

**BOROUGH OF ROSELLE
MAYOR AND COUNCIL
REGULAR MEETING MINUTES
APRIL 21, 2021**

Mayor Shaw called the Regular meeting of the Mayor and Council of the Borough of Roselle, Union County, New Jersey, held at Borough Hall, 210 Chestnut Street, Roselle, New Jersey to order on April 21, 2021 at 6:31 P.M. The flag salute was done and the invocation was given by Mayor Shaw.

The Acting Municipal Clerk, Ms. Massey, read the “Open Public Meetings Act” compliance statement.

STATEMENT OF COMPLIANCE

This is to state for the record that this meeting is being held according to the requirements of the Open Public Meetings Act, Section 5, Chapter 231, P.L. 1975, by posting and maintaining the annual notice of regular and workshop meetings on the Borough Hall Bulletin Board, by emailing the Annual Notice of Regular and Workshop meetings for 2021 to the Union County Local Source and The Home News Tribune in 2020, by posting on the Borough of Roselle website and by filing said notice in the Office of the Municipal Clerk.

ROLL CALL

Attendee Name	Title	Status	Arrived
Richard Villeda	Councilman	P	
Brandon Bernier	Councilwoman	P	
Cynthia Johnson	Councilwoman	P	
Cindy Thomas	Councilman	P	
John Fortuna	Councilman	P	
Denise Wilkerson	Councilwoman	P	
Donald Shaw	Mayor	P	

ALSO PRESENT:

Rick Smiley, Borough Administrator; Mohamed Jalloh, Borough Attorney; Anders Hasseler, CFO; Lydia D. Massey, Acting Municipal Clerk, and Raven Conyers, Confidential Assistant

PRESENTATIONS

- Ms. Rosie McCamery founder and CEO of Success Over and Above Reality (SOAR), thanked Mayor Shaw and talked about the SOAR program and what they do for youth in the community. She said it is a multifaceted, 501(c)(3) nonprofit organization and their overall

goal is to empower inner-city and at-risk youth to become future change agents in the fields of hospitality, travel, business and entrepreneurship. The program will be a four-week miniseries for 8th and 9th graders and she announced that information can be found on their website www.letssoarnj.org to apply and the deadline is May 1, 2021. Ms. McCamery said her long-term goal is to open a charter school.

- Anders Hasseler, CFO, shared the budget document on the Zoom meeting and gave a detailed explanation of the 2021 Municipal budget and talked about each budget sheet in the overall budget resolution. The presentation lasted about an hour.

Following this, Mayor Shaw opened up the public hearing on the 2021 Municipal Budget. Seeing no one come forward, Mayor Shaw closed the budget hearing.

Motion by Councilman Bernier, seconded by Councilman Villeda to adopt Resolution 2021-141, the 2021 Municipal Budget.

Vote Record – Resolution Number 2021-141 – Approval of the 2021 Municipal Budget				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

PROCLAMATIONS

Councilman Bernier read the Autism Awareness Month proclamation into the record.
 Mayor Shaw read the Fire Relief Merchants & Volunteers proclamation into the record.
 Councilwoman Johnson read the National Library Month proclamation into the record.
 Council President Wilkerson read the National Minority Mental Health Month proclamation into the record.
 Council President Wilkerson read the United Methodist Church Food Program proclamation into the record.

APPROVAL OF MINUTES OF MEETINGS

Motion by Councilman Villeda, seconded by Councilman Fortuna to approve the minutes of meetings.

Minutes of the Mayor and Council Regular Meeting - January 20, 2021

Minutes of the Mayor and Council Regular Meeting – February 17, 2021

Minutes of the Mayor and Council Closed Executive Session – February 17, 2021

Minutes of the Mayor and Council Special Meeting – February 26, 2021

Minutes of the Mayor and Council Workshop Meeting - March 10, 2021

Minutes of the Mayor and Council Closed Executive Session – March 10, 2021

Minutes of the Mayor and Council Closed Executive Session – March 17, 2021

Vote Record – Approval of Minutes				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

COMMITTEE REPORTS

Councilman Bernier, Finance, thanked CFO Hasseler and the Finance Committee for a job well done on the 2021 Municipal budget. He also announced that the budget resolution can be found on the Borough website. He also said he is excited to have a zero increase on the municipal side and also putting money towards capital projects. He announced that the Planning Board had a meeting last month and they had no applications and the next meeting will be the 1st Wednesday in May.

Council President Wilkerson, Governance, said she was excited about the two DPW supervisors who will provide the manpower that the DPW Superintendent needs. She talked about the Redevelopment items on the agenda and the library project. She reported that NPP program has a plan to spruce up the Chestnut Street Area between 1st and 3rd Avenues and received approval from the DCA for the monies that were allocated through grants dollars. She reported that there were 75 deaths related to COVID-19, 4 deaths which occurred in April 2021; 227 positive COVID cases for April 2021, and 3,073 since March 2020. She reported that the bathrooms in Borough of Roselle

public parks will reopen on Monday April 26th. She also reported that 29% of Roselle residents received their COVID vaccinations, and 11% completed both COVID vaccinations, and relayed a message from the Health Officer to contact the entity that administered the first vaccination if anyone missed the second appointment. She talked about the Roselle fire relief fund and said the goal is to raise \$14,000, and advised that \$12,38.00 was raised to date and the plan is to give checks to each family by May 1st. She commented that to celebrate National Library week local authors Cecelia Dallis Ricks, Naima Ricks and Renae Smith were honored. She also announced that the Everett Hatcher Prevention Coalition will hold an autism event on April 30th, from 6:30 p.m. to 7:30 p.m. at 120 Chestnut Street, and she urged the youth to join the Youth Task Force and provided a contact number. Following this she mentioned the people who donated to the fire relief fund and thanked them for their donations.

Cynthia Johnson, Public Safety, reported that the total fire alarms was 471, total ambulance calls 589, Rescue #1 ambulance was 1, and Rescue ambulance #2 was 180, Rescue #3 ambulance was 4, total. She said the Fire Department is doing a phenomenal job and the Police Department is looking to hire more crossing guards, a parking enforcement person and clerical staff. She said police personnel were sent to ICAT training. She said police park and walks was 160 for the month; calls for service 2,672, and area check and walks was 58; motor vehicle accidents was 58, DUIs was 4 and ambulance calls was 161, and the average response time is 2 minutes, 28 seconds. She also stated that she had nothing at this time to report regarding the Office of Emergency Management (OEM).

Councilwoman Thomas, Recreation, said she is excited about the Grove Street Park project and said it is looking really good at this stage and said residents have been calling her about the park and are just as excited, and she hopes for a ribbon cutting ceremony in May. She reported that the Recreation Department is making small strides in recreational activities and events and exploring options to open up in a safe manner. She said she is in discussion about summer programs and will speak to the Borough Administrator and Health Official on how the activities and events can roll out. She reported that the Board of Health had two seminars on cancer screenings and the webinars were a success and thanked Jeanne Ryan, Library Director, for bringing it to her attention.

Councilman Fortuna, DPW, said the big news for DPW is the hire of two supervisors in the department due to a severe lack of supervisors. He reminded everyone that seasonal laborers were hired at the last Workshop meeting. He also said the budget has a zero increase in taxes without cutting services. He said there were staffing deficits at DPW in the supervisory and labor role, and the recent hires freed up a lot of the skilled manpower to do other things such as fill up sink holes in town. He also talked about the Gordon Street bridge which is on a county role. He also said the Pot Hole Killer is in Roselle now to fill potholes and hopes to get the majority filled. He talked about the new automated garbage trucks and said it will free up manpower and a modified collection schedule is being put together.

INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES

ORDINANCE ON SECOND READING & FINAL PASSAGE –Ordinance Number 2644-21

AN ORDINANCE AMENDING CHAPTER 5 “ORGANIZATION AND PERSONNEL,” SECTION 18 “HOSPITAL AND MEDICAL INSURANCE” OF THE CODE OF THE BOROUGH OF ROSELLE TO REAFFIRM CERTAIN EMPLOYEE BENEFITS

WHEREAS, the Borough Council previously adopted Ordinance 2394-11 on March 16, 2011 amending the Borough Code to specify certain benefits extended to both current employees and retirees; and

WHEREAS, the Borough Council subsequently undertook an extensive recodification process that spanned many years, finally resulting in the readoption of the entire Borough Code on August 21, 2019; and

WHEREAS, the Borough Council wishes to readopt the provisions of Ordinance 2394-11, as they were inadvertently excluded from the readoption of the Borough Code in 2019.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey as follows:

Section 1. Amendment of § 5-18 Hospital and medical insurance.

Chapter 5 “Organization and Personnel,” Section 5 “Hospital and medical insurance” of the Code of the Borough of Roselle is hereby amended by replacing Subsection A in its entirety with the following:

- A.** In addition to the above salaries and longevity compensation, the Borough shall pay full contributions, except for any negotiated or legally mandated employee contributions, for prescription, hospital, and medical insurance for all current and retired employees and their dependents. If the retired employee predeceases the dependents, the dependents shall continue to be covered at no cost to the dependents. As to a surviving spouse, the benefits shall continue until the spouse remarries. Upon reaching eligibility for Medicare, the Borough agrees to reimburse a retiree and his/her spouse (unless the spouse remarries) for Medicare premiums and continue to pay for secondary or supplemental insurance, including prescriptions, after becoming enrolled in Medicare Parts A and B. The Borough may change insurance carriers so long as the new carrier provides equivalent or better benefits and co-pays to the prior plan.

Section 2. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 3. Repeal of Inconsistent Ordinances

All ordinances or part of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Section 4. Effective Date

This ordinance shall become effective immediately or as prescribed by law.

Borough of Roselle

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Mayor Shaw read Ordinance Number 2644-21 by title and opened the Public Hearing. Seeing no one come forward, Mayor Shaw closed the public comment on the ordinance.

Motion by Councilman Bernier, seconded by Councilwoman Thomas to adopt Ordinance Number 2644-21 on 2nd Reading and Final Passage.

Vote Record – Ordinance Number 2644-21–Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON SECOND READING & FINAL PASSAGE –Ordinance Number 2645-21

AN ORDINANCE AMENDING CHAPTER 523 OF THE BOROUGH CODE TO DESIGNATE A HANDICAP PARKING SPACE RESERVED FOR A SPECIFIC PERSON IN FRONT OF A CERTAIN RESIDENCE

WHEREAS, the Police Department has received an application for a personalized handicap parking space pursuant to N.J.S.A. 39:4-197.7 along with the requisite \$25 fee; and
WHEREAS, the Mayor and Council have approved said application and the Borough Clerk has collected the additional fee of \$150.00 for same prior to adoption of the ordinance.

BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle as follows:

- Article III of Chapter 523 of the “Code of the Borough of Roselle” is amended by adding the following to § 523-38 – Restricted Handicap Parking Spaces
 Section 523-138, Schedule XXIX – Restricted handicap parking spaces reserved for a specific person in front of a certain residence:

Address of Residence	Street	Location	Name of Person	Placard#
408 Grand Street	Grand Street	South side of street	Donna M. Jackson	P1956387

- (1) If any person for whom a parking space has been designated pursuant to this section ceases to reside at the specified resident address, he or she (or other person authorized to act on their behalf) shall promptly notify the Borough Clerk in writing that the designated parking space is no longer required.
- (2) In the event that the person holding the designated handicapped parking permit no longer resides at the specified residence address, the designation may be terminated by resolution.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall remain valid and effective.

This ordinance shall take effect after public hearing and final adoption and publication according to law.

Mayor Shaw read Ordinance Number 2645-21 by title and opened the Public Hearing. Seeing no one come forward, Mayor Shaw closed the public comment on the ordinance.

Motion by Councilman Villeda, seconded by Councilwoman Johnson to adopt Ordinance Number 2645-21 on 2nd Reading and Final Passage.

Vote Record – Ordinance Number 2645-21–Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON SECOND READING & FINAL PASSAGE –Ordinance Number 2646-21

AN ORDINANCE AMENDING CHAPTER 523 OF THE BOROUGH CODE TO DESIGNATE A HANDICAP PARKING SPACE RESERVED FOR A SPECIFIC PERSON IN FRONT OF A CERTAIN RESIDENCE

WHEREAS, the Police Department has received an application for a personalized handicap parking space pursuant to N.J.S.A. 39:4-197.7 along with the requisite \$25 fee; and
WHEREAS, the Mayor and Council have approved said application and the Borough Clerk has collected the additional fee of \$150.00 for same prior to adoption of the ordinance.

BE IT ORDAINED, by the Mayor and Council of the Borough of Roselle as follows:

1. Article III of Chapter 523 of the “Code of the Borough of Roselle” is amended by adding the following to § 523-38 – Restricted Handicap Parking Spaces

Section 523-138, Schedule XXIX – Restricted handicap parking spaces reserved for a specific person in front of a certain residence:

Address of Residence	Street	Location	Name of Person	Placard#
408 Grand Street	Grand Street	South side of street	MaaJiid Akbar	P1815625

- (1) If any person for whom a parking space has been designated pursuant to this section ceases to reside at the specified resident address, he or she (or other person authorized to act on their behalf) shall promptly notify the Borough Clerk in writing that the designated parking space is no longer required.
- (2) In the event that the person holding the designated handicapped parking permit no longer resides at the specified residence address, the designation may be terminated by resolution.

If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to this section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall remain valid and effective.

This ordinance shall take effect after public hearing and final adoption and publication according to law.

Mayor Shaw read Ordinance Number 2646-21 by title and opened the Public Hearing. Seeing no one come forward, Mayor Shaw closed the public comment on the ordinance.

Motion by Councilwoman Johnson, seconded by Councilman Villeda to adopt Ordinance Number 2646-21 on 2nd Reading and Final Passage.

Vote Record – Ordinance Number 2646-21–Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			

Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted	<input type="checkbox"/> Adopted as Amended	<input type="checkbox"/> Defeated	<input type="checkbox"/> Tabled	<input type="checkbox"/> Withdrawn

ORDINANCE ON SECOND READING & FINAL PASSAGE –Ordinance Number 2647-21

CALENDAR YEAR 2021 ORDINANCE TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et.seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said final budget appropriations to 1.00% unless authorized by ordinance to increase it to 3.5% over the previous years final appropriations; and,

WHEREAS, a municipality may, by ordinance, bank the difference between its final budget appropriations and the 3.5% increase authorized by this ordinance when said difference is not appropriated as part of the final budget; and,

WHEREAS, the Borough Council of the Borough of Roselle, County of Union, hereby determines that this difference in the amount of \$861,718.16 that is not appropriated as part of the final 2021 budget shall be retained as an exception to the final appropriations in either of the next two succeeding years.

