

**BOROUGH OF ROSELLE
MAYOR & COUNCIL
REGULAR MEETING MINUTES
MAY 19, 2021 – 6:30 P.M.**

Mayor Shaw called the Borough of Roselle, Union County, New Jersey, Mayor and Council Regular meeting of the Borough of Roselle, Union County, New Jersey, held at Borough Hall, 210 Chestnut Street, Roselle, New Jersey to order on January 20, 2021 at 6:32 p.m. The flag salute was done, and the invocation was given by Councilwoman Johnson.

Acting Municipal Clerk, Lydia Massey then read the below Statement of Compliance into Record:

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 2020 to the Union County Local Source and The Home News Tribune in 2019, 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	Councilman	P	
Cynthia Johnson	Councilwoman	P	
Cindy Thomas	Councilwoman	Excused Absence	
John Fortuna	Councilman	P	
Denise Wilkerson	Councilwoman	P	
Donald Shaw	Mayor	P	

ALSO PRESENT:

Rick Smiley, Borough Administrator, Everett Falt, Assistant Borough Administrator; Mohamed Jalloh, Borough Attorney; Anders Hasseler, CFO; Lydia D. Massey, Acting Municipal Clerk

PROCLAMATIONS

The in Memory of Kyle Stradford proclamation was read by Mayor Donald Shaw and he gave remarks.

APPROVAL OF MINUTES OF MEETINGS

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

Minutes of the Mayor and Council Workshop Meeting April 14, 2021

Minutes of the Mayor and Council Regular Meeting – April 21, 2021

Minutes of the Mayor and Council Closed Executive Session – April 21, 2021

Motion by Council President Wilkerson, seconded by Councilman Villeda to approve the minutes of meetings.

Vote Record – Approval of Minutes				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	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 Withdrawn				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

1. Councilman Bernier, Finance Committee, spoke to the Building Department Fee Ordinance and reported that in conjunction with Finance, they've been updating fees that haven't been increased for over ten years. He also spoke to the Grove Street Park basketball improvement ordinance, and said that approximately \$42,500.00 was sitting in an account since 2011 set aside for basketball improvement, and thanked CFO Anders Hasseler for finding the funds and putting them to use to help to keep taxes flat. He remarked that the Finance Committee has not met in a couple of weeks due to the CFO being out. He announced that the Planning Board will have a Special Meeting on May 26, 2021 and invited the public to attend the meeting.
2. Council President Wilkerson, Governance Committee, said there was no report to give on Governance and that most of the ordinances were on the agenda for final reading. Mayor Shaw then asked Council President Wilkerson to speak to the upcoming Memorial Day Parade on behalf of Recreation Chair Councilwoman Thomas. Council President Wilkerson announced that it will be held on Monday, May 31, 2021 from 10:00 a.m. to

11:00 a.m., and will start at Locust Street & 4th Avenue ending at the Roselle Public Library with a ceremony.

3. Councilman Fortuna, DPW Committee, reported that the DPW and Fire Department came up with a maintenance program for the equipment which will be an asset. He also said that he hopes they will be able to vote on a shared services agreement with the City of Linden to pave the western portion of Wood Avenue from Roselle Shopping Center to Amsterdam Avenue. He said the Assistant Engineer of Linden took the lead; it will be a good deal for Roselle who only has to split the cost of the asphalt and the manhole on the Roselle side. He then spoke to the Gordon Street Bridge repairs which will take place in September 2021.
4. Councilwoman Johnson, Public Safety Committee, reported that the calls for services for the month of April were 2,278 and March 2,672; park walks in April were 377; March 566; motor vehicle accidents in April were 42, and in March 58. DWI's were 7 and then went down to 4; Ambulance calls were 145 in April and 161 in March; the response time was 2 minutes and 31 seconds, and the first unit response was 3 minutes and 27 seconds. She said during their Public Safety Meeting, they discussed getting new parking meters and she echoed the sentiment of Councilman Fortuna about the DPW and Fire Department coming up with a maintenance plan.

INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES

ORDINANCE ON SECOND READING & FINAL PASSAGE –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 [Public Hearing date May 19, 2021]

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 issues 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 then opened the public hearing portion of the meeting. Seeing no one come forward, Mayor Shaw closed the public hearing of the ordinance.

Motion by Councilman Fortuna, seconded by Councilman Bernier to adopt Ordinance Number 2648-21.

Vote Record – Ordinance Number 2648-21 – Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	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 2649-21

AN ORDINANCE AMENDING CHAPTER 650 “LAND USE” OF THE CODE OF THE BOROUGH OF ROSELLE TO UPDATE THE LAND USE FEE SCHEDULE [Public Hearing date May 19, 2021]

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.

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 then opened the public hearing portion of the meeting. Seeing no one come forward, Mayor Shaw closed the public hearing of the ordinance.

Motion by Councilman Bernier, 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
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x

Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	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 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 [Public Hearing date May 19, 2021]

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 then opened the public hearing portion of the meeting. Seeing no one come forward, Mayor Shaw closed the public hearing of the ordinance.

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

Vote Record – Ordinance Number 2650-21 – Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas	x			

Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	x			
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

Borough Administrator Smiley then asked that Ordinance Number 2651-21 be tabled to the June 16, 2021 Regular Council meeting.

ORDINANCE ON SECOND READING & FINAL PASSAGE –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 ENTITY LLC PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW [Public Hearing date May 19, 2021]

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.

Motion by Councilman Bernier, seconded by Councilwoman Johnson to table Ordinance Number 2651-21 to the June 16, 2021 Regular Council Meeting.

