

REGULAR MEETING – JULY 19, 2018

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 Sheridan Avenue to hold a Block Party on Saturday, July 28, 2018 from 12:00 Noon until 10:00 p.m., with a rain date of Saturday, August 4, 2018.
2. Request from the Peruvian Community to hold a Flag Raising Ceremony at Borough Hall on Saturday, July 28, 2018 at 12:00 Noon to celebrate Peruvian Independence Day.
3. Request from the residents of the 100 block of Berwyn Street to hold a Block Party on Saturday, August 4, 2018 from 12:00 p.m. until 10:00 p.m., with a rain date of Sunday, August 5, 2018.
4. Request from the residents of the 800 block of Filbert Street to hold a Block Party on Saturday, July 21, 2018 from 12:00 p.m. until 10:00 p.m., with a rain date of Sunday, July 22, 2018.

PROCLAMATIONS & PRESENTATIONS

- Business of the Month: Brennan & Sons
- Roselle Park High School STEAM Team

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

Regular Meeting of April 19, 2018

Special Meeting of April 30, 2018

Regular Meeting of May 3, 2018

Closed Session of June 21, 2018

*** 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 FAHOURY

ORD. No. 2535 AN ORDINANCE AMENDING CHAPTER III, SECTION 3-9.1 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "POLICE REGULATIONS; PEACE AND GOOD ORDER; PROHIBITIONS"

ORD. No. 2536 AN ORDINANCE AMENDING CHAPTER II, ARTICLE IV, SECTION 2-34.2 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "ADMINISTRATION; BOARDS, COMMITTEES, AND

COMMISSIONS; ENVIRONMENTAL COMMISSION; MEMBERS, TERMS, VACANCIES”

ORD. No. 2537 AN ORDINANCE AMENDING CHAPTER II, ARTICLE IV, SECTION 2-39.2 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “ADMINISTRATION; BOARDS, COMMITTEES, AND COMMISSIONS; RECREATION COMMITTEE; COMPOSITION OF THE RECREATION COMMITTEE”

ORDINANCES FOR INTRODUCTION: COUNCILMAN FAHOURY

ORD. No. 2538 AN ORDINANCE AMENDING CHAPTER II, ARTICLE VII, SECTION 2-68.8 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “ADMINISTRATION; FEES FOR MUNICIPAL SERVICES; FEES FOR DOCUMENTS AND SERVICES; BOROUGH-WIDE YARD SALE”

ORD. No. 2539 AN ORDINANCE AMENDING CHAPTER II, ARTICLE VII, SECTION 2-68.9 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “ADMINISTRATION; FEES FOR MUNICIPAL SERVICES; FEES FOR DOCUMENTS AND SERVICES; GENERAL GARAGE-YARD SALE”

ORD. No. 2540 AN ORDINANCE FIXING THE SALARIES OF CERTAIN OFFICIALS AND EMPLOYEES OF THE BOROUGH OF ROSELLE PARK IN THE COUNTY OF UNION, STATE OF NEW JERSEY FOR THE YEARS 2018 AND 2019

ORD. No. 2541 AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 2-25 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “SPECIAL LAW ENFORCEMENT OFFICERS”

ORD. No. 2542 AN ORDINANCE AMENDING CHAPTER II, ARTICLE II, SECTION 2-14 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, “ECONOMIC DEVELOPMENT DIRECTOR”

ORD. No. 2543 AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 2-28 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, “DEPARTMENT OF ECONOMIC DEVELOPMENT”

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:

- * **#200-18** – Renewal of Inactive ABC Liquor License 2015-33-002-005 Cascio’s Taverne, Inc. for the 2018-2019 Licensing Term
- * **#201-18** – Incorporating Recommendation 1 of 5 from Resolution 2018-005 of the Municipal Land Use Board into the 10 West Westfield Avenue Redevelopment Plan Dated May 14, 2018
- * **#202-18** – Incorporating Recommendation 2 of 5 from Resolution 2018-005 of the Municipal Land Use Board into the 10 West Westfield Avenue Redevelopment Plan Dated May 14, 2018
- * **#203-18** – Incorporating Recommendation 3 of 5 from Resolution 2018-005 of the Municipal Land Use Board into the 10 West Westfield Avenue Redevelopment Plan Dated May 14, 2018
- * **#204-18** – Incorporating Recommendation 4 of 5 from Resolution 2018-005 of the Municipal Land Use Board into the 10 West Westfield Avenue Redevelopment Plan Dated May 14, 2018
- * **#205-18** – Incorporating Recommendation 5 of 5 from Resolution 2018-005 of the Municipal Land Use Board into the 10 West Westfield Avenue Redevelopment Plan Dated May 14, 2018
- * **#206-18** – Accepting the 2017 Audit Report
- * **#207-18** – Approving the Corrective Action Plan for the 2017 Municipal Audit
- * **#208-18** – Accepting the Resignation of Victor Pozsonyi from the Position of Police Dispatcher
- * **#209-18** – Accepting the Resignation of Victor Pozsonyi from the Roselle Park Auxiliary Police Force
- * **#210-18** – Appointing Ryan Urban to the Roselle Park Fire Department
- * **#211-18** – Appointing Christian Marquez to the Roselle Park Fire Department
- * **#212-18** – Endorsing Responsible Pet Ownership Initiatives
- * **#213-18** – Authorizing Change Order #1 to Cifelli & Son General Construction, Inc. for the Project: Butler Avenue Improvements in the Amount of a \$1,152.90 Increase (0.62% Increase) to Reflect a Total Contract Amount of \$187,940.40

