

**BOROUGH OF ROSELLE  
MAYOR AND COUNCIL  
REGULAR MEETING – REVISED AGENDA  
APRIL 19, 2023 – 6:30 P.M.**

## MEETING CALLED TO ORDER

## FLAG SALUTE

## INVOCATION

The requirements of N.J.S.A. 10:4-6 et seq., the “Sunshine Law” has been met. A notice of this meeting was sent to the Star Ledger, published in the Home News Tribune on December 23, 2022, posted on the Bulletin Board in Borough Hall and on the Borough’s website and filed in the Office of the Municipal Clerk.

## ROLL CALL

Honorable Richard Villeda	(1 <sup>st</sup> Ward)
Honorable Cynthia Johnson	(3 <sup>rd</sup> Ward)
Honorable Cindy Thomas	(4 <sup>th</sup> Ward)
Honorable John Fortuna	(5 <sup>th</sup> Ward)
Honorable Denise Wilkerson	(At-Large)
Honorable Brandon Bernier	(2 <sup>nd</sup> Ward/Council President)
Honorable Donald Shaw	(Mayor)

## PROCLAMATIONS

National Library Week

## PRESENTATION

## APPROVAL OF MINUTES OF MEETINGS

Minutes of the Mayor and Council Workshop Meeting – March 8, 2023  
 Minutes of the Mayor and Council Closed Executive Session Meeting – March 8, 2023  
 Minutes of the Mayor and Council Regular Meeting – March 15, 2023  
 Minutes of the Mayor and Council Special Meeting – March 29, 2023  
 Minutes of the Mayor and Council Closed Executive Session Meeting – March 29, 2023

a) Motion to Adopt: \_\_\_\_\_ Second: \_\_\_\_\_

## CORRESPONDENCE / APPOINTMENTS

## PUBLIC COMMENTS

## **COMMITTEE REPORTS**

### **INTRODUCTION, CONSIDERATION AND PASSAGE OF ORDINANCES**

#### **ORDINANCE ON SECOND READING/PUBLIC HEARING – Ordinance Number 2706-23**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE XII, ZONING, SECTION 650-95, BUSINESS/COMMERCIAL ZONE AND SECTION 650-99, COMMERCIAL-INDUSTRIAL ZONE; TO AMEND AND SUPPLEMENT THE FIRST AVENUE REDEVELOPMENT PLAN; AND TO AMEND THE REDEVELOPMENT PLAN FOR BLOCK 3801 TO CLARIFY THE PERMITTED AND CONDITIONAL USES

- |    |                            |         |
|----|----------------------------|---------|
| a) | Public Hearing             |         |
| b) | Motion for Final Adoption: | Second: |

#### **ORDINANCE ON SECOND READING/PUBLIC HEARING – Ordinance Number 2707-23**

AN ORDINANCE BY THE MAYOR & COUNCIL AMENDING THE BOROUGH OF ROSELLE CODE OF ORDINANCES TO REPEAL CHAPTER 580 FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 580 FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE (**AMENDED**)

- |    |                            |         |
|----|----------------------------|---------|
| a) | Motion to Amend            | Second: |
| b) | Public Hearing             |         |
| c) | Motion for Final Adoption: | Second: |

#### **ORDINANCE ON SECOND READING/PUBLIC HEARING – Ordinance Number 2708-23**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND APPROPRIATING \$5,986,990 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$5,687,640 BONDS OR NOTES TO FINANCE PART OF THE COST THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, NEW JERSEY

- |    |                            |         |
|----|----------------------------|---------|
| a) | Public Hearing             |         |
| b) | Motion for Final Adoption: | Second: |

#### **ORDINANCE ON FIRST READING & INTRODUCTION – Ordinance Number 2709-23**

AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE XI, ADMINISTRATION, ENFORCEMENT AND FEES, SECTION 650-86.1, FEES AND ESCROW DEPOSITS; TO AMEND THE CODE TO REQUIRE ALL APPLICANTS TO SUBMIT AN ESCROW AGREEMENT

- a) Motion to Adopt:  
b) Public Hearing May 17, 2023

Second:

## **CONSENT AGENDA**

## **RESOLUTIONS**

<b><u>BOROUGH ATTORNEY</u></b>	
2023-144	RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT IN THE MATTER OF SIERRA V. BOROUGH OF ROSELLE
<b><u>BOROUGH CLERK</u></b>	
2023-145	RESOLUTION AUTHORIZING RENEWAL OF AN INACTIVE A.B.C. LICENSE AND AUTHORIZING THE MUNICIPAL CLERK TO ISSUE SAME – A SPECIAL RULING PURSUANT TO N.J.S.A. 33:1-12.18
2023-146	RESOLUTION GRANTING A TEMPORARY ENTERTAINMENT LICENSE TO CENTRAL PARK NJ, LLC
2023-147	RESOLUTION APPROVING AN A.B.C. PERSON-TO-PERSON LICENSE TRANSFER
<b><u>ECONOMIC &amp; HOUSING DEVELOPMENT</u></b>	
2023-148	RESOLUTION OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE BOROUGH AND G & J CAR CARE LLC FOR USE OF CERTAIN BOROUGH OWNED PROPERTY IDENTIFIED AS BLOCK 1303, LOT 8 ON THE BOROUGH'S TAX MAPS AND COMMONLY KNOWN AS 1315 ST. GEORGES AVENUE
2023-149	RESOLUTION OF THE BOROUGH OF ROSELLE, COUNTY OF UNION, NEW JERSEY AUTHORIZING AND DIRECTING THE PREPARATION OF A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY IDENTIFIED AS BLOCK 3802, LOTS 25, 26, 27, & 28, BLOCK 4802, LOTS 2 & 3, AND LAUREL STREET, A "PAPER STREET", ON THE BOROUGH'S OFFICIAL TAX MAPS
<b><u>ENGINEERING</u></b>	
2023-150	RESOLUTION AUTHORIZING ENGINEERING SERVICES IN CONNECTION WITH THE ARMINIO FIELD EXERCISE STATION AT RALPH ARMINIO FIELD ATHLETIC COMPLEX FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY
2023-151	RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE HOME TERRACE PARK IMPROVEMENTS PROGRAM FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY
2023-152	RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE CDBG YEAR 49 – RIVINGTON STREET IMPROVEMENTS PROJECT FUNDED BY THE UNION COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND THE

	MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY
2023-153	RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE NJDOT FY2023 2 <sup>ND</sup> AVENUE AND SPRUCE STREET PROJECT FUNDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY
<b><u>FINANCE</u></b>	
2023-154	RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS AND/OR APPEALS
<b><u>HUMAN RESOURCES</u></b>	
2023-155	RESOLUTION ACCEPTING THE RESIGNATION OF KEYBOARDING CLERK 2 SHIRLEY DAVIS TAYLOR
2023-156	RESOLUTION ACCEPTING THE RESIGNATION OF THE SENIOR CODE ENFORCEMENT OFFICER MICHAEL TISDALE
<b><u>POLICE</u></b>	
2023-157	RESOLUTION FOR TRAFFIC SIGNAL MAINTENANCE UNDER MORRIS COUNTY CO-OP CONTRACT FOR THE BOROUGH OF ROSELLE
2023-158	RESOLUTION ACCEPTING A GRANT FROM THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR ITS 2023 DISTRACTED DRIVING CRACKDOWN GRANT PROGRAM
2023-159	RESOLUTION SUPPORTING STREET SMART NJ PEDESTRIAN SAFETY AWARENESS, EDUCATION AND ENFORCEMENT

## **NON-CONSENT**

<b><u>BOROUGH ADMINISTRATOR</u></b>	
2023-160	RESOLUTION AUTHORIZING AN ADDITIONAL STIPEND TO WALTER WIMBUSH FOR PERFORMANCE OF ZONING OFFICER DUTIES IN AN AMOUNT NOT TO EXCEED \$7,260
<b><u>ENGINEERING</u></b>	
2023-161	RESOLUTION FOR A CHANGE ORDER AMENDMENT TO THE CONTRACT FOR PICERNO GIORDANO CONSTRUCTION REGARDING ADDITIONAL SITE WORK FOR THE COMPLETION OF THE POPLAR STREET PARK IMPROVEMENTS PROJECT
<b><u>FINANCE</u></b>	
2023-162	RESOLUTION AMENDING RESOLUTION 2023-129 ESTABLISHING 2023 TEMPORARY EMERGENCY APPROPRIATIONS
<b><u>HUMAN RESOURCES</u></b>	
2023-163	RESOLUTION HIRING PARKING ENFORCEMENT OFFICERS IN THE POLICE DEPARTMENT AT A RATE OF \$19.20 PER HOUR

## **PAYMENT OF BILLS**

2023-164	RESOLUTION APPROVING THE BILLS LIST DATED APRIL 19, 2023
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## **COUNCIL COMMENTS**

## **MAYOR'S COMMENTS**

### **CLOSED EXECUTIVE SESSION**

2023-165 - Resolution for Closed Executive Session

- Personnel Matters
- Contract Negotiations
- Contractual Matters
- Litigation Matters
- Matters Falling Within Attorney Client Privilege

### **ADJOURNMENT**

**BOROUGH OF ROSELLE**



**ORDINANCE NUMBER 2706-23**

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE XII, ZONING, SECTION 650-95, BUSINESS/COMMERCIAL ZONE AND SECTION 650-99, COMMERCIAL-INDUSTRIAL ZONE; TO AMEND AND SUPPLEMENT THE FIRST AVENUE REDEVELOPMENT PLAN; AND TO AMEND THE REDEVELOPMENT PLAN FOR BLOCK 3801 TO CLARIFY THE PERMITTED AND CONDITIONAL USES**

**WHEREAS**, the Borough has received inquiries regarding the operation of two cannabis uses within the same building and/or on the same property;

**WHEREAS**, the Business/Commercial Zone and Commercial-Industrial Zone only allow certain permitted uses to be within the same building and/or property, which does not include cannabis-related uses; and

**WHEREAS**, the First Avenue Redevelopment Plan and Redevelopment Plan for Block 3801 do not reflect the latest conditions for cannabis retailers and/or allow cannabis retailers as of right, when they were envisioned to be conditionally permitted uses; and

**WHEREAS**, the Mayor and Borough Council have reviewed the Ordinance and wishes to amend the Business/Commercial Zone and Commercial-Industrial Zone to allow more than one permitted cannabis-related use to operate within the same building and/or on the same property; and

**WHEREAS**, the Mayor and Borough Council have reviewed the redevelopment plans and wish to clarify that cannabis retailers are permitted uses where allowed and properly refer to the correct conditions.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Chapter 650 Zoning and the First Avenue Redevelopment Plan are hereby amended as follows (additions in underline; deletions in ~~strikeout~~):

**SECTION I.** The Code of Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 650-95 Business/Commercial Zone, is hereby amended and supplemented as follows:

B. Use regulations. A building or premises shall be used only for the following purposes:

(1) Permitted principal uses.

~~(i) Mixed-use structures with a combination of two or more of the  
aforementioned permitted principal uses.~~

(i) Cannabis delivery service.

**SECTION II.** The Code of Borough of Roselle, Part VIII, Chapter 650 Zoning, Section 650-99 Commercial-Industrial Zone, is hereby amended and supplemented as follows:

C. Use regulation. A building or premises shall be used only for the following purposes:

(2) Permitted uses.

~~(k) Mixed-use structures with a combination of two or more of the  
aforementioned permitted principal uses.~~

(k) (h) Cannabis delivery service.

(l) (m) Cannabis manufacturer.

(m) (n) Cannabis wholesaler.

(n) (o) Cannabis distributor.

**SECTION III.** The First Avenue Redevelopment Plan, Amendment #3, is hereby amended to be Amendment #4 and Chapter VIII shall be amended and supplemented as follows:

A. Commercial Redevelopment Zone. The purpose of this district is to establish a zone which will permit the construction of commercial uses, compatible with the trend in the surrounding area; and the conversion of formerly industrial lands to commercial uses in an orderly manner.

3. Conditional Uses:

a. Cannabis retailer, which shall meet the following conditions: in Section 650-102B.(8).

~~i. Said establishment shall be licensed and shall be located more than 1,000 feet from the property line of any elementary or secondary school property.~~

~~ii. No outdoor consumption areas are permitted.~~

B. Commercial Residential Transition Zone: The purpose of this district is to establish a zone which will permit the orderly phased conversion of residential land uses to commercial land uses compatible with the development trend in the surrounding area of

First Avenue. It is anticipated that ~~certain of the~~ existing residential structures may continue to be used for residential purposes while new commercial land uses are introduced into the Area. Therefore, this plan will provide the flexibility to allow the existing residential properties to continue or to be assembled for redevelopment for commercial purposes.

1. Permitted Principal Uses and Structures:

~~(g) Mixed use structures with a combination of two or more of the uses in b. through f. above.~~

~~(h) Cannabis retailer.~~

g. (i) Cannabis delivery service.