Vote Record – To Table Ordinance Number 2651-21 to the June 16, 2021 Regular Council Meeting				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	x			
<input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as Amended <input type="checkbox"/> Defeated <input checked="" type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn				

ORDINANCE ON SECOND READING & FINAL PASSAGE –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 [Public Hearing date May 19, 2021]

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 then opened the public hearing portion of the meeting. Seeing no one come forward, Mayor Shaw closed the public hearing of the ordinance.

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

Vote Record – Ordinance Number 2652-21 – Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	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 2653-21

AN ORDINANCE AMENDING CHAPTER 395, STORM WATER MANAGEMENT [Public Hearing date May 19, 2021]

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 muhlnebergi* (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

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>.
- (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:
- (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

Elevation View –Basin Safety Ledge Configuration.

§ 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 then opened the public hearing portion of the meeting. Seeing no one come forward, Mayor Shaw closed the public hearing of the ordinance.

Motion by Council President Wilkerson, seconded by Councilman Bernier to adopt Ordinance Number 2653-21.

Vote Record – Ordinance Number 2653-21 – Second Reading & Final Passage				
	Ayes	Nays	Abstain	Absent
Councilwoman Wilkerson	x			
Councilman Bernier	x			
Councilwoman Thomas				x
Councilwoman Sousa	x			
Councilman Fortuna	x			
Councilman Johnson	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 2655-21

ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, STATE OF NEW JERSEY, APPROVING AMENDMENT TO CENTRAL ROSELLE REVITALIZATION PLAN [Proposed Public Hearing date June 16, 2021]

WHEREAS, on October 11, 2007, the Mayor and Borough Council (the “Borough Council”) of the Borough of Roselle (the “Borough”) adopted a resolution designating the entire Borough as an area in need of rehabilitation pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”); and

WHEREAS, the Borough Council on November 7, 2007, and amended on April 14, 2008, July 20, 2011, April 16, 2014, September 17, 2014, February 17, 2016, May 11, 2016, and March 20, 2019, adopted the Central Roselle Revitalization Plan (as amended, the “Central Roselle Revitalization Plan”), a redevelopment plan applicable to the area described as follows:

The Revitalization Plan Area begins at the corner of Chestnut Street and St. Georges Avenue, north on Chestnut Street to Eighth Avenue, east on Eighth Avenue to Spruce Street, north on Spruce Street to Seventh Avenue, East on Seventh Avenue to Chandler Avenue, south on Chandler Avenue to Morris Place, east on Morris Place to Harrison Avenue, south on Harrison Avenue to Georges Place, east on Georges Place to the western border of Warinanco Park, south along the eastern border of Blocks 1402 and 1404 to St. Georges Avenue, and St. Georges Avenue west to Chestnut Street (the “Central Roselle Revitalization Area”); and

WHEREAS, the Borough finds that some of the standards set forth in the Central Roselle Revitalization Plan impose practical challenges that potential redevelopers cannot overcome; and

WHEREAS, the Borough Council requested the Borough Planner to revise the Central Roselle Revitalization Plan, revising the plan to change the permitted uses in a particular portion of the Central Roselle Revitalization Area (the “9th Proposed Amendment”); and

WHEREAS, the Borough has reviewed the Proposed Amendment and believes it will be in the best interests of the Borough because it will permit the redevelopment of the property subject to the Proposed Amendment to be developed in accordance with the terms of a development agreement between the Borough, which will return the subject property to productive use and created a needed housing opportunity within the Borough; and

WHEREAS, the Borough refers the Proposed Amendment to the Planning Board for conformity to the Master Plan; and

WHEREAS, the Borough Council now desires to amend the Central Roselle Revitalization Plan therewith.

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

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

Section 2. The Central Roselle Revitalization Plan is hereby amended in accordance with the version of said plan attached hereto as **Exhibit A** (additions are underlined and deletions are struck through).

Section 3. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 4. All ordinances and resolutions or parts thereof inconsistent with this ordinance are hereby rescinded.

Section 5. This ordinance shall take effect in accordance with applicable law.

Mayor Shaw read Ordinance Number 2655-21 by title and asked for a motion to approve upon first reading and introduction.

Motion by Councilman Fortuna, seconded by Councilman Bernier to adopt Ordinance Number 2655-21 on introduction and first reading.

Vote Record – Ordinance Number 2655-21				
	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 2656-21

AN ORDINANCE PROVIDING FUNDING FOR BASKETBALL COURT IMPROVEMENTS FOR GROVE STREET PARK FOR THE BOROUGH OF ROSELLE AND APPROPRIATING \$42,500 FOR SUCH PURPOSE [Proposed Public Hearing date June 16, 2021]

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Borough of Roselle, in the County of Union, New Jersey, authorizes basketball court improvements for Grove Street Park, including all structures and appurtenance, work or materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications thereof on file in the office of the Clerk, for the Borough of Roselle to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$42,500 is hereby appropriated for the purposes stated in Section 1 of the Ordinance and which amount was funded from the Capital Improvement Fund in the amount of \$42,500.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Borough determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Borough of Roselle may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Mayor Shaw read Ordinance Number 2656-21 by title and asked for a motion to approve upon first reading and introduction.

Motion by Councilman Bernier, seconded by Councilman Villeda, to adopt Ordinance Number 2656-21 on introduction and first reading.