- * **#214-18** – Authorizing Close Out of the Contract with Cifelli & Son General Construction, Inc. for the Project: Butler Avenue Improvements
- * **#215-18** – Authorizing the Extension of the Due Date for Payment of 3rd Quarter Property Taxes for the Year 2018 until August 31, 2018
- * **#216-18** – Authorizing Change Order #2 to Cifelli & Son General Construction, Inc. for the Project: West Colfax Avenue - Section III in the Amount of a \$11,605.00 Decrease (4.93% Decrease) to Reflect a Total Contract Amount of \$223,647.85
- * **#217-18** – Authorizing Close Out of the Contract with Cifelli & Son General Construction, Inc. for the Project: West Colfax Avenue - Section III
- * **#218-18** – Authorizing the Treasurer to Issue Two (2) Checks Totaling \$35,919.99 Payable to Two (2) Lien Holders on Two (2) Properties and Two (2) Checks Totaling \$34,300.00 from the Tax Collector’s Premium Account
- * **#219-18** – Authorizing the Chief Financial Officer to Execute Documents in Furtherance of Credit Card Payments for Property Taxes
- * **#220-18** – Awarding a Contract to Cifelli & Son General Construction, Inc. in an Amount Not to Exceed \$50,000.00 for the Project: 2018 Miscellaneous Concrete Repairs
- * **#221-18** – Awarding a Professional Services Contract to Neglia Engineering for Survey, Design and Construction Management Services for the Project: West Clay Avenue Improvements in an Amount Not to Exceed \$64,330.00
- * **#222-18** – Awarding a Professional Services Contract to Neglia Engineering for Survey, Design and Construction Management Services for the Project: Madison Avenue Improvements in an Amount Not to Exceed \$41,680.00
- * **#223-18** – Referring the Revised 10 West Westfield Avenue Redevelopment Plan to the Municipal Land Use Board for review pursuant to N.J.S.A. 40A:12A-7(e)
- * **#224-18** – Amending Resolution No. 169-18 to Correct the Stated Price Structure of 2018 Real Estate Appraisal Services Rendered by Realty Appraisal, Co. Pursuant to the Proposal Submitted to the Borough Dated May 8, 2018

MAYOR AND COUNCIL COMMITTEE REPORTS / REPORTS OF DEPARTMENTS

- Animal Control Officer’s Report for June 2018
- Municipal Court Report for June 2018
- Treasurer’s Report for June 2018
- Police Chief’s Report for June 2018
- EMS Report for June 2018
- Community Center Director’s Report for June 2018

- Borough Clerk's Report for June 2018
- Mayoral Appointment(s) (No Confirmation from Council Required):
None

WORKSHOP DISCUSSION

Items Carried from Prior Meeting(s):

- Sullivan Property Redevelopment Plan (Mayor Hokanson)
- Compete Streets (Councilman DeIorio)

New Items:

- Additional Bulk Pickup Days (Councilman Shipley)
- Organizing Grant Opportunities (Councilman DeIorio)
- Amending Canvassing Ordinance (Councilman Fahoury)
- Animal Control Officer Ordinance (Mayor Hokanson)
- Recreation Basketball Registration Fees (Councilman Petrosky)
- "No Knock" Registry (Councilman DeIorio)
- Transit Village Resolution (Councilman Fahoury)
- Jobs 4 Blue / Police Scheduling (Mayor Hokanson)
- Regulating Bamboo Planting (Councilman Petrosky)

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 AUGUST 16, 2018**

ORDINANCES FOR SECOND READING

ORDINANCE NO. 2535

AN ORDINANCE AMENDING CHAPTER III, SECTION 3-9.1 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "POLICE REGULATIONS; PEACE AND GOOD ORDER; PROHIBITIONS"

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle Park, County of Union and State of New Jersey that Chapter III, Section 3-9.1 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 3-9.1 Prohibitions.

No person or contractor shall, within the limits of the Borough:

- a. Play, operate or use any television, radio, phonograph or tape equipment or other sound-producing instrument, device or apparatus in such a manner that the sound thereof shall annoy any person or persons or disturb the comfort, rest or repose of any person or persons.
- b. Permit, make or continue or cause to be permitted, made or continued any unnecessary noise, produced by human or mechanical means, which shall disturb the comfort, rest, and repose of any person or persons being in his or their place of abode or at any public or private meeting or at church services.
- c. Keep or harbor any dog or other animal which shall disturb the neighborhood by excessive barking, whining or howling.
- d. Throw or discard any cans, bottles, refuse or garbage of any kind whatsoever into the waters of any pond, stream, lake or river, or upon a public street or public place, or discharge any sewage or waste into the waters or places, or any of them, or pollute the waters in any manner whatsoever.
- e. Throw any papers, sticks, glass, metal or any hard, dangerous or offensive substances upon any sidewalk, street, highway or public place or at any automobile, vehicle, house, building, fence or person.
- f. Participate in any practice, sport or exercise in such a manner so as to annoy, disturb or frighten any person or persons on any sidewalk, street, road, park or other private or public place.
- g. Disrupt or disturb the exercises of any public school or any lawful assembly therein, or interfere with or annoy any child attending such school or any teacher therein.
- h. Intentionally, willfully or maliciously destroy or injure any of the wires, posts, machines, bells, signs, boxes, box or any other apparatus of any fire alarm system or intentionally, willfully or maliciously interfere with the same or any part thereof or hinder or impede any of the operations intended to be accomplished thereby.
- i. Hinder, prevent or deter by any device whatsoever any Firefighter or any person from rendering lawful assistance in abating or quenching a fire, or hinder or interfere with any Firefighter going to or returning from any fire or place from which a fire alarm proceeds, or hinder or obstruct any fire engine, hook and ladder truck, hose cart or other fire apparatus going to or from any place from which a fire alarm proceeds or where any building or property may be burning.

j. Interfere with or obstruct a Police Officer (whether a regular Police Officer or Special Law Enforcement Officer), a member of the auxiliary Police of the Civil Defense-Disaster Control Bureau or a member of the First Aid Squad of the Borough, whether in uniform or not, in the carrying out of his duties or functions.

k. Enter or remain upon the land or property of any person without lawful permission to do so.

l. Urinating, expectorating or defecating in a public place, other than a wash room or toilet room, under circumstances where such act is or could be observed by a member of the public situated in or near a public place. The term "public place," for the purposes of the within section is defined as "an area generally visible to the public view and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles, buildings open to the public and doorways and entrances to buildings or dwellings and the grounds enclosing same."

m. Operate or permit the use or operation of any mechanically powered saws, drills, sanders, grinders and tools, including similar devices outdoors in residential areas.:

1. The following activities shall be expressly permitted and otherwise exempt from the prohibitions set forth in paragraph m., above:

(a) Any person operating mechanically powered saws, drills, sanders, grinders, and tools, including similar devices outdoors in residential areas on Monday through Friday from 7:00 a.m. to dusk.

(b) Any person operating mechanically powered saws, drills, sanders, grinders, and tools, including similar devices outdoors in residential areas on Saturdays, Sundays, and holidays from 8:00 a.m. to dusk.