3. Conditional Uses:

a. Cannabis retailer, which shall meet the conditions in Section 650-102B.(8).

4. ~~3.~~ Bulk Standards:

5. 4. Buffers: Non-residential uses shall provide a buffer along any property line shared with a property containing a single- or two-family home. Said buffer shall be at least 6 feet wide; with a 6 foot high board on board fence, or approved equivalent fence, constructed along the property line. The buffer strip shall be planted with dense evergreen trees not less than 6 feet tall at the time of planting and spaced not more than 10 feet on center; along with flowering deciduous and board-leaf evergreen plant material in order to create a visual barrier and aesthetically appealing appearance.

6. ~~5.~~ Parking:

**SECTION IV.** The Redevelopment Plan for Block 3801, Amendment #1, is hereby amended to be Amendment #2 and Section 6.2 shall be amended and supplemented as follows:

A. Principal Permitted Uses

1. The following uses are permitted on the ground or first floor:

~~(e) Cannabis retailer. However, no outdoor consumption areas are permitted.~~

B. Permitted Accessory Uses

C. Conditional Uses

1. Cannabis retailer, which shall meet the conditions in Section 650-102B.(8).



Recorded Vote on Introduction Ordinance No. 2700-23, March 13, 2023						
	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda			X			
Councilwoman Johnson			X			
Councilwoman Thomas		X	X			
Councilman Fortuna			X			
Councilwoman Wilkerson			X			
Council President Bernier	X		X			
<input checked="" type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**Recorded Vote on Final Passage Ordinance No. 2706-23, April 19, 2023**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						
Council President Bernier						
<input type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

\_\_\_ Approved

\_\_\_ Vetoed and returned to the Municipal Clerk with the following statement and objections:

\_\_\_\_\_  
Donald Shaw, Mayor      DATE:

NOTICE is hereby given that Ordinance Number 2706-23 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council on April 19, 2023 after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**ORDINANCE NUMBER 2707-23**

**(AMENDED)**

**AN ORDINANCE BY THE MAYOR & COUNCIL AMENDING THE BOROUGH OF ROSELLE CODE OF ORDINANCES TO REPEAL CHAPTER 580 FLOOD DAMAGE PREVENTION; TO ADOPT A NEW CHAPTER 580 FLOOD DAMAGE PREVENTION; TO ADOPT FLOOD HAZARD MAPS; TO DESIGNATE A FLOODPLAIN ADMINISTRATOR; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE**

**WHEREAS**, the Legislature of the State of New Jersey has, in N.J.S.A. 40:48 et seq and N.J.S.A. 40:55D et seq., conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

**WHEREAS**, the Federal Emergency Management Agency has identified special flood hazard areas within the boundaries of The Borough of Roselle and such areas may be subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare, and

**WHEREAS**, the Borough of Roselle was accepted for participation in the National Flood Insurance Program on July 17, 1978 and the Mayor & Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Sections 59, 60, 65 and 70 necessary for such participation; and

**WHEREAS**, the Borough of Roselle is required, pursuant to N.J.A.C. 5:23 et seq., to administer and enforce the State building codes, and such building codes contain certain provisions that apply to the design and construction of buildings and structures in flood hazard areas; and

**WHEREAS**, the Borough of Roselle is required, pursuant to N.J.S.A. 40:49-5, to enforce zoning codes that secure safety from floods and contain certain provisions that apply to the development of lands; and

**WHEREAS**, the Borough of Roselle is required, pursuant to N.J.S.A. 58:16A-57, within 12 months after the delineation of any flood hazard area, to adopt rules and regulations concerning the development and use of land in the flood fringe area which at least conform to the standards promulgated by the New Jersey Department of Environmental Protection (NJDEP).

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor & Council of The Borough of Roselle that the following floodplain management regulations are hereby adopted.

## **SECTION 1. RECITALS.**

The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

**SECTION 2.** These regulations specifically repeal and replace the following ordinance(s) and regulation(s): **Chapter 580 Flood Damage Prevention section 580-1 – 580-8 & 580-11 -580-18** and replace it with Chapter 580 Flood Damage Prevention Section 580-1 through 580-18

## **580-1 SCOPE AND ADMINISTRATION**

**A. Title.** These regulations, in combination with the flood provisions of the Uniform Construction Code (UCC) N.J.A.C. 5:23 (hereinafter “Uniform Construction Code,” consisting of the Building Code, Residential Code, Rehabilitation Subcode, and related codes, and the New Jersey Flood Hazard Area Control Act (hereinafter “FHACA”), N.J.A.C. 7:13, shall be known as the *Floodplain Management Regulations* of The Borough of Roselle (hereinafter “these regulations”).

**B. Scope.** These regulations, in combination with the flood provisions of the Uniform Construction Code and FHACA shall apply to all proposed development in flood hazard areas established in Section 580-2 of these regulations.

**C. Purposes and objectives.** The purposes and objectives of these regulations are to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific flood hazard areas through the establishment of comprehensive regulations for management of flood hazard areas, designed to:

- (1) Protect human life and health.
- (2) Prevent unnecessary disruption of commerce, access, and public service during times of flooding.
- (3) Manage the alteration of natural floodplains, stream channels and shorelines;
- (4) Manage filling, grading, dredging and other development which may increase flood damage or erosion potential.
- (5) Prevent or regulate the construction of flood barriers which will divert floodwater or increase flood hazards.
- (6) Contribute to improved construction techniques in the floodplain.
- (7) Minimize damage to public and private facilities and utilities.
- (8) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas.
- (9) Minimize the need for rescue and relief efforts associated with flooding.

- (10) Ensure that property owners, occupants, and potential owners are aware of property located in flood hazard areas.
- (11) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events.
- (12) Meet the requirements of the National Flood Insurance Program for community participation set forth in Title 44 Code of Federal Regulations, Section 59.22.

**D. Coordination with Building Codes.** Pursuant to the requirement established in N.J.A.C. 5:23, the Uniform Construction Code, that the Borough of Roselle administer and enforce the State building codes, the Mayor & Council of The Borough of Roselle does hereby acknowledge that the Uniform Construction Code contains certain provisions that apply to the design and construction of buildings and structures in flood hazard areas. Therefore, these regulations are intended to be administered and enforced in conjunction with the Uniform Construction Code.

**E. Ordinary Building Maintenance and Minor Work.** Improvements defined as ordinary building maintenance and minor work projects by the Uniform Construction Code including non-structural replacement-in-kind of windows, doors, cabinets, plumbing fixtures, decks, walls, partitions, new flooring materials, roofing, etc. shall be evaluated by the Floodplain Administrator through the floodplain development permit to ensure compliance with the Substantial Damage and Substantial Improvement Section 580-4(N) of this ordinance.

**F. Warning.** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. Enforcement of these regulations does not imply that land outside the special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage.

**G. Other laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, State, or Federal law.

## **H. Violations**

- 1. Violations and Penalties for Noncompliance.** No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation under N.J.S.A. 40:49-5. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to one (1) or more of the following: a fine of not more than \$1250, imprisonment for a term not exceeding ninety (90) days or a period of community service not exceeding 90 days.

Each day in which a violation of an ordinance exists shall be considered to be a separate and distinct violation subject to the imposition of a separate penalty for each day of the violation as the Court may determine except that the owner will be afforded the opportunity to cure or abate the condition during a 30 day period and shall be afforded the opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30 day period, a fine greater than \$1250 may be imposed if the court has not determined otherwise, or if upon reinspection of the property, it is determined that the abatement has not been substantially completed.

Any person who is convicted of violating an ordinance within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by a court to an additional fine as a repeat offender. The additional fine imposed by the court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

- 2. Solid Waste Disposal in a Flood Hazard Area.** Any person who has unlawfully disposed of solid waste in a floodway or floodplain who fails to comply with this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$2500 or up to a maximum penalty by a fine not exceeding \$10,000 under N.J.S.A. 40:49-5.

**I. Abrogation and greater restrictions.** These regulations supersede any ordinance in effect in flood hazard areas. However, these regulations are not intended to repeal or abrogate any existing ordinances including land development regulations, subdivision regulations, zoning ordinances, stormwater management regulations, or building codes. In the event of a conflict between these regulations and any other ordinance, code, or regulation, the more restrictive shall govern.

## **580-2 APPLICABILITY**

**A. General.** These regulations, in conjunction with the Uniform Construction Code, provide minimum requirements for development located in flood hazard areas, including the subdivision of land and other developments; site improvements and installation of utilities; placement and replacement of manufactured homes; placement of recreational vehicles; new construction and alterations, repair, reconstruction, rehabilitation or additions of existing buildings and structures; substantial improvement of existing buildings and structures, including repair of substantial damage; installation of tanks; temporary structures and temporary or permanent storage; utility and miscellaneous Group U buildings and structures; and certain building work exempt from permit under the Uniform Construction Code; and other buildings and development activities.

**B. Establishment of Flood Hazard Areas.** The Borough of Roselle was accepted for participation in the National Flood Insurance Program on July 17, 1978.

The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Borough of Roselle Construction Sub-Code Official Office and Engineering Department at 210 Chestnut Street, Roselle, NJ 07203.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) **Effective Flood Insurance Study.** Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study, Union County, New Jersey (All Jurisdictions) dated September 20, 2006 and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 580-2(B)(1) whose effective date is September 20, 2006 are hereby adopted by reference.

*Table 580-2(B)(1) – Effective FIRM*

Map Panel #	Effective Date	Suffix
34039C0021	9/20/2006	F
34039C0022	9/20/2006	F
34039C0023	9/20/2006	F
34039C0032	9/20/2006	F
34039C0033	9/20/2006	F
34039C0034	9/20/2006	F

- 2) **Federal Best Available Information.** The Borough of Roselle shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA’s Map Service Center. This information shall be used for floodplain regulation purposes only.

*Table 580-2(B)(2) - Preliminary FIRM*

Map Panel #	Preliminary Date
34039C0021G	4/18/2016
34039C0022G	4/18/2016
34039C0023G	02/03/2015
34039C0032G	4/18/2016
34039C0033G	02/03/2015
34039C0034G	02/03/2015

- 3) **Other Best Available Data.** The Borough of Roselle shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Roselle Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 580-2(B) (1) and (2), above. This information shall be used for floodplain regulation purposes only.
- 4) **State Regulated Flood Hazard Areas.** For State regulated waters, the NJ Department of Environmental Protection (NJDEP) identifies the flood hazard area as the land, and the space above that land, which lies below the “Flood Hazard Area Control Act Design Flood Elevation”, as defined in Section 580-10, and as described in the New Jersey Flood Hazard Area Control Act at N.J.A.C. 7:13. A FHACA flood hazard area exists along every regulated water that has a drainage area of 50 acres or greater. Such area may extend beyond the boundaries of the Special Flood Hazard Areas (SFHAs) as identified by FEMA. The following is a list of New Jersey State studied waters in this community under the FHACA, and their respective map identification numbers.

Table 580-2(B)(3) List of State Studied Waters

Name of Studied Water	File Name	Map Number
West Brook	SUPPX020	WST-1
West Brook	SUPPX021	WST-2
West Brook	SUPPX022	WST-3

### 580-3 Establishing the Local Design Flood Elevation (LDFE).



The Local Design Flood Elevation (LDFE) is established in the flood hazard areas determined in Section 580-2(B), above, using the best available flood hazard data sources, and the Flood Hazard Area Control Act minimum Statewide elevation requirements for lowest floors in A, Coastal A, and V zones, ASCE 24 requirements for critical facilities as specified by the building code, plus additional freeboard as specified by this ordinance.

At a minimum, the Local Design Flood Elevation shall be as follows:

- A. For a delineated watercourse, the elevation associated with the Best Available Flood Hazard Data Area determined in Section 580-2(B), above plus one foot or as described by N.J.A.C. 7:13 of freeboard; or
- B. For any undelineated watercourse (where mapping or studies described in Section 580-2(B)(1) and (2) above are not available) that has a contributory drainage area of 50 acres or more, the applicants must provide one of the following to determine the Local Design Flood Elevation:
  - a. A copy of an unexpired NJDEP Flood Hazard Area Verification plus one foot of freeboard and any additional freeboard as required by ASCE 24; or
  - b. A determination of the Flood Hazard Area Design Flood Elevation using Method 5 or Method 6 (as described in N.J.A.C. 7:13) plus one foot of freeboard and any additional freeboard as required by ASCE 24. Any determination using these methods must be sealed and submitted according to Section 580-6(B) and 580-6(C)
- C. AO Zones – For Zone AO areas on the municipality’s FIRM (or on preliminary flood elevation guidance from FEMA), the Local Design Flood Elevation is determined from the FIRM panel as the highest adjacent grade plus the depth number specified plus one foot of freeboard. If no depth number is specified, the Local Design Flood Elevation is three (3) feet above the highest adjacent grade.
- D. Class IV Critical Facilities - For any proposed development of new and substantially improved Flood Design Class IV Critical Facilities, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 2 feet of freeboard in accordance with ASCE 24.
- E. Class III Critical Facilities - For proposed development of new and substantially improved Flood Design Class III Critical Facilities in coastal high hazard areas, the Local Design Flood Elevation must be the higher of the 0.2% annual chance (500 year) flood elevation or the Flood Hazard Area Design Flood Elevation with an additional 1 foot of freeboard in accordance with ASCE 24.