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

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

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

Mayor Shaw read Ordinance Number 2647-21 by title and opened the Public Hearing. Seeing no one come forward, Mayor Shaw closed the public comment on the ordinance.

Motion by Councilman Bernier, seconded by Councilwoman Thomas to adopt Ordinance Number 2647-21 on 2nd Reading and Final Passage.

ORDINANCE ON INTRODUCTION & FIRST READING –Ordinance Number 2648-21

AN ORDINANCE AMENDING CHAPTER 563 “CONSTRUCTION CODES, UNIFORM,” SECTION 2 “FEES” OF THE CODE OF THE BOROUGH OF ROSELLE TO UPDATE VARIOUS FEES

WHEREAS, N.J.A.C. 5:23-2.25 requires municipalities to establish certain fees relative to the enforcement of the Uniform Construction Code; and

WHEREAS, the Construction Official has recommended certain modifications to the Borough's construction fee schedule to the Borough Council.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey as follows:

Section 1. Replacement of §563-2 Fees.

Chapter 563 "Construction Codes, Uniform," Section 2 "Fees" of the Code of the Borough of Roselle is hereby deleted in its entirety and replaced with the following:

§563-2 Fees.

Uniform Construction Code fees shall be as follows:

A. Plan review fee.

- (1) The fee for plan review shall be 20% of the construction permit fee and shall be paid before the plans are reviewed. The fee shall be credited toward the fee for the construction permit but shall not be refundable in the event a permit is not issued.

B. Building Subcode fees.

(1) New construction and additions.

(a) Use Groups R-3 and R-5: \$0.06 per cubic foot

(b) All other Use Groups: \$0.08 per cubic foot

(c) Minimum fee for new construction:

[1] Use Groups R-3 and R-5: \$200

[2] All other Use Groups: \$500

(2) Renovations, alterations, and repairs.

(a) All Use Groups: \$30 per \$1,000 of estimated cost of construction

(b) Roofing and siding for Use Groups R-3 and R-5: \$150

(3) Temporary structures.

(a) Tents, construction trailers, air supported structures, etc.: \$100

(4) Retaining walls.

(a) Use Groups R-3 and R-5:

[1] Surface area less than or equal to 550 square feet: \$100

[2] Surface area greater than 550 square feet: \$175

(b) All other Use Groups: \$30 per \$1,000 of estimated cost of construction

(5) Fences (over six feet in height or built in association with an in-ground pool).

(a) Use Groups R-3 and R-5: \$75

(b) All other Use Groups: \$150

(6) Swimming pools.

(a) Above-ground: \$150

(b) In-ground: \$500

(7) Lead abatement.

(a) Lead hazard abatement work permit: \$200

(b) Lead abatement clearance certificate: \$100

(8) Asbestos abatement.

(a) Asbestos abatement work permit: \$150

- (b) Asbestos abatement clearance certificate: \$100
 - (9) Demolition permit.
 - (a) Use Groups R-3 and R-5: \$500
 - (b) Residential accessory structures: \$150
 - (c) All other Use Groups: \$2,500
 - (10) Signs.
 - (a) Surface area of the sign, computed on one side only for double-faced signs: \$6 per square foot
 - (b) Minimum fee: \$125
 - (11) Certificate of Occupancy fees.
 - (a) Use Groups R-3 and R-5:
 - [1] 10% of the permit fee, including all updates
 - [2] Minimum fee: \$150
 - [3] Temporary Certificate of Occupancy: \$100
 - (b) All other Use Groups:
 - [1] 10% of the permit fee, including all updates
 - [2] Minimum fee: \$300
 - [3] Temporary Certificate of Occupancy: \$200
- C. Plumbing Subcode fees.**
- (1) All plumbing fixtures, stacks and vents, including but not limited to all sinks, urinals, water closets, bathtubs, fountains, dishwashers, garbage disposals, clothes washers, floor drains, roof drains, including roof leaders, or similar devices.
 - (a) Per fixture: \$30
 - (2) Special devices, grease traps, oil, sewage ejector, separators, water-cooled air conditioning, sump pump, gas piping, and water lines.
 - (a) Per unit: \$100
 - (b) Utility service connections, sewer and water
 - [1] Use Groups R-3 and R-5: \$150
 - [2] All other Use Groups: \$250
 - (3) Boilers, furnaces and hot air furnace replacements (including AC condenser unit replacements).
 - (a) Fee per unit: \$90
 - (b) Gas air test six (6) month shut-off only: \$90
 - (c) Steam or hot-water boiler (need backflow preventer): \$75
 - (4) Hot water heaters.
 - (a) Use Groups R-3 and R-5, per unit: \$75
 - (b) All other Use Groups: \$125
 - (5) Backflow and pressure-reducing devices.
 - (a) Backflow preventer for residential home only: \$35
 - (b) Industrial backflow preventer: \$90
 - (c) Backflow preventer for lawn sprinkler: \$75
 - (d) Backflow preventer yearly test: \$150

- (6) Oil tank piping.
 - (a) For tanks less than 550 gallons: \$75
 - (b) For tanks equal to or greater than 550 gallons: \$100
 - (c) Oil storage tank with double wall containment: \$125
- (7) Water and sewer capping: \$150
- (8) Minimum Plumbing Subcode fee.
 - (a) Use Groups R-3 and R-5: \$90
 - (b) All other Use Groups: \$125

D. Mechanical Subcode fees.

The following fees shall only apply to existing R-3 and R-5 dwellings. New construction and all other Use Groups do not apply to this subsection. Mechanical shall be submitted in lieu of plumbing and fire.

- (1) Boilers, furnaces, and HVAC: \$150
- (2) Generators: \$150
- (3) Water heaters: \$75
- (4) Chimney liners: \$100
- (5) Gas piping: \$75

E. Electrical Subcode fees.

- (1) Receptacles, switches, and fixtures, including smoke detectors, intercom devices, and burglar alarms.
 - (a) 1 to 50: \$80
 - (b) Each additional 25: \$40
 - (c) Parking lot light standards, each: \$50
- (2) Motors and electrical devices, including control equipment, all heating, cooking, or other devices consuming or generating electrical current.
 - (a) 0 to 10 hp: \$50
 - (b) 10.1 to 25 hp: \$100
 - (c) 25.1 to 50 hp: \$150
 - (d) 50.1 to 75 hp: \$175
 - (e) 75.1 to 100 hp: \$250
 - (f) Greater than 100 hp: \$500
- (3) Transformers and generators (including primary transforms, vaults, enclosures, substations [each bank of transformers], generators, etc.).
 - (a) 0 to 10 kW: \$50
 - (b) 10.1 to 50 kW: \$125
 - (c) 50.1 to 112.5 kW: \$175
 - (d) Greater than 112.5 kW: \$500
- (4) Service equipment, including service panel, service entrance and subpanel.
 - (a) 0 to 150 amperes: \$150
 - (b) 151 to 300 amperes: \$200
 - (c) 301 to 450 amperes: \$300
 - (d) 451 to 650 amperes: \$500
 - (e) Greater than 650 amperes: \$800

- (5) Solar equipment.
 - (a) Photovoltaic systems.
 - [1] 1 to 50 kW: \$100
 - [2] 51 to 100 kW: \$200
 - [3] Greater than 100 kW: \$500
 - (b) Solar systems (back feed breakers shall be listed as a subpanel).
 - [1] 0 amperes to 100 amperes: \$50
 - [2] 101 amperes to 200 amperes: \$75
 - [3] 201 amperes to 1,000 amperes: \$175
 - [4] Greater than 1,000 amperes: \$250
 - (c) Photovoltaic modules/inverters.
 - [1] First 40 panels: \$150
 - [2] 41 panels to 100 panels: \$225
 - [3] 101 to 200 panels: \$300
 - [4] Greater than 200 panels: \$450
- (6) Low voltage service equipment.
 - (a) Alarms for Use Groups R-3 and R-5: \$75
 - (b) Alarms for all other Use Groups:
 - [1] 1 to 25 contacts: \$175
 - [2] Each additional 25 contacts: \$50
 - (c) Telephone and data points.
 - [1] 1 to 50 contacts: \$150
 - [2] Each additional 25 contacts: \$50
- (7) High voltage service minimum fee: \$700
- (8) Swimming pools.

Pursuant to N.J.A.C. 5:23-4.20(c)(2)(iii)(6), the fee for an above-ground pool or in-ground pool shall include any required bonding and associated equipment such as filter pumps, motors, disconnecting means, switches, require receptables, and heaters, etc., excepting panel boards and underwater lighting fixtures.

 - (a) Above-ground pool: \$150
 - (b) In-ground pool: \$300
 - (c) Annual inspection fee (all pools, other than private pools which are accessory to one- and two-family homes, are subject to an annual electrical inspection): \$100
- (9) Smoke alarms, fire alarm devices for all Use Groups other than R-3 and R-5.
 - (a) First 20 devices: \$125
 - (b) Each additional 25 devices: \$50
- (10) Minimum Electrical Subcode fee.
 - (a) Use Groups R-3 and R-5: \$90
 - (b) All other Use Groups: \$125

F. Fire Subcode fees.

- (1) Sprinklers, wet and dry, based upon the number of heads being installed.

- (a) 1 to 20 heads: \$200
 - (b) 21 to 100 heads: \$400
 - (c) 101 to 200 heads: \$600
 - (d) 201 to 400 heads: \$900
 - (e) 401 to 1,000 heads: \$1,400
 - (f) Greater than 1,000 heads: \$1,600
- (2) Smoke and heat detectors.
 - (a) 1 to 8: \$90
 - (b) Each additional 8: \$40
- (3) Pre-engineered systems.
 - (a) CO₂ suppression: \$200
 - (b) Halon suppression: \$200
 - (c) Foam suppression: \$200
 - (d) Dry chemical: \$200
 - (e) Wet chemical: \$200
- (4) Standpipe: \$350
- (5) Standalone sprinkler system water main, designated under NFPA 13: \$250 per main
- (6) Kitchen hood exhaust system: \$125
- (7) Incinerators: \$1,000
- (8) Crematoriums: \$1,000
- (9) Gas, oil, or wood-fired appliance: \$90
- (10) Chimney liners: \$100 per flue
- (11) Exit and emergency lighting, including exit discharge lighting.
 - (a) 1 to 5: \$90
 - (b) Each additional 5: \$40
- (12) Fuel storage tanks.
 - (a) Unregulated storage tank.
 - [1] Installation pursuant to DCA Bulletin 95-1A: \$150
 - [2] Removal pursuant to DCA Bulletin 95-1B: \$150
 - (b) Regulated storage tank.
 - [1] Installation pursuant to DCA Bulletin 95-1C: \$1,500
 - [2] Removal pursuant to DCA Bulletin 95-1D: \$1,000
 - (c) Emergency shutoff device and gasoline dispensers: \$150 per device
- (13) Minimum Fire Subcode fees.
 - (a) Use Groups R-3 and R-5: \$90
 - (b) All other Use Groups: \$125
- G. Certificate of Continued Occupancy.
 - (1) All Use Groups: \$200
 - (2) Change in use, all Use Groups: \$400
 - (3) Reinspection of any of the above: \$75
- H. Variations pursuant to N.J.A.C. 5:23-2.10.
 - (1) Class I structures: \$500

- (2) Class II and III structures: \$150
- I. Non-use; lapse of permits.
- (1) In the event that a permit once issued and paid for shall not be exercised or constructed, the permittee shall be entitled to a refund in the amount of the fees paid upon written application therefor and return of permit issued, less the 20% designated plan review fee.
- (2) In the event that a permit has lapsed by passage of time, the fee upon application of renewal shall be the full cost of the permit.
- J. General provisions.
- (1) All debris must be disposed of by the contractor or by owners as required by law, as per the Department of Environmental Protection.
- (2) Removal or approval of soil being brought into the Borough must be regulated by the Borough Engineer.
- (3) For purposes of determining the estimated cost, the applicant shall submit to the Borough enforcing agency cost data produced by an architect or engineer of record or by a recognized estimating firm and will make the final decision regarding cost. All fee cost or fractions thereof shall be rounded off to the next highest dollar amount. Combinations of renovations and additions shall be computed separately.
- (4) Receipt of a fully completed application for a permit, signed by the applicant, is a prerequisite for conducting inspections and issuing permits.
- (5) All fees set forth shall cover the cost of two inspections made on any one application.
- (6) Each additional inspection on any one application shall require a minimum reinspection fee of \$75.
- (7) An authorized representative of the applicant having knowledge of the work being performed must be present at the work site for each inspection to be made.
- (8) After-working hours or Saturday inspections may be scheduled at the discretion of the inspector. The charge shall be \$150 per hour, with a four-hour minimum, in addition to the fees set forth in this section.
- (9) The estimated cost (value) of work for any subcode includes all costs normally associated with the work such as labor, materials, and contractor's profit. The amounts entered on forms shall be subject to review by the Construction Official who may approve or modify them as required by N.J.A.C. 5.23-2.14.
- K. Waiver of enforcing fees for the following:
- (1) Construction performed by or on behalf of the Borough of Roselle, County of Union, or State of New Jersey.
- (2) Construction for a public building owned by the County of Union or Borough of Roselle Board of Education.
- L. Temporary Certificate of Occupancy
- (1) May be issued by the Construction Official, provided that the building has been substantially completed to meet all the requirements of the Uniform Construction Code of the State of New Jersey and the plans and specifications

which were filed with the Building Department. If one or more of the items has not been completed, then the applicant must post a cash escrow with the Building Department until such items are completed. Escrow will be charged the same as the trades of today to be determined by the Construction Official. No interest will be paid on escrow being held.

(a) Final grading and seeding

(b) Final on-premises finished, blacktop paving course

(2) Temporary Certificates of Occupancy are valid for no more than 60 days.

Section 2. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 3. Effective Date

This ordinance shall become effective immediately or as prescribed by law.

Mayor Shaw read Ordinance Number 2648-21 by title and asked for a motion to adopt the ordinance on First Reading and Introduction.

Motion by Councilman Bernier, seconded by Council President Wilkerson to adopt Ordinance Number 2648-21.

Vote Record – Ordinance Number 2648-21–Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON INTRODUCTION & FIRST READING –Ordinance Number 2649-21

AN ORDINANCE AMENDING CHAPTER 650 “LAND USE” OF THE CODE OF THE BOROUGH OF ROSELLE TO UPDATE THE LAND USE FEE SCHEDULE

WHEREAS, the Borough Council has reviewed the Land Use Chapter of the Borough Code and desires to update and officially adopt the following Land Use Fee Schedule.