Vote Record – Ordinance Number 2656-21 – 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				

PUBLIC COMMENTS (on Pending resolutions only)

1. Sylvia Turnage spoke to Resolution Number 2021-187 and asked whether the increase was a merit increase or based on performance reviews. She spoke to Resolution 2021-188 authorizing Summer Hours for employees, and said the buildings are still closed and asked when the building will reopen and that it has been a major inconvenience for the

entire town. She congratulated Mrs. Simms on her promotion as Recreation Leader in Resolution 2021-190; she asked for an explanation regarding Resolution Number 2021-192 as it relates to cancelled checks. She also asked what the Comcast Community Grant will be used for in Resolution 2021-194; she asked what the money is being used for in Resolution 2021-196, and said there is no summer camp or recreation activities scheduled for the kids. She also said the recreation budget was cut to show a balanced budget and she wants to know what the recreation plans are for the town. She spoke to Resolution 2021-198 and questioned how the off-duty hours for police officers were handled in the past; she spoke to Resolution 2021-204 and asked who will be the administrator of the CDC grant and who is Partners in Prevention. She also spoke of \$48,640.93 manual checks and asked what they were for and questioned why the requisition/payment process was not used.

Borough Administrator Smiley spoke to the salary increases Resolution Number 2021-187 and advised that the increases bring them up to the appropriate salary that's being paid to others in a particular profession. He also said the staff are non-union employees who fell below other Code Enforcement Officers in Union County, and it was determined to give them a competitive salary. He then stated that Borough Hall is not purposely closed, but they have a responsibility for the safety of the residents in Roselle consistent with the dictates from the CDC and the County Health Officer. He said they opted to act with caution while the data surrounding the contagion is still being looked at, and he expects the building to be open sometime in late June. He also congratulated Ms. Simms as the new Recreation Leader.

CFO Anders Hassler spoke to Resolution Number 2021-192, and remarked that those are three items on the salary deduction account for Union contributions, and that it dates back to when there were two Unions for the Police. He said one of them is no longer here, and other one never cashed them.

CFO Hassler also explained that Resolution 2021-194 pertains to a technology grant in 2017.

Borough Administrator Smiley talked about recreation, and said they are in the midst of getting back to normal and planning recreation activities for the youth. He also advised that they he met with the Board of Education to discuss the use of their facilities without overlapping with their programs as the Borough develops programs and possible youth employment opportunities. He said that plans are still in progress and have not been solidified; and they are restructuring the Recreation Division.

Chief Brian Barnes spoke to the Resolution Number 2021-198 and gave a detailed explanation of the contract with Jobs 4 Blue and how it works.

CFO Hassler spoke to Resolution 2021-204 and said it is follow-up to the Samsha Grant, and that they changed agencies and it submits an application for the next round. He then explained that the requisition process is still in place and that manual checks meant that checks are cut generally for utility bills, internet service which have to be paid within 30 days to avoid a shutoff. He also said that manual checks have been listed on previous Bills List.

2. Latia Stewart stated that she doesn't see much community policing as stated in Councilwoman Johnson's report. She said she lives in the 5th Ward that her son had a situation and wasn't allowed to show his drivers license, and that it should have been afforded to him if there is community policing.

Councilwoman Johnson remarked that she has seen community policing where the police officers get out of the cars and walk and do a tour of the area in all wards and she has seen them talk to neighbors.

Chief of Police Brian Barnes said that the park and walks are done mostly in the commercial areas and also walk in some of the high crime areas. He also said they receive a lot of calls for services, but residents may not see them on every street because they target the areas that they have the largest amount of calls for service. He also told Ms. Stewart to give his office a call concerning the situation with her son.

Ms. Stewart stated that she already contacted the Police Department and never had a problem with any officers and thanked them for elaborating on the Borough's community policing.

Seeing no one else come forward, Mayor Shaw closed the public comment portion on the resolutions.

CONSENT AGENDA

RESOLUTION NUMBER 2021-187

A RESOLUTION AUTHORIZING SALARY ADJUSTMENTS FOR CERTAIN CODE ENFORCEMENT OFFICERS

WHEREAS, the Borough of Roselle is a Civil Service municipality that employees both union and non-union officers and employees; and

WHEREAS, the Borough Code Enforcement Officers are non-union employees; and

WHEREAS, the Code Enforcement Division Head has recommended salary increases for certain Code Enforcement Officers based on their performance and a review of comparable salaries in neighboring municipalities.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roselle that, effective May 19, 2021 the following employees of the Borough shall be compensated according to the annual salaries as listed herein.

Code Enforcement

Code Enforcement Officer:

Watson, Valerie	\$45,000
Wimbush, Walter	\$45,000

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, and State of New Jersey at a regular meeting of said Council held May 19, 2021.

RESOLUTION NUMBER 2021-188

**RESOLUTION AUTHORIZING SUMMER HOURS FOR BOROUGH WHITE COLLAR
EMPLOYEES UNDER OPEIU LOCAL 32 EXCLUDING THOSE ASSIGNED TO DPW AND
MUNICIPAL COURT**

WHEREAS, upon the recommendation of the Borough Administrator, summer hours were negotiated and agreed upon with the OPEIU Local 32 (white collar unit), excluding those employees assigned to DPW and the Municipal Court; and

WHEREAS, these summer hours will be effective June 21, 2021 through August 27, 2021 and will be in effect for all Directors, Division Heads and white-collar employees, excluding those assigned to DPW and the Municipal Court.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Roselle that the following summer hours will be in effect for Directors, Division Heads and white-collar employees, excluding those assigned to DPW and Municipal Court:

- Monday through Thursday: 8:30 a.m. to 4:30 p.m., with a one (1) hour unpaid lunch
- Friday: 8:30 a.m. to 1 p.m., with no lunch break

BE IT FURTHER RESOLVED, that these hours will be in effect from June 21, 2021 through and including August 27, 2021.

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 May 19, 2021.