## **580-4 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR**

**A. Floodplain Administrator Designation.** The Borough Engineer is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

**B. General.** The Floodplain Administrator is authorized and directed to administer the provisions of these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations and to establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be consistent with the intent and purpose of these regulations and the flood provisions of the building code and shall not have the effect of waiving specific requirements without the granting of a variance pursuant to Section 580-8 of these regulations.

**C. Coordination.** The Floodplain Administrator shall coordinate with the Construction Official to administer and enforce the flood provisions of the Uniform Construction Code.

**D. Duties.** The duties of the Floodplain Administrator shall include but are not limited to:

- (1) Review all permit applications to determine whether proposed development is located in flood hazard areas established in 580-2 of these regulations.
- (2) Require development in flood hazard areas to be reasonably safe from flooding and to be designed and constructed with methods, practices and materials that minimize flood damage.
- (3) Interpret flood hazard area boundaries and provide available flood elevation and flood hazard information.
- (4) Determine whether additional flood hazard data shall be obtained or developed.
- (5) Review required certifications and documentation specified by these regulations and the building code to determine that such certifications and documentations are complete.
- (6) Establish, in coordination with the Construction Official, written procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 580-4(N) of these regulations.
- (7) Coordinate with the Construction Official and others to identify and investigate damaged buildings located in flood hazard areas and inform owners of the requirement to obtain permits for repairs.
- (8) Review requests submitted to the Construction Official seeking approval to modify the strict application of the flood load and flood resistant construction requirements of the Uniform Construction code to determine whether such requests require consideration as a variance pursuant to Section 580-8 of these regulations.

- (9) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps when the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within 6 months of such data becoming available.
- (10) Require applicants who propose alteration of a watercourse to notify adjacent jurisdictions and the NJDEP Bureau of Flood Engineering, and to submit copies of such notifications to the Federal Emergency Management Agency (FEMA).
- (11) Inspect development in accordance with Section 580-7 of these regulations and inspect flood hazard areas to determine if development is undertaken without issuance of permits.
- (12) Prepare comments and recommendations for consideration when applicants seek variances in accordance with Section 580-8 of these regulations.
- (13) Cite violations in accordance with Section 580-9 of these regulations.
- (14) Notify the Federal Emergency Management Agency when the corporate boundaries of The Borough of Roselle have been modified.
- (15) Permit Ordinary Maintenance and Minor Work in the regulated areas discussed in Section 580-2(B)

**E. Use of changed technical data.** The Floodplain Administrator and the applicant shall not use changed flood hazard area boundaries or base flood elevations for proposed buildings or developments unless the Floodplain Administrator or applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) revision and has received the approval of the Federal Emergency Management Agency. A revision of the effective FIRM does not remove the related feature(s) on a flood hazard area delineation that has been promulgated by the NJDEP. A separate application must be made to the State pursuant to N.J.A.C. 7:13 for revision of a flood hazard design flood elevation, flood hazard area limit, floodway limit, and/or other related feature.

**F. Other permits.** It shall be the responsibility of the Floodplain Administrator to assure that approval of a proposed development shall not be given until proof that necessary permits have been granted by Federal or State agencies having jurisdiction over such development, including section 404 of the Clean Water Act. In the event of conflicting permit requirements, the Floodplain Administrator must ensure that the most restrictive floodplain management standards are reflected in permit approvals.

**G. Determination of Local Design Flood Elevations.** If design flood elevations are not specified, the Floodplain Administrator is authorized to require the applicant to:

- (1) Obtain, review, and reasonably utilize data available from a Federal, State, or other source, or
- (2) Determine the design flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques. Such analyses shall be performed and sealed by a licensed professional engineer. Studies, analyses, and computations shall be

submitted in sufficient detail to allow review and approval by the Floodplain Administrator. The

accuracy of data submitted for such determination shall be the responsibility of the applicant.

It shall be the responsibility of the Floodplain Administrator to verify that the applicant's proposed Best Available Flood Hazard Data Area and the Local Design Flood Elevation in any development permit accurately applies the best available flood hazard data and methodologies for determining flood hazard areas and design elevations described in Section 580-2(B) and 580-3 respectively. This information shall be provided to the Construction Official and documented according to Section 580-4(O)

**H. Requirement to submit new technical data.** Base Flood Elevations may increase or decrease resulting from natural changes (e.g. erosion, accretion, channel migration, subsidence, uplift) or man-made physical changes (e.g. dredging, filling, excavation) affecting flooding conditions. As soon as practicable, but not later than six months after the date of a man-made change or when information about a natural change becomes available, the Floodplain Administrator shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 Code of Federal Regulations Section 65.3. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

**I. Activities in riverine flood hazard areas.** In riverine flood hazard areas where design flood elevations are specified but floodways have not been designated, the Floodplain Administrator shall not permit any new construction, substantial improvement or other development, including the placement of fill, unless the applicant submits an engineering analysis prepared by a licensed professional engineer that demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachment, will not increase the design flood elevation more than 0.2 feet at any point within the community.

**J. Floodway encroachment.** Prior to issuing a permit for any floodway encroachment, including fill, new construction, substantial improvements and other development or land-disturbing-activity, the Floodplain Administrator shall require submission of a certification prepared by a licensed professional engineer, along with supporting technical data, that demonstrates that such development will not cause any increase in the base flood level.

1. **Floodway revisions.** A floodway encroachment that increases the level of the base flood is authorized if the applicant has applied for a Conditional Letter of Map Revision (CLOMR) to the Flood Insurance Rate Map (FIRM) and has received the approval of FEMA.

**K. Watercourse alteration.** Prior to issuing a permit for any alteration or relocation of any watercourse, the Floodplain Administrator shall require the applicant to provide notification of the proposal to the appropriate authorities of all adjacent government

jurisdictions, as well as the NJDEP Bureau of Flood Engineering and the Division of Land Resource Protection. A copy of the notification shall be maintained in the permit records and submitted to FEMA.

1. **Engineering analysis.** The Floodplain Administrator shall require submission of an engineering analysis prepared by a licensed professional engineer, demonstrating that the flood-carrying capacity of the altered or relocated portion of the watercourse will be maintained, neither increased nor decreased. Such watercourses shall be maintained in a manner that preserves the channel's flood-carrying capacity.

**L. Alterations in coastal areas.** The excavation or alteration of sand dunes is governed by the New Jersey Coastal Zone Management (CZM) rules, N.J.A.C. 7:7. Prior to issuing a flood damage prevention permit for any alteration of sand dunes in coastal high hazard areas and Coastal A Zones, the Floodplain Administrator shall require that a New Jersey CZM permit be obtained and included in the flood damage prevention permit application. The applicant shall also provide documentation of any engineering analysis, prepared by a licensed professional engineer, that demonstrates that the proposed alteration will not increase the potential for flood damage.

**M. Development in riparian zones** All development in Riparian Zones as described in N.J.A.C. 7:13 is prohibited by this ordinance unless the applicant has received an individual or general permit or has complied with the requirements of a permit by rule or permit by certification from NJDEP Division of Land Resource Protection prior to application for a floodplain development permit and the project is compliant with all other Floodplain Development provisions of this ordinance. The width of the riparian zone can range between 50 and 300 feet and is determined by the attributes of the waterbody and designated in the New Jersey Surface Water Quality Standards N.J.A.C. 7:9B. The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank. Applicants can request a verification of the riparian zone limits or a permit applicability determination to determine State permit requirements under N.J.A.C. 7:13 from the NJDEP Division of Land Resource Protection.

**N. Substantial improvement and substantial damage determinations.** When buildings and structures are damaged due to any cause including but not limited to man-made, structural, electrical, mechanical, or natural hazard events, or are determined to be unsafe as described in N.J.A.C. 5:23; and for applications for building permits to improve buildings and structures, including alterations, movement, repair, additions, rehabilitations, renovations, ordinary maintenance and minor work, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Construction Official, shall:

- (1) Estimate the market value, or require the applicant to obtain a professional appraisal prepared by a qualified independent appraiser, of the market value of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.

- (2) Determine and include the costs of all ordinary maintenance and minor work, as discussed in Section 580-1(E), performed in the floodplain regulated by this ordinance in addition to the costs of those improvements regulated by the Construction Official in substantial damage and substantial improvement calculations.
- (3) Compare the cost to perform the improvement, the cost to repair the damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, where applicable, to the market value of the building or structure.
- (4) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage. This determination requires the evaluation of previous permits issued for improvements and repairs over a period of one (1) years prior to the permit application or substantial damage determination as specified in the definition of substantial improvement. This determination shall also include the evaluation of flood related damages over a 10 year period to determine if the costs of repairs at the times of each flood constitutes a repetitive loss as defined by this ordinance.
  - a. The Floodplain Administrator and/or designated professional staff shall use the following formula for determining whether or not proposed improvements constitute a Substantial Improvement:

$$\text{Improvement Percentage} = \text{Project Cost} \div \text{Market Value}$$

- (5) Notify the applicant in writing when it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the building code is required and notify the applicant in writing when it is determined that work does not constitute substantial improvement or repair of substantial damage. The Floodplain Administrator shall also provide all letters documenting substantial damage and compliance with flood resistant construction requirements of the building code to the NJDEP Bureau of Flood Engineering.

**O. Department records.** In addition to the requirements of the building code and these regulations, and regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of these regulations and the flood provisions of the Uniform Construction Code, including Flood Insurance Studies, Flood Insurance Rate Maps; documents from FEMA that amend or revise FIRMs; NJDEP delineations, records of issuance of permits and denial of permits; records of ordinary maintenance and minor work, determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required certifications and documentation specified by the Uniform Construction Code and these regulations including as-built Elevation Certificates; notifications to adjacent communities, FEMA, and the State related to alterations of watercourses; assurance that the flood carrying capacity of altered waterways will be maintained; documentation related to variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to these regulations and

the flood resistant provisions of the Uniform Construction Code. The Floodplain Administrator shall also record the required elevation, determination method, and base flood elevation source used to determine the Local Design Flood Elevation in the floodplain development permit.

**P. Liability.** The Floodplain Administrator and any employee charged with the enforcement of these regulations, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by these regulations or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of these regulations shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Floodplain Administrator and any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these regulations.

## **Q. FEES**

Applicants for a Floodplain Development Permit shall be subject to the following fees:

<b>Project Type</b>	<b>Fee</b>
Commercial / Nonresidential (not SI/SD)	\$300.00
Residential including the following: New Construction Additions Manufactured Homes Detached Garages	\$150.00
Interior Renovations / Alterations	\$50.00
Accessory Structures / Uses Excluding Detached Garages	\$50.00
Fence/Roof/Ordinary Building Maintenance and Minor Work	\$25.00
Substantial Improvement / Damage Review	\$300.00

All fees shall be paid as follows:

- (1) Fees shall be paid at the time of application.
- (2) All checks shall be made payable to the 'Borough of Roselle.'
- (3) In the event that an application includes a category plus a substantial improvement / damage review, the fee shall consist of the total of the normal fees for the applicable categories.

## **580-5 PERMIT REQUIREMENTS**

**A. Permits Required.** Any person, owner or authorized agent who intends to conduct any

development in a flood hazard area shall first make application to the Floodplain Administrator and shall obtain the required permit. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

**B. Application for permit.** The applicant shall file an application in writing on a form furnished by the Floodplain Administrator. Such application shall:

- (1) Identify and describe the development to be covered by the permit.
- (2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
- (3) Indicate the use and occupancy for which the proposed development is intended.
- (4) Be accompanied by a site plan and construction documents as specified in Section 580-6 of these regulations, grading and filling plans and other information deemed appropriate by the Floodplain Administrator.
- (5) State the valuation of the proposed work, including the valuation of ordinary maintenance and minor work.
- (6) Be signed by the applicant or the applicant's authorized agent.

**C. Validity of permit.** The issuance of a permit under these regulations or the Uniform Construction Code shall not be construed to be a permit for, or approval of, any violation of this appendix or any other ordinance of the jurisdiction. The issuance of a permit based on submitted documents and information shall not prevent the Floodplain Administrator from requiring the correction of errors. The Floodplain Administrator is authorized to prevent occupancy or use of a structure or site which is in violation of these regulations or other ordinances of this jurisdiction.

**D. Expiration.** A permit shall become invalid when the proposed development is not commenced within 180 days after its issuance, or when the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions shall be requested in writing and justifiable cause demonstrated. The Floodplain Administrator is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each.

**E. Suspension or revocation.** The Floodplain Administrator is authorized to suspend or revoke a permit issued under these regulations wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or code of this jurisdiction.