Borough of Roselle

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April 21, 2021 Regular Meeting Minutes

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey as follows:

Section 1. Amendment

Chapter 650 “Land Use,” Article XI “Administration, Enforcement and Fees” of the Code of the Borough of Roselle is hereby amended by inserting the following section immediately after §650-86 **Violations and penalties**. Chapter 650 shall be further amended by renumbering all subsequent sections to consecutively follow the new section.

§650-87 Fees and escrow deposits.

A. Fees.

- (1) Fees for applications or for the rendering of any service by the Boards or any member of their administrative staffs shall be as follows:

Fees for applications or for the rendering of	Application Fee	Escrow
<i>Relief from use regulation</i>		
1 or 2 family	\$250/variance	\$500
3 or more units	\$250/variance	\$1,500
Commercial/business use	\$300/variance	\$1,500
Industrial	\$300/variance	\$1,500

	Application Fee	Escrow
<i>Relief from bulk regulations/site req. (each)</i>		
Sign variance	\$200	
Floodplain variance	\$250	
Bulk variances – 1 or 2 family	\$200 + \$50/variance	
Bulk variances – other residential	\$200 + \$100/variance	
Bulk variances – non-residential	\$200 + \$100/variance	

	Application Fee	Escrow
<i>Conditional use authorization</i>		
1 or 2 family	\$250 res. & \$300 non-res.	
Other residential	\$250 res. & \$300 non-res.	
Non-residential	\$250 res. & \$300 non-res.	
Cond use without site plan or subdivision	\$250 res. & \$300 non-res.	
Cond use with site plan or subdivision	\$250 res. & \$300 non-res.	

	Application Fee	Escrow
<i>Preliminary site plan</i>		
1 or 2 units	\$0	\$500
3 or more units	\$0	\$1,500

Other residential	\$200 + \$50/1,000 SF floor area	\$1,500
Non-residential, lot area 0 to 20,000 SF	\$200 + \$50/1,000 SF floor area	\$1,500
Non-residential, lot area 20,000 to 50,000 SF	\$200 + \$50/1,000 SF floor area	\$3,000
Minor		\$1,000 min.
Major		\$1,500 min.

	Application Fee	Escrow
<i>Final site plan</i>		
1 to 6 units		\$2,500
Non-res, lot area 0 to 20,000 SF		\$3,500
Non-res, lot area 20,00 to 50,000 SF		\$4,500

	Application Fee	Escrow
<i>Subdivision</i>		
Sketch plan for major subdivision		\$500
Preliminary minor	\$300 + \$50 for each lot over 3 lots	\$750
Preliminary major	\$400 + \$100/lot	\$1,500
Final minor	\$400 + \$100/lot	\$750
Final major	\$400 + \$100/lot	\$1,500

	Application Fee	Escrow
<i>Miscellaneous items</i>		
Hearing scheduled for special meeting	\$350/meeting	
Special professional meeting	\$350/meeting	
Development Review Committee	\$250/meeting	
Legal notice publication fee	Actual cost of publication	

(2) Fees for inspection of constructed improvements.

- (a)** Each applicant shall pay all reasonable costs for the municipal inspection of the construction site and off-site improvements. An escrow fund will be established with the Borough before construction begins and such funds shall be used to pay the fee and costs of professional services employed by the Borough to inspect the construction.

(b) An initial fee, except for extraordinary circumstances, of the greater of \$500 or 5% of the cost of improvements shall be deposited prior to the issuance of any construction permit. The estimated cost of improvements shall be calculated by the Borough Engineer based on documented construction costs for public improvements prevailing in the general area of the municipality. For those developments for which the reasonably anticipated fees are less than \$10,000, fees may, at the option of the developer, be paid in two installments. The initial amount deposited by a developer shall be 50% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid for inspections, the developer shall deposit the remaining 50% of the anticipated inspection fees. For those developments for which the reasonably anticipated fees are \$10,000 or greater, fees may, at the option of the developer, be paid in four installments. The initial amount deposited by a developer shall be 25% of the reasonably anticipated fees. When the balance on deposit drops to 10% of the reasonably anticipated fees because the amount deposited by the developer has been reduced by the amount paid for inspections, the Borough Chief Financial Officer shall provide the developer with a notice of insufficient deposit balance and the developer shall make additional deposits of 25% of the reasonably anticipated fees. The Borough Engineer shall not perform any inspection if sufficient funds to pay for those inspections are not on deposit, except that any required health and safety inspections shall be made and charged back against the replenishment of funds. If an inspection deposit contains insufficient funds to enable the Borough to perform required improvement inspections, the Borough Chief Financial Officer shall provide the developer with a notice of insufficient deposit balance. In order for work to continue on the development, the developer shall within 10 days post a deposit to the account in an amount to be agreed upon by the Borough and the developer. Upon the improvements being approved, the deposit shall be closed out in the same manner as is set forth for escrow accounts subsection.

(3) All fees shall be paid as follows:

- (a) Fees shall be paid at the time of application.
- (b) In the event that the application is for more than one category of relief or action, the fee shall consist of the total or the normal fees for each category of action.
- (c) Additional fees. Applicants shall be required to pay any extraordinary costs relating to subdivision, site plan, or conditional use review and/or approval. Applicants shall be required to pay all inspection fees for professionals with respect to the installation of improvements. All such fees and charges shall be based upon a schedule established by resolution of the Borough Committee.

- (d) Transcribing fees. The Boards may require the taking of testimony stenographically and having the same transcribed, the cost of which shall be borne and paid for by the appellant or applicant. The Boards may require such deposit to be made for such purposes as shall be reasonable in the circumstances.

(4) Escrow account.

- (a) The escrow account is established to provide payment for the technical and professional costs of the review of applications and the review and preparation of documents and is based on the fee schedule of this section. Reviewing applications shall include, but shall not be limited to, all time spent at meetings by the professional staff.
- (b) All deposits for technical, professional review and inspection fees shall be kept in an escrow account for that purpose by the Borough. This account shall be managed by the Chief Financial Officer of the Borough, in accordance with the terms of this section.
- (c) Whenever an amount of money in excess of \$5,000 shall be deposited by an applicant with the Borough for professional services employed by the Borough or the approving Board to review applications for development, municipal inspection fees in accordance with this chapter, or to satisfy the guaranty requirements of this chapter, the money, until repaid or applied to the purposes for which it was deposited, including the applicant's portion of the interest earned thereon, except as otherwise provided by law, shall continue to be the property of the applicant and shall be held in trust by the Borough. Money deposited shall be held in escrow. The Borough receiving the money shall deposit it in a banking institution or savings and loan association in this state insured by an agency of the federal government or in any other fund or depository approved for such deposits by the state, in an account bearing interest at the minimum rate currently paid by the institution or depository on time or savings deposits. The Borough shall notify the applicant, in writing, of the name and address of the institution or depository in which the deposit is made and the amount of the deposit. The municipality shall not be required to refund an amount of interest paid on a deposit which does not exceed \$100 for the year. If the amount of interest exceeds \$100, that entire amount shall belong to the applicant and shall be refunded to the applicant by the Borough annually or at the time the deposit is repaid or applied to the purposes for which it was deposited, as the case may be; except that the municipality may retain for administrative expenses a sum equivalent to no more than 1/3 of the entire amount, which shall be in lieu of all other administrative and custodial expenses.

B. Professional fees.

- (1) As used in this section, the following definitions shall apply:

IN-HOUSE PROFESSIONAL

Engineers, planners, attorneys, traffic officers, and other professionals whose salary, staff support, and overhead are provided by the Borough of Roselle.

OUTSIDE PROFESSIONALS

Time spent by a professional engineer, professional planner, attorney, traffic consultant, or other professionals in connection with review of an application and/or review and preparation of documents in regard to such application. In appropriate cases, such services shall include, without limitation, review of plans, reports, relevant ordinance provisions, statutory law, case law, and prior approvals for the same parcel; site inspections; and preparation of resolutions, developer's agreements, and other documents.

- (2) Prospective developers shall bear the cost of all fees for professional services in connection with land development matters under consideration by the Planning Board, Zoning Board of Adjustment, or the Borough Council.
- (a) Said land development matters shall include, but not be limited to, applications for development, appeals, interpretations, application approvals, amendments to the Land Development Ordinance, and amendments to the Master Plan.
- (b) All fees and deposits shall be paid at the time of application. In the event that any escrow deposit shall be depleted, the Zoning Officer shall determine the additional deposit required and shall notify the applicant. No application shall be heard or otherwise processed until and unless all fees and deposits have been paid.
- (3) Professional services are:
- (a) Services rendered by outside professionals to the Borough and/or the reviewing board in connection with an application, plus all actual out-of-pocket disbursements incurred in regard to such services. All charges for services by each outside professional shall be billed at the same rate as all other work of the same nature performed by such professionals for the Borough when fees are not reimbursed or otherwise imposed on an applicant. Charges for professional services of outside professionals shall be based upon a schedule of fees established by resolution, which may include a contract authorized by resolution. Such schedules shall be subject to annual review by the Borough Council.
- (b) Services rendered by in-house professionals to the Borough and/or the reviewing board in connection with an application. Services for in-house professionals shall be billed 200% of the hourly base salary multiplied by both the total number of hours of professional services spent by each in-house professional in connection

with the application. The hourly base salary of each in-house professional shall be established by ordinance annually.

(4) Applicable professional services shall be:

- (a)** Services which include but are not limited to inspections, investigations, reviews, and attendance at meetings by planners, engineers, architects, landscape architects, and other personnel and experts deemed necessary with respect to action on said land development matters.
- (b)** Attorney's services, including those of the board and/or municipal attorney in connection with an application which is presently pending before, or which has been approved by, a reviewing board. Such services include extraordinary legal research and preparation or review of documents, such as performance guarantees, developer and redeveloper agreements, easements, maintenance or property owners' agreements, or any other matters in connection with any approval. Such services shall not include review of applications, attendance at meetings, or preparations of resolutions granting or denying applications.

(5) A professional shall not review items which are subject to approval by a state governmental agency, and which are not under municipal jurisdiction, except to the extent that research or consultation with a state agency is necessary due to the effect of a state approval on the applicant's application.

(6) Developers or applicants in applications deemed routine shall be exempt from the payment of professional fees. The following applications shall be deemed routine:

- (a)** Variance applications pertaining to a single one- or two-family dwellings.
- (b)** Applications for which no escrow deposit is required by **§650-87A(1)** above.

(7) At the time of filing any application, each applicant shall make a deposit for professional fees in accordance with the schedule contained at **§650-87A(1) above. The applicant shall pay the deposit required for each approval which is requested or deemed necessary to cover the cost of professional services.**

(8) Payments.

- (a)** The Chief Financial Officer of the Borough shall make all of the payments to professionals for services rendered to the Borough or approving board for review for applications for development, review and preparation of documents, inspection of improvements, or other purposes under this chapter. Such fees or charges are to be based upon the ordinances herein.

- (b) Each payment charged to a deposit for review of applications, review and preparation of documents, and inspection of improvements shall be pursuant to a voucher from the professional, which voucher shall identify the personnel performing the service, and, for each date the service is performed, the hours spent in 1/4 of an hour increments, the hourly rate, and the expenses incurred. All professionals shall submit vouchers to the Chief Financial Officer on a monthly basis, in accordance with the schedules and procedures established by the Chief Financial Officer. The professional shall send an information copy of all vouchers or statements submitted to the Chief Financial Officer simultaneously to the applicant. The Chief Financial Officer shall prepare and send to the applicant a statement which shall include an accounting of the funds listing all deposits, interest earnings, disbursements, and the cumulative balance of the escrow account. This information shall be provided on a quarterly basis, if monthly charges are \$1,000 or less, or on a monthly basis, if the monthly charges exceed \$1,000. If an escrow account or deposit contains insufficient funds to enable the Borough or approving board to perform required application reviews or improvements inspections, the Chief Financial Officer shall provide the applicant with a written notice of the insufficient escrow or deposit balance. In order for work to continue on the development or the application, the applicant shall, within 10 days, post a deposit to the account in an amount to be agreed upon by the Borough or the approving board and the applicant. With regard to review fees, if the applicant fails to make said deposit within the time prescribed herein, the approving board shall be authorized to dismiss the application without prejudice, subject to the right of the applicant to seek reinstatement of said application by written notice to the Chief Financial Officer that the deposits have been posted. The application will be reinstated upon written notification by the Chief Financial Officer to the approving board that said deposits are, in fact, posted. In the interim, the required health and safety inspections shall be made and charged back against the replenishment of funds. With regard to inspection fees, the Borough Engineer shall not perform any inspection if sufficient funds to pay for the inspections are not on deposit. Failure to post or maintain balances in accordance with the requirements of these sections will subject the developer to a stop-work order and/or suspension of construction permits.
- (c) In addition, no hearing before any Borough board or committee may be convened and no construction permit or certificate of occupancy may be issued if such amounts are due and payable.
- (d) The applicant and Chief Financial Officer shall follow the following close-out procedures for all deposits and escrow accounts established herein. Said procedures shall commence after the approving authority has granted final approval of the development application, including completion of all conditions of said approval, and/or has signed the appropriate subdivision map or deed or

after all of the improvements have been approved. The applicant shall send written notice, by certified mail, to the Chief Financial Officer and the approving board and to the relevant municipal professional that the application or the improvements, as the case may be, are completed. After receipt of such notice, the professional shall render a final bill to the Chief Financial Officer within 30 days and shall send a copy simultaneously to the applicant. The Chief Financial Officer shall render a written final accounting to the applicant on the uses to which the deposit has been put within 45 days of the receipt of the final bill. Any balances remaining in the deposit or escrow account, including interest, shall be refunded to the applicant along with the final accounting.

- (e) All professional charges for review of the application for development, review and preparation of documents, or inspection of improvements shall be reasonable and necessary, given the status and progress of the application or construction review. Inspection fees shall be charged only for actual work shown on a subdivision or site plan or required by an approving resolution. Professionals inspecting improvements under construction shall charge only for inspections that are reasonably necessary to check the progress and quality of the work, and such inspections shall be reasonably based on the approval development plans and documents.
 - (f) If the municipality retains a different professional or consultant in the place of the professional originally responsible for development, application review, or inspection of improvements, the municipality or approving board shall be responsible for all time and expenses of the new professional to become familiar with the application or the project, and the municipality or approving board shall not bill the applicant or charge the deposit or the escrow for any such services.
- (9) Dispute of charge; appeals; rules and regulations. All disputes relating to charges and appeals thereof shall be in accordance with N.J.S.A. 40:55D-42.2a.

Section 2. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 3. Effective Date

This ordinance shall become effective immediately or as prescribed by law.