~~1. Between the hours of dusk and 7:00 a.m., the following day. This paragraph shall not apply to the use of domestic devices in cases of emergency in the interest of public health.~~

~~2. Saturday, Sunday and holidays from 8:00 a.m. prevailing time until dusk.~~

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. 2536

AN ORDINANCE AMENDING CHAPTER II, ARTICLE IV, SECTION 2-34.2 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "ADMINISTRATION; BOARDS, COMMITTEES, AND COMMISSIONS; ENVIRONMENTAL COMMISSION; MEMBERS, TERMS, VACANCIES"

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 IV, Section 2-34.2 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-34.2 Members; Terms; Vacancies.

a. *Regular Members.*

1. The Commission shall consist of ~~nine (9)~~**seven (7)** members appointed by the Mayor, one of whom shall also be a member of the ~~Planning Board~~ **Municipal Land Use Board** and all of whom shall be residents of the Borough of Roselle Park. Members shall serve without compensation except as hereinafter provided. The Mayor shall designate one (1) of the members to serve as Chairman and presiding officer of the Commission. Members shall be appointed for terms of three (3) years and until the appointment and qualification of their successors- **pursuant to N.J.S.A. 40:56A-1 et seq.**

2. The Mayor or Governing Body may remove any member of the Commission for cause, on written charges served upon the member and after ~~the~~ hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

Reasoning for a removal for cause may include, but shall not be limited to, a continued absence of a member for five (5) consecutive meetings (regular or special meeting) of the Environmental Commission without good cause shown.

b. *Alternate Members.*

1. The ~~Governing Body~~ **Mayor** may appoint not more than two (2) alternate members, to be designated "Alternate No. 1" and "Alternate No. 2."

2. The terms of the alternate members shall be for two (2) years. A vacancy occurring otherwise than by expiration of term shall be filled by the appointing authority for the unexpired term only.

3. An alternate member shall not be permitted to act on any matter in which he has either directly or indirectly any personal or financial interest. An alternate member may, after public hearing if he or she requests one, be removed by the Governing Body for cause.

4. An alternate member may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote first.

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. 2537

AN ORDINANCE AMENDING CHAPTER II, ARTICLE IV, SECTION 2-39.2 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "ADMINISTRATION; BOARDS, COMMITTEES, AND COMMISSIONS; RECREATION COMMITTEE; COMPOSITION OF THE RECREATION COMMITTEE"

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 IV, Section 2-39.2 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-39.2 Composition of the Recreation Committee.

a. The Recreation Committee will consist of seven (7) members appointed by the Mayor, effective January 1, 2008 for the following terms:

1. One (1) member shall be appointed for a term of one (1) year, terminating on December 31, 2008;
2. One (2) member shall be appointed for two (2) years, terminating on December 31, 2009;
3. One (1) member shall be appointed for a term of three (3) years, terminating on December 31, 2010;
4. Two (2) members shall be appointed for a term of four (4) years, terminating on December 31, 2011;
5. Two (2) members to be appointed for a term of five (5) years terminating on December 31, 2012.

b. At the completion of each term, the Mayor shall appoint or reappoint members, **who shall be residents of the Borough of Roselle Park**, for a term of five (5) years, terminating on December 31 of each subsequent year.

c. Any vacancy on the Recreation Committee which occurs during the unexpired term shall be filled by the appointment of an alternate as described in paragraph d. below with Alternate Number 1 being appointed to the first vacancy and Alternate Number 2 being appointed to the next vacancy. These appointments will be for the unexpired term only.

d. The Mayor shall also appoint two (2) alternate members, effective January 1, 2008 for the following terms:

1. Alternate Number 2 for a term of four (4) years terminating on December 31, 2012;
2. Alternate Number 1 for a term of five (5) years terminating on December 31, 2013.

e. At the completion of each term of the alternate members, the Mayor shall appoint or reappoint members, **who shall be residents of the Borough of Roselle Park**, for a term of five (5) years, terminating on December 31 of each subsequent year.

f. An alternate member may participate in discussions of proceedings but may not vote except in the absence or disqualification of a regular member of the Recreation Committee. A vote shall not be delayed in order that a regular member may vote in stead of the alternate member. In the event that a choice must be made as to which alternate is to vote, Alternate Number 1 shall vote.

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

ORDINANCE NO. 2538

AN ORDINANCE AMENDING CHAPTER II, ARTICLE VII, SECTION 2-68.8 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, “ADMINISTRATION; FEES FOR MUNICIPAL SERVICES; FEES FOR DOCUMENTS AND SERVICES; BOROUGH-WIDE YARD SALE”

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 VII, Section 2-68.8 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-68.8 Borough-Wide Yard Sale.

a. *Definition.* As used in this section:

Borough-Wide Yard Sale is the sale of small, personal household items that are sold by individuals from the front yard of their residences, on the days announced by the Mayor and Council, during the hours of 9:00 a.m.-6:00 p.m., after obtaining a permit from the Borough Clerk. **No tangible personal property from any commercial business enterprise shall be included in a garage-yard sale for the purpose of resale.**

1. In addition to the above, permits may also be issued to residents for the sale of small, personal household items to be sold during the hours of 9:00 a.m.-6:00 p.m. occupying one assigned parking space located in the rear of Michael Mauri parking lot. Additionally, the Friends of the Library shall be permitted to use the front lawn of the Veterans Memorial Library during the hours of 9:00 a.m. – 6:00 p.m.

~~No tangible personal property from any commercial business enterprise shall be included in a garage yard sale for the purpose of resale.~~

~~b. *Limited.* Only applicable to Borough Wide Yard Sale as stipulated by a formal resolution of the Governing Body.~~

eb. *Registration.* Any individual seeking to participate in the Borough-Wide Yard Sale shall register with the Borough Clerk's office prior to participation in such sale a minimum of ~~ten (10) days~~ **one (1) day** prior to the scheduled event.

1. **Except that those residents seeking use of space at Michael Mauri parking lot shall register with the Borough Clerk three (3) days prior to the scheduled event to ensure proper space reservations.**

ec. *Fees.* The ~~Municipal~~**Borough** Clerk shall collect a permit fee for Borough-Wide Yard Sale. All license fees shall be paid in advance by cash, money order, certified check or bank check at the Office of the ~~Municipal~~**Borough** Clerk. ~~Personal checks are prohibited. The following~~ A fee of ten (\$10.00) dollars is hereby established for such sale.

ed. *Violations and Penalties.* **The Director of Code Enforcement and the Deputy Code Enforcement Officer shall be explicitly empowered to enforce the provisions of this subsection.** Violations of the provisions of this subsection shall be punishable as in Chapter I, Section 1-5, General Penalty.