## **580-6 SITE PLANS AND CONSTRUCTION DOCUMENTS**

**A. Information for development in flood hazard areas.** The site plan or construction documents for any development subject to the requirements of these regulations shall be drawn to scale and shall include, as applicable to the proposed development:



- (1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations when necessary for review of the proposed development. For buildings that are located in more than one flood hazard area, the elevation and provisions associated with the most restrictive flood hazard area shall apply.
- (2) Where base flood elevations or floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 580-6(B)
- (3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than 5 acres and base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 580-6(B)(3) of these regulations.
- (4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas and Coastal A zones, new buildings shall be located landward of the reach of mean high tide.
- (5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
- (6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose. The applicant shall provide an engineering certification confirming that the proposal meets the flood storage displacement limitations of N.J.A.C. 7:13.
- (7) Extent of any proposed alteration of sand dunes.
- (8) Existing and proposed alignment of any proposed alteration of a watercourse.
- (9) Floodproofing certifications, V Zone and Breakaway Wall Certifications, Operations and Maintenance Plans, Warning and Evacuation Plans and other documentation required pursuant to FEMA publications.

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by these regulations but that are not required to be prepared by a registered design professional when it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance.

**B. Information in flood hazard areas without base flood elevations (approximate Zone A).** Where flood hazard areas are delineated on the effective or preliminary FIRM and base flood elevation data have not been provided, the applicant shall consult with the Floodplain Administrator to determine whether to:

- (1) Use the Approximation Method (Method 5) described in N.J.A.C. 7:13 in conjunction with Appendix 1 of the FHACA to determine the required flood elevation.
- (2) Obtain, review, and reasonably utilize data available from a Federal, State or other source when those data are deemed acceptable to the Floodplain Administrator to

reasonably reflect flooding conditions.

- (3) Determine the base flood elevation in accordance with accepted hydrologic and hydraulic engineering techniques according to Method 6 as described in N.J.A.C. 7:13. Such analyses shall be performed and sealed by a licensed professional engineer.

Studies, analyses, and computations shall be submitted in sufficient detail to allow review and approval by the Floodplain Administrator prior to floodplain development permit issuance. The accuracy of data submitted for such determination shall be the responsibility of the applicant. Where the data are to be used to support a Letter of Map Change (LOMC) from FEMA, the applicant shall be responsible for satisfying the submittal requirements and pay the processing fees.

**C. Analyses and certifications by a Licensed Professional Engineer.** As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a licensed professional engineer for submission with the site plan and construction documents:

- (1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in Section 580-6(D) of these regulations and shall submit the Conditional Letter of Map Revision, if issued by FEMA, with the site plan and construction documents.
- (2) For development activities proposed to be located in a riverine flood hazard area where base flood elevations are included in the FIS or FIRM but floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments will not increase the base flood elevation more than 0.2 feet at any point within the jurisdiction. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
- (3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained, neither increasing nor decreasing the channel's flood-carrying capacity. The applicant shall submit the analysis to FEMA as specified in Section 580-6(D) of these regulations. The applicant shall notify the chief executive officer of all affected adjacent jurisdictions, the NJDEP's Bureau of Flood Engineering and the Division of Land Resource Protection; and shall provide documentation of such notifications.
- (4) For activities that propose to alter sand dunes in coastal high hazard areas (Zone V) and Coastal A Zones, an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage and documentation of the

issuance of a New Jersey Coastal Zone Management permit under N.J.A.C. 7:7.

- (5) For analyses performed using Methods 5 and 6 (as described in N.J.A.C. 7:13) in flood hazard zones without base flood elevations (approximate A zones).

**D. Submission of additional data.** When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change (LOMC) from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a licensed professional engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

## **580-7 INSPECTIONS**

**A. General.** Development for which a permit is required shall be subject to inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of these regulations or the building code. Inspections presuming to give authority to violate or cancel the provisions of these regulations or the building code or other ordinances shall not be valid.

**B. Inspections of development.** The Floodplain Administrator shall inspect all development in flood hazard areas authorized by issuance of permits under these regulations. The Floodplain Administrator shall inspect flood hazard areas from time to time to determine if development is undertaken without issuance of a permit.

**C. Buildings and structures.** The Construction Official shall make or cause to be made, inspections for buildings and structures in flood hazard areas authorized by permit in accordance with the Uniform Construction Code, N.J.A.C. 5:23.

- 1) **Lowest floor elevation.** Upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 580-16(B) shall be submitted to the Construction Official on an Elevation Certificate.
- 2) **Lowest horizontal structural member.** In V zones and Coastal A zones, upon placement of the lowest floor, including the basement, and prior to further vertical construction, certification of the elevation required in Section 580-16(B) shall be submitted to the Construction Official on an Elevation Certificate.
- 3) **Installation of attendant utilities** (electrical, heating, ventilating, air-conditioning, and other service equipment) and sanitary facilities elevated as discussed in Section 580-16(B)

- 4) **Final inspection.** Prior to the final inspection, certification of the elevation required in Section 580-16(B) shall be submitted to the Construction Official on an Elevation Certificate.

**D. Manufactured homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted on an Elevation Certificate to the Floodplain Administrator prior to the final inspection.

## **580-8 VARIANCES**

**A. General.** The Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in Section 508-8(E), the conditions of issuance set forth in Section 508-8(F), and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

**B. Historic structures.** A variance to the substantial improvement requirements of this ordinance is authorized provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as a historic structure, the structure meets the definition of the historic structure as described by this ordinance, and the variance is the minimum necessary to preserve the historic character and design of the structure.

**C. Functionally dependent uses.** A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

**D. Restrictions in floodways.** A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in Section 580-6(C)(1) of these regulations.

**E. Considerations.** In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.

2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
4. The importance of the services provided by the proposed development to the community.
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
6. The compatibility of the proposed development with existing and anticipated development.
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
10. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

**F. Conditions for issuance.** Variances shall only be issued upon:

1. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
4. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Notification to the applicant in writing over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level

increases risks to life and property.

## **580-9 VIOLATIONS**

**A. Violations.** Any development in any flood hazard area that is being performed without an issued permit or that is in conflict with an issued permit shall be deemed a violation. A building or structure without the documentation of elevation of the lowest floor, the lowest horizontal structural member if in a V or Coastal A Zone, other required design certifications, or other evidence of compliance required by the building code is presumed to be a violation until such time as that documentation is provided.

**B. Authority.** The Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of property involved, to the owner's agent, or to the person or persons doing the work for development that is not within the scope of the Uniform Construction Code, but is regulated by these regulations and that is determined to be a violation.

**C. Unlawful continuance.** Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by N.J.S.A. 40:49-5 as appropriate.

**D. Review Period to Correct Violations.** A 30-day period shall be given to the property owner as an opportunity to cure or abate the condition. The property owner shall also be afforded an opportunity for a hearing before the court for an independent determination concerning the violation. Subsequent to the expiration of the 30-day period, a fine greater than \$1,250.00 may be imposed if a court has not determined otherwise or, upon reinspection of the property, it is determined that the abatement has not been substantially completed.

## **580-10 DEFINITIONS**

**A. General.** The following words and terms shall, for the purposes of these regulations, have the meanings shown herein. Other terms are defined in the Uniform Construction Code N.J.A.C. 5:23 and terms are defined where used in the International Residential Code and International Building Code (rather than in the definitions section). Where terms are not defined, such terms shall have ordinarily accepted meanings such as the context implies.

### **B. Definitions**

**30 DAY PERIOD** – The period of time prescribed by N.J.S.A. 40:49-5 in which a property owner is afforded the opportunity to correct zoning and solid waste disposal after a notice of violation pertaining to this ordinance has been issued.

**100 YEAR FLOOD ELEVATION** – Elevation of flooding having a 1% annual chance of being equaled or exceeded in a given year which is also referred to as the Base Flood Elevation.

**500 YEAR FLOOD ELEVATION** – Elevation of flooding having a 0.2% annual chance of being equaled or exceeded in a given year.

**A ZONES** – Areas of ‘Special Flood Hazard in which the elevation of the surface water resulting from a flood that has a 1% annual chance of equaling or exceeding the Base Flood Elevation (BFE) in any given year shown on the Flood Insurance Rate Map (FIRM) zones A, AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, and AR/AO. When used in reference to the development of a structure in this ordinance, A Zones are not inclusive of Coastal A Zones because of the higher building code requirements for Coastal A Zones.

**AH ZONES**– Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone.

**AO ZONES** – Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**ACCESSORY STRUCTURE** – Accessory structures are also referred to as appurtenant structures. An accessory structure is a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, a residential structure may have a detached garage or storage shed for garden tools as accessory structures. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar buildings.

**AGRICULTURAL STRUCTURE** - A structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising of livestock. Communities must require that new construction or substantial improvements of agricultural structures be elevated or floodproofed to or above the Base Flood Elevation (BFE) as any other nonresidential building. Under some circumstances it may be appropriate to wet-floodproof certain types of agricultural structures when located in wide, expansive floodplains through issuance of a variance. This should only be done for structures used for temporary storage of equipment or crops or temporary shelter for livestock and only in circumstances where it can be demonstrated that agricultural structures can be designed in such a manner that results in minimal damage to the structure and its contents and will create no additional threats to public safety. New construction or substantial improvement of livestock confinement buildings, poultry houses, dairy operations, similar livestock operations and any structure that represents more than a minimal investment must meet the elevation or dry-floodproofing requirements of 44 CFR 60.3(c)(3).

**AREA OF SHALLOW FLOODING** – A designated Zone AO, AH, AR/AO or AR/AH (or VO) on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. **AREA OF SPECIAL FLOOD**

**HAZARD** – see SPECIAL FLOOD HAZARD AREA

**ALTERATION OF A WATERCOURSE** – A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

**ASCE 7** – The standard for the Minimum Design Loads for Buildings and Other Structures, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. which includes but is not limited to methodology and equations necessary for determining structural and flood-related design requirements and determining the design requirements for structures that may experience a combination of loads including those from natural hazards. Flood related equations include those for determining erosion, scour, lateral, vertical, hydrostatic, hydrodynamic, buoyancy, breaking wave, and debris impact.

**ASCE 24** – The standard for Flood Resistant Design and Construction, referenced by the building code and developed and published by the American Society of Civil Engineers, Reston, VA. References to ASCE 24 shall mean ASCE 24-14 or the most recent version of ASCE 24 adopted in the UCC Code [N.J.A.C. 5:23].

**BASE FLOOD ELEVATION (BFE)** – The water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year, as shown on a published Flood Insurance Study (FIS), or preliminary flood elevation guidance from FEMA. May also be referred to as the “100-year flood elevation”.

**BASEMENT** – Any area of the building having its floor subgrade (below ground level) on all sides.

**BEST AVAILABLE FLOOD HAZARD DATA** - The most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA AREA**- The areal mapped extent associated with the most recent available preliminary flood risk guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BEST AVAILABLE FLOOD HAZARD DATA ELEVATION** - The most recent available preliminary flood elevation guidance FEMA has provided. The Best Available Flood Hazard Data may be depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM.

**BREAKAWAY WALLS** – Any type of wall subject to flooding that is not required to provide structural support to a building or other structure and that is designed and constructed such that, below the Local Design Flood Elevation, it will collapse under specific lateral loads such that



(1) it allows the free passage of floodwaters, and (2) it does not damage the structure or supporting foundation system. Certification in the V Zone Certificate of the design, plans, and specifications by a licensed design professional that these walls are in accordance with accepted standards of practice is required as part of the permit application for new and substantially improved V Zone and Coastal A Zone structures. A completed certification must be submitted at permit application.

**BUILDING** – Per the FHACA, “Building” means a structure enclosed with exterior walls or fire walls, erected and framed of component structural parts, designed for the housing, shelter, enclosure, and support of individuals, animals, or property of any kind. A building may have a temporary or permanent foundation. A building that is intended for regular human occupation and/or residence is considered a habitable building.

**CONDITIONAL LETTER OF MAP REVISION - A Conditional Letter of Map Revision (CLOMR)** is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CONDITIONAL LETTER OF MAP REVISION - FILL -- A Conditional Letter of Map Revision - Fill (CLOMR-F)** is FEMA's comment on a proposed project involving the placement of fill outside of the regulatory floodway that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The letter does not revise an effective NFIP map, it indicates whether the project, if built as proposed, would be recognized by FEMA. FEMA charges a fee for processing a CLOMR to recover the costs associated with the review that is described in the Letter of Map Change (LOMC) process. Building permits cannot be issued based on a CLOMR, because a CLOMR does not change the NFIP map.

**CRITICAL BUILDING** – Per the FHACA, “Critical Building” means that:

- a. It is essential to maintaining continuity of vital government operations and/or supporting emergency response, sheltering, and medical care functions before, during, and after a flood, such as a hospital, medical clinic, police station, fire station, emergency response center, or public shelter; or
- b. It serves large numbers of people who may be unable to leave the facility through their own efforts, thereby hindering or preventing safe evacuation of the building during a flood event, such as a school, college, dormitory, jail or detention facility, day care center, assisted living facility, or nursing home.