Mayor Shaw read Ordinance Number 2649-21 by title and asked for a motion to adopt the ordinance on First Reading and Introduction.

Motion by Councilman Villeda, seconded by Council President Wilkerson to adopt Ordinance Number 2649-21.

Vote Record – Ordinance Number 2649-21–Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON INTRODUCTION & FIRST READING –Ordinance Number 2650-21

AMENDMENT TO CHAPTER 650 “LAND USE” OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, STATE OF NEW JERSEY, TO APPEND THE ZONING MAP, ENVIRONMENTAL IMPACT WORKSHEET, AND APPLICATION CHECKLISTS TO THE CODE

WHEREAS, the Borough Council has been made aware that during the codification process certain attachments to Chapter 650 “Land Use” were not included; and

WHEREAS, the Borough Council is also aware that the application checklists have not been formally adopted since the codification process;

NOW THEREFORE BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, NEW JERSEY AS FOLLOWS: Chapter 650 “Land Use” shall be amended to include attachments. Attachment 1 shall be the “Zoning Map”, which was adopted via Ordinance 2561-17 on April 19, 2017. Attachment 2 shall be the “Preliminary Environmental Impact Worksheet”. Attachment 3 shall be the “Preliminary Site Plan Checklist”. Attachment 4 shall be the “Final Site Plan Checklist”. Attachment 5 shall be the “Minor Subdivision Checklist”. Attachment 6 shall be the “Preliminary Major Subdivision Checklist”. Attachment 7 shall be the “Final Major Subdivision Checklist”.

Mayor Shaw read Ordinance Number 2650-21 by title and asked for a motion to adopt the ordinance on First Reading and Introduction.

Motion by Councilman Fortuna, seconded by Councilman Villeda to adopt Ordinance Number 2650-21.

Vote Record – Ordinance Number 2650-21–Introduction & First Reading				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON INTRODUCTION & FIRST READING –Ordinance Number 2651-21

ORDINANCE AUTHORIZING THE MAYOR TO REVOKE AN AGREEMENT FOR PAYMENT IN LIEU OF TAXES BETWEEN THE BOROUGH OF ROSELLE AND TELEFLORA REALTY GROUP URBAN RENEWAL ENTITLY LLC PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW

WHEREAS, the Borough of Roselle ("Borough") had agreed, via Ordinance number 2528-15, on or about December 17, 2015, to provide for a tax abatement, transferrable to the final users of the property, through a long-term financial agreement ("Financial Agreement") with Teleflora Realty Group Urban Renewal Entity, L.L.C. ("Teleflora"); regarding property, commonly known on the Official Tax Map of the Borough of Roselle as Block 407, Lots 10 and 8, (hereinafter, the 'Project'); and

WHEREAS, based on information revealed in the Audit provided pursuant to the provisions of the Long-Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1 et. Seq. (the "LTTE"), it was determined that the provisions of the LTTE were satisfied; and

WHEREAS, the assignee of the Financial Agreement Sheridan Estates Urban Renewal Entity, LLC ("Sheridan") does not operate as a Qualified Subsidized Housing Project under the LTTE, therefore Sheridan does not qualify for a long-term exemption pursuant to the LTTE; and

WHEREAS, Sheridan has been advised that the Financial Agreement provides that "The Project is a qualified Subsidized Housing Project under the LTTE and is being funded in part by the United States Department of Housing and Urban Development ("HUD") and the HOME investment Partnership Program ("HOME")" and thus would qualify under the Long-Term Tax Exemption law, however, since Sheridan Gardens does not operate as a qualified Subsidized Housing Project pursuant to N.J.S.A. 40A:20-13.1, Sheridan Gardens does not qualify under the Long-Term Tax Exemption Law and the Financial Agreement must be terminated.

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Roselle, County of Union and State of New Jersey that Mayor, Borough Administrator or

assignee, shall take any and all actions to revoke the Financial Agreement including direct the Tax assessor to take any action necessary to assess proper taxation on the Project, to advise the Department of Community Affairs, Director of Division of Local Government Services and any other actions as necessary to implement and carry out the intent of this Ordinance.

Mayor Shaw read Ordinance Number 2651-21 by title and asked for a motion to adopt the ordinance on First Reading and Introduction.

Motion by Council President Wilkerson, seconded by Councilwoman Thomas to adopt Ordinance Number 2651-21.

Vote Record – Ordinance Number 2651-21–Introduction & First Reading				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON INTRODUCTION & FIRST READING –Ordinance Number 2652-21

AN ORDINANCE AMENDING CHAPTER 523 “VEHICLES AND TRAFFIC” OF THE CODE OF THE BOROUGH OF ROSELLE TO UPDATE THE SCHEDULE FOR PARKING PROHIBITED AT ALL TIMES AND SCHEDULE FOR BUS STOPS

WHEREAS, the Borough Council has reviewed the Vehicles and Traffic Chapter of the Borough Code and desires to update and add two new bus stops to the current bus stop schedule, as well as add additional “No Parking Locations” to the schedule of “Parking Prohibited at All Times” to accommodate the new bus stop locations.

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

Section 1. Amendments

A. Chapter 523 “Vehicles and Traffic,” Article XII “Schedules” of the Code of the Borough of Roselle is hereby amended as follows:

1. § 523-131, Schedule XXII (Bus Stops) shall be amended with respect to Second Avenue North (westbound) by increasing the Location of the bus stop from the

westerly curb line of Chandler Avenue to a point **140 Feet** westerly therefrom (far side).

2. § 523-131, Schedule XXII (Bus Stops) shall be amended with respect to Second Avenue South (eastbound) by increasing the Location of the bus stop from the easterly curb line of Walnut Street to a point **135 Feet** easterly therefrom (far side).
3. § 523-131, Schedule XXII (Bus Stops) shall be amended to add the following bus stop locations on Second Avenue:

Second Avenue	North (westbound)	Between the westerly curb line of Walnut Street and a point 150 feet westerly therefrom (far side).
Second Avenue	South (eastbound)	Between the easterly curb line of Chandler Avenue and a point 130 feet westerly therefrom (far side).

4. Chapter§ 523-122, Schedule XII (Parking Prohibited at All Times) shall be amended by adding the following locations:

Second Avenue	North (westbound)	Between the westerly curblines of Chandler Avenue and a point 190 feet westerly therefrom (far side)
Second Avenue	South (eastbound)	Between the easterly curblines of Chandler Avenue and a point 180 feet westerly therefrom (far side)
Second Avenue	North (westbound)	Between the westerly curblines of Walnut Street and a point 200 feet westerly therefrom (far side)
Second Avenue	South (eastbound)	Between the easterly curblines of Walnut Street and a point 185 feet easterly therefrom (far side)

Section 2. Severability

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall continue in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

Section 3. Effective Date

This ordinance shall become effective immediately or as prescribed by law.

Mayor Shaw read Ordinance Number 2652-21 by title and asked for a motion to adopt the ordinance on First Reading and Introduction.

Motion by Councilman Fortuna, seconded by Councilman Villeda to adopt Ordinance Number 2652-21.

Vote Record – Ordinance Number 2652-21–Introduction & First Reading				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON INTRODUCTION & FIRST READING –Ordinance Number 2653-21

AN ORDINANCE AMENDING CHAPTER 395, STORM WATER MANAGEMENT BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, NEW JERSEY AS FOLLOWS:

§ 395-1 Purpose.

- A. Policy statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- B. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in §395-2.
- C. Applicability.
 - (1) This ordinance shall be applicable to the following major developments:

- (a) Nonresidential major developments.
- (b) Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
- (2) This chapter shall also be applicable to all major developments undertaken by the Borough of Roselle.
- D. Compatibility with other permit and ordinance requirements. Development approvals issued pursuant to this chapter are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This chapter is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation statute, or other provision of law except that, where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 395-2 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

CAFRA CENTERS, CORES OR NODES

Those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

CAFRA PLANNING MAP

The map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS)

Community basin

An infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

COMPACTION

The increase in soil bulk density.

CORE

A pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

COUNTY REVIEW AGENCY

An agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be: a county planning agency; or a county water resource association created under N.J.S.A.

58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT

The New Jersey Department of Environmental Protection.

DESIGN ENGINEER

A person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

DESIGNATED CENTER

A State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DEVELOPMENT

The division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural lands, "development" means any activity that requires a state permit; any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A. 4:1C-1 et seq.

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 et seq.

Disturbance

The placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

DRAINAGE AREA

A geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving water body or to a particular point along a receiving water body.

EMPOWERMENT NEIGHBORHOOD

A neighborhood designated by the Urban Coordinating Council "in consultation and conjunction with" the New Jersey Redevelopment Authority pursuant to N.J.S.A. 55:19-69.

ENVIRONMENTALLY CONSTRAINED AREA

The following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and

preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Non-Game Species Program.

ENVIRONMENTALLY CRITICAL AREAS

An area or feature which is of significant environmental value, including, but not limited to, stream corridors; natural heritage priority sites; habitat of endangered or threatened species; large areas of contiguous open space or upland forest; steep slopes; and wellhead protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Non-game Species Program.

EROSION

The detachment and movement of soil or rock fragments by water, wind, ice or gravity.

Green infrastructure

A stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

HUC 14 or hydrologic unit code 14

An area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

IMPERVIOUS SURFACES

A surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

INFILTRATION

The process by which water that seeps into the soil from precipitation.

Lead planning agency

One or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

MAJOR DEVELOPMENT

An individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since **March 2, 2021** ; or

4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of "major development" but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered "major development."

Motor vehicle

Land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

Motor vehicle surface

Any pervious or impervious surface that is intended to be used by "motor vehicles" and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

MUNICIPALITY

Any city, borough, town, township, or village.

New Jersey Stormwater Best Management Practices (BMP) Manual or BMP Manual

The manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE

An area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT

A chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON

Any individual, corporation, company, partnership, firm, association, Borough of Roselle or political subdivision of this state and any state, interstate or federal agency.

POLLUTANT

Any dredge spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.), thermal waste wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, other residue discharged directly or indirectly to the land, ground waters or surface waters of the state, or to a domestic treatment works. "Pollutant Includes both hazardous and nonhazardous pollutants."

RECHARGE
The amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

Regulated impervious surface

Any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a "new stormwater conveyance system" is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

Regulated motor vehicle surface

Any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

SEDIMENT

Solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

SITE

The lot or lots upon which a major development is to occur or has occurred.

SOIL

All unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1)

An area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the state's future redevelopment

and revitalization efforts.

STATE PLAN POLICY MAP

The geographic application of the State Development and Redevelopment Plan's goals and statewide policies, and the Official Map of these goals and policies.

STORMWATER

Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities.

STORMWATER MANAGEMENT BMP

An excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

STORMWATER MANAGEMENT MEASURE

Any, practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal nonstormwater discharges into stormwater conveyances.

STORMWATER RUNOFF

Water flow on the surface of the ground or in storm sewers, resulting from precipitation.

Stormwater management planning agency

A public body authorized by legislation to prepare stormwater management plans.

Stormwater management planning area

The geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

TIDAL FLOOD HAZARD AREA

A flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD

A neighborhood given priority access to state resources through the New Jersey Redevelopment Authority.

Urban Enterprise Zones

A zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

Urban Redevelopment Area

Is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

Water control structure

A structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

Waters of the State

The ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

Wetlands or wetland

An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

§ 395-3 General standards.

- A. Design and performance for stormwater management measures.
- (1) Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality treatment as follows:
 - a. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - b. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
 - (2) The standards in this chapter apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules. Such alternative standards shall provide at least as much protection from stormwater-related loss of groundwater recharge, stormwater quantity and water quality impacts of major development projects as would be provided under the standards in this section.
 - (3) For site improvements regulated under the Residential Site Improvement Standards (RSIS) at N.J.A.C. 5:21, the RSIS shall apply in addition to this section except to the extent the RSIS are superseded by this section or alternative standards applicable under a regional stormwater management plan or water quality management plan adopted in accordance with Department rules.

§ 395-4 Stormwater management requirements for major development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with **§ 395-10**.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at **§ 395-4P, Q, and R**.
 - (1) The construction of an underground utility line, provided that the disturbed areas are revegetated upon completion;
 - (2) The construction of an aboveground utility line, provided that the existing conditions are maintained to the maximum extent practicable; and
 - (3) The construction of a public pedestrian access. Such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quantity, and stormwater runoff quality requirements at **§ 395-4O, P, Q, and R** may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of **§ 395-4P, Q, and R** to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements at **§ 395-4O, P, Q, and R** existing structures currently in use, such as homes and buildings would need to be condemned; and
 - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under Subsection **D(3)** above within the upstream drainage area of the receiving stream that would provide additional opportunities to mitigate for requirements of **§ 395-4O, P, Q, and R** that were not achievable on site.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§ 395-4O, P, Q and R**. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and

performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<u>Table 1</u> <u>Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Cistern</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Dry Well^(a)</u>	<u>0</u>	<u>No</u>	<u>Yes</u>	<u>2</u>
<u>Grass Swale</u>	<u>50 or less</u>	<u>No</u>	<u>No</u>	<u>2^(e)</u> <u>1^(f)</u>
<u>Green Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>--</u>
<u>Manufactured Treatment Device^{(a) (g)}</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Pervious Paving System^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Bioretention Basin^(a)</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Small-Scale Infiltration Basin^(a)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>

<u>Small-Scale Sand Filter</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Vegetative Filter Strip</u>	<u>60-80</u>	<u>No</u>	<u>No</u>	<u>--</u>

(Notes corresponding to annotations ^(a) through ^(g) are found after Table 3)

<u>Table 2</u> <u>Green Infrastructure BMPs for Stormwater Runoff Quantity</u> <u>(or for Groundwater Recharge and/or Stormwater Runoff Quality</u> <u>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

(Notes corresponding to annotations ^(b) through ^(d) are found after Table 3)

<u>Table 3</u> <u>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</u> <u>Stormwater Runoff Quantity</u> <u>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</u>				
<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Blue Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

<u>Extended Detention Basin</u>	<u>40-60</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Manufactured Treatment Device^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</u>	<u>80</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Subsurface Gravel Wetland</u>	<u>90</u>	<u>No</u>	<u>No</u>	<u>1</u>
<u>Wet Pond</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 395-4.O.2;
 - (b) designed to infiltrate into the subsoil;
 - (c) designed with underdrains;
 - (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
 - (e) designed with a slope of less than two percent;
 - (f) designed with a slope of equal to or greater than two percent;
 - (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.
- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with § 395-4.B. Alternative stormwater management measures may be used to satisfy the requirements at § 395-4.O only if the measures meet the definition of green infrastructure at §395-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 395-4.O.2 are subject to the contributory drainage area limitation specified at § 395-4.O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 395-4.O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function

similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 395-4.D is granted from § 395-4.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 395-8C;
 - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 - 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 395-2 may be used only under the circumstances described at Section § 395-4.O.4.
- K. Any application for a new agricultural development that meets the definition of major

development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at § **395-4.O, P, Q and R** and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § **395-4P, Q and R** shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Union County's Clerks Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § **395-4O, P, Q, and R** and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § **395-5.B.5**. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to § **395-4** of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Union County Clerks Office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

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1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at § 395-4.P & Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 395-4.F and/or an alternative stormwater management measure approved in accordance with § 395-4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<u>Best Management Practice</u>	<u>Maximum Contributory Drainage Area</u>
<u>Dry Well</u>	<u>1 acre</u>
<u>Manufactured Treatment Device</u>	<u>2.5 acres</u>
<u>Pervious Pavement Systems</u>	<u>Area of additional inflow cannot exceed three times the area occupied by the BMP</u>
<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

3. To satisfy the stormwater runoff quantity standards at § 395-4. R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 395-4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 395-4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 395-4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 395-4 P, Q, and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at § 395-4P, Q, and R, unless the project is granted a waiver from strict compliance in accordance with § 395-4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 395-5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water

quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in § 395-4.P, Q, and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian

zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 395-5, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 395-5 Calculation of stormwater runoff and groundwater recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

- (1) The design engineer shall calculate runoff using one of the following methods:(a) The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15

and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at: https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or(b) The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>

- df.(2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the preconstruction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology at § 395-5A(1)(a) and the Rational and Modified Rational Methods at § 395-5A(1)(b). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing preconstruction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts that may reduce preconstruction stormwater runoff rates and volumes.
 - (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release-55, Urban Hydrology for Small Watersheds and other methods may be employed.
 - (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tail water in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:

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- (1) The New Jersey Geological Survey Geological Survey Report GSR-32, A Method for Evaluating Ground-Water Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:
<https://www.nj.gov/dep/njgs/pricelst/greport/gsr32.pdf>
or at New Jersey Geological Survey, 29 Arctic Parkway, P.O. Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0427..