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. 2539

AN ORDINANCE AMENDING CHAPTER II, ARTICLE VII, SECTION 2-68.9 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "ADMINISTRATION; FEES FOR MUNICIPAL SERVICES; FEES FOR DOCUMENTS AND SERVICES; GENERAL GARAGE-YARD SALE"

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 VII, Section 2-68.9 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-68.9 General Garage-Yard Sale.

- a. *Definition.* As used in this section:

General Garage-Yard Sale is the sale of small, personal household items that are sold by individuals from the front yard of their residences after obtaining a permit from the Borough Clerk. No tangible personal property from any commercial business enterprise shall be included in a **general** garage-yard sale for the purpose of resale.

~~No tangible personal property from any commercial business enterprise shall be included in a garage-yard sale for the purpose of resale.~~

b. *Registration.* Any individual seeking to ~~participate in the~~**hold a** general garage-yard sale shall register with the Borough Clerk's office prior to the commencement of such sale at a minimum of ~~ten (10)~~ **one (1)** days prior to the scheduled event. Permits shall be issued only upon written applications, which shall include the following:

1. The name of the person conducting the sale;
- ~~2. The name of the owner of the property where the sale is to be conducted;~~
- ~~32.~~ 3. The address of the location at which the sale is to be conducted;
- ~~43.~~ 4. The date or dates of the sale;
- ~~5. The date or dates of any prior garage-yard sales at the same premises, and~~
- ~~64.~~ 5. The date of the application and the signature of the applicant.

NOTE: Intentional misstatements in the application shall constitute a violation of this subsection.

c. *Fees.* The ~~Municipal~~**Borough** Clerk shall collect a permit fee for any garage-yard sale. All license fees shall be paid in advance by cash, **personal check**, money order, certified check, or bank check at the office of the ~~Municipal~~**Borough** Clerk. ~~Personal checks are prohibited. The following~~ A fee of five (\$5.00) dollars is hereby established for such sale, except when there is a designated fee by ordinance for the Borough-Wide Garage Sale.

1. A permit may be issued for any residential premises no more than four (4) times in any one (1) calendar year.

2. A garage-yard sale may be no more than two (2) days² duration. All garage-yard sales may be conducted between the hours of 8:00 a.m. and 6:00 p.m. only.

d. *Signs.* Signs advertising the sale may be erected in the Borough of Roselle Park, including the premises where the sale is to be held as permitted by law. No such sign shall exceed eighteen (18) inches in height or eighteen (18) inches in width. All such signs shall be removed within twenty-four (24) hours after the completion of the sale. All such signs shall contain:

1. The address and location at which the sale is to be conducted;
2. The date or dates of the sale;
3. The hours of the sale, and
4. The Permit No. issued.

e. *Violations and Penalties.* **The Director of Code Enforcement and the Deputy Code Enforcement Officer shall be explicitly empowered to enforce the provisions of this subsection.** Violations of the provisions of this subsection shall be punishable as in Chapter I, Section 1-5, General Penalty.

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. 2540

AN ORDINANCE FIXING THE SALARIES OF
CERTAIN OFFICIALS AND EMPLOYEES OF
THE BOROUGH OF ROSELLE PARK IN THE
COUNTY OF UNION, STATE OF NEW JERSEY
FOR THE YEARS 2018 AND 2019

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

SECTION 1. The following named officials and employees of the Borough of Roselle Park shall be entitled to an annual salary as hereinafter set forth opposite each respective classification:

<u>Title</u>	<u>Minimum</u>	<u>Maximum</u>
Economic Development Director	\$50,000.00	\$100,000.00
Municipal Court Administrator	\$25,000.00	\$95,000.00
Qualified Purchasing Agent	\$15,000.00	\$50,000.00
Class II Special Law Enforcement Officer	\$15.00/hour	\$50.00/hour
Part-Time Laborer	\$10.00/hour	\$25.00/hour

SECTION 2. The salaries and wages herein fixed shall be effective upon publication as required by law.

SECTION 3. The salaries and wages fixed pursuant to Section I shall be payable in twenty-six (26) equal installments or in such installments as may hereinafter be determined by resolution of the Governing Body. Said salaries shall be in lieu of all fees which may be collected by said officer or employee.

SECTION 4. All ordinances and parts of ordinances inconsistent with the terms hereof are repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect at the time and in the manner prescribed by law.

ORDINANCE NO. 2541

AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 2-25 OF THE CODE OF THE BOROUGH OF ROSELLE PARK ENTITLED, "SPECIAL LAW ENFORCEMENT OFFICERS"

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 2-25 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-25 SPECIAL LAW ENFORCEMENT OFFICERS.

2-25.1 Creation of Positions.

There is hereby created the positions of Special Law Enforcement Officer, Class One, and Special Law Enforcement Officer, Class Two, of the Borough of Roselle Park.

2-25.2 Duties.

a. *Class One.* Special Law Enforcement Officers, Class One, shall be authorized to perform routine traffic detail, spectator control and similar duties. Special Law Enforcement Officers, Class One, shall also have the power to issue summonses for disorderly persons offenses, violations of municipal ordinances and violations of N.J.S.A. 39:1-1 et seq. (Motor Vehicle Code). The use of a firearm by an Officer of Class One shall be strictly prohibited, and no Special Law Enforcement Officer, Class One, shall be assigned any duties which may require the carrying or using of a firearm.

b. *Class Two.* Officers of this class shall be authorized to exercise all the powers of a Class One Officer and full powers and duties similar to those of a permanent, regularly appointed full-time Police Officer. The use of a firearm by an Officer of this class may be authorized only after the Officer has been fully certified as having successfully completing the necessary training as prescribed by the Police Training Commission.

c. All Special Law Enforcement Officers shall comply with the rules and regulations applicable to the conduct and decorum of regular Officers, as well as with any rules and regulations that are specifically applicable to Special Officers.

d. *Firearms.*

1. No Special Law Enforcement Officer may carry a firearm except while engaged in the actual performance of the Officer's official duties and when specifically authorized by the Police Chief to carry a firearm, provided that the Officer has satisfactorily completed the basic firearms course required by the Police Training Commission for regular Police Officers and the semi-annual requalification examinations as required for permanent, regularly-appointed full-time Police Officers in the Roselle Park Police Department.