**DEVELOPMENT** – Any manmade change to improved or unimproved real estate, including

but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of materials, mining, dredging, filling, grading, paving, excavations, drilling operations and other land-disturbing activities.

**DRY FLOODPROOFING** – A combination of measures that results in a non-residential structure, including the attendant utilities and equipment as described in the latest version of ASCE 24, being watertight with all elements substantially impermeable and with structural components having the capacity to resist flood loads.

**ELEVATED BUILDING** – A building that has no basement and that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns. Solid perimeter foundations walls are not an acceptable means of elevating buildings in V and VE Zones.

**ELEVATION CERTIFICATE** – An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support an application for a Letter of Map Amendment (LOMA) or Letter of Map Revision based on fill (LOMR-F).

**ENCROACHMENT** – The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

**FEMA PUBLICATIONS** – Any publication authored or referenced by FEMA related to building science, building safety, or floodplain management related to the National Flood Insurance Program. Publications shall include but are not limited to technical bulletins, desk references, and American Society of Civil Engineers Standards documents including ASCE 24.

## **FLOOD OR FLOODING**

- a. A general and temporary condition of partial or complete inundation of normally dry land areas from:
  1. The overflow of inland or tidal waters.
  2. The unusual and rapid accumulation or runoff of surface waters from any source.
  3. Mudslides (I.e. mudflows) which are proximately caused by flooding as defined in (a) (2) of this definition and are akin to a river or liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- b. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**FLOOD HAZARD AREA DESIGN FLOOD ELEVATION** – Per the FHACA, the peak water surface elevation that will occur in a water during the flood hazard area design flood. This elevation is determined via available flood mapping adopted by the State, flood mapping published by FEMA (including effective flood mapping dated on or after January 31, 1980, or any more recent advisory, preliminary, or pending flood mapping; whichever results in higher flood elevations, wider floodway limits, greater flow rates, or indicates a change from an A zone to a V zone or coastal A zone), approximation, or calculation pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-3.1 – 3.6 and is typically higher than FEMA’s base flood elevation. A water that has a drainage area measuring less than 50 acres does not possess, and is not assigned, a flood hazard area design flood elevation.

**FLOOD INSURANCE RATE MAP (FIRM)** – The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY (FIS)** – The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**FLOODPLAIN OR FLOOD PRONE AREA** – Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**FLOODPLAIN MANAGEMENT REGULATIONS** – Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING** – Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

**FLOODPROOFING CERTIFICATE** – Certification by a licensed design professional that the design and methods of construction for floodproofing a non-residential structure are in accordance with accepted standards of practice to a proposed height above the structure’s lowest adjacent grade that meets or exceeds the Local Design Flood Elevation. A completed floodproofing certificate is required at permit application.

**FLOODWAY** – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 foot.

**FREEBOARD** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of

urbanization of the watershed.

**FUNCTIONALLY DEPENDENT USE** – A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities necessary for the loading or unloading of cargo or passengers, and shipbuilding and ship repair facilities. The term does not include long-term storage or related manufacturing facilities.

**HABITABLE BUILDING**– Pursuant to the FHACA Rules (N.J.A.C. 7:13), means a building that is intended for regular human occupation and/or residence. Examples of a habitable building include a single-family home, duplex, multi-residence building, or critical building; a commercial building such as a retail store, restaurant, office building, or gymnasium; an accessory structure that is regularly occupied, such as a garage, barn, or workshop; mobile and manufactured homes, and trailers intended for human residence, which are set on a foundation and/or connected to utilities, such as in a mobile home park (not including campers and recreational vehicles); and any other building that is regularly occupied, such as a house of worship, community center, or meeting hall, or animal shelter that includes regular human access and occupation. Examples of a non-habitable building include a bus stop shelter, utility building, storage shed, self-storage unit, construction trailer, or an individual shelter for animals such as a doghouse or outdoor kennel.

**HARDSHIP** – As related to Section 580-8 of this ordinance, meaning the exceptional hardship that would result from a failure to grant the requested variance. The Planning Board requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE** – The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**HISTORIC STRUCTURE** – Any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  1. By an approved State program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in States without approved programs.

**LAWFULLY EXISTING** – Per the FHACA, means an existing fill, structure and/or use, which meets all Federal, State, and local laws, and which is not in violation of the FHACA because it was established:

- a. Prior to January 31, 1980; or
- b. On or after January 31, 1980, in accordance with the requirements of the FHACA as it existed at the time the fill, structure and/or use was established.

Note: Substantially damaged properties and substantially improved properties that have not been elevated are not considered “lawfully existing” for the purposes of the NFIP. This definition is included in this ordinance to clarify the applicability of any more stringent statewide floodplain management standards required under the FHACA.

**LETTER OF MAP AMENDMENT** - A Letter of Map Amendment (LOMA) is an official amendment, by letter, to an effective National Flood Insurance Program (NFIP) map that is requested through the Letter of Map Change (LOMC) process. A LOMA establishes a property's location in relation to the Special Flood Hazard Area (SFHA). LOMAs are usually issued because a property has been inadvertently mapped as being in the floodplain but is actually on natural high ground above the base flood elevation. Because a LOMA officially amends the effective NFIP map, it is a public record that the community must maintain. Any LOMA should be noted on the community's master flood map and filed by panel number in an accessible location.

**LETTER OF MAP CHANGE** – The Letter of Map Change (LOMC) process is a service provided by FEMA for a fee that allows the public to request a change in flood zone designation in an Area of Special Flood Hazard on a Flood Insurance Rate Map (FIRM). Conditional Letters of Map Revision, Conditional Letters of Map Revision – Fill, Letters of Map Revision, Letters of Map Revision-Fill, and Letters of Map Amendment are requested through the Letter of Map Change (LOMC) process.

**LETTER OF MAP REVISION** - A Letter of Map Revision (LOMR) is FEMA's modification to an effective Flood Insurance Rate Map (FIRM). Letter of Map Revisions are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA). The LOMR officially revises the Flood Insurance Rate Map (FIRM) and sometimes the Flood Insurance Study (FIS) report, and when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM or FIS report. Because a LOMR officially revises the effective NFIP map, it is a public record that the community must maintain. Any LOMR should be noted on the community's master flood map and filed by panel number in an accessible location.

**LETTER OF MAP REVISION – FILL** -- A Letter of Map Revision Based on Fill (LOMR-F) is FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway may be initiated through the Letter of Map Change (LOMC) Process. Because a LOMR-F officially revises the effective Flood Insurance Rate Map (FIRM) map, it is a public record that the

community must maintain. Any LOMR-F should be noted on the community's master flood map and filed by panel number in an accessible location.

**LICENSED DESIGN PROFESSIONAL** – Licensed design professional shall refer to either a New Jersey Licensed Professional Engineer, licensed by the New Jersey State Board of Professional Engineers and Land Surveyors or a New Jersey Licensed Architect, licensed by the New Jersey State Board of Architects.

**LICENSED PROFESSIONAL ENGINEER** - A licensed professional engineer shall refer to individuals licensed by the New Jersey State Board of Professional Engineers and Land Surveyors.

**LOCAL DESIGN FLOOD ELEVATION (LDFE)** – The elevation reflective of the most recent available preliminary flood elevation guidance FEMA has provided as depicted on but not limited to Advisory Flood Hazard Area Maps, Work Maps, or Preliminary FIS and FIRM which is also inclusive of freeboard specified by the New Jersey Flood Hazard Area Control Act and Uniform Construction Codes and any additional freeboard specified in a community's ordinance. In no circumstances shall a project's LDFE be lower than a permit-specified Flood Hazard Area Design Flood Elevation or a valid NJDEP Flood Hazard Area Verification Letter plus the freeboard as required in ASCE 24 and the effective FEMA Base Flood Elevation.

**LOWEST ADJACENT GRADE** – The lowest point of ground, patio, or sidewalk slab immediately next a structure, except in AO Zones where it is the natural grade elevation.

**LOWEST FLOOR** – In A Zones, the lowest floor is the top surface of the lowest floor of the lowest enclosed area (including basement). In V Zones and coastal A Zones, the bottom of the lowest horizontal structural member of a building is the lowest floor. An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of these regulations.

**MANUFACTURED HOME** – A structure that is transportable in one or more sections, eight (8) feet or more in width and greater than four hundred (400) square feet, built on a permanent chassis, designed for use with or without a permanent foundation when attached to the required utilities, and constructed to the Federal Manufactured Home Construction and Safety Standards and rules and regulations promulgated by the U.S. Department of Housing and Urban Development. The term also includes mobile homes, park trailers, travel trailers and similar transportable structures that are placed on a site for 180 consecutive days or longer.

**MANUFACTURED HOME PARK OR SUBDIVISION** – A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MARKET VALUE** – The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having

reasonable knowledge of relevant facts. As used in these regulations, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value shall be determined by one of the following methods (1) Actual Cash Value (replacement cost depreciated for age and quality of construction), (2) tax assessment value adjusted to approximate market value by a factor provided by the Property Appraiser, or (3) established by a qualified independent appraiser.

**NEW CONSTRUCTION** – Structures for which the start of construction commenced on or after the effective date of the first floodplain regulation adopted by a community; includes any subsequent improvements to such structures. New construction includes work determined to be a substantial improvement.

**NON-RESIDENTIAL** – Pursuant to ASCE 24, any building or structure or portion thereof that is not classified as residential.

**ORDINARY MAINTENANCE AND MINOR WORK** – This term refers to types of work excluded from construction permitting under N.J.A.C. 5:23 in the March 5, 2018 New Jersey Register. Some of these types of work must be considered in determinations of substantial improvement and substantial damage in regulated floodplains under 44 CFR 59.1. These types of work include but are not limited to replacements of roofing, siding, interior finishes, kitchen cabinets, plumbing fixtures and piping, HVAC and air conditioning equipment, exhaust fans, built in appliances, electrical wiring, etc. Improvements necessary to correct existing violations of State or local health, sanitation, or code enforcement officials which are the minimum necessary to assure safe living conditions and improvements of historic structures as discussed in 44 CFR 59.1 shall not be included in the determination of ordinary maintenance and minor work.

**RECREATIONAL VEHICLE** – A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

**REPETITIVE LOSS** – any flood-related damage sustained by a structure on two separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

**RESIDENTIAL** – Pursuant to the ASCE 24:

- a. Buildings and structures and portions thereof where people live or that are used for sleeping purposes on a transient or non-transient basis;
- b. Structures including but not limited to one- and two-family dwellings, townhouses, condominiums, multi-family dwellings, apartments, congregate residences, boarding houses, lodging houses, rooming houses, hotels, motels, apartment buildings, convents, monasteries,

- dormitories, fraternity houses, sorority houses, vacation time-share properties; and
- c. institutional facilities where people are cared for or live on a 24-hour basis in a supervised environment, including but not limited to board and care facilities, assisted living facilities, halfway houses, group homes, congregate care facilities, social rehabilitation facilities, alcohol and drug centers, convalescent facilities, hospitals, nursing homes, mental hospitals, detoxification facilities, prisons, jails, reformatories, detention centers, correctional centers, and prerelease centers.

**SOLID WASTE DISPOSAL** – “Solid Waste Disposal” shall mean the storage, treatment, utilization, processing or final disposition of solid waste as described in N.J.A.C. 7:26-1.6 or the storage of unsecured materials as described in N.J.A.C. 7:13-2.3 for a period of greater than 6 months as specified in N.J.A.C. 7:26 which have been discharged, deposited, injected, dumped, spilled, leaked, or placed into any land or water such that such solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

**SPECIAL FLOOD HAZARD AREA** – The greater of the following: (1) Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, shown on the FIRM as Zone V, VE, V1-3-, A, AO, A1-30, AE, A99, or AH; (2) Land and the space above that land, which lies below the peak water surface elevation of the flood hazard area design flood for a particular water, as determined using the methods set forth in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13; (3) Riparian Buffers as determined in the New Jersey Flood Hazard Area Control Act in N.J.A.C. 7:13. Also referred to as the **AREA OF SPECIAL FLOOD HAZARD**.

**START OF CONSTRUCTION** – The **Start of Construction** is as follows:

- a. **For other than new construction or substantial improvements, under the Coastal Barrier Resources Act (CBRA)**, this is the date the building permit was issued, provided that the actual start of construction, repair, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a building on site, such as the pouring of a slab or footing, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- b. For the purposes of determining whether proposed construction must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change, the Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any



work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. Such development must also be permitted and must meet new requirements when National Flood Insurance Program (NFIP) maps are issued or revised and Base Flood Elevation's (BFEs) increase or zones change.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

For determining if new construction and substantial improvements within the Coastal Barrier Resources System (CBRS) can obtain flood insurance, a different definition applies.