§ 395-6 Sources for technical guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed at Subsection A(1) and (2) below, which are available to download from the Department's website at:
http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended. Information is provided on stormwater management measures, such as but not limited to, those listed in Tables 1, 2, and 3.
- (2) Additional maintenance guidance is available on the Department's website at: .
https://www.njstormwater.org/maintenance_guidance.htm.
- B. Submissions required for review by the Department should be mailed to:
The Division of Water Quality, New Jersey Department of Environmental Protection,
Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

(1) § 395-7 Solids and Floatable Materials Control Standards:

A. Site design features identified under § 395-4F above, or alternative designs in accordance with § 395-4G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 395-7.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used

to collect stormwater from the surface into a storm drain or surface water body.

i)iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 395-8 Safety standards for stormwater management basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This subsection applies to any new stormwater management BMP.

B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 395-8.C.1, .C.2, and .C.3 for trash racks, overflow grates, and escape

provisions at outlet structures.

C. Requirements for trash racks, overflow grates and escape provisions.

- (1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - (a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars.
 - (b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure.
 - (c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack.
 - (d) The trash rack shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 lbs./ft. sq.
 - (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate such grate shall meet the following requirements:
 - (a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - (b) The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - (c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 399 lbs./ft. sq.
 - (3) For purposes of this subsection, "escape provisions" means the permanent installation of ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management basins. Stormwater management basins shall include escape provisions as follows:
 - (a) If a stormwater management basin has an outlet structure, escape provisions shall be incorporated in or on the structure. With the prior approval of the reviewing agency identified in Subsection C, a freestanding outlet structure may be exempted from this requirement.
 - (b) Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than 2 1/2 feet. Such safety ledges shall be comprised of two steps. Each step shall be four feet to six feet in width. One step shall be located approximately 2 1/2 feet below the permanent water surface, and the second step shall be located one to 1 1/2 feet above the permanent water surface. See § 395-8D for an illustration of safety ledges in a stormwater management basin.
 - (c) In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than 3 horizontal to 1 vertical.
- D. Variance or exemption from safety standards. A variance or exemption from the safety standards for stormwater management basins may be granted only upon a written finding by the appropriate reviewing agency (municipality, county or department) that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

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[Image]

§ 395-9 Requirements for site development stormwater plan.

- A. Submission of site development stormwater plan.
 - (1) Whenever an applicant seeks municipal approval of a development subject to this chapter, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 395-9C below as part of the submission of the applicant's application for subdivision or site plan approval.
 - (2) The applicant shall demonstrate that the project meets the standards set forth in this chapter.
 - (3) The applicant shall submit 18 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 395-9C of this chapter.
- B. Site development stormwater plan approval. The applicant's site development project shall be reviewed as a part of the subdivision or site plan review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the engineer retained by the Planning and/or Zoning Board (as appropriate) to determine if all the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this chapter.
- C. Checklist requirements. The following information shall be required:
 - (1) Topographic base map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of one inch equals 200 feet or greater, showing two-foot contour intervals. The map, as appropriate, may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category 1 waters, wetlands and floodplains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and man-made features not otherwise shown.
 - (2) Environmental site analysis. A written and graphic description of the natural and man-made features of the site and its environs. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
 - (3) Project description and site plan(s). A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high ground water elevations. A written description of the site plan and justification of proposed changes in natural conditions shall also be provided.

- (4) Land use planning and source control plan. This plan shall provide a demonstration of how the goals and standards of § 395-3 through 5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- (5) Stormwater management facilities map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - (b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
- (6) Calculations.
 - (a) Comprehensive hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in § 395-4 of this chapter.
 - (b) When the proposed stormwater management control measures (e.g., infiltration basins) depends on the hydrologic properties of soils, or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (7) Maintenance and repair plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of § 395-10.
- (8) Waiver from submission requirements. The municipal official or board reviewing an application under this chapter may, in consultation with the municipal engineer, waive submission of any of the requirements in § 395-9C(1) through C(6) of this chapter when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 395-10 Maintenance and repair.

- A. Applicability. Projects subject to review as in § 395-1C of this chapter shall comply with the requirements of § 395-10B and C.
- B. General maintenance.
 - (1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - (2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of

BMP, as described in the applicable chapter containing design specifics. Maintenance guidelines for stormwater management measures are available in the New Jersey Stormwater Best Management Practices Manual. If the maintenance plan identifies a person other than the developer (for example, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's agreement to assume this responsibility, or of the developer's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

- (3) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
- (4) If the person responsible for maintenance identified under § **395-10B(3)** above is not a public agency, the maintenance plan and any future revisions based on § **395-10B (6)** through § **395-10B(8)** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (5) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
- (6) The person responsible for maintenance identified under § **395-10B(2)** above shall maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders. The person responsible for maintenance shall submit a copy of the annual maintenance records and inspections to the City Engineer no later than March 1st every year.
- (7) The person responsible for maintenance identified under § **395-10B(2)** above shall evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed.
- (8) The person responsible for maintenance identified under § **395-10B(2)** above shall retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by § **395-10B(6)** and (7).
- (9) The requirements of § **395-10B(3)** and (4) do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. .
- (10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance, the municipality shall so notify the

responsible person in writing. Upon receipt of that notice, the responsible person shall have 14 days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or county may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

- (a) Nothing in this section shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 395-11 Violations and penalties.

Any responsible person who violates any portion or section of this chapter shall be subject to a fine of not more than \$1,000 or to imprisonment in the county jail for not more than 90 days or both.

§ 395-12 When effective.

This chapter shall take effect upon the approval by the county review agency, or 60 days after submission to the county review agency if they fail to act.

§ 395-13 Severability.

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this chapter shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this chapter.

Mayor Shaw read Ordinance Number 2653-21 by title and asked for a motion to adopt the ordinance on First Reading and Introduction.

Motion by Councilman Fortuna, seconded by Councilman Villeda to adopt Ordinance Number 2653-21.

Vote Record – Ordinance Number 2653-21–Introduction & First Reading				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

CLOSED EXECUTIVE SESSION

Mayor Shaw then asked for a motion to go into closed executive session.

Motion by Councilman Fortuna, seconded by Councilman Villeda to adopt Resolution Number 2021-149. All were in favor; none were opposed and the Mayor and Council went into closed Executive Session at 8:17p.m.

RESOLUTION NUMBER 2021-149

RESOLUTION AUTHORIZING A CLOSED (EXECUTIVE SESSION)

WHEREAS, Section 8 of the Open Public Meeting Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

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

1. The public shall be excluded from discussions of and action hereinafter specified as:

- Personnel Matters
- Litigation Matters

2. It is anticipated at this time, the above stated subject matters will be made public when it is determined that the need for confidentiality no longer exists.

This resolution shall take effect immediately.

I, Lydia D. Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 21st day of April 2021.

The governing body came out of the Closed Executive Session at 8:25 p.m.

PUBLIC COMMENTS (on Pending resolutions only)

Mayor Shaw opened up the public comment portion of the meeting. Seeing no one come forward, the Mayor closed the public comment portion of the meeting.

CONSENT AGENDA

Mayor Shaw asked for a motion to adopt the consent agenda.

Motion by Council President Wilkerson, seconded by Councilwoman Thomas to adopt the Consent Agenda as written.

Vote Record – To Adopt the Consent Agenda				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

CONSENT AGENDA

RESOLUTION NUMBER 2021-150

AUTHORIZING THE BOROUGH OF ROSELLE TO ENTER INTO A CONTRACT WITH TRINITAS REGIONAL MEDICAL CENTER, 300 NORTH AVE. EAST, CRANFORD, NEW JERSEY 07016 FOR AN EMPLOYEE ASSISTANCE PLAN

WHEREAS, Family Resource Center – C.A.R.E./EAP provides assistance to business and governmental organizations in connection with the design, implementation, and maintenance of Employee Assistance Programs; and

WHEREAS, the optimal productivity level of every employee in the workforce can be adversely affected by factors beyond the control of the employer; and

WHEREAS, a multitude of studies have shown that the cost of lost productivity is consistently greater than the cost of providing certain types of confidential assistance to employees; and

WHEREAS, Trinitas Hospital has diligently continued to administer the Borough's Employee Assistance Plan (EAP); and

WHEREAS, pursuant to N.J.A.C. 50:30-5.5(e) the award of the contract shall be subject to the availability and appropriation of funds in the CY 2021; and

WHEREAS, if funds are not available for the contract in the 2021 temporary and permanent budget, the contract will be terminated.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle, County of Union, State of New Jersey that the Borough Administrator is hereby authorized to execute a contract with Trinitas Hospital for an Employee Assistance Plan at the cost of Four Thousand Five Hundred Dollars (\$4,500.00) from January 1, 2021 until December 31, 2021.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 21st day of April 2021.

RESOLUTION NUMBER 2021-151

**RESOLUTION APPOINTING JERMAINE RANDLE PROVISIONAL ASSISTANT
DEPARTMENT OF PUBLIC WORKS (DPW) SUPERVISOR**

WHEREAS, there is an immediate need to for an Assistant DPW Supervisor due to the retirement and/or resignation of several employees in the Department of Public Works (DPW); and

WHEREAS, the Department needs to maintain adequate staffing levels to ensure health, welfare, and public safety of the Borough of Roselle; and

WHEREAS, Jermaine Randle is a permanent employee of Borough of Roselle, having passed a competitive Civil Service test as Equipment Operator.

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE, appoint Jermaine Randle as a provisional Assistant DPW Supervisor, effective April 22, 2021, at a rate of \$29.81 per hour, pending the Civil Service Administration administering a competitive test.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-152

**RESOLUTION APPOINTING DAMIEN JOHNSON PROVISIONAL ASSISTANT
DEPARTMENT OF PUBLIC WORKS (DPW) SUPERVISOR**

WHEREAS, there is an immediate need to for an Assistant DPW Supervisor due to the retirement and/or resignation of several employees in the Department of Public Works (DPW); and

WHEREAS, the Department needs to maintain adequate staffing levels to ensure health, welfare, and public safety of the Borough of Roselle; and

WHEREAS, Damien Johnson is a permanent employee of Borough of Roselle, having passed a competitive Civil Service test as Equipment Operator.

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE, appoint Damien Johnson as a provisional Assistant DPW Supervisor, effective April 22, 2021, at a rate of \$29.81 per hour, pending the Civil Service Administration administering a competitive test.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution

adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-153

**AMENDING RESOLUTION 2021-126 AUTHORIZING AND DIRECTING THE
BOROUGH OF ROSELLE PLANNING BOARD TO DETERMINE WHETHER
CERTAIN PROPERTY BLOCK 2601 LOTS 10-16, BLOCK 2602, LOTS 7-17, BLOCK
2603, LOTS 4/4.01, 5-9 AND BLOCK 2901, LOTS 14-19 IN THE BOROUGH OF
ROSELLE, UNION COUNTY, NEW JERSEY CONSTITUTES AN AREA IN NEED OF
REDEVELOPMENT AND APPROVING PROFESSIONAL PLANNING SERVICES IN
CONNECTION THEREWITH**

WHEREAS, the Borough of Roselle is desirous in undertaking redevelopment projects within the Borough and the planning services desired by the Borough are in the best interest of the health, safety and welfare of the general public of the Borough of Roselle; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), sets forth a specific procedure for establishing an area in need of redevelopment to empower and assist local governments in efforts to promote redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-6 authorizes the governing body of the municipality by Resolution, to cause its Planning Board to conduct a preliminary investigation to determine whether the proposed area is an area in need of redevelopment according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Borough of Roselle has determined that an investigation and inquiry should be made to determine whether the area including Block 2601 Lots 10-16, Block 2602, Lots 7-17, Block 2603, Lots 4/4.01, 5-9 And Block 2901, Lots 14-19 (collectively, the "Study Area") meets the criteria set forth in the Redevelopment Law for designation as an area in need of redevelopment; and

WHEREAS, if the Study Area is determined to meet the criteria for designation as an area in need of redevelopment and the Borough so designates the Study Area, then the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, Maser Consulting P.A. (the "Planning Consultant") is familiar with said preparation of redevelopment plans and has performed such services for various municipalities within the State of New Jersey; and

WHEREAS, the Borough issued a Request for Qualifications for such services and received responses from several firms; and

WHEREAS, on January 6, 2021, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2021-026); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain the services of an engineering firm for said purposes and has selected Maser Consulting P.A. from the "Qualified" firms; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current budget for said purpose; specifically, within Account # 1-01-20-175-000-229 for said planning services related to the potential redevelopment plan desired.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Roselle, in the County of Union, as follows:

Section 1: The Roselle Planning Board is hereby directed to undertake a preliminary investigation and conduct a public hearing to determine whether the properties in the Study Area meet criteria necessary for designation as an area in need of redevelopment under the Redevelopment Law and, if the Study Area so qualifies, to recommend whether it should be so designated.

