redevelopment Law, the Borough identified and designated the property commonly known as Block 314, Lots 8, 9, 10, 11 and 12 on the tax map of the Borough as an "area in need of redevelopment" (the "Redevelopment Area"); and,

WHEREAS, the Borough adopted a redevelopment plan for the Redevelopment Area titled the "West Westfield Avenue Redevelopment Plan I" (as may be amended and supplemented from time to time, the "Redevelopment Plan"); and,

WHEREAS, the Borough Council recognizes the credentials, experience and financial capability of the Redeveloper to design and construct the Project; and,

WHEREAS, the Borough Council desires to approve the execution of the Redevelopment Agreement with the Redeveloper; and,

WHEREAS, the Redevelopment Agreement provides, among other things, that the Redeveloper assumes and is subject to certain obligations set forth in the Redevelopment Agreement.

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

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Borough Council hereby authorizes the Mayor to execute, and the Borough Clerk to attest, the Redevelopment Agreement, in substantially the same form as that on file with the Borough Clerk and which, by this reference is incorporated herein, with such additions, deletions and modifications as may be necessary after consultation with the Borough's professional consultants and the Redeveloper.

Section 3. Copies of the executed Redevelopment Agreement shall be placed on file with the Office of the Clerk and be available for public inspection in accordance with the law.

Section 4. This Resolution shall take effect immediately.

RESOLUTION NO. 175-17

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Sonia Cabezas, 131 Camden Street, Roselle Park, New Jersey 07204 as an employee assigned to Casano Community Center Events and Activities for the flat rate of \$60.00 for five (5) hours, with each additional hour over five (5) hours to be paid \$10.00 per hour effective June 10, 2017.

RESOLUTION NO. 176-17

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 \$21,914.36 which item is now available as a revenue from the Clean Communities Program Grant pursuant to the provisions of statute; and,

BE IT FURTHER RESOLVED, that the like sum of \$21,914.36 is hereby appropriated under the caption of the Clean Communities Program 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. 177-17

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 \$3,603.03 which item is now available as a revenue from the Alcohol Education and Rehabilitation Fund Grant pursuant to the provisions of statute; and,

BE IT FURTHER RESOLVED, that the like sum of \$3,603.03 is hereby appropriated under the caption of the Alcohol Education and Rehabilitation Fund 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. 178-17

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union County, State of New Jersey that upon the recommendation of the Borough Engineer, Change Order for the Contract listed below be and is hereby approved:

TITLE OF JOB: 2016 CDBG Improvements to Park Place

CONTRACTOR: JTG Construction, Inc., 188 Jefferson St., Suite 387, Newark, NJ 07105

CHANGE ORDER N°: 1

AMOUNT OF CHANGE THIS RESOLUTION: \$24,952.83 (16.48% Decrease) for an updated contract amount of \$126,447.17; and,

BE IT FURTHER RESOLVED that this resolution to take effect immediately upon final adoption and upon certification by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 179-17

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that the contract for the CDBG 2016 Improvements to Park Place was constructed by JTG Construction, Inc., Newark, NJ, in accordance with the Plans and Specifications and any approved Change Orders, as directed by the Borough Engineer; the contractor having supplied a 25% Guarantee Bond No. FP0023070M for a period of two (2) years from April 27, 2017; the said construction is hereby accepted, the contract closed, and final payment in the amount of Thirteen Thousand Nine-Hundred Seventy-Three Dollars and Forty-Two Cents (\$13,973.42) is hereby approved.

RESOLUTION NO. 180-17

WHEREAS, all Plenary Retail Consumption, Retail Distribution, Limited Distribution and Club Licenses will expire on June 30, 2017; and

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

WHEREAS, it has been established by previous acts of the Mayor and Council of the Borough of Roselle Park and the Police Department of the Borough of Roselle Park that there were a number of complaints from the surrounding neighborhood regarding the excessive noise coming from 147 West Westfield Avenue, Roselle Park, NJ 07204, known to be the place of business and operation for Plenary Retail Consumption License number 2015-33-012-005, Gourmet Food Merchant, LLC's t/a The Castle (the current licensee), which at the time of such aforementioned complaints was operated by and as Solar Do Minho II, Inc., and that despite representations to the contrary, those complaints remained unsatisfied and unheeded; and,

WHEREAS, the licensee at the time of the complaints was put on notice that they must comply with the Peace and Good Order Ordinance (Chapter III, Section 3-9 of the Code of the Borough of Roselle Park), and that continued violation would result in the issuance of summonses; and,

WHEREAS, the licensee at the time was further notified that it is a penalty of the regulations governing Alcoholic Beverage Control for the licensee to serve alcoholic beverages in the unlicensed garden area of the establishment and, any and all violations would be subject to disciplinary charges being brought against said licensee; and,

WHEREAS, an incident occurred on January 1, 2011 at the location of Plenary Retail Consumption License #2015-33-012-003, known at the time to be Solar Do Minho II, Inc. Restaurant, 147 West Westfield Avenue, Roselle Park, NJ 07204, which required the assistance of seven municipal police departments to get the situation under control; and,

WHEREAS, said license was cited in violation of N.J.A.C. 13:2-23.6(a) 3 and charges were levied against the holder of Plenary Retail Consumption License #2015-33-012-003; and,

WHEREAS, a disciplinary hearing was held on April 12, 2011, and, the holder of license #2015-33-012-003 plead guilty to the above charges; and,

WHEREAS, the owner of Alcoholic Beverage License #2015-33-012-003 hereby agreed by written agreement to the following terms and special conditions, and these special conditions will be reviewed on a yearly basis and may be amended or removed; and,

WHEREAS, the Mayor and Council of the Borough of Roselle Park approved resolution 188-13, the person-to-person transfer from Solar Do Minho II Inc. to Gourmet Food Merchant LLC. t/a The Castle, effective September 19, 2013 subject to special conditions imposed, outlined below, and incorporated herein.

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 Borough Clerk be and is hereby authorized to renew Plenary Retail Consumption license number 2015-33-012-005, Gourmet Food Merchant, LLC, 16 Cornwall Road, Glen Rock, NJ 07452, t/a The Castle, 147 West Westfield Avenue, Roselle Park, NJ 07204 effective July 1, 2017 to expire June 30, 2018 with the same, following special conditions:

1. Owner will forward copies of all signed contracts for rental/use of any/all rooms seven days prior to date of use to the Police Chief; and will follow the recommendations of the Police Chief.
2. Owner will notify the Police Chief of all holiday events seven days prior to event and will follow the recommendations of the Police Chief.
3. The applicant shall not allow any music, exterior to the building, regardless of whether it is amplified or live.