**STRUCTURE** – A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT** – Any reconstruction, rehabilitation, addition, or other improvement of a structure taking place over a one (1) year period, the cumulative cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. The period of accumulation for determining whether an improvement is a substantial improvement requires a review of all improvements over a one (1) year period prior to the date of any proposed improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. This term also includes structures which have incurred “repetitive loss” or “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

- a. Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions;  
or
- b. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**UTILITY AND MISCELLANEOUS GROUP U BUILDINGS AND STRUCTURES** –  
Buildings and structures of an accessory character and miscellaneous structures not classified in

any special occupancy, as described in ASCE 24.

**VARIANCE** – A grant of relief from the requirements of this section which permits construction in a manner otherwise prohibited by this section where specific enforcement would result in unnecessary hardship.

**VIOLATION** – A development that is not fully compliant with these regulations or the flood provisions of the building code. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION** – the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

**WATERCOURSE.** A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

**WET FLOODPROOFING** – Floodproofing method that relies on the use of flood damage resistant materials and construction techniques in areas of a structure that are below the Local Design Flood Elevation by intentionally allowing them to flood. The application of wet floodproofing as a flood protection technique under the National Flood Insurance Program (NFIP) is limited to enclosures below elevated residential and non-residential structures and to accessory and agricultural structures that have been issued variances by the community.

## **580-11 SUBDIVISIONS AND OTHER DEVELOPMENTS**

**A. General.** Any subdivision proposal, including proposals for manufactured home parks and subdivisions, or other proposed new development in a flood hazard area shall be reviewed to assure that:

- (1) All such proposals are consistent with the need to minimize flood damage.
- (2) All public utilities and facilities, such as sewer, gas, electric and water systems are located and constructed to minimize or eliminate flood damage.
- (3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwater around and away from structures.

**B. Subdivision requirements.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

- (1) The flood hazard area, including floodways, coastal high hazard areas, and Coastal A Zones, and base flood elevations, as appropriate, shall be delineated on tentative subdivision plats.

- (2) Residential building lots shall be provided with adequate buildable area outside the floodway.
- (3) The design criteria for utilities and facilities set forth in these regulations and appropriate codes shall be met.

## **580-12 SITE IMPROVEMENT**

**A. Encroachment in floodways.** Development, land disturbing activity, and encroachments in floodways shall not be authorized unless it has been demonstrated through hydrologic and hydraulic analyses required in accordance with Section 580-6(C)(1) of these regulations, that the proposed encroachment will not result in any increase in the base flood level during occurrence of the base flood discharge. If Section 580-6(C)(1) is satisfied, proposed elevation, addition, or reconstruction of a lawfully existing structure within a floodway shall also be in accordance with Section 580-16(B) of this ordinance and the floodway requirements of N.J.A.C. 7:13.

**1. Prohibited in floodways.** The following are prohibited activities:

- a. The storage of unsecured materials is prohibited within a floodway pursuant to N.J.A.C. 7:13.
- b. Fill and new structures are prohibited in floodways per N.J.A.C. 7:13.

**B. Sewer facilities.** All new and replaced sanitary sewer facilities, private sewage treatment plants (including all pumping stations and collector systems) and on-site waste disposal systems shall be designed in accordance with the New Jersey septic system regulations contained in N.J.A.C. 14A and N.J.A.C. 7:9A, the UCC Plumbing Subcode (N.J.A.C. 5:23) and Chapter 7, ASCE 24, to minimize or eliminate infiltration of floodwater into the facilities and discharge from the facilities into flood waters, or impairment of the facilities and systems.

**C. Water facilities.** All new and replacement water facilities shall be designed in accordance with the New Jersey Safe Drinking Water Act (N.J.A.C. 7:10) and the provisions of Chapter 7 ASCE 24, to minimize or eliminate infiltration of floodwater into the systems.

**D. Storm drainage.** Storm drainage shall be designed to convey the flow of surface waters to minimize or eliminate damage to persons or property.

**E. Streets and sidewalks.** Streets and sidewalks shall be designed to minimize potential for increasing or aggravating flood levels.

**F. Limitations on placement of fill.** Subject to the limitations of these regulations, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwater, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, when intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the UCC (N.J.A.C. 5:23). Proposed fill and encroachments in flood hazard areas shall comply with the flood storage displacement limitations of N.J.A.C. 7:13.

- G. Hazardous Materials.** The placement or storage of any containers holding hazardous substances in a flood hazard area is prohibited unless the provisions of N.J.A.C. 7:13 which cover the placement of hazardous substances and solid waste is met.

## **580-13 MANUFACTURED HOMES**

- A. General.** All manufactured homes installed in flood hazard areas shall be installed pursuant to the Nationally Preemptive Manufactured Home Construction and Safety Standards Program (24 CFR 3280).
- B. Elevation.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be elevated such that the bottom of the frame is elevated to or above the elevation specified in Section 580-16(B).
- C. Foundations.** All new, relocated, and replacement manufactured homes, including substantial improvement of existing manufactured homes, shall be placed on foundations as specified by the manufacturer only if the manufacturer's installation instructions specify that the home has been designed for flood-resistant considerations and provides the conditions of applicability for velocities, depths, or wave action as required by 24 CFR Part 3285-302. The Floodplain Administrator is authorized to determine whether the design meets or exceeds the performance necessary based upon the proposed site location conditions as a precondition of issuing a flood damage prevention permit. If the Floodplain Administrator determines that the home's performance standards will not withstand the flood loads in the proposed location, the applicant must propose a design certified by a New Jersey licensed design professional and in accordance with 24 CFR 3285.301 (c) and (d) which conforms with ASCE 24, the accepted standard of engineering practice for flood resistant design and construction.
- D. Anchoring.** All new, relocated, and replacement manufactured homes to be placed or substantially improved in a flood hazard area shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
- E. Enclosures.** Fully enclosed areas below elevated manufactured homes shall comply with the requirements of Section 580-16(B).
- F. Protection of mechanical equipment and outside appliances.** Mechanical equipment and outside appliances shall be elevated to or above the elevation of the bottom of the frame required in Section 580-16(B) of these regulations.

**Exception.** Where such equipment and appliances are designed and installed to prevent water

from entering or accumulating within their components and the systems are constructed to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding up to the elevation required by Section 580-16(B), the systems and equipment shall be permitted to be located below that elevation. Electrical wiring systems shall be permitted below the design flood elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

#### **580-14 RECREATIONAL VEHICLES**

- A. Placement prohibited.** The placement of recreational vehicles shall not be authorized in coastal high hazard areas and in floodways.
- B. Temporary placement.** Recreational vehicles in flood hazard areas shall be fully licensed and ready for highway use and shall be placed on a site for less than 180 consecutive days.
- C. Permanent placement.** Recreational vehicles that are not fully licensed and ready for highway use, or that are to be placed on a site for more than 180 consecutive days, shall meet the requirements of Section 580-16(B) for habitable buildings and Section 580-13(C).

#### **580-15 TANKS**

- A. Tanks.** Underground and above-ground tanks shall be designed, constructed, installed, and anchored in accordance with ASCE 24 and N.J.A.C. 7:13.

#### **580-16 OTHER DEVELOPMENT AND BUILDING WORK**

- A. General requirements for other development and building work.** All development and building work, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Uniform Construction Code (N.J.A.C. 5:23), shall:
  - (1) Be located and constructed to minimize flood damage;
  - (2) Meet the limitations of Section 580-6(C)(1) of this ordinance when located in a regulated floodway;
  - (3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic and hydrodynamic loads, including the effects of buoyancy, during the conditions of flooding up to the Local Design Flood Elevation determined according to Section 580-3;
  - (4) Be constructed of flood damage-resistant materials as described in ASCE 24 Chapter 5;
  - (5) Have mechanical, plumbing, and electrical systems above the Local Design Flood Elevation determined according to Section 580-3 or meet the requirements of ASCE 24

Chapter 7 which requires that attendant utilities are located above the Local Design Flood Elevation unless the attendant utilities and equipment are:

- i. Specifically allowed below the Local Design Flood Elevation; and
  - ii. Designed, constructed, and installed to prevent floodwaters, including any backflow through the system from entering or accumulating within the components.
- (6) Not exceed the flood storage displacement limitations in fluvial flood hazard areas in accordance with N.J.A.C. 7:13; and
- (7) Not exceed the impacts to frequency or depth of offsite flooding as required by N.J.A.C. 7:13 in floodways.

**B. Requirements for Habitable Buildings and Structures.**

- 1) Construction and Elevation in A Zones not including Coastal A Zones.
- a. No portion of a building is located within a V Zone.
  - b. No portion of a building is located within a Coastal A Zone, unless a licensed design professional certifies that the building's foundation is designed in accordance with ASCE 24, Chapter 4.
  - c. All new construction and substantial improvement of any habitable building (as defined in Section 580-10) located in flood hazard areas shall have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 580-3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate.
  - d. All new construction and substantial improvements of non-residential structures shall:
    - i. Have the lowest floor, including basement, together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated to or above the Local Design Flood Elevation as determined in Section 580-3, be in conformance with ASCE Chapter 7, and be confirmed by an Elevation Certificate; or
    - ii. Together with the attendant utility and sanitary facilities, be designed so that below the Local Design Flood Elevation, the structure:
      - 1. Meets the requirements of ASCE 24 Chapters 2 and 7; and
      - 2. Is constructed according to the design plans and specifications provided at permit application and signed by a licensed design professional, is certified by that individual in a Floodproofing Certificate, and is confirmed by an Elevation Certificate.
  - e. All new construction and substantial improvements with fully enclosed areas below

the lowest floor shall be used solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding. Enclosures shall:

- iii. For habitable structures, be situated at or above the adjoining exterior grade along at least one entire exterior wall, in order to provide positive drainage of the enclosed area in accordance with N.J.A.C. 7:13; enclosures (including crawlspaces and basements) which are below grade on all sides are prohibited;
  - iv. Be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters unless the structure is non-residential and the requirements of 580-16(B)(1)(d)ii are met;
  - v. Be constructed to meet the requirements of ASCE 24 Chapter 2;
  - vi. Have openings documented on an Elevation Certificate; and
  - vii. Have documentation that a deed restriction has been obtained for the lot if the enclosure is greater than six feet in height. This deed restriction shall be recorded in the Office of the County Clerk or the Registrar of Deeds and Mortgages in which the building is located, shall conform to the requirements in N.J.A.C.7:13, and shall be recorded within 90 days of receiving a Flood Hazard Area Control Act permit or prior to the start of any site disturbance (including pre-construction earth movement, removal of vegetation and structures, or construction of the project), whichever is sooner. Deed restrictions must explain and disclose that:
    - 1. The enclosure is likely to be inundated by floodwaters which may result in damage and/or inconvenience.
    - 2. The depth of flooding that the enclosure would experience to the Flood Hazard Area Design Flood Elevation;
    - 3. The deed restriction prohibits habitation of the enclosure and explains that converting the enclosure into a habitable area may subject the property owner to enforcement;
- f. Enclosures are prohibited for new construction or substantial improvements; OR For new construction or substantial improvements, enclosures shall be less than 295 square feet in size.

**C. Garages and accessory storage structures.** Garages and accessory storage structures shall be designed and constructed in accordance with the Uniform Construction Code.

**D. Fences.** Fences in floodways that have the potential to block the passage of floodwater, such as stockade fences and wire mesh fences, shall meet the requirements of Section 580-6(C)(1) of these regulations. Pursuant to N.J.A.C. 7:13, any fence located in a floodway shall have sufficiently large openings so as not to catch debris during a flood and thereby obstruct floodwaters, such as barbed-wire, split-rail, or strand fence. A fence with little or no open area, such as a chain link, lattice, or picket fence, does not meet this requirement. Foundations for fences greater than 6 feet in height must conform with the Uniform Construction Code. Fences for pool enclosures having openings not in conformance with this section but in conformance with the Uniform Construction Code to

limit climbing require a variance as described in Section 580-8 of this ordinance.

**E. Retaining walls, sidewalks, and driveways.** Retaining walls, sidewalks and driveways that involve placement of fill in floodways shall meet the requirements of Section 580-6(C)(1) of these regulations and N.J.A.C. 7:13.

**F. Swimming pools.** Swimming pools shall be designed and constructed in accordance with the Uniform Construction Code. Above-ground swimming pools and below-ground swimming pools that involve placement of fill in floodways shall also meet the requirements of Section 580-6(C)(1) of these regulations. Above-ground swimming pools are prohibited in floodways by N.J.A.C. 7:13.

**G. Roads and watercourse crossings.**

- (1) For any railroad, roadway, or parking area proposed in a flood hazard area, the travel surface shall be constructed at least one foot above the Flood Hazard Area Design Elevation in accordance with N.J.A.C. 7:13.
- (2) Roads and watercourse crossings that encroach into regulated floodways or riverine waterways with base flood elevations where floodways have not been designated, including roads, bridges, culverts, low- water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, shall meet the requirements of Section 580-6(C)(1) of these regulations.

## **580-17 TEMPORARY STRUCTURES AND TEMPORARY STORAGE**

**A. Temporary structures.** Temporary structures shall be erected for a period of less than 180 days. Temporary structures shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the base flood. Fully enclosed temporary structures shall have flood openings that are in accordance with ASCE 24 to allow for the automatic entry and exit of flood waters.