Section 2: In the event the governing body shall designate the Study Area as a redevelopment area, the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, including the power of eminent domain.

Section 3: The Planning Consultant is hereby authorized to perform the preliminary investigation to determine whether said properties in the Study Area qualify as an area in need of redevelopment in the amount not to exceed \$44,000.00 for the Borough of Roselle.

Section 4: A copy of this Resolution shall be filed in the Office of the Borough Clerk and shall forward a copy of this Resolution to the Secretary of the Planning Board.

Section 5: The preliminary investigation, once complete, shall be submitted to the Borough Council for review and approval in accordance with the provisions of the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq.

Section 6: This Resolution shall take effect immediately.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-154

RESOLUTION APPOINTING TEICHER GROUP AS REDEVELOPER FOR CERTAIN PROPERTIES LOCATED WITHIN THE BOROUGH OF ROSELLE FOR THE PROPERTY COMMONLY KNOWN ON THE BOROUGH TAX MAPS AS BLOCK 3801, LOTS 2.01, 4, 5, AND 6

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, in June of 2019, the Council of the Borough of Roselle (hereinafter "Borough Council") adopted Resolution 2019-200 authorizing and directing the Planning Board to determine whether the property commonly known on the Borough tax maps as Block 3801, Lots 2.01, 4, 5, Borough of Roselle

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and 6 (hereinafter "Study Area") meets the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A-5, and should be designated as an area in need of redevelopment with condemnation; and

WHEREAS, at a public hearing on March 4, 2020, the Planning Board determined, based on a report from Maser Consulting titled Redevelopment Area with Condemnation: Determination of Need Study dated January 2, 2020, that the Study Area is an area in need of redevelopment pursuant to the statutory criteria set forth in N.J.S.A. 40A:12A-5; specifically, Lot 2.01 (Borough-owned lot) and Lot 5 (laundromat) qualified for designation under Criteria G and H, Lot 4 (warehouse) qualified for designation under Criteria A, B, D, G, and H, and Lot 6 (Knights of Columbus) qualified for designation under Criteria A, D, G, and H; and

WHEREAS, the Planning Board, having found that the Study Area satisfied the statutory criteria to be designated as an Area in Need of Redevelopment **with Condemnation**, recommended that the Borough Council designate the Study Area as such; and

WHEREAS, subsequently, the Borough Council adopted Resolution 2020-135 on April 15, 2020, which designated the Study Area as **a Condemnation Redevelopment Area**; and

WHEREAS, May 20, 2020, the Borough Council adopted Resolution 2020-153 authorizing Maser Consulting to prepare a Redevelopment Plan for the Study Area; and

WHEREAS, Maser Consulting prepared a redevelopment plan, titled Redevelopment Plan for Block 3801 (hereinafter the "Redevelopment Plan"), attached hereto as **Exhibit A**; and

WHEREAS, the Borough Planner, Darlene A. Green, AICP, PP, of Maser Consulting, at a duly noticed and constituted public meeting on January 21, 2021, presented the Redevelopment Plan to the Planning Board and allowed all those present who wished to comment to be heard; and

WHEREAS, the Planning Board found that the goals and objectives set forth in the Redevelopment Plan are substantially consistent with the Master Plan with the Borough of Roselle; and

WHEREAS, the Planning Board found that the adoption of the Redevelopment Plan is necessary and desirable in order to accomplish the effective redevelopment of the Study Area and that such redevelopment would be in the best interests of the Borough and its residents;

WHEREAS, the Borough Council on March 17, 2021 following the Planning Board's review and comment upon the Redevelopment Plan, pursuant to the Redevelopment Law, adopted the Redevelopment Plan by Ordinance No. 2642-21 as it was in the best interests of the Borough and the redevelopment of the Redevelopment Area; and

WHEREAS, the Teicher Group (the "Redeveloper") is the owner of the property in the Redevelopment Area, the property being designated as Study Area at property commonly known on the Borough tax maps as Block 3801, Lots 2.01, 4, 5, and 6; and

WHEREAS, the Redeveloper is proposing the development of mixed-use project including retail space and residential units in a multi-story structure on the Property (the "Project") and has submitted a Redevelopment Proposal Application; and

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council, acting as the Redevelopment Agency, of the Borough of Roselle that the Teicher Group shall be and hereby is conditionally designated as Redeveloper and has the exclusive option to negotiate a Redevelopment Agreement with the Borough of Roselle for the Project as described above and Borough of Roselle

located within the Redevelopment Area; and

BE IT FURTHER RESOLVED, that the designation granted herein shall be for a period of one hundred twenty (120) days from the date hereof; and

BE IT FURTHER RESOLVED, that the designation granted herein may be further extended upon satisfactory demonstration that substantive progress has occurred in the meeting of one or more of the conditions enumerated below:

1. Within one hundred twenty (120) days of the date of adoption of this resolution, the Borough and Teicher Group must negotiate, approve and execute a Redevelopment Agreement and Financial Agreement for the properties contained in the Redevelopment Area.
2. Within one hundred twenty (120) days of the date of adoption of this resolution, the Teicher Group shall provide to staff a more detailed site plan of the project with a phasing plan, if applicable.
3. Within one hundred twenty (120) days of the date of adoption of this resolution, the Teicher Group shall provide the contract of sale between Teicher Group and the owner of Block 3801, Lot 5.

BE IT FURTHER RESOLVED, that upon completion of the negotiations on the Redevelopment Agreement, the Borough Council will be required to review and authorize execution of any and all related disposition and acquisition documents in order to effectuate the completion and implementation of the Project; and

BE IT FURTHER RESOLVED, that the Borough Clerk shall be authorized to apply on behalf of the Borough, for any and all federal, state, county and/or agency funds to support or further the objectives of the Project.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-155

RESOLUTION AUTHORIZING FINAL PAYMENT BASED ON AS-BUILT QUANTITIES AND RELEASE OF RETAINAGE FOR THE FY2018 NJDOT VARIOUS STREET IMPROVEMENTS PROJECT (WHEATSHEAF ROAD AND WEST 9TH AVENUE) FUNDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) LOCAL AID GRANT PROGRAM AND THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, DLS Contracting Inc., 36 Montesano Road, Fairfield, NJ 07004 was previously awarded a contract for the above-referenced project in the amount of \$940,114.15 by way of Resolution Number 2019-225 and Change Order No.1 in the amount of \$40,357.39 for extra work to complete the project was approved by Resolution No.2021-129 for an adjusted contract amount of \$980,471.54; and

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WHEREAS, the project has been completed to date in the total dollar amount of \$980,471.54 (includes 2% retainage) that reflects the as-built construction quantities necessary to properly construct this project to date; and

WHEREAS, the Borough Engineer has reviewed the as-built final quantities and finds that the request has merit, is in the best interest of the Borough and has recommended to the Borough Administrator, Borough CFO and Borough Finance Office to pay the total final as-built amount; and

WHEREAS, the Maintenance Bond #2275386MB in the amount of \$147,070.73 has been received and approved and Colliers Engineering & Design recommends the release of DLS Contracting's Performance Bond 2275386 in the amount of \$940,114.15 and final payment amount of \$84,970.71 which includes the release of contract retainage; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2586-18 and 2627-20; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced dollar amount of **\$84,970.71** is authorized by way of final as-built quantities for the NJDOT FY2018 Various Streets Improvement Project to DLS Contracting, LLC.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on April 21, 2021.

RESOLUTION NUMBER 2021-156

RESOLUTION AUTHORIZING FINAL PAYMENT BASED ON AS-BUILT QUANTITIES AND RELEASE OF RETAINAGE FOR THE 2019 VARIOUS ROADWAY IMPROVEMENT PROJECT (WILLIAM STREET, WARREN STREET AND BROOKLAWN AVENUE) FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, DLS Contracting Inc., 36 Montesano Road, Fairfield, NJ 07004 was previously awarded a contract for the above-referenced project in the amount of \$496,519.00 by way of Resolution Number 2020-136 and Change Order in the amount of \$26,066.15 for extra work to complete the project was approved by Resolution No.2021-130 for an adjusted contract amount of \$522,585.15; and

WHEREAS, the project has been completed to date in the total dollar amount of \$522,585.15 (includes 2% retainage) that reflects the as-built construction quantities necessary to properly construct this project to date; and

WHEREAS, the Borough Engineer has reviewed the as-built final quantities and finds that the request has merit, is in the best interest of the Borough and has recommended to the Borough of Roselle

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Administrator, Borough CFO and Borough Finance Office to pay the total final as-built amount; and

WHEREAS, the Maintenance Bond #2275391MB in the amount of \$78,387.77 has been received and approved and Colliers Engineering & Design recommends the release of DLS Contracting's Performance Bond 2275391 in the amount of \$496,519.00 and final payment amount of \$38,167.62 which includes the release of contract retainage; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2586-18 and 2627-20; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced dollar amount of **\$38,167.62** is authorized by way of final as-built quantities for the 2019 Various Roadway Improvement Project to DLS Contracting, LLC.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on April 21, 2021.

RESOLUTION NUMBER 2021-157

RESOLUTION AUTHORIZING FINAL PAYMENT BASED ON AS-BUILT QUANTITIES AND RELEASE OF RETAINAGE FOR THE 2020 ROSELLE ROAD IMPROVEMENT PROGRAM EAST 7TH AVENUE (WALNUT STREET TO THOMPSON AVENUE) AND SHERIDAN AVENUE (EAST 7TH AVENUE TO EAST ST. GEORGES AVENUE) FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, American Asphalt & Milling Services, LLC, 96 Midland Avenue, Kearny, NJ 07032 was previously awarded a contract for the above-referenced project in the amount of \$473,961.05 by way of Resolution Number 2020-292; and

WHEREAS, the project has been completed to date in the total dollar amount of **\$396,596.60** (includes 2% retainage) that reflects the as-built construction quantities necessary to properly construct this project to date; and

WHEREAS, the Borough Engineer has reviewed the as-built final quantities and finds that the request has merit, is in the best interest of the Borough and has recommended to the Borough Administrator, Borough CFO and Borough Finance Office to pay the total final as-built amount; and

WHEREAS, the Maintenance Bond SC-227113M has been received and approved and Maser Consulting recommends the release of American Asphalt's Performance Bond CSC-227113 in the amount of \$473,961.05 and final payment amount of \$8,931.53; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2627-20; and

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced dollar amount of **\$8,931.53** is authorized by way of final as-built quantities for the 2020 Roselle Road Improvement Project to American Asphalt & Milling Services, LLC.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on Wednesday, April 21, 2021.

RESOLUTION NUMBER 2021-158

RESOLUTION FOR A CHANGE ORDER AMENDMENT TO THE CONTRACT FOR S. BROTHERS, INC., REGARDING ADDITIONAL SITE WORK FOR THE COMPLETION OF THE 1419 ST. GEORGES DRAINAGE IMPROVEMENTS PROJECT

WHEREAS, S. Brothers Inc., 16 Sobechko Road, Manalapan, NJ 07726 was awarded a contract for the above-referenced project in the amount of \$22,000.00 by way of Resolution Number 2020-296; and

WHEREAS, additional funds are required to complete the project due to unforeseen underground conditions as listed in the Colliers Engineering & Design correspondence dated March 29, 2021; and

WHEREAS, the Borough Engineer has reviewed the request and has recommended to the Borough Administrator, Borough CFO and Borough Finance Office an increase in the total contract amount and not to exceed \$34,000.00; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2627-20.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced increase in project scope is authorized to S. Brothers Inc. as per the Colliers Engineering & Design correspondence dated March 29, 2021 and the following breakdown:

Contract Amount	\$22,000.00
Change Order	\$12,000.00
Adjusted Contract Amount	\$34,000.00

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution
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adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on April 21, 2021.

RESOLUTION NUMBER 2021-159

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE 2021 CAPITAL ROAD IMPROVEMENTS PROGRAM FOR EAST 5TH AVENUE (FROM HARRISON AVENUE TO CHANDLER AVENUE), HARRISON AVENUE (EAST 7TH AVENUE TO EAST 3RD AVENUE) AND MELVILLE TERRACE (EAST 6TH AVENUE TO TERMINUS) FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, the Borough of Roselle is desirous in undertaking roadway improvements to various streets within the Borough and the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle; and

WHEREAS, Colliers Engineering & Design Inc. dba Maser Consulting is familiar with the design procedures that are necessary for said improvements and shall perform the tasks as delineated in the March 31, 2021 correspondence; and

WHEREAS, Colliers Engineering & Design is familiar with the preparation of roadway improvement projects and have prepared same for the numerous New Jersey municipalities in prior years, and

WHEREAS, the Borough issued a Request for Qualifications for such services and received responses from several firms; and

WHEREAS, on January 6, 2021, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2021-026) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2021-112); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain the services of an engineering firm for said purposes and has selected Colliers Engineering & Design dba Maser Consulting from the "Qualified" firms; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically within bond ordinance number 2643-21 for said engineering services for the various roadway improvements.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design) is authorized to perform professional engineering design services in the amount of **\$24,500.00** for the 2021 Capital Road Improvements Program.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a

Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-160

RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING SURVEY AND DESIGN SERVICES IN CONNECTION WITH THE 2021 VARIOUS ROADWAY IMPROVEMENTS PROJECT FOR LEON PLACE (FROM WENZ AVENUE TO ROSEWOOD AVENUE), WENZ PLACE (FROM LEON PLACE TO THOMPSON AVENUE) AND MORRIS STREET (FROM GRAND STREET TO 12TH AVENUE) PROGRAM FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY

WHEREAS, the Borough of Roselle is desirous in undertaking roadway improvements to various streets within the Borough and the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle; and

WHEREAS, Colliers Engineering & Design dba Maser Consulting is familiar with the design procedures that are necessary for said improvements and shall perform the tasks as delineated in the March 31, 2021 correspondence; and

WHEREAS, Colliers Engineering & Design is familiar with the preparation of roadway improvement projects and have prepared same for the numerous New Jersey municipalities in prior years, and

WHEREAS, the Borough issued a Request for Qualifications for such services and received responses from several firms; and

WHEREAS, on January 6, 2021, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2021-026) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2021-112); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain the services of an engineering firm for said purposes and has selected Colliers Engineering & Design dba Maser Consulting from the "Qualified" firms; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically, within bond ordinance number 2643-21 for said engineering services for the various roadway improvements.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design) is authorized to perform professional engineering design and survey services in the amount of \$37,250.00 for the 2021 Various Roadway Improvement Program.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

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RESOLUTION NUMBER 2021-161

**RESOLUTION AUTHORIZING GEOTECHNICAL SERVICES IN CONNECTION
WITH THE FIELD HOUSE AT RALPH ARMINIO FELD ATHLETIC COMPLEX
IMPROVEMENTS FUNDED BY THE GREEN ACRES PROGRAM AND THE
MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW
JERSEY**

WHEREAS, the Borough of Roselle is desirous in undertaking Park Improvements for the Field House at the Ralph Arminio Field Athletic Complex within the Borough and the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle and;

WHEREAS, Colliers Engineering & Design Inc. DBA Maser Consulting is familiar with the geotechnical services that are necessary for said improvements and shall perform the tasks as delineated in the April 8, 2021 correspondence; and

WHEREAS, the Borough issued a Request for Qualifications for such services and received responses from several firms; and

WHEREAS, on January 6, 2021, the Borough Council, after review of the responses deemed certain firms as “Qualified” in accordance with the terms of the Request for Qualifications (Resolution No. 2021-026); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain the services of an engineering firm for said purposes and has selected Colliers Engineering & Design Inc. DBA Maser Consulting from the “Qualified” firms; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically, within bond ordinance number 2627-20 for said engineering services for the Field House at Ralph Arminio Field Athletic Complex.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design Inc DBA Maser Consulting) is authorized to perform professional engineering services in the amount of **\$8,450.00** for the Field House at the Ralph Arminio Field Athletic Complex.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, u2021.