RESOLUTION NUMBER 2021-189

A RESOLUTION EXPRESSING SUPPORT FOR RAILS TO TRAILS UNION COUNTY

WHEREAS, the Mayor and Borough Council of the Borough of Roselle wish to support expanded means and methods for connectivity, transportation, and passive recreation within the municipality and the greater Union County area; and

WHEREAS, there exists an advocacy group, "Rails to Trails Union County," that seeks to transform unused railroad lines into a greenway for walking and biking trails between the City of Elizabeth and the Township of Cranford; and

WHEREAS, the old Central Railroad of New Jersey line that divides the Boroughs of Roselle and Roselle Park has been out of service for over 40 years; and

WHEREAS, the Mayor and Council believe that the aforementioned objective of "Rails to Trails Union County" is valuable and necessary for creating a community and region that is more walkable and bikeable; and

WHEREAS, “Rails to Trails Union County” has obtained the support of Union County, the City of Elizabeth, and the Borough of Roselle Park.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Roselle, County of Union, State of New Jersey, hereby express support for the “Rails to Trails Union County” advocacy group in their pursuit of the transformation of unutilized railroad lines into walking and biking trails between the City of Elizabeth and the Township of Cranford.

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, and State of New Jersey at a regular meeting of said Council held May 19, 2021.

RESOLUTION NUMBER 2021-190

RESOLUTION APPOINTING RECREATION LEADER

WHEREAS, there is a need in the Borough of Roselle for a Recreation Leader in Department of Administration; and

WHEREAS, Eugenia Simms has successfully interviewed and meets the attached Job Specification (02993) and the Certifying Officers of the Borough of Roselle have verified all documents with the Civil Service Commission to fill the position.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Roselle, County of Union, State of New Jersey that Eugenia Simms be appointed as Recreation Leader, with a six (6) month probationary period, at \$55,000.00 per year in the Department of Administration effective May 19, 2021.

BE IT FURTHER RESOLVED, Borough Administration shall complete a six-month assessment confirming the probationary period was successfully completed and memorialized in a memorandum.

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 exact 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 May 19, 2021.

RESOLUTION NUMBER 2021-191

RESOLUTION AUTHORIZING PARTICIPATION IN THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS 2021-2022 NEIGHBORHOOD PRESERVATION PROGRAM

WHEREAS, the New Jersey Department of Community Affairs (NJDCa) has funds available through its 2021-2022 Neighborhood Preservation Program (NPP DCA-approved Year 2 Neighborhood Preservation Program Implementation Plan) to strengthen the ability of municipalities to revitalize and improve declining neighborhoods through the planning and implementation of strategies that will serve as a catalyst for economic development and encourage private development; and

WHEREAS, NPP grant funds may be used for the planning and administration of NPP activities; intensive code enforcement; the provision of appropriate public services related to NPP activities; and the acquisition, rehabilitation, clearance and/or demolition of blighted properties; and

WHEREAS, the Mayor and Municipal Council of the Borough of Roselle are in support of the NJDCA Neighborhood Preservation Program (DCA-approved Year 2 Neighborhood Preservation Program Implementation Plan), which will provide a grant of \$125,000 to be expended over a 12 month grant period beginning July 1, 2021 through June 30, 2022; and

WHEREAS, municipalities that successfully completed the Year One grant period activities are eligible to receive additional NPP grant funding of \$125,000 per year for up to four (4) subsequent years; and

WHEREAS, the NPP grant program requires a 20% cash match; and

WHEREAS, an application for such funds may not be filed nor funds spent in a municipality without authorization by the Governing Body; and

WHEREAS, the Mayor and Municipal Council of the Borough of Roselle endorse and support the NPP grant application because of the economic, safety, health and environmental benefits to our municipality, and it is in the best interests of the residents of the Borough of Roselle.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Council of the Borough of Roselle hereby approve the filing of a grant application for the NJDCA 2021-2022 Neighborhood Preservation Program (NPP DCA-approved Year 2 Neighborhood Preservation Program Implementation Plan) and will provide the 20% cash match if awarded.

BE IT FURTHER RESOLVED, that the signature of the Mayor, Borough Administrator and/or any other municipal official, or their successors in said titles, which is required on the grant application and grant agreement, and any other documents necessary in connection therewith, is hereby authorized.

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

CERTIFICATION

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 held of said Council held May 19, 2021.

RESOLUTION NUMBER 2021-192

A RESOLUTION REGARDING OUTSTANDING CHECKS TO BE CANCELLED

WHEREAS, a review of the Finance Department records revealed that there is/are stale outstanding check/checks to be cancelled; and

WHEREAS, the following list of check/checks will be voided:

#	4066	Salary Deduction	\$ 400.00	2018
#	4134	Salary Deduction	\$ 400.00	2018
#	4315	Salary Deduction	\$ 200.00	2020

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Roselle, that the above stale check/checks be cancelled and voided.

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 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 May 19, 2021.

RESOLUTION NUMBER 2021-193

RESOLUTION CANCELING GRANT BALANCE

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

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
Drive Sober Get Pulled Over	2017		1120.80
Distracted Driving State Crackdown	2017		563.75
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 Service.

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 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 May 19, 2021.

RESOLUTION NUMBER 2021-194

RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUES AND APPROPRIATIONS IN THE 2021 MUNICIPAL BUDGET, PURSUANT TO N.J.S.A. 40A:4-87

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of

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

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Roselle in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$2,500 as a result of a check having been received by the Borough of Roselle from Comcast for the community.

BE IT FURTHER RESOLVED, that the like sum of \$2,500 be appropriated under the caption:

Revenue: Comcast Community Grant - 2021

Appropriations: Comcast Community Grant – 2021

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 May 19, 2021.