2. Any firearm utilized by a Special Law Enforcement Officer shall be returned at the end of the Officer's workday to the Officer in Charge of the stationhouse, unless the firearm is owned by the Special Law Enforcement Officer and was acquired in compliance with the condition of employment established by the Roselle Park Police Department. Any Special Law Enforcement Officer first appointed after the effective date of this chapter shall only use a firearm supplied by the Roselle Park Police Department.

3. No Special Law Enforcement Officer shall carry a firearm or other similar weapon when off duty.

e. *On Duty; Supervision.*

1. A Special Law Enforcement Officer shall be deemed to be on duty only while he is performing the public safety functions on behalf of the Roselle Park Police Department pursuant to this chapter, the Borough Code or article and when he is receiving compensation, if any, from the Borough of Roselle Park at the rates or stipends as

established or shall be established by ordinance. A Special Law Enforcement Officer shall not be deemed to be on duty, for purposes of this chapter, the Borough Code or ordinance while performing private security duties for private employers, which duties are assigned by the Police Chief, or while receiving compensation for those duties from a private employer. A Special Law Enforcement Officer may, however, be assigned by the Police Chief to perform public safety functions for a private entity if the Police Chief or other chief law enforcement officer supervises the performance of the public safety functions. If the Police Chief assigns the public safety duties and supervises the performance of those duties, then, notwithstanding that the Borough of Roselle Park is reimbursed for the cost of assigning a Special Law Enforcement Officer at a private entity, the Special Law Enforcement Officer shall be deemed to be on duty.

2. A Special Law Enforcement Officer shall be under the supervision and direction of the Police Chief wherein the Officer is appointed and shall perform his duties only in the Borough of Roselle Park unless in fresh pursuit of any person pursuant to N.J.S.A. 2A:156-1 et seq.

f. *Number of Hours of Work; Number of Officers.*

1. Special Law Enforcement Officers may not work more than twenty (20) hours in any one (1) week, including those duties assigned pursuant to subsection 2-25.2e. herein, except in cases of emergency, as defined in N.J.S.A. 40A:14-146.9, except for one (1) Special Law Enforcement Officer, who may be assigned by the Borough Police Chief to be employed without regard to this limitation.

2. The number of Class Two Special Law Enforcement Officers appointed by the Borough of Roselle Park can be no more than one (1) for every four (4) regularly appointed full-time Police Officers.

2-25.3 Qualifications.

a. No person may be appointed as a Special Law Enforcement Officer unless he/she:

1. Is a resident of the State of New Jersey during his/her term of appointment.
2. Is able to read, write and speak the English language well and intelligently and has a high school diploma or its equivalent.
3. Is of good moral character, is sound in body and in good health.
4. Has not been convicted of any offense involving dishonesty or which would make him/her unfit to perform the duties of the office.
5. Has successfully undergone the same psychological testing that is required of all regular Police Officers in the Roselle Park Police Department.

b. No public official or regular Police Officer may be appointed as a Special Law Enforcement Officer.

c. No individual may serve as a Special Law Enforcement Officer if that person is currently or at any time concurrent to the within appointment serving as a Special Law Enforcement Officer for any other municipality.

d. No person shall be appointed as a Special Law Enforcement Officer until the Chief of Police has conducted a background investigation in order to ascertain the eligibility of the applicant and has reported his/her findings in writing to the Mayor and Council. Fingerprints of all applicants must be taken and filed with the State Police and the Federal Bureau of Investigation.

e. All Special Law Enforcement Officers shall successfully complete a training course approved by the Police Training Commission before commencing their duties, except those officers appointed and in service on or before January 13, 1986, as long as they will have completed all training and certification requirements before January 13, 1988.

2-25.4 Terms of Appointment.

Special Law Enforcement Officers shall be appointed for one (1) year terms ending January 1 of each year. Special Law Enforcement Officers may only be terminated during their term for cause and after a hearing.

2-25.5 Compensation.

a. Special Law Enforcement Officers shall receive such salary as may be established within the guides of the prevailing Salary Ordinance of the Borough.

1. Should any such Special Law Enforcement Officer concurrently serve as a Civilian Court Officer in the Roselle Park Municipal Court, such Special Law Enforcement Officer shall receive the same rate of pay as they do for their duties in the Roselle Park Municipal Court.

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. 2542

AN ORDINANCE AMENDING CHAPTER II, ARTICLE II, SECTION 2-14 OF THE CODE
OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, "ECONOMIC
DEVELOPMENT DIRECTOR"

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 II, Section 2-14 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-14 ~~RESERVED.~~
 ECONOMIC DEVELOPMENT DIRECTOR.

SECTION 2. **2-14.1 Position Created.**

There is hereby created the position of Economic Development Director.

SECTION 3. **2-14.2 Appointment and Term.**

The position of Economic Development Director shall be appointed by the Mayor with the advice and consent of the Borough Council. Such individual shall serve for a term as contractually agreed between the Borough of Roselle Park and the appointee.

SECTION 4. **2-14.3 Compensation.**

The Economic Development Director shall receive such salary as may be established within the guides of the prevailing Salary Ordinance of the Borough.

SECTION 5. **2-14.4 Qualifications.**

The Economic Development Director shall be appointed on the basis of executive and administrative abilities and qualifications.

SECTION 6. **2-14.5 Duties and Responsibilities.**

- a. Generally and regularly assist current and prospective businesses communicate and interact with the Borough government to promote a business-friendly environment;**
- b. Identify existing businesses seeking to expand and assist in furthering their goal;**
- c. Identify prospective businesses seeking to locate to the area and market Roselle Park as a viable business opportunity;**
- d. Assist businesses in the permitting process, including, but not limited to, health, building, and zoning;**
- e. Assist in the redevelopment process with the objective of securing new commercial or mixed-use spaces;**
- f. Market the local business community to interested developers, customers, and investors;**
- g. Maintain a running list of commercial and retail locations available for rent or purchase;**

- h. Research grants and programs available for business improvements;**
- i. Create networking opportunities for realtors, developers and chambers of commerce;**
- j. Create welcome and educational materials for the local business community;**
- k. Periodically host workshops and gatherings on various commerce-related topics for the benefit of the local business community;**
- l. Regularly monitor and report on the conditions of the local business community to the Mayor and Council as a whole;**
- m. Make recommendations to the Mayor and Council as to how to improve processes of the Borough to gain efficiencies;**
- n. Perform such other duties as may be assigned to them by the Mayor and Council.**

SECTION 7. 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 8. Inconsistent Ordinances Repealed.