**B. Temporary storage.** Temporary storage includes storage of goods and materials for a period of less than 180 days. Stored materials shall not include hazardous materials.

**C. Floodway encroachment.** Temporary structures and temporary storage in floodways shall meet the requirements of 580-6(C)(1) of these regulations.

## **580-18 UTILITY AND MISCELLANEOUS GROUP U**

**A. Utility and Miscellaneous Group U.** In accordance with Section 312 of the International Building Code, Utility and Miscellaneous Group U includes buildings and structures that are accessory in character and miscellaneous structures not classified in any specific occupancy in the Building Code, including, but not limited to, agricultural buildings, aircraft hangars (accessory to a one- or two-family residence), barns, carports, communication equipment structures (gross floor area less than 1,500 sq. ft.), fences more



than 6 feet (1829 mm) high, grain silos (accessory to a residential occupancy), livestock shelters, private garages, retaining walls, sheds, stables, tanks and towers.

- B. **Flood loads.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be anchored to prevent flotation, collapse or lateral movement resulting from flood loads, including the effects of buoyancy, during conditions up to the Local Design Flood Elevation as determined in Section 580-3
- C. **Elevation.** Utility and miscellaneous Group U buildings and structures, including substantial improvement of such buildings and structures, shall be elevated such that the lowest floor, including basement, is elevated to or above the Local Design Flood Elevation as determined in Section 580-3 and in accordance with ASCE 24. Utility lines shall be designed and elevated in accordance with N.J.A.C. 7:13.
- D. **Enclosures below base flood elevation.** Fully enclosed areas below the design flood elevation shall be constructed in accordance with Section 580-16(B) and with ASCE 24 for new construction and substantial improvements. Existing enclosures such as a basement or crawlspace having a floor that is below grade along all adjoining exterior walls shall be abandoned, filled-in, and/or otherwise modified to conform with the requirements of N.J.A.C. 7:13 when the project has been determined to be a substantial improvement by the Floodplain Administrator.
- E. **Flood-damage resistant materials.** Flood-damage-resistant materials shall be used below the Local Design Flood Elevation determined in Section 580-3
- F. **Protection of mechanical, plumbing, and electrical systems.** Mechanical, plumbing, and electrical systems, equipment and components, heating, ventilation, air conditioning, plumbing fixtures, duct systems, and other service equipment, shall be elevated to or above the Local Design Flood Elevation determined in Section 580-3.

**Exception:** Electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall be permitted to be located below the Local Design Flood Elevation provided that they are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the Local Design Flood Elevation in compliance with the flood-resistant construction requirements of ASCE 24. Electrical wiring systems shall be permitted to be located below the Local Design Flood Elevation provided they conform to the provisions of NFPA 70 (National Electric Code).

### **SECTION 3. SEVERABILITY.**

Where any section, subsection, sentence, clause, or phrase of these regulations is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared.

### **SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect on at the time and in the manner provided by law.

**Recorded Vote on Introduction Ordinance No. 2707-23, March 29, 2023**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda			X			
Councilwoman Johnson			X			
Councilwoman Thomas		X	X			
Councilman Fortuna			X			
Councilwoman Wilkerson			X			
Council President Bernier	X		X			
<b>X Adopted</b> <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**Recorded Vote on Final Passage Ordinance No. 2707-23, April 19, 2023**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						
Council President Bernier						
<input type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

\_\_\_ Approved

\_\_\_ Vetoed and returned to the Municipal Clerk with the following statement and objections:

\_\_\_\_\_  
Donald Shaw, Mayor      DATE:

NOTICE is hereby given that Ordinance Number 2707-23 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council on April 19, 2023 after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**ORDINANCE NUMBER 2708-23**

**BOND ORDINANCE PROVIDING FOR VARIOUS  
CAPITAL IMPROVEMENTS AND APPROPRIATING  
\$5,986,990 THEREFOR AND AUTHORIZING THE  
ISSUANCE OF \$5,687,640 BONDS OR NOTES TO FINANCE  
PART OF THE COST THEREOF, AUTHORIZED IN AND  
BY THE BOROUGH OF ROSELLE, IN THE COUNTY OF  
UNION, NEW JERSEY**

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

**SECTION 1.**

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Borough of Roselle, New Jersey (the "Borough") as general improvements. For the said Improvements there is hereby appropriated the amount of \$5,986,990, such sum includes the sum of \$299,350 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

**SECTION 2.**

In order to finance the cost of the Improvements and grant not covered by application of the Down Payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$5,687,640 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Borough are hereby authorized to be issued in the principal amount not exceeding \$5,687,640 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

**SECTION 3.**

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

<b>Improvements</b>	<b>Appropriation and Estimated Cost</b>	<b>Estimated Maximum Amount of Bonds or Notes</b>	<b>Period of Useful Life</b>
1. Various building improvements and technology upgrades throughout the Borough, including all structures and appurtenances, 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.	\$525,000	\$498,750	8.09 Years
2. Acquisition and installation of a fitness court, refrigerator and ice maker for the Department of Recreation, including all structures and appurtenances, 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.	200,000	190,000	15 Years
3. Birch Drive Survey, including all 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.	20,000	19,000	5 Years
4. Resurfacing of various roads throughout the Borough, including curbing, milling, paving, driveway aprons, sidewalks, handicap ramps, sanitary sewer, storm sewer and other miscellaneous improvements, and all structures and appurtenances, 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.	1,928,000	1,831,600	10 Years
5. Seal coating on various roadways throughout the Borough, including all structures and appurtenances, 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.	60,000	57,000	5 Years

<b>Improvements</b>	<b>Appropriation and Estimated Cost</b>	<b>Estimated Maximum Amount of Bonds or Notes</b>	<b>Period of Useful Life</b>
6. Various improvements to Home Terrace Park, including all structures and appurtenances, 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.	402,000	381,900	15 Years
7. Acquisition of a portable generator, vehicle diagnostic, side loader garbage truck and salt dome roof for the Department of Public Works.	440,000	418,000	5 Years
8. Renovations to fire station and equipment acquisition, including all structures and appurtenances, 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.	160,000	152,000	15 Years
9. Improvements to lighting, restroom, roof and storage garage at the Community Center and various field improvements throughout the Borough, including all structures and appurtenances, 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.	201,990	191,890	15 Years
10. Acquisition of ladder truck with pumper for Fire Department.	2,025,000	1,923,750	10 Years
11. Scanning Archiving Project for the Clerk's Office, including all 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.	25,000	23,750	5 Years
<b>TOTAL:</b>	<b>\$5,986,990</b>	<b>\$5,687,640</b>	

(b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$5,687,640.

(c) The estimated cost of the Improvement is \$5,986,990 which amount represents the initial appropriation made by the Borough.

#### SECTION 4.

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

#### SECTION 5.

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

#### SECTION 6.

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

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

(b) The period of usefulness of the Improvement, within the limitations of the Local Bond Law, and according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 10.91 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk and a complete executed duplicate thereof has been filed in the office of the Director, Division of Local Government Services, Department of

Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$5,687,640 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$478,345 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

#### SECTION 7.

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

#### SECTION 8.

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

#### SECTION 9:

The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking

#### SECTION 10.

This Section 10 constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Borough reasonably expects to pay expenditures with respect to the Improvements prior to the date that the Borough incurs debt obligations under this Bond

Ordinance. The Borough reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Borough under this Bond Ordinance. The maximum principal amount of debt expected to be issued for payment of the costs of the Improvements is \$5,687,640.

SECTION 11.

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

**Recorded Vote on Introduction Ordinance No. 2708-23, March 29, 2023**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda			X			
Councilwoman Johnson			X			
Councilwoman Thomas		X	X			
Councilman Fortuna			X			
Councilwoman Wilkerson	X		X			
Council President Bernier			X			
<input type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**Recorded Vote on Final Passage Ordinance No. 2708-23, April 19, 2023**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						
Council President Bernier						
<input type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

\_\_\_Approved

\_\_\_Vetoed and returned to the Municipal Clerk with the following statement and objections:

Donald Shaw, Mayor      DATE:

NOTICE is hereby given that Ordinance Number 2708-23 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council on April 19, 2023 after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk



# **BOROUGH OF ROSELLE**



## **ORDINANCE NUMBER 2709-23**

### **AN ORDINANCE TO AMEND AND SUPPLEMENT THE LAND USE CODE OF THE BOROUGH OF ROSELLE, CHAPTER 650, ARTICLE XI, ADMINISTRATION, ENFORCEMENT AND FEES, SECTION 650-86.1, FEES AND ESCROW DEPOSITS; TO AMEND THE CODE TO REQUIRE ALL APPLICANTS TO SUBMIT AN ESCROW AGREEMENT**

**WHEREAS**, the Borough is experiencing an increase in the number of submitted development applications;

**WHEREAS**, to aid applicants in understanding the review process and associated escrows required to be funded under the Municipal Land Use Law, the Borough believes an escrow agreement will provide applicants information and clarity.

**NOW THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Chapter 650 Land Use is hereby amended as follows (additions in underline; deletions in ~~strikeout~~):

**SECTION I.** The Code of Borough of Roselle, Chapter 650 Land Use, Article XI Administration, Enforcement and Fees, Section 650-86.1 Fees and escrow deposits, is hereby amended and supplemented as follows:

A. Fees and escrow.

(4) Escrow account.

(e) All applications for development within the Borough of Roselle shall be accompanied by an executed Escrow Agreement. No application for development shall be deemed complete unless an executed Escrow Agreement is received. The Escrow Agreement is attached hereto and known as Attachment 8 – Escrow Agreement.

**SECTION II.** If any section, subsection, provision, clause, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such adjudication shall not affect the remaining sections, subsections, provisions, clauses, or portions, which shall be deemed severable therefore.

**SECTION III.** All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby replaced and/or repealed to the extent of such inconsistency.

**SECTION IV.** This Ordinance shall take effect at the time and in the manner provided by law.

**Recorded Vote on Introduction Ordinance No. 2709-23, April 19 2023**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						
Council President Bernier						
<input type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

**Recorded Vote on Final Passage Ordinance No. 2709-23 – May 17, 2023**

	Motion	Second	Ayes	Nays	Abstain	Absent
Councilman Villeda						
Councilwoman Johnson						
Councilwoman Thomas						
Councilman Fortuna						
Councilwoman Wilkerson						
Council President Bernier						
<input type="checkbox"/> Adopted <input type="checkbox"/> Amended <input type="checkbox"/> Defeated <input type="checkbox"/> Tabled <input type="checkbox"/> Withdrawn						

\_\_\_ Approved

\_\_\_ Vetoed and returned to the Municipal Clerk with the following statement and objections:

\_\_\_\_\_  
Donald Shaw, Mayor

DATE:

NOTICE is hereby given that Ordinance Number 2709-23 was passed and adopted on second and final reading at a Regular meeting of the Mayor and Council on May 17, 2023 after 6:30 P.M., 210 Chestnut St., Roselle, NJ.

\_\_\_\_\_  
Lisette Sanchez, Municipal Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-144**

**RESOLUTION AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT IN  
THE MATTER OF SIERRA v. BOROUGH OF ROSELLE**

**WHEREAS**, there is presently a matter pending in the Union County Vicinage Superior Court of New Jersey, a Civil Action entitled Jaylin Sierra, a Minor by her G/A/L Juan Sierra v. Theresa Shoback, Borough of Roselle, et. al., Docket No.: UNN-L-337-21

**WHEREAS** prior to commencement of trial, all parties have determined that it is in their best interests to enter into a settlement agreement and thereby (a) amicably resolve all issues in dispute asserted in the action, or which could have been asserted in the action and (b) dismiss the action as set forth herein; and

**WHEREAS**, the Public Entity Joint Insurance Fund's outside defense counsel has recommended that this litigation be settled, as set forth above, to avoid the cost, disruption, and uncertainty of further litigation; and

**WHEREAS**, said settlement is not an admission of fault or wrongdoing by the Borough of Roselle, or any individually named defendant, but it is proposed to fully resolve any and all disputed claims between the parties; and

**WHEREAS**, the parties have reached a tentative settlement agreement wherein Jaylin Sierra (Sierra) will dismiss, with prejudice, all claims asserted in the Action in exchange for the proposed settlement; and

**WHEREAS**, the parties have agreed to pay a grand settlement of \$25,000.00 to settle the matter. \$21,500.00 shall be paid from Theresa Shoback to Sierra, while the Borough will contribute \$3,500.00. The Borough's contribution shall be paid by the Borough of Roselle's Joint Insurance Fund; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, in the County of Union, New Jersey, does hereby approve and accept the Settlement Agreement and General Release ("the Agreement") between the Borough of Roselle and Jaylen Sierra, settling all outstanding matters relating to the Action, Docket Number UNN-L-337-21, as more fully set forth in the Agreement on file with the Borough Clerk.