RESOLUTION NUMBER 2021-195

RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF REVENUES AND APPROPRIATIONS IN THE 2021 MUNICIPAL BUDGET, PURSUANT TO N.J.S.A. 40A:4-87

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Roselle in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$5,700.00 as a result of a check from the Division of Highway Traffic Safety informing the Borough of Roselle of such award for the Roselle Police Department to prevent unsafe driving.

BE IT FURTHER RESOLVED, that the like sum of \$5,700.00 be appropriated under the caption:

Revenue: Drive Sober or Get Pulled Over Grant - 2021

Appropriations: Drive Sober or Get Pulled Over Grant - 2021

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 May 19, 2021.

RESOLUTION NUMBER 2021-196

**RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF
REVENUES AND APPROPRIATIONS IN THE 2021 MUNICIPAL BUDGET,
PURSUANT TO N.J.S.A. 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Roselle in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$75,000.00 as a result of a letter from the County of Union informing the Borough of Roselle of such award under the Kids' Recreation Trust program.

BE IT FURTHER RESOLVED, that the like sum of \$75,000.00 be appropriated under the caption:

Revenue: Kids' Recreation Grant - 2020

Appropriations: Kids' Recreation Grant - 2020

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 May 19, 2021.

RESOLUTION NUMBER 2021-197

**RESOLUTION AUTHORIZING THE INSERTION OF SPECIAL ITEMS OF
REVENUES AND APPROPRIATIONS IN THE 2021 MUNICIPAL BUDGET,
PURSUANT TO N.J.S.A. 40A:4-87**

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Roselle in the County of Union, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2021 in the sum of \$20,181.33 as a result of a check in this amount having

been received by the Borough of Roselle from the State of New Jersey, Department of Environmental Protection for a Recycling Tonnage Grant.

BE IT FURTHER RESOLVED, that the like sum of \$20,181.33 be appropriated under the caption:

Revenue: Recycling Tonnage Grant - 2021

Appropriations: Recycling Tonnage Grant - 2021

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 May 19, 2021.

RESOLUTION NUMBER 2021-198

RESOLUTION AUTHORIZING AN AWARD OF CONTRACT WITH JOBS 4 BLUE FOR SERVICES FOR OFF-DUTY EMPLOYMENT OF POLICE OFFICERS FOR POLICE RELATED ACTIVITIES

WHEREAS, the Borough of Roselle has a need for services relating to off-duty employment of police officers for police related activities; and

WHEREAS, Visual Computer Solutions can provide the computer related services at no cost to the Borough; and

WHEREAS, the cost of 8% associated with this service is transferred to the third party requesting the extra duty police service; and

WHEREAS, said maintenance for the computer software does not exceed the bid threshold amount pursuant to N.J.S.A. 40A:11-3; and

WHEREAS, N.J.S.A.40A:11-5(dd), provides for the support software maintenance, consultation services and training services of propriety computer hardware and software; and

WHEREAS, the Purchasing Agent having reviewed the proposed software contract recommends its acceptance; and

NOW THEREFORE BE IT RESOLVED, the term of this contract will be for a three (3) year period, with a possible 2-year extension commencing August 1, 2019 through July 31, 2022.

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 May 19, 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 19th day of May, 2021.

RESOLUTION NUMBER 2021-199

GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2020-JUNE 2025 FISCAL YEAR 2021

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Borough Council of the Borough of Roselle, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Roselle, County of Union, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the (Everett Hatcher) Municipal Alliance grant for fiscal year 2021 in the amount of:

DEDR	\$ 5,083.00
Cash Match	\$ 1,270.75
In-Kind	\$ 3,812.25

2. The Borough of Roselle Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____

R. Smiley, Borough Administrator

CERTIFICATION

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough of Roselle Council on this 19th day of May, 2021.

RESOLUTION NUMBER 2021-200

**GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE
FISCAL GRANT CYCLE JULY 2020-JUNE 2025
FISCAL YEAR 2022**

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey; and

WHEREAS, The Borough Council of the Borough of Roselle, County of Union, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and

WHEREAS, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Union.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Roselle, County of Union, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of a strategic plan for the (Everett Hatcher) Municipal Alliance grant for fiscal year 2022 in the amount of:
DEDR \$ 6,547.00
Cash Match \$ 1,636.75
In-Kind \$ 4,910.25
2. The Borough of Roselle Council acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: _____

R. Smiley, Borough Administrator

CERTIFICATION

I, Lydia Massey, Acting Municipal Clerk of the Borough of Roselle, County of Union, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Borough of Roselle Council on this 19TH day of May, 2021.

Motion by Councilman Fortuna, seconded by Council President Wilkerson to adopt the consent agenda as written.

Vote Record – 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				

Borough Administrator Smiley asked for Resolution 2021-201 to be withdrawn from the Non-Consent agenda and gave a detailed explanation as to why he wanted the item pulled. He also stated that he will make sure in the future to give himself and Council enough time to review it before it's placed on the agenda prior to the vote, and asked Mayor and Council for their support to remove the resolution.

NON-CONSENT

Motion by Council President Wilkerson, seconded by Councilman Fortuna to withdraw Resolution 2021-201.

Discussion:

Councilwoman Johnson stated that she will say no or abstain to the resolution as she was under the impression that there would be additional hires in the DPW. She also stated that she didn't see the need to pull the resolution and in the past saw items walked on to the agenda.

Councilman Fortuna stated that the individual is unknown to Council and personnel is normally discussed through Committee. He said it also did not go on the Workshop meeting and it is about the process. He also said that he spoke to DPW Superintendent Patterson who was not put off by holding it until the June 2021 meeting to add more people and beef up the manpower. He also stated that he doesn't like when personnel are put on at the last minute.