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

SECTION 9. 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 10. 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. 2543

AN ORDINANCE AMENDING CHAPTER II, ARTICLE III, SECTION 2-28 OF THE CODE OF THE BOROUGH OF ROSELLE PARK TO BE ENTITLED, "DEPARTMENT OF ECONOMIC DEVELOPMENT"

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 2-28 of the Code of the Borough of Roselle Park be and hereby is amended as follows:

SECTION 1. 2-28 ~~RESERVED.~~
DEPARTMENT OF ECONOMIC DEVELOPMENT.

SECTION 2. **2-28.1 Department Created.**

There is hereby created the Department of Economic Development. The head of the Department shall be known as the “Economic Development Director.”

SECTION 3. **2-28.2 Duties of the Department Head.**

The Economic Development Director, as head of the Department of Economic Development, shall have such duties and responsibilities as established and set forth in Section 2-14.5 of the Borough Code.

SECTION 4. **2-28.3 Duties of the Department.**

The Department of Economic Development shall serve as the premier professionalized function of the Borough government that interacts with and promotes the local business community. The general objectives of the Department shall be to assist and promote existing local businesses, attract prospective businesses, and promote the ideas of sustainable and innovative commercial growth within the local community.

SECTION 5. 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 6. Inconsistent Ordinances Repealed.

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

SECTION 7. 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 8. Effective Date.

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

RESOLUTIONS

RESOLUTION NO. 200-18

WHEREAS, the following licensee 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, the following licensee has received a special ruling from the Director of the Division of Alcoholic Beverage Control of the State of New Jersey pursuant to N.J.S.A. 33:1-12.39 for the 2018-2019 and 2019-2020 licensing terms.

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 the following inactive license effective July 1, 2018 to expire June 30, 2019:

PLENARY RETAIL CONSUMPTION LICENSE - \$1,385.00

2015-33-002-005

Cascios Taverne II, Inc. t/a Cascios Taverne II
400 Seaton Avenue, Roselle Park, New Jersey 07204

RESOLUTION NO. 201-18

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, June 11, 2018 where the 10 West Westfield Avenue Redevelopment Plan (the "Plan"), encompassing Block 610, Lots 1 and 3 of the tax map of the Borough, dated May 14, 2018 was reviewed; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution 2018-005, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Mayor and Council (hereinafter, "Governing Body") regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan from Section 2 of Resolution 2018-005.

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 Plan dated May 14, 2018 be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2018-005

Recommendation No.: 1 of 5

Recommendation: "Omit the option of a 'Supermarket' as permitted use at the location."

RESOLUTION NO. 202-18

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, June 11, 2018 where the 10 West Westfield Avenue Redevelopment Plan (the "Plan"), encompassing Block 610, Lots 1 and 3 of the tax map of the Borough, dated May 14, 2018 was reviewed; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution 2018-005, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Mayor and Council (hereinafter, "Governing Body") regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan from Section 2 of Resolution 2018-005.

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 Plan dated May 14, 2018 be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2018-005

Recommendation No.: 2 of 5

Recommendation: "Omit the option of 'Auto Retail' as a permitted use at the location."

RESOLUTION NO. 203-18

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, June 11, 2018 where the 10 West Westfield Avenue Redevelopment Plan (the "Plan"), encompassing Block 610, Lots 1 and 3 of the tax map of the Borough, dated May 14, 2018 was reviewed; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution 2018-005, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Mayor and Council (hereinafter, "Governing Body") regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan from Section 2 of Resolution 2018-005.

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 Plan dated May 14, 2018 be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2018-005

Recommendation No.: 3 of 5

Recommendation: "Omit the 15% Affordable Housing Obligation."

RESOLUTION NO. 204-18

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, June 11, 2018 where the 10 West Westfield Avenue Redevelopment Plan (the "Plan"), encompassing Block 610, Lots 1 and 3 of the tax map of the Borough, dated May 14, 2018 was reviewed; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution 2018-005, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Mayor and Council (hereinafter, "Governing Body") regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan from Section 2 of Resolution 2018-005.

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 Plan dated May 14, 2018 be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2018-005

Recommendation No.: 4 of 5

Recommendation: "Change the requirement of impervious coverage to 90%."

RESOLUTION NO. 205-18

WHEREAS, the Municipal Land Use Board (hereinafter, "Land Use Board") of the Borough of Roselle Park (hereinafter, "Borough") held a Regular Meeting on Monday, June 11, 2018 where the 10 West Westfield Avenue Redevelopment Plan (the "Plan"), encompassing Block 610, Lots 1 and 3 of the tax map of the Borough, dated May 14, 2018 was reviewed; and,

WHEREAS, the Land Use Board of the Borough adopted Resolution 2018-005, formalizing its recommendations in accordance with N.J.S.A. 40A:12A-7(e) to the Mayor and Council (hereinafter, "Governing Body") regarding the Plan; and,

WHEREAS, the Governing Body wishes to incorporate certain recommendations of the Land Use Board into the Plan from Section 2 of Resolution 2018-005.

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 Plan dated May 14, 2018 be amended to effectuate and incorporate the following recommendation of the Land Use Board of the Borough:

Land Use Board Resolution: 2018-005

Recommendation No.: 5 of 5

Recommendation: "Set minimal Retail/Professional Office/Bank/Restaurant space to 1750 sq. ft."

RESOLUTION NO. 206-18

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and,

WHEREAS, the Annual Report of Audit for the fiscal year ending December 31, 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations;" and,

WHEREAS, the members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations," as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the Governing Body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and,

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

R.S. 52:27BB-52 - "A local officer or member of a local Governing Body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby states that it has complied N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION NO. 207-18

WHEREAS, in accordance with the Single Audit Act, US Office of Management and Budget Circular A-133 and the New Jersey Office of Management and Budget Circular Letter 15-08, and regulations of the Division of Local Government Services, all municipalities are required to prepare and file a Corrective Action Plan; and,

WHEREAS, this plan must be filed with the Division within sixty (60) days from the date the statutory audit is received by the governing body; and,

WHEREAS, such a plan was prepared by the Chief Financial Officer and reviewed by the members of the governing body 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 Corrective Action Plan is hereby approved and is to be filed with the Division of Local Government Services.