RESOLUTION NUMBER 2021-162

**RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN
SERVICES IN CONNECTION WITH THE NORTH CHESTNUT STREET**

**STREETSCAPE IMPROVEMENT PROJECT FUNDED BY THE MUNICIPALITY
WITHIN THE BOROUGH OF ROSELLE, UNION
COUNTY, NEW JERSEY**

WHEREAS, the Borough of Roselle is desirous in undertaking streetscape improvements to various streets within the Borough and the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle; and

WHEREAS, Colliers Engineering & Design DBA Maser Consulting is familiar with the design procedures that are necessary for said improvements; and

WHEREAS, Colliers Engineering & Design is familiar with the preparation of roadway improvement projects and have prepared same for the numerous New Jersey municipalities in prior years, and

WHEREAS, the Borough issued a Request for Qualifications for such services and received responses from several firms; and

WHEREAS, on January 6, 2021, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2021-026); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain the services of an engineering firm for said purposes and has selected Maser Consulting P.A. from the "Qualified" firms; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically, within bond ordinance number 2643-21 for said engineering services for the traffic safety improvements.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design DBA Maser Consulting) is authorized to perform professional engineering design services in the amount of \$56,500.00 for the North Chestnut Street Streetscape Improvements.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-163

RESOLUTION AUTHORIZING THE REFUND OF AN AMBULANCE FEE

WHEREAS, Joseph Nunes has requested a refund for overpayment of 2020 ambulance fees; and

WHEREAS, the Fire Department has approved the refund.

NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council of the Borough of Roselle that the Municipal Finance Officer is hereby authorized to refund ambulance fees in the amount of \$225.00.

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I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held on April 21, 2021.

RESOLUTION NUMBER 2021-164

RESOLUTION CANCELING GRANT BALANCE

WHEREAS, there exists Grant Receivables and Grant Reserves on the Balance Sheet;

WHEREAS, it is necessary to formally cancel the receivable balance and their offsetting appropriation balance from the balance sheet;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, that the following grant receivable and appropriation balance be cancelled:

Grant	Year	Cancel Appropriation	Cancel Receivable
CDBG	2017	57,250.00	57,250.00
CDBG	2018	97,710.89	97,710.89
Total			

1. The Borough Clerk is hereby authorized and directed to transmit to the Chief Financial Officer and Borough Auditor, a certified copy of this resolution.
2. This resolution shall take effect immediately.
3. A copy of this resolution shall be filed forthwith with the Director of New Jersey, Division of Local Government Services.

I, Lydia D. Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-165

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
FOR ANIMAL CONTROL FEES REQUIRED BY DLGS**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a Borough of Roselle

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municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Roselle provides for receipt of Animal Control Fees by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Animal Control Fees are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Animal Control Fees.
2. This resolution shall take effect immediately.
3. The Clerk of the Borough of Roselle, County of Union is hereby directed to forward two certified copies of this resolution to the Director of New Jersey, Division of Local Government Services.

I, Lydia D. Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-166

A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER FOR FIRE DEPARTMENT DONATIONS REQUIRED BY DLGS

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Roselle provides for receipt of Fire Acceptance of Donations by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from the Fire Acceptance of Donations are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Animal Control Fees.
2. This resolution shall take effect immediately.
3. The Clerk of the Borough of Roselle, County of Union is hereby directed to forward two certified copies of this resolution to the Director of New Jersey, Division of Local Government Services.

I, Lydia D. Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-167

**A RESOLUTION REQUESTING PERMISSION FOR THE DEDICATION BY RIDER
FOR PUBLIC ASSISTANCE REQUIRED BY DLGS**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, the Borough of Roselle provides for receipt of Public Assistance by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:4-39 provides the dedicated revenues anticipated from Public Assistance are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

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

1. The Borough Council does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of Animal Control Fees.
2. This resolution shall take effect immediately.
3. The Clerk of the Borough of Roselle, County of Union is hereby directed to forward two certified copies of this resolution to the Director of New Jersey, Division of Local Government Services.

I, Lydia D. Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-168

CANCEL IMPROVEMENT AUTHORIZATION FUNDS - GENERAL CAPITAL

WHEREAS, there are certain improvement authorizations that were funded in total or in part by proceeds of bonds issued, BANS, or utilization of the Capital Surplus / Capital Improvement Fund; and

WHEREAS, there are unexpended balances of aforementioned improvement authorizations and no further expenditures will be disbursed from said authorizations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle, County of Union, State of New Jersey that the unexpended balances of improvement authorizations be canceled and be credited to the Capital Surplus or Deferred Charged unfunded as appropriate.

Improvement Authorization	Amount	Description
2297-07	\$ 81,410.13	Westbrook Flood Project
2510-14	\$ 25,882.00	Comm Equip - soft costs
2547-16	\$ 216,485.66	Prop Acq - CVS Parking Lot, 150 E. 8th, 112 W 1st

I, Lydia D. Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-169

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE NEW JERSEY HAZARDOUS DISCHARGE SITE REMEDIATION FUND (HDSRF)

WHEREAS, the Mayor and Council of the Borough of Roselle reasonably believe and have determined that there has been a discharge of hazardous substances or waste at the property commonly known as 1211 Morris Avenue, being more specifically identified as Block 2603, Lot 10 on the Tax Map of the Borough of Roselle, hereinafter referred to as the "Property"; and

WHEREAS, the Mayor and Council of the Borough of Roselle wish to file an application with the New Jersey Hazardous Discharge Site Remediation Fund (HDSRF) requesting funding for the assessment and investigation of the Property in order to determine the extent or the existence of any hazardous substance or waste; and

WHEREAS, a HDSRF application cannot be filed by or on behalf of the Borough of Roselle without the approval of the Governing Body

WHEREAS, the Borough of Roselle has acquired the Property by voluntary conveyance for the purpose of redevelopment and is committed to the redevelopment of the Property for use as a residential establishment that will conform with the surrounding community; and

WHEREAS, the project will be called the 1211 Morris Street Redevelopment Project with the intention to offer it for redevelopment within a three-year period after the completion of the site remediation either through the 1211 Morris Street Redevelopment Project or through an alternative redevelopment plan satisfactory to the Borough of Roselle; and .

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND BOROUGH COUNCIL OF ROSELLE, UNION COUNTY, NEW JERSEY:

1. The Mayor and Council of the Borough of Roselle as a matter of public policy, hereby endorse, support and authorize the filing of an application with the New Jersey Hazardous Discharge Site Remediation Fund requesting funding for the assessment and investigation of the Property in order to determine the extent or the existence of any hazardous substance or waste.
2. Upon the completion of the HDSRF site remediation, the Property shall be offered for redevelopment either through the 1211 Morris Street Redevelopment Project or through an alternative redevelopment plan that conforms to the surrounding community and is satisfactory to the Borough of Roselle.
3. This Resolution shall take effect immediately.

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held on April 21, 2021.

RESOLUTION NUMBER 2021-170

**ACCEPTANCE OF THE RESIGNATION OF
SCHOOL CROSSING GUARD DEBORAH EMANUEL**

WHEREAS, Resolution 2021-247 appointed Deborah Emanuel to the position of Crossing Guard, effective August 19, 2021; and

WHEREAS, Deborah Emanuel has submitted a letter of resignation, effective November 19, 2020.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Roselle hereby accepts the resignation in good standing of School Crossing Guard Deborah Emanuel this date.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-171

**ACCEPTANCE OF THE RESIGNATION
OF SCHOOL CROSSING GUARD LOU VATA WILLIAMS**

WHEREAS, Resolution 2021-247 appointed Lou Vata Williams to the position of Crossing Guard, effective August 19, 2021; and

WHEREAS, Lou Vata Williams has submitted a letter of resignation, effective March 12, 2021.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Roselle, hereby accepts the resignation in good standing of School Crossing Guard Lou Vata Williams, this date.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-172

**APPOINTING JEAN R. DUROGENE ALTERNATE SCHOOL
CROSSING GUARD**

WHEREAS, there is a need in the Borough of Roselle to employ an Alternate School Crossing Guard; and

WHEREAS, *N.J.S.A.* 40A:9-154.1 permits the employ of School Crossing Guards upon the recommendation of the Chief of Police for a term not to exceed one year; and

WHEREAS, it has been determined by the Chief of Police that the following individual is qualified for appointment to the position of School Crossing Guard: Jean R. Durogene.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle, County of Union, State of New Jersey that this person listed above be and are hereby appointed to the position of School Crossing Guard in the Borough of Roselle, effective April 26, 2021, for a term not to exceed one year, with a salary range of \$15.53 per hour as set forth in the collective negotiations agreement between the Borough and the OPEIU.

I, Lydia D. Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-173

**APPOINTING WILLIAM A. CARTER ALTERNATE SCHOOL CROSSING
GUARD**

WHEREAS, there is a need in the Borough of Roselle to employ an Alternate School Crossing Guard; and

WHEREAS, *N.J.S.A.* 40A:9-154.1 permits the employ of School Crossing Guards upon the recommendation of the Chief of Police for a term not to exceed one year; and

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WHEREAS, it has been determined by the Chief of Police that the following individual is qualified for appointment to the position of School Crossing Guard: William A. Carter.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle, County of Union, State of New Jersey that this person listed above be and are hereby appointed to the position of School Crossing Guard in the Borough of Roselle, effective April 26, 2021, for a term not to exceed one year, with a salary range of \$15.53 per hour as set forth in the collective negotiations agreement between the Borough and the OPEIU.

I, Lydia D. Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-174

AUTHORIZING THE POLICE DEPARTMENT TO DISPOSE OF ABANDONED AND UNCLAIMED BICYCLES BY PUBLIC AUCTION

WHEREAS, the Roselle Police Department has accumulated in excess of 50 bicycles, in varying conditions which have been unclaimed or abandoned; and

WHEREAS, the Department has no need for the bicycles which occupy space required for other uses nor given the general condition of the bicycles, does any other department or agency of the Borough have any use for the bicycles; and

WHEREAS, the bicycles are abandoned property; and

WHEREAS, the Roselle Police Department has requested authority to sell the bicycles at public auction.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle that:

1. The Roselle Police Department is hereby authorized to sell at public auction any and all bicycles, in any condition, that the Department deems to be abandoned or surplus property.
2. The Roselle Police Department shall hold a public auction on May 8, 2021 at 9:00 AM at Roselle Borough Hall Parking Lot to sell the bicycles.
3. The Roselle Police Department shall conduct the auction in the manner provided by law.
4. This resolution is effective immediately.

I, Lydia Massey Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-175

**A RESOLUTION CONCERNING THE EAST FIRST AVENUE
STORAGE URBAN RENEWAL, LLC, BLOCK 403, LOT 1**

WHEREAS, East First Avenue Storage Urban Renewal, LLC is the owner of real property commonly known as Block 403, Lot 1 on the tax map of the Borough of Roselle; and

WHEREAS, the Borough of Roselle has heretofore has entered into a Financial Agreement with East First Avenue Storage Urban Renewal, LLC, an urban renewal entity formed and qualified to do business under the provisions of the New Jersey Long Term Tax Exemption Law, N.J.S.A.40A:20-1, et seq. ("LTTEL"); and

WHEREAS, the Financial Agreement provides for a tax exemption and an Annual Service Charge (ASC) for payments in lieu of taxes (PILOT) on all improvements on the subject property made in the redevelopment of the property; and

WHEREAS, said Financial Agreement does not provide for the land to be exempt, provides for payment of land taxes, and further provides for a land tax credit to be given against the ASC for the land taxes paid in the year preceding payment of the ASC; and

WHEREAS, the improvement portion of the tax assessment of the above-named lot has not been recorded as exempt, as follows:

BLOCK: 403, LOT: 1

	<u>Assessment</u>	<u>Property Class</u>
Land	\$ 325,500	4A
Improvements	\$ 3,441,400	
Total	\$ 3,766,900	

WHEREAS, the assessment for said real property for the tax year 2021 should be, as per the aforementioned Financial Agreement between the Borough of Roselle and East First Avenue Storage Urban Renewal, LLC, the following:

BLOCK: 403, LOT: 1

	<u>Assessment</u>	<u>Property Class</u>
Land	\$ 325,500	4A
Improvements	\$ 0	
Total	\$ 325,500	

BLOCK: 403, LOT: 1X

	<u>Assessment</u>	<u>Property Class</u>
Land	\$ 0	15 F
Improvements	\$ 3,441,400	
Total	\$ 3,441,400	

WHEREAS, a method exists in the Tax Law for the Municipality to appeal from the current assessment;

WHEREAS, the Borough Council of the Borough of Roselle is in agreement that the assessment for such real property should be corrected;

NOW, THEREFORE, be it resolved by the Borough Council of the Borough of Roselle that the Borough Tax Assessor and Borough Special Tax Counsel be and are hereby authorized to file an appeal from the current assessment, pursuant to N.J.S.A. 54:3-21, with the Union County Board of Taxation to correct the above assessment for the tax year 2021 with respect to the above premises owned by East First Avenue Storage Urban Renewal, LLC, commonly known and designated as Block 403, Lot 1 on the tax map of the Borough of Roselle as aforesaid.