Mayor Shaw stated that personnel should be discussed in Committee prior to coming before Council and cautioned the governing body about speaking to personnel matters. He also asked that Councilwoman Johnson be informed as a member of the DPW standing Committee.

Borough Administrator Smiley stated that he will be bringing candidates for DPW next month.

RESOLUTION NUMBER 2021-201

RESOLUTION HIRING A PART-TIME LABORER IN THE DEPARTMENT OF PUBLIC WORKS AT THE SALARY OF \$13.00 PER HOUR

WHEREAS, there is a need in the Borough of Roselle to fill the position of Part-Time Laborer in the Department of Public Works; and

WHEREAS, the individuals listed herein were recommended by the Superintendent of Public Works and have been deemed by the Appointing Authority as qualified for employment as part-time Laborers in the Department of Public Works.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roselle that Glen Nolan is hereby appointed to the position of part-time Laborer in the Department of Public Works in the Borough of Roselle, effective May 20, 2021, not to exceed twenty-nine (29) hours per week, at the salary of \$13.00 per hour, subject to the successful completion of the ninety (90) day working test period as required by Civil Service Regulations; and

BE IT FURTHER RESOLVED, that the hiring of the enumerated part-time laborer is subject to the satisfactory completion of a criminal background check, the initial cost of which is to be borne by the prospective part-time employee and will be reimbursed by the Borough so long as the check is satisfactory and employment is continued; and

BE IT FURTHER RESOLVED, that upon hire, the enumerated individual shall be eligible for six (6) annual vacation days, seven (7) annual sick days, three (3) annual personal days and one (1) annual floating holiday and these benefits will not increase with years of service; and

BE IT FURTHER RESOLVED, that upon hire, the enumerated individual shall also be eligible for the annual Borough holidays and bereavement leave as set forth in the Borough Personnel Policy Manual, as may be amended.

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 May 19, 2021.

Vote Record – Resolution Number 2021-201				
	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				

Motion by Councilman Bernier, seconded by Council President Wilkerson to adopt Resolution Numbers 2021-202 through 2021-205.

Discussion:

Councilwoman Johnson asked for an explanation of Resolution 2021-203, and she asked what it was for. Council President Wilkerson explained that the grants can be utilized for the parks and other facilities used for recreation.

RESOLUTION NUMBER 2021-202

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
URBAN PARKS INITIATIVE ENABLING RESOLUTION**

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program (“State”), is providing grants through the Urban Parks initiative; and

WHEREAS, the Borough of Roselle desires to further the public interest by obtaining grant funding in the amount of \$500,000 from the State to fund the Warren Street Park Renovation Project at a total project cost of \$1,011,408; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Urban Parks initiative, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State’s funds in accordance with applicable policies and laws, and is willing to enter into an agreement with the State for the above-named project;

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

1. That R. Allen Smiley, the Borough Administrator of the Borough of Roselle is hereby authorized to:
 - (a) make an application for a grant based on the aforementioned whereas clauses; and
 - (b) provide additional application information including furnish such documents as may be required for the grant application; and

- (c) act as the authorized correspondent of the above-named applicant.
- (d) execute an agreement and any amendment thereto with the State known as the Warren Street Park Renovation Project;
- 2. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;
- 3. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and
- 4. That this resolution shall take effect immediately.

CERTIFICATION

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 held of said Council held May 19, 2021.

RESOLUTION NUMBER 2021-203

**RESOLUTION AUTHORIZING A LOCAL RECREATION IMPROVEMENT GRANT
THROUGH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS**

WHEREAS, the New Jersey Department of Community Affairs (NJDCa) has funding available through its Local Recreation Improvement Grant (LRIG) Program; and

WHEREAS, these funds may be used by the Borough of Roselle for the construction and renovations of improvements at Warren Street Park that will provide inclusive recreational opportunities for underserved Roselle residents including persons with Special Needs and their families; and

WHEREAS, an application for such funds may not be filed nor funds accepted and spent in a municipality without authorization by the Governing Body; and

WHEREAS, the Mayor and Municipal Council of the Borough of Roselle endorse and support the filing of this grant application requesting \$500,000 in funding for the construction and renovation of improvements at Warren Street Park that will provide inclusive recreational opportunities for underserved Roselle residents including persons with Special Needs and their families; and

WHEREAS, there is no matching funds requirement and it is in the best interests of the residents of the Borough of Roselle.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Council of the Borough of Roselle hereby approve the filing of a LRIG grant application in the amount of \$500,000 for the construction and renovation of improvements at Warren Street Park that will also provide inclusive recreational opportunities for underserved Roselle residents and Special Needs persons and their families

BE IT FURTHER RESOLVED, that the signature of the Mayor, Borough Administrator and/or any other municipal official, or their successors in said titles, which may be required on the grant application and grant agreement, and any other documents necessary in connection therewith, is hereby authorized.

CERTIFICATION

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 held of said Council held May 19, 2021.

RESOLUTION NUMBER 2021-204

**RESOLUTION AUTHORIZING THE FILING OF THE CENTER FOR DISEASE
CONTROL (CDC) DRUG FREE COMMUNITIES PROGRAM YEAR 6 COMPETITIVE
CONTINUATION GRANT CDC-RFA-CE20-2004CC21**

WHEREAS, the United States Center for Disease Control (CDC) has grant funding available for its Drug Free Communities Support Program, which was formerly administered by the Substance Abuse and Mental Health Services Administration (SAMHSA); and

WHEREAS, this grant program is more specifically identified as the CDC's Drug Free Communities Support Program Grant CDC-RFA-CE20-2004 in the Catalog of Federal Domestic Assistance (CFDA); and

WHEREAS, this competitive continuation grant program will provide up to \$125,000 per year for five (5) more years for programs that will reduce substance abuse and establish coalitions between public and non-profit entities, as well as federal, state, county and municipal governments; and