CORRECTIVE ACTION REPORT

Finding #2017-01

1. Description: That annual fees should be collected from all establishments required to pay such fees in accordance with Chapter XXII Fire Prevention and Protections Section 22-1.13 New Jersey Uniform Fire Safety Code – Required Inspections and Fees. Also, a list of establishments required to have annual inspections should be provided.
2. Analysis: That Fire Prevention did not provide a list of establishments required to have annual inspections. Also, that Fire Prevention did not collect required fees in accordance with Chapter XXII Fire Prevention and Protections Section 22-1.13 New Jersey Uniform Fire Safety Code – Required Inspections and Fees.
3. Corrective Action: Fire Prevention will be brought into a Finance Committee Meeting to discuss these issues and to insure that the proper fees be collected in accordance with Chapter XXII Fire Prevention and Protections Section 22-1.13 New Jersey Uniform Fire Safety Code – Required Inspections and Fees by September 30, 2018. Also, the Borough set aside money in the 2018 Municipal Budget to purchase a new program to assist Fire Prevention with these tasks.
4. Implementation Date: This directive will be given at the meeting that will happen by September 30, 2018.

RESOLUTION NO. 208-18

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 Victor Pozsonyi from the position of Police Dispatcher effective July 5, 2018.

RESOLUTION NO. 209-18

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 Victor Pozsonyi from the Roselle Park Auxiliary Police Force effective July 5, 2018.

RESOLUTION NO. 210-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Ryan Urban, 617 Filbert Street, Roselle Park, New Jersey 07204 as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Central Firehouse.

RESOLUTION NO. 211-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby appoint Christian Marquez, 77 East Westfield Avenue, Roselle Park, New Jersey 07204 as a member of the Roselle Park Fire Department, effective immediately, to be assigned to the Central Firehouse.

RESOLUTION NO. 212-18

WHEREAS, the governing body of the Borough of Roselle Park recognizes that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets; and,

WHEREAS, the governing body of the Borough of Roselle Park understands that municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners; and,

WHEREAS, legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s); and,

WHEREAS, there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey; and,

WHEREAS, New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries; and,

WHEREAS, State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services; and,

WHEREAS, municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws; and,

WHEREAS, New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators; and,

WHEREAS, New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities; and,

WHEREAS, approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3000 every month; and,

WHEREAS, free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces; and,

WHEREAS, stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and,

WHEREAS, it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats; and,

WHEREAS, all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats; and,

WHEREAS, all municipalities are required to canvass their residents to locate unlicensed dogs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby agree to take the following steps with regard to its municipal responsibilities with the intent of making the Borough of Roselle Park a truly sustainable community:

It is the intent of the governing body to do its utmost, within the bounds of its jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

Authority of Municipalities

Pursuant to New Jersey Statutes, all municipalities must appoint a certified Animal Control Officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and coverage outside of normal working hours.

The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate.

The New Jersey Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed.

The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.

The Borough of Roselle Park pledges to:

1. Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs; and,
2. Work to improve the enforcement of animal cruelty statutes; and,
3. Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep; and,
4. Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures; and,
5. Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing; and,
6. Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners; and,
7. Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services.

RESOLUTION NO. 213-18

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: Butler Avenue Improvements

CONTRACTOR: Cifelli & Son General Construction, Inc.

CHANGE ORDER N^o: 1

AMOUNT OF CHANGE THIS RESOLUTION: \$1,152.90 (0.62% Increase) for an updated contract amount of \$187,940.40; 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. 214-18

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 project: Butler Avenue Improvements was constructed by Cifelli & Son General Construction, Inc., 81 Franklin Avenue, Nutley, NJ 07110, 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. S304437 for a period of two (2) years from November 15, 2017; the said construction is hereby accepted, the contract closed, and final payment in the amount of Thirty-Two Thousand One-Hundred Ninety-Seven dollars and Zero Cents (\$32,197.00) is hereby approved.

RESOLUTION NO. 215-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize the extension of the due date for the payment of 3rd quarter taxes for the year 2018 until August 31, 2018.

RESOLUTION NO. 216-18

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: West Colfax Avenue - Section III
 CONTRACTOR: Cifelli & Son General Construction, Inc.
 CHANGE ORDER N^o: 2

AMOUNT OF CHANGE THIS RESOLUTION: \$11,605.00 (4.93% Decrease) for an updated contract amount of \$223,647.85; 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. 217-18

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 project: West Colfax Avenue - Section III was constructed by Cifelli & Son General Construction, Inc., 81 Franklin Avenue, Nutley, NJ 07110, 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. S303424 for a period of two (2) years from November 15, 2017; the said construction is hereby accepted, the contract closed, and final payment in the amount of Seventeen Thousand Five-Hundred Sixty-Two dollars and Eleven Cents (\$17,562.11) is hereby approved.

RESOLUTION NO. 218-18

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 two (2) checks totaling \$35,919.99 payable to two (2) lien holders on two (2) properties; and,

BE IT FURTHER RESOLVED that two (2) checks be issued in the total amount of \$34,300.00 from the Tax Collector's Premium Account.

BOROUGH OF ROSELLE PARK TAX COLLECTOR ANALYSIS OF LIEN REDEMPTIONS 7/19/2008															
	TSC #	BLOCK	LOT	QUAL.	PREMIUM	TOTAL AMOUNT REDEEMED	CERTIFICATE AMOUNT	REDEMPTION PENALTY PERCENTAGE	INTEREST ON CERTIFICATE DATE 7/19/2018	SEARCH FEE	RECORDING FEE	SUBSEQUENT TAXES PAID	INTEREST ON SUBSEQUENTS TO 7/19/2018	6% INTEREST PENALTY	LEGAL FEES
COMMUNITY CAPITAL INVESTMENTS 2656, LLC	16-035	608	6		\$ 33,000.00	\$ 32,821.86	\$ 8,263.44	\$ 330.54		\$ 12.00	\$ 43.00	\$ 20,343.20	\$ 3,829.68		
TWR/CUST EBURY FUND 2 NJ LLC	15-030	805	21		\$ 1,300.00	\$ 3,098.13	\$ 420.40	\$ 8.42		\$ 12.00	\$ 43.00	\$ 2,075.68	\$ 538.63		
					\$ -	\$ -	\$ -	\$ -				\$ -	\$ -		
					\$ -	\$ -	\$ -	\$ -				\$ -	\$ -		
					\$ -	\$ -	\$ -	\$ -				\$ -	\$ -		
					\$ -	\$ -	\$ -	\$ -				\$ -	\$ -		
					\$ -	\$ -	\$ -	\$ -				\$ -	\$ -		
					\$ -	\$ -	\$ -	\$ -				\$ -	\$ -		
TOTAL					\$ 34,300.00	\$ 35,919.99	\$ 8,683.84	\$ 338.96	\$ -	\$ 24.00	\$ 86.00	\$ 22,418.88	\$ 4,368.31	\$ -	\$ -

RESOLUTION NO. 219-18

BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby authorize the Chief Financial Officer to execute any and all documents in furtherance of establishing credit card payments for property taxes.