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

NON-CONSENT

Motion by Councilman Fortuna, seconded by Council President Wilkerson to adopt Resolution Numbers 2021-176 and 2021-177.

RESOLUTION NUMBER 2021-176

RESOLUTION AUTHORIZING AND DIRECTING THE BOROUGH OF ROSELLE PLANNING BOARD TO DETERMINE WHETHER CERTAIN PROPERTY, BLOCK 3902 LOTS 19 AND 20 IN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY CONSTITUTES AN AREA IN NEED OF REDEVELOPMENT AND APPROVING PROFESSIONAL PLANNING SERVICES IN CONNECTION THEREWITH

WHEREAS, the Borough of Roselle is desirous in undertaking redevelopment projects within the Borough and the planning services desired by the Borough are in the best interest of the health, safety and welfare of the general public of the Borough of Roselle; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "Redevelopment Law"), sets forth a specific procedure for establishing an area in need of redevelopment to empower and assist local governments in efforts to promote redevelopment; and

WHEREAS, the Borough Council determined that an investigation and inquiry should be made to determine whether the following properties **Block 3902, Lots 19 and 20** (the "Borough Library Redevelopment Study Area") meet the criteria set forth in the Redevelopment Law for designation as an area in need of redevelopment; and

WHEREAS, if the Borough Library Redevelopment Study Area is determined to meet the criteria for designation as an area in need of redevelopment and the Borough so designates the

Borough Library Redevelopment Study Area, then the Borough shall be authorized to use the powers provided under the Redevelopment Law for use in a redevelopment area; and

WHEREAS, Maser Consulting P.A. (the "Planning Consultant") is familiar with said preparation of redevelopment plans and has performed such services for various municipalities within the State of New Jersey; and

WHEREAS, the Borough issued Request for Qualifications for such services and received responses from several firms; and

WHEREAS, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2021-112); and

WHEREAS, the Borough Council has deemed it necessary and in the best interest of the Borough to retain the services of an engineering firm for said purposes for an amount up to \$7,750.00 and has selected Maser Consulting P.A. from the "Qualified" firms; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds are available within the current budget for said purpose; specifically, within Account #1-01-21-180-000-229 for said planning services related to the potential redevelopment plan desired.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Roselle, in the County of Union, as follows:

Section 1: The Roselle Planning Board is hereby directed to undertake a preliminary investigation and conduct a public hearing to determine whether the properties in the Borough Library Redevelopment Study Area meet criteria necessary for designation as an area in need of redevelopment under the Redevelopment Law and, if the Borough Library Redevelopment Study Area so qualifies, to recommend whether it should be so designated.

Section 2: In the event the governing body shall designate the Borough Library Redevelopment Study Area as a redevelopment area, the Borough shall be authorized to use the powers provided under the Redevelopment Law for use in a redevelopment area.

Section 3: The Planning Consultant, determined to be retained following the issuance of a RFQ, is hereby authorized to perform the preliminary investigation to determine whether said properties in the Borough Library Redevelopment Study Area qualify as an area in need of redevelopment in the amount not to exceed \$7,750 for the Borough of Roselle.

Section 4: A copy of this Resolution shall be filed in the Office of the Borough Clerk and shall forward a copy of this Resolution to the Secretary of the Planning Board.

Section 5: The preliminary investigation, once complete, shall be submitted to the Borough Council for review and approval in accordance with the provisions of the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et. seq.

Section 6: This Resolution shall take effect immediately.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held April 21, 2021.

RESOLUTION NUMBER 2021-177

RESOLUTION AUTHORIZING A CONTRACT WITH MAFFEY'S SECURITY GROUP FOR THE PROVISION OF SECURITY SURVEILLANCE CAMERAS

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-6.1(a); and

WHEREAS, there is presently a demanding need to procure goods and the performance of security and surveillance services for the Borough of Roselle Department of Public Works; and

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE:

1. That a contract is awarded to Maffey's Security Group to provide the performance of security and surveillance goods and services to the Borough for a total contract amount not to exceed \$37,384.34.
2. The Chief Financial Officer has certified that sufficient funds are available within the CY 2021 Budget in the amount of \$37,384.34 in Grant Account#G-02-41-703-018-352.
3. Pursuant to N.J.A.C. 50:30-5.5(e) the award of the contract shall be subject to the availability and appropriation of funds in the CY 2021 Budget in **account#G-02-41-703-018-352**; and
4. If funds are not available for the contract in the 2021 budget, the contract will be terminated.
5. That an executed copy of the Contract between the Borough and Maffey's Security Group and a copy of this resolution shall be filed in the Office of the Borough Clerk and be available there for public inspection in accordance with law.
6. All previous Resolutions and/or orders and directives of Borough employees or officials, which are contrary to or inconsistent with the terms of this instant Resolution, are hereby rescinded, repealed and otherwise deemed ineffectual, to the extent of their inconsistency.
7. This Resolution shall take effect immediately.

I, Lydia Massey, Acting Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 21, 2021.

Vote Record – To Adopt Resolution Numbers 2021-176 & 2021-177				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			

☒ **Adopted** ☐ Adopted as Amended ☐ Defeated ☐ Tabled ☐ Withdrawn

PAYMENT OF BILLS

Resolution # 2021-178

RESOLVED: That the following be paid by the borough by checks drawn on TD Bank made payable to those persons for whom the warrants are drawn:

<u>FUND</u>	BILL LIST 21-Apr-21
ANIMAL CONTROL	\$ 134.40
CAPITAL ACCOUNT	\$ 266,363.30
CDBG TRUST	
CURRENT FUND	\$ 3,848,065.85
ESCROW TRUST	\$ 5,986.98
FSLEF	\$ 953.50
SLEF	
GENERAL TRUST ACCOUNT	\$ 44,588.94
TRUST DCA FEES	
GRANT ACCOUNT	\$ 132.50
NJ HEALTH BENEFITS	\$ 391,334.60
SUI	
MARCH 26, 2021 PAYROLL	\$ 751,937.06
APRIL 9, 2021 PAYROLL	\$ 644,527.41
MANUAL CHECK	\$ 46,132.50
POAA	
REDEMPTION PREMIUM ACCOUNT	
PUBLIC DEFENDER	
REDEMPTION TRUST	
RESERVE FOR ESCROW	
SALARY	
DEDUCTION	
GRAND TOTAL	<u><u>\$6,000,157.04</u></u>

LYDIA MASSEY

ACTING BOROUGH CLERK

DATED: APRIL 21, 2021

Vote Record – To Adopt Resolution Number 2021-178				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson	x			
Councilwoman Thomas	x			
Councilman Fortuna	x			
Councilwoman Wilkerson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

Mayor Shaw opened up the public comment portion of the meeting.

PUBLIC COMMENT

1. Reverend Reginald Atkins congratulated the United Methodist Church for their food service programs. He also congratulated the fire department on a job well done regarding the 2nd Avenue fire. He also commended the NPP regarding their plan to improve the Chestnut Streetscape and he said it sets a precedence in town. He announced that his church which is located at 129 Chesnutt Street is continuing their weekly food giveaway program for Roselle residents and it is also held on the third Saturday of every month, and that he partnered with local restaurants to provide hot meals to the community. He gave his condolences for everyone who experienced a loss and said they are praying for everyone in the community. He said the Mayor, Council and staff are doing a wonderful job and is the only way to move forward.
2. Yolas Lamarre asked if the date was announced for distributing funds to the Haitian families who were among the 14 families that got displaced due to the 2nd Avenue fire. She also volunteered to assist with contacting the families and volunteered to be a translator for some of the families if needed. She also said she spoke to Council President Wilkerson early in the day and was told she could help. She also told Reverend Atkins that she appreciates what he is doing for the community and volunteered to help him.
3. Yessica Chavez thanked the governing body for doing a proclamation on Autism and said she is the mother of a child who is on the spectrum. She said autism is something that needs to be looked into and worked on in the Borough and there are about 300 children who have disabilities. She talked about acceptance as it relates autism and said the

proclamation that was read says to her as a mother the governing body also wants to make the community better for children with autism.

4. Jeanne Marie Ryan, Library Director, thanked the Mayor and Council for the proclamation and for all the support that she receives for the library.

Seeing no one else come forward, Mayor Shaw closed the public comment portion of the meeting.

COUNCIL COMMENT

Councilman Villeda gave his condolences a family on the birth of their baby and he also thanked the Fire and Police Department on the 2nd Avenue and Walnut Street fires. He thanked DPW for keeping the town clean and thanked the Mayor and Council members for working together as a strong team.

Councilman Bernier offered his condolences to wife and daughter of George Early and said George was an awesome man who was lost way too soon. He welcome Borough Administrator Smiley again to the Borough and said the few weeks together with him has been a pleasure and he is seeing pieces of the progress come together with his support. He also said if anyone has questions about the ordinances on the agenda to reach out and he gave his contact information. He also announced that his next 2nd Ward Meeting will be held on April 27th, the last Tuesday of the Month via Zoom at 7:00 p.m. He thanked Ms. Chavez for her comments about the autism proclamation and said he has family and friends that fall somewhere on the spectrum, and people need to support those with autism and not cast them aside. He gave information on the DPW garbage, bulk and metal pick up. He also talked about utility work and repaving on certain streets in the 2nd Ward that is coming in the next few months and there is a lot of investment going on in the Borough.

Councilwoman Johnson reported that 9th Avenue is being paved and other streets in the 3rd Ward. She gave condolences to the Smith family, a young lady who passed away, and left behind three young children. She said there are programs that Union County has concerning mental health issues and she encouraged the public to reach out. She also gave her condolences to the Early family who she's known for years, and said her heart goes out to his wife and daughter. She also commended members of the New life Deliverance Center, Overseer Ernest Vaughn, volunteers for taking hot food to Roselle residents and thanked Glen Howard. She also said that she will meet with the Board of Education if she can hold a walk and chat for 3rd ward residents at the new football field from 6:00 p.m. to 7:00 p.m. She also thanked Mayor Shaw for the vaccination initiative as the Warinaco Skate Park.

Councilwoman Thomas gave her condolences to the family of Edit Mae Walker McIntyre who was a Roselle resident since 1958. She also thanked CFO Hasseler on a job well done on the 2021 Municipal budget and the zero municipal tax increase. She thanked all the merchants and volunteers for helping out the victims of the fire on 2nd Avenue. She welcomed Borough

Borough of Roselle

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April 21, 2021 Regular Meeting Minutes

Administrator Smiley to the team and thanked him for meeting with her last week, and she said she looks forward to future meeting with him. She thanked DPW Superintendent Patterson for helping with a sink hole issue and for fixing the potholes on the Gordon Street bridge. She encouraged everyone to mask up, stay home if feeling sick and to get vaccinated.

Councilman Fortuna encouraged everyone to wish Dottie Adams of the 5th Ward a Happy 95th birthday. He thanked CFO Hasseler for his work on the 2021 Municipal budget and the budget presentation. He also thanked the members of the Finance Committee for all their hard work, but said Anders as the CFO took the lead and did a phenomenal job. He thanked Rosie McCamery for giving a presentation on the SOAR Program, and he said it deserves the governing body's attention and support and said social media is a big part of their outreach. He announced that he will hold his 5th Ward meeting on Tuesday, May 11, 2021 in-person from 6:00 p.m., to 8:00 p.m., at a site to be determined and he said the special guest will be Borough Administrator Rick Smiley. He location will be provided early next week. He also reminded people to breakdown cardboard and tie it down in bundles so that it doesn't get scattered around on a windy day. He talked about the free libraries and gave the various locations throughout the Borough, and he said libraries have been ordered for other locations.

Council President Wilkerson announced that the date to disperse funds to the fire victim families is May 1, 2021. She also reported that they are about \$1,130 dollars short of the goal and expects it to come in by the end of the week. She thanked Ms. Yolas for her assistant in dispersing funds and said she will contact her with more information. She congratulated Rosie McCamery on the SOAR Program and thanked her for being a part of the change and wished Rosie and the children success. She thanked CFO Hasseler for the 2021 Budget and presentation as well as the Finance Committee members Bernier, Thomas and Fortuna. She said it is a tough job and the combination of a great CFO and great Chairman pushed to have the budget adopted on time. She talked about the zero municipal tax increase and said they cannot control what the Board of Education or County does and wished them the best. She thanked former Mayor Reginald Atkins for the food distribution which takes place every Monday at 5:00 p.m., at 129 Chestnut Street. She gave condolences to families who lost someone this month and said prayers or with them. She thanked everyone for their supports her while she is going through a tough time with dad and encouraged people to check on neighbors. She talked about the congratulated the proclamations. She thanked Yessica for giving so much to the community and said she is appreciated. She announced that her At-Large report will be on April 28th at 7:00 p.m., and gave her contact information. She thanked Councilman Fortuna for having the potholes on the Gordon Street Bridge fixed. She welcomed Borough Administrator Smiley and said he's been working hard since day one, they are super excited to have him on the team and have confidence in his ability to get things done.

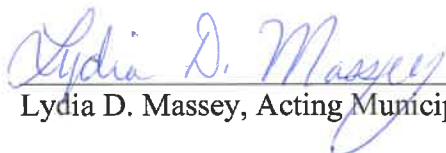
MAYOR'S COMMENTS

Mayor Shaw commented that he was happy that the family of George Floyd received justice. He said he was a black man, father, uncle. He said he was angry when things like this happen in our Borough of Roselle

community and nationwide. He said angry must turn into purpose and by doing this people need to remove blinders about what is going on in the community whether white or black. He said if people express and verbalize what they can bring to the table, there's a lot that people can learn about other people's cultures. He reiterated that people can turn anger into purpose and refocus negative energy for a better community and to move forward. He said he is happy to be a part of the Roselle Community and urged everyone to visualize and conceptualize what's really important. He gave condolences to all the families that were mentioned and said George Early was a good friend of his and these types of loss hits hard, and he said Mrs. Early once worked the Borough's Summer Program. He thanked Raven Conyers, Confidential Secretary, for all the assistance and support she gives him and said he appreciates her calls and reminders. He thanked Yessica Chavez and gave his support for autism and mentioned how he was part of an Autism walk which took place in Roselle to show support. He also stated that the County of Union has resources available in the area of autism. He also said that is great that he and the members of the governing body communicate to get things done. He told former Mayor Atkins that he appreciated him and congratulated Pastor Castro on an award that he received.

ADJOURNMENT

On a motion by Councilman Bernier, seconded by Councilwoman Thomas; all were in favor, none were opposed and the Regular meeting was duly adjourned at 9:16 p.m.


Lydia D. Massey, Acting Municipal Clerk