WHEREAS, there is also an in-kind, dollar-for-dollar match required for the CDC's Drug Free Communities Support Program; and

WHEREAS, the Mayor and Council of the Borough of Roselle endorse and support this CDC Drug Free Communities Support Program Grant Application and desire to file an application, which is due by May 26, 2021, because of its benefits for our residents and it is in the best interests of the Borough of Roselle; and

WHEREAS, the Borough of Roselle desires to enter into a Memorandum of Understanding with Partners In Prevention, Inc., to provide some of the services required as part of the Drug Free Communities Support Program; and

WHEREAS, the Borough of Roselle also desires to enter into a Memorandum of Understanding with Epiphany Community Services, Inc., of Swanton, Ohio to provide the mandatory third-party program evaluation component of the Drug Free Communities Support Program; and

WHEREAS, an application for such funds may not be filed nor funds spent in a municipality without authorization by the Governing Body:

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

1. The Mayor and Council of the Borough of Roselle hereby endorse and authorize the filing of the CDC Drug Free Communities Support Program Grant CDC-RFA-CE20-2004 RFA-15-001 in the Catalog of Federal Domestic Assistance.
2. The Mayor and Council of the Borough of Roselle agree to provide the in-kind and cash grant match required by the CDC.
3. If the grant is awarded, the Mayor and Council of the Borough of Roselle agree to enter into a Memorandum of Understanding with Partners in Prevention, Inc., to

- provide some of the services required as part of the of the Drug Free Communities Support Program Grant
4. Upon receipt of the grant agreement from the CDC, the signature of the Mayor, Borough Administrator and/or any other municipal official, or their successors in said titles, which is required on the grant agreement and any other documents necessary in connection therewith, is hereby authorized.
 5. This resolution shall take effect immediately.

CERTIFICATION

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 held of said Council held May 19, 2021.

RESOLUTION NUMBER 2021-205

Resolution Supporting the *Click It or Ticket* Mobilization of May 24 – June 6, 2021

Whereas, there were 585 motor vehicle fatalities in New Jersey in 2020; and

Whereas, approximately 40% of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

Whereas, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in the nationwide *Click It or Ticket* seat belt mobilization from May 24 – June 6, 2021 in an effort to raise awareness and increase seat belt usage through a combination of high visibility enforcement and public education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 90.23% to 93%; and

Whereas, a further increase in seat belt usage in New Jersey will save lives on our roadways;

Therefore, be it resolved that the Brough of Roselle declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 24 – June 6, 2021 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

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 May 19, 2021.

Vote Record – Resolution Number 2021-202 through 2021-203				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			

Councilwoman Johnson			x - 203	
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				

Motion by Councilman Bernier, seconded by Councilman Villeda to adopt Resolution Numbers 2021-206.

PAYMENT OF BILLS

Resolution # 2021-206

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:

BILL LIST	
19-May-21	
<u>FUND</u>	
ANIMAL CONTROL	\$ 75.00
CAPITAL ACCOUNT	\$ 375,130.75
CDBG TRUST	
CURRENT FUND	\$ 4,494,558.81
ESCROW TRUST	\$ 2,278.75
FSLEF	\$ 259.99
SLEF	
GENERAL TRUST	\$ 5,752.50
ACCOUNT	
TRUST DCA	
FEEES	
GRANT ACCOUNT	\$ 82,671.28
NJ HEALTH BENEFITS	
SUI	
APRIL 23, 2021	\$ 641,918.10
PAYROLL	
MAY 7, 2021 PAYROLL	\$ 680,648.86
MANUAL	\$ 48,640.93
CHECK	

POAA
 REDEMPTION PREMIUM
 ACCOUNT
 PUBLIC
 DEFENDER
 REDEMPTION TRUST
 RESERVE FOR ESCROW
 SALARY
 DEDUCTION

GRAND TOTAL \$6,331,934.97

LYDIA
 MASSEY
 ACTING BOROUGH
 CLERK
 DATED: MAY 19, 2021

Vote Record – Resolution Number 2021-206				
	Ayes	Nays	Abstain	Absent
Councilman Villeda	x			
Councilman Bernier	x			
Councilwoman Johnson			x – 2021-203	
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				

PUBLIC COMMENT

1. Sylvia Turnage talked about Council people having face to face meetings in buildings, and questioned why the taxpayers cannot enter the municipal building. She said there is very little communication with the public and no plans to reopen. She also stated that best practices discourage manual checks and that utility bills should go through the normal channels. She said the Library has not been open and there are no services to the residents. She talked about pictures of damages in the library and questioned who is managing the library. She also said the Library Director made her own hours and was not reporting to work. She talked about the DPW resolution that was pulled from the agenda and compared it to the confidential secretary resolution that was adopted and said statements were hypocritical. She asked that professionals explain items such as the storm water ordinance, and feels the explanation by a member of the governing body made no sense. She said that a tree on someone's private property was removed by the Borough, and reiterated that the Borough is still not open.

2. Jeanne Marie Ryan addressed the question about library services and said that services have been available since August and to the best of her knowledge they have been supplying books, videos, DVDs, tax forms and printouts. She also said she was available to answer any other comments.

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

COUNCIL COMMENT

Councilman Villeda thanked the 1st Ward residents and said together they will be able to carry out all projects. He said they will work with the Roselle Police Department with safety concerns and keeping the streets clean with the Department of Public Works. He also talked about the work that is going on with PSE&G and New Jersey American water. He gave his condolences to Councilwoman Cynthia Johnson and all the families who loss family members. He then repeated the message in Spanish.