RESOLUTION NO. 220-18

WHEREAS, the Borough Clerk received sealed bids at 10:00 a.m. on June 19, 2018 for 2018 Miscellaneous Concrete Repairs.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park hereby award a contract to Cifelli & Son General Construction, Inc., 81 Franklin Avenue, Nutley, NJ 07110 pursuant to the advertised specifications for a one (1) year period commencing August 1, 2018 with an itemized cost breakdown as follows:

Item No. 1:	Square Yard of Concrete Sidewalk, 4" Thick	\$90.00
Item No. 2:	Square Yard of Concrete Driveway Apron	\$95.00
Item No. 3:	Linear Foot of Concrete Vertical Curb	\$35.00

BE IT FURTHER RESOLVED that the foregoing contract award shall be in the total sum not to exceed Fifty-Thousand Dollars and Zero Cents (\$50,000.00); 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. 221-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a Professional Service Contract for survey, design, and construction management services for the project:

WEST CLAY AVENUE IMPROVEMENTS

be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for the sum not to exceed Sixty-Four Thousand Three-Hundred Thirty Dollars and Zero Cents (\$64,330.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 222-18

BE IT RESOLVED by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey that a Professional Service Contract for survey, design, and construction management services for the project:

MADISON AVENUE IMPROVEMENTS

be awarded to Neglia Engineering Associates of Lyndhurst, New Jersey for the sum not to exceed Forty-One Thousand Six-Hundred Eighty Dollars and Zero Cents (\$41,680.00). This Resolution to take effect upon certification on this Resolution by the Borough Treasurer that sufficient funds are available.

RESOLUTION NO. 223-18

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., (the “Redevelopment Law”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and,

WHEREAS, pursuant to N.J.S.A. 40A:12A-6, the Council (the “Borough Council”) of the Borough of Roselle Park, in the County of Union, New Jersey (the “Borough”) by Resolution #156-17, adopted May 18, 2017, authorized and directed the Land Use Board of the Borough (the “Land Use Board”) to undertake a preliminary investigation to determine if a specific area located at Block 610, Lots 1 and 3 on the tax map of the Borough (the “Study Area”) constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and,

WHEREAS, the aforesaid resolution authorized the Land Use Board to investigate the Study Area as a Condemnation Redevelopment Area (as defined in N.J.S.A. 40A:12A-6(a) of the Redevelopment Law), within which the Borough may use all of those powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and,

WHEREAS, the Redevelopment Law requires the Land Use Board to conduct a public hearing prior to making its determination whether the Study Area should be designated as an area in need of redevelopment, at which hearing the Land Use Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area; and,

WHEREAS, the Land Use Board properly noticed a public hearing on the preliminary investigation of the Study Area which conformed to the Redevelopment Law; and,

WHEREAS, on October 16, 2017, the Land Use Board, conducted a public hearing in accordance with the Redevelopment Law and by resolution, after due consideration of the preliminary investigation and the comments and objections from the public made part of the public record and after consulting appropriate municipal departments and counsel, adopted a resolution recommending the Borough Council designate the Study Area as an area in need of redevelopment pursuant to the Redevelopment Law, including the power of eminent domain; and,

WHEREAS, on October 19, 2017, the Borough Council adopted Resolution #293-17 designating the Study Area as an area in need of redevelopment under the Redevelopment Law, such designation authorizing the Borough and Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, including the power of eminent domain (the “Redevelopment Area”); and,

WHEREAS, Benecke Economics prepared a redevelopment plan for the Redevelopment Area entitled: “10 West Westfield Avenue Redevelopment Plan Block 610, Lots 1 and 3” (the “Redevelopment Plan”) providing the development standards for the Redevelopment Area; and,

WHEREAS, the Borough Council has made certain changes to the Redevelopment Plan referred to the Land Use Board in Resolution 173-18; and,

WHEREAS, pursuant to the Redevelopment Law, the Borough Council directs the Land Use Board to review the revised Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan to the Borough Council in accordance with the provisions of N.J.S.A. 40A:12A-7(e).

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

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Borough Council hereby directs the Land Use Board to review the Redevelopment Plan and transmit its recommendations relating to the Redevelopment Plan (the “Land Use Board Report”) to the Borough Council within forty-five (45) days of the date hereof in accordance with the Redevelopment Law.

Section 3. If the Land Use Board Report is not transmitted to the Borough Council within forty-five (45) days of the date hereof, the Borough Council shall be relieved of the requirement to obtain a Land Use Board Report for the Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7(e).

Section 4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 5. The Borough Clerk is hereby directed to transmit a copy of this Resolution to the Mayor and Land Use Board.

Section 6. This Resolution shall take effect immediately.

RESOLUTION NO. 224-18

WHEREAS, the Mayor and Council adopted Resolution 169-18 awarding a contract for Real Estate Appraisal Services to the firm Realty Appraisal, Co., 4912 Bergenline Avenue, Suite 4, West New York, New Jersey 07093 for calendar year 2018; and,

WHEREAS, a typographical error has been brought to the attention of the Borough as it relates to the price structure of such appraisal services, specifically as they relate to the appraisal of "Apartment Houses;" and,

WHEREAS, the Borough of Roselle Park wishes to correct the aforementioned typographical error so as to ensure clarity and consistency.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey hereby amend Resolution 169-18, authorizing a contract with Realty Appraisal, Co., 4912 Bergenline Avenue, Suite 4, West New York, New Jersey 07093 for the acquisition of Real Estate Appraisal Services in an amount not to exceed eighteen-thousand dollars and zero cents (\$18,000.00), so as to reflect the following corrected price structure for the appraisal of "Apartment Houses:"

Apartment Houses:

5 – 20* Families Inclusive	\$ 600.00 each
21 – 50 Families	\$ 800.00 each
Over 50 Families	By Agreement

* Stated as "5-11 Families Inclusive" in Resolution 169-18 in error.

BE IT FURTHER RESOLVED that the above shall constitute the only change to Resolution 169-18 without any change to total compensation or the need for further certification as to the availability of funds.