Councilman Bernier gave his condolences to Councilwoman Johnson and said that he is thinking of her every step of the way. He gave his condolences to the family of Linda Wise and Joe Fulman. He asked for prayers to the Bishoff family who experienced a fire two days ago and asked the Roselle community to help the family via Go Fund Me. He announced that the next 2nd Ward Council meeting will be May 25th via Zoom at 7:00 p.m. He gave his contact information and gave an update on the paving work being done in the Borough on several streets that are completed and will be completed. He spoke to the renaming ceremony of the block between Harrison and Newman Place for Mr. Edward Abdussalaam. He also said the Recreation budget is up 75% from last year, approximately \$50,000, and that the budget was cut last year due to the Covid-19 pandemic, and money was put back into Recreation for when the program opens back up; he talked about re-opening the building to the public and said they are following the facts and the science; he said our vaccination numbers need to improve. He said everyone in Borough Hall is working, answering phones, responding to emails and Borough Administrator Smiley is making sure of it, and it is not closed. He also stated that other municipalities have not opened up. He said the intent is to keep the police personnel and other borough personnel safe to avoid an outbreak in Borough Hall at the direction of the health official. He reported that Covid-19 numbers are starting the decline but people need to continue to get vaccinated. He also spoke to the manual check payments and commended CFO Hassler for keeping the Borough's bills paid on time. He spoke to the Borough tree that was cut down and said the DPW has a mathematical formula to determine what is Borough tree or not and do not cut down trees that are not on a private lot.

Councilwoman Johnson thanked Councilman Bernier for his condolences and said it's been a very rough year for her. She spoke about her brother and sister-in-law's passing as well as her sister and asked everyone to keep her family in prayer. She thanked Robert Lawson for an issue about work being done on Sundays. She also spoke to opening up the Borough and said they do not have accurate Covid-19 numbers. She also questioned if the Borough will delay reopening pending the amount of people that get vaccinated and asked what the plan is. She said other

municipalities have opened up and the state has lifted a lot of restrictions on gathering and travel. She commended the Fire Department on the fire on East 6th Avenue and also thanked the Linden OEM for assisting with Roselle fires. She also said bills are not paid on time and some are paid on-time. She also said the Code Enforcement Officers should have received an increase they received. She spoke to the paving in the 3rd Ward and said she will work together to make sure paving is done throughout Roselle. She is still planning a walk around the track with 3rd Ward residents to chat and get to know neighbors. She thanked Mr. Patterson and his DPW supervisors for doing a good job and said she will continue to be the voice to make his department is fully staffed.

Councilman Fortuna gave his condolences to Councilwoman Johnson. He also gave condolences to the family of Kyle Stradford who he said was a great DPW Worker; he said that if there is anything they can do for the widow and family to let him know. He announced that his 5th Ward meeting will be in person at the American Legion on Grove Street from 6:00 p.m. to 8:00 p.m., on May 20th and that Borough Administrator Smiley will be his guest speaker. He said Mr. Smiley is a great guy and impressive individual and looks forward to him meeting residents and answering questions. He also said recreation activities were discussed several times and he will leave it up to the new Recreation Leader to head up the programs. He talked about the sidewalk projects and said all have been done. He also said he is happy to hear that Borough Hall will reopen in late June and feels that it is time and the sooner the better. He wished everyone a Happy Memorial Day.

Council President Wilkerson gave condolences to Kyle Stradford and the DPW family. She gave condolences to Councilwoman Johnson on the passing of her family members. She congratulated Dr. Angel Grandison the wife of Mr. Edward Abdussalaam on the naming of the Street. She congratulated Brianna Thomas who is graduating with all kinds of recognitions. She thanked CFO Anders Hasseler for his service and doing the work of the Borough before he left for duty. She talked about Covid-19 as a member of the Covid Committee and said that it is important to look at what the town is locally versus what other municipalities are. She said Roselle was the highest in the County and by the end of the week the numbers were going down, and it was said that once it reached moderate Borough Hall would open up based on recommendations from the Health Official. She thanked Borough Administrator Smiley for speaking to the re-opening as well as making sure that the Borough employees are assisting residents via phone and in-person. She also thanked Borough Administrator Smiley and Assistant Borough Administrator Falt and his team for the food distribution event that took place at the Borough. She also thanked the DPW worker Arian and Lamont and she named all the volunteers for handing the food distribution with compassion and care. She spoke to the MVC and said it will be held on June 7th and in July and there are only 40 spots. She spoke to her daughter Amani and said she was proud of her daughter as it is 6th month loss of her daughter.


MAYOR'S COMMENTS

Mayor Shaw said it was a bitter speak time and he gave a shout out to Amani and to Brianna for graduating with high honors. He gave his condolences to the Stradford family and the Councilwoman Cynthia Johnson, and said that Councilwoman Johnson and Council President

Wilkerson are the strongest people he knows for all they've been through and he said he will continue to be there for them. He also remarked that the meeting is Chief Brian Barnes last meeting as he moves into retirement and thanked him for his service and for being a friend and being the first African American Police Chief in the Borough of Roselle. He said he held the town together and appreciates all that he's done for the Borough and as a friend and he will be greatly missed. He spoke to the Covid numbers and said even though towns are opening they are opening slow and cautiously at the direction of Borough Administrator Smiley and the Borough Health Official. He also encouraged everyone to live their lives as if it were their last without hurting anyone, because tomorrow is not promised to anyone. He then wished everyone a good night.

ADJOURNMENT

On a motion by Council President Wilkerson, seconded by Councilman Villeda, all were in favor, none were opposed and the Workshop meeting was duly adjourned at 8:10 p.m.


Lydia D. Massey, Acting Municipal Clerk