**BE IT FURTHER RESOLVED**, that the Mayor and/or Borough Administrator are hereby authorized to execute the Agreement on behalf of the Borough of Roselle.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

---

Lisette Sanchez, Borough Clerk

## **BOROUGH OF ROSELLE**



### **RESOLUTION NUMBER 2023-145**

#### **RESOLUTION AUTHORIZING RENEWAL OF AN INACTIVE A.B.C. LICENSE AND AUTHORIZING THE MUNICIPAL CLERK TO ISSUE SAME – A SPECIAL RULING PURSUANT TO N.J.S.A. 33:1-12.18**

**WHEREAS**, the Director of A.B.C. granted a Special Ruling pursuant to N.J.S.A. 33:1-12.18 for the 2022 - 2023 License Term(s); and

**WHEREAS**, the Applicant having complied, in accordance with the provisions of the Act of the Legislature entitled, "An Act Concerning Alcoholic Beverages", being Chapter 436 of the Laws of 1933, its supplements and amendments, and in accordance with the Rules and Regulations issued or to be promulgated by the State Commissioner of Alcoholic Beverage Control, and applicable thereto.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey that it hereby authorizes the Municipal Clerk to renew the ABC license with "pocket status" due to the following:

#### **PLENARY RETAIL CONSUMPTION LICENSE - \$1,250.00 Fee**

2014-33-019-003      El Mercado Roselle, LLC

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April 2023.

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Lisette Sanchez, Borough Clerk

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

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Lisette Sanchez, Borough Clerk

## **BOROUGH OF ROSELLE**



### **RESOLUTION NUMBER 2023-146**

#### **RESOLUTION GRANTING A TEMPORARY ENTERTAINMENT LICENSE TO CENTRAL PARK NJ, LLC**

**WHEREAS**, On November 20, 2010, the Borough of Roselle adopted Ordinance Number 2386-10; codified in the Borough code as Chapter 190, requiring any public dance hall, public assembly hall, nightclub, cabaret, theater, movie house, social club, restaurant and/or any person, partnership or corporation holding a plenary retail consumption license, occupying any buildings or parts of buildings, to obtain an entertainment license therefore from the Borough of Roselle; and

**WHEREAS**, pursuant to the Ordinance, an Applicant Central Park NJ, LLC, is required to obtain an entertainment license with the Borough of Roselle; and

**WHEREAS**, the Applicant, has complied with an application process as set forth by the Municipal Clerk of the Borough of Roselle and satisfied all requirements of the Ordinance in order to obtain said license; and

**WHEREAS**, the Borough has met with the applicant and advised the applicant that the Borough is currently in the process of amending this section of the Borough Code, based on recommendations of the Police department; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Roselle that a Temporary Entertainment License will be issued to the Applicant Central Park NJ, LLC, for a term of one-year (12) months, from October 2022. The Applicant must reapply for an Entertainment License in **October 2023** or as soon thereafter as reasonable after a new Ordinance is passed.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April 2023.

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Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-147**

**RESOLUTION APPROVING AN A.B.C. PERSON-TO-PERSON LICENSE TRANSFER**

**WHEREAS**, application has been filed for a Person-to-Person transfer of Plenary Retail Consumption License, License Number 2014-33-022-007 heretofore issued to Weis Buffet Corporation; and

**WHEREAS**, the submitted application form is complete in all respects, the transfer fees have been paid, the license has been properly renewed for the current license term; and

**WHEREAS**, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

**WHEREAS**, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licenses business and all additional financing obtained in connection with the license business

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Roselle, County of Union, State of New Jersey, do hereby authorize the transfer of the aforesaid Plenary Retail Consumption License, and do hereby authorize the Municipal Clerk to endorse the license to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to El Popocatepelt, Inc., effective April 19, 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April 2023.

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Lisette Sanchez, Borough Clerk



**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-148**

**RESOLUTION OF THE BOROUGH OF ROSELLE, IN THE COUNTY OF UNION, NEW JERSEY, AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT BY AND BETWEEN THE BOROUGH AND G & J CAR CARE LLC FOR USE OF CERTAIN BOROUGH OWNED PROPERTY IDENTIFIED AS BLOCK 1303, LOT 8 ON THE BOROUGH'S TAX MAPS AND COMMONLY KNOWN AS 1315 ST. GEORGES AVENUE**

**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 adopted an ordinance, as subsequently amended, approving and adopting the "Central Roselle Revitalization Plan" (as amended and as may be further 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**, pursuant to N.J.S.A. 40A:12A-4, the Borough has determined to act as the "Redevelopment Entity" (as such term is defined at N.J.S.A. 40A:12A-3) for the Central Roselle Revitalization Area to exercise the powers set forth in the Redevelopment Law; and

**WHEREAS**, the Borough owns certain property within the Central Roselle Revitalization Area identified as Block 1303 Lot 8 on the on the Borough's Tax Maps, located at 1315 St. Georges Avenue (the "**Property**"); and

**WHEREAS**, G & J Car Care LLC ("**G & J**"), a limited liability company organized under the laws of the state of New Jersey, operates a U-Haul motor vehicle rental company within the Borough and has requested to lease the Property from the Borough on a month-to-month basis to use as a parking lot and storage area for the vehicles G & J leases; and

**WHEREAS**, the Borough has determined that the Property is not currently needed for public use, and that leasing same to G & J is in the best interest of the Borough as it will generate an additional stream of revenue while it is not currently being used by the Borough; and

**WHEREAS**, the Borough may lease the Property to G & J pursuant to the Redevelopment Law; and

**WHEREAS**, the Borough now desires to authorize the execution of a lease agreement (the “**Lease Agreement**”) with G & J to set forth the terms and conditions under which the Borough with lease the Property to G & J.

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Municipal Council approves the execution of the Lease Agreement with G & J for use of the Property, as more fully described in the Lease Agreement.
3. The Mayor is authorized to execute the Lease Agreement, in substantially the same form as that on file with the Borough Clerk, along with such minor additions, deletions or modifications the Mayor deems necessary, after consultation with Borough counsel.
4. The Mayor, the Business Administrator of the Borough and the Clerk of the Borough are hereby authorized to execute, on behalf of the Borough, any and all documents, necessary to effectuate the lease of the Property to the Purchaser.
5. This Resolution shall take effect in accordance with applicable law.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

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Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-149**

**RESOLUTION OF THE BOROUGH OF ROSELLE, COUNTY OF UNION,  
NEW JERSEY AUTHORIZING AND DIRECTING THE PREPARATION  
OF A REDEVELOPMENT PLAN FOR CERTAIN PROPERTY  
IDENTIFIED AS BLOCK 3802, LOTS 25, 26, 27, & 28, BLOCK 4802, LOTS  
2 & 3, AND LAUREL STREET, A "PAPER STREET", ON THE  
BOROUGH'S OFFICIAL TAX MAPS**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended from time to time (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment and/or rehabilitation; and

**WHEREAS**, by Resolution No. 2022-182, adopted on May 18, 2022 and Resolution No. 2022-345, adopted on November 9, 2022, the Borough Council (the "**Borough Council**") of the Borough of Roselle (the "**Borough**") authorized and directed the Borough's Planning Board (the "**Planning Board**") to undertake a preliminary investigation to determine whether the area identified as Block 3802, Lots 25, 26, 27, & 28, Block 4802, Lots 2 & 3, and Laurel Street, a "Paper Street", on the Borough's Official Tax Maps (the "**Study Area**") meets criteria for designation as an in need of redevelopment pursuant to the Redevelopment Law; and

**WHEREAS**, said resolutions also authorized and directed the Borough's Planning Colliers Engineering & Design Inc. (hereinafter "**Colliers**"), to perform the preliminary investigation and prepare a report containing its findings regarding whether the Study Area meets the criteria for designation as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

**WHEREAS**, Colliers is in the process of undertaking a preliminary investigation and preparing a report containing its findings (the "**Report**"); and

**WHEREAS**, upon completion of the Report, the Planning Board will consider the Report, conduct a public hearing, and determine whether to recommend to the Borough Council if the Study Area meets the criteria for designation as an "area in need of redevelopment", and the Borough Council will then determine whether to designate the Study Area as an "area in need of redevelopment"; and

**WHEREAS**, if and when the Borough Council determines that the Study Area meets the criteria for designation as an "area in need of redevelopment" pursuant to the Redevelopment Law,

the Borough will be tasked with preparing and adopting a redevelopment plan for the Study Area; and

**WHEREAS**, accordingly, to carry out its powers under the Redevelopment Law, the Borough has a need for professional planning consultant services in connection with the preparation of a redevelopment plan (the "**Redevelopment Plan**") for the Study Area (the "**Services**"); and

**WHEREAS**, the Borough previously issued a Request for Qualifications seeking planner services and received responses from several firms; and

**WHEREAS**, on January 6, 2023, the Borough Council, after review of responses deemed certain firms, including Colliers, as "Qualified" for the calendar year 2023 in accordance with the terms of the Request for Qualifications (Resolution No. 2023-012); and

**WHEREAS**, Colliers possesses the experience and qualifications to perform professional planning consultant services, specifically, the Services; and

**WHEREAS**, Colliers submitted a proposal, dated March 21, 2023 (the "**Proposal**") for professional planning consultant services in an amount not to exceed Ten Thousand Five Hundred and 00/100 Dollars (\$10,500.00); and

**WHEREAS**, Colliers advised that it will perform the Services in accordance with the terms and limits, including the not to exceed amount, as set forth in the Proposal; and

**WHEREAS**, the Borough Council has deemed it necessary and in the best interest of the Borough to retain Colliers to prepare a Redevelopment Plan and now desires to direct Colliers to perform the Services; and

**WHEREAS**, the Borough's Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose

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

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

**Section 2.** The Planning Consultant is hereby authorized to prepare a Redevelopment Plan in an amount that does not to exceed Ten Thousand Five Hundred and 00/100 Dollars (\$10,500.00), and all Borough officials and employees are authorized and directed to take such actions as are necessary to enable Colliers to perform the Services.


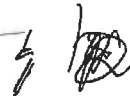
**Section 3.** This Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April 2023.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

Certification of Availability of Funds:  
(Acct# 3-01-20-175-000-228)

  
\_\_\_\_\_  
Nicola Trasente, CFO      Date      

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-150**

**RESOLUTION AUTHORIZING ENGINEERING SERVICES IN CONNECTION WITH THE ARMINIO FIELD EXERCISE STATION AT RALPH ARMINIO FIELD ATHLETIC COMPLEX FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY**

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

**WHEREAS**, Colliers Engineering & Design Inc. DBA Maser Consulting is familiar with the design services that are necessary for said improvements and shall perform the tasks as delineated in the March 30, 2023 correspondence; and

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

**WHEREAS**, on January 6, 2023, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2023-012) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2023-050); and

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

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose; specifically, within bond ordinance number 2643-21 for said engineering services for the Exercise Station at Ralph Arminio Field Athletic Complex.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design Inc DBA Maser Consulting) is authorized to perform professional engineering services in the amount of **\$22,500.00** for the Exercise Station at the Ralph Arminio Field Athletic Complex.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

Certification of Availability of Funds:  
(Acct#C-04-55-267-009-007)

 4/12/23  
\_\_\_\_\_  
Nicola Trasente, CFO      Date

## **BOROUGH OF ROSELLE**



### **RESOLUTION NUMBER 2023-151**

#### **RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE HOME TERRACE PARK IMPROVEMENTS PROGRAM FUNDED BY THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY**

**WHEREAS**, the Borough of Roselle is desirous in undertaking improvements to the Home Terrace Park within the Borough and the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle; and

**WHEREAS**, Colliers Engineering & Design dba Maser Consulting is familiar with the design procedures that are necessary for said improvements and shall perform the tasks as delineated in the March 30, 2023 correspondence; and

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

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

**WHEREAS**, on January 6, 2023, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2023-012) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2023-050); and

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

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

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design) is authorized to perform professional engineering design services in the amount of **\$65,250.00** for the Home Terrace Park Improvement Program



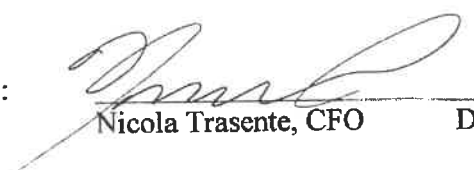
**BE IT FURTHER RESOLVED**, that this Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

Certification of Availability of Funds:  
(Acct# C-04-55-267-009-007)

  
\_\_\_\_\_  
Nicola Trasente, CFO

\_\_\_\_\_  
Date

4/19/23

## **BOROUGH OF ROSELLE**



### **RESOLUTION NUMBER 2023-152**

#### **RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE CDBG YEAR 49 – RIVINGTON STREET IMPROVEMENTS PROJECT FUNDED BY THE UNION COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND THE MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY**

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

**WHEREAS**, Colliers Engineering & Design dba Maser Consulting is familiar with the design procedures that is necessary for said improvements and shall perform the tasks as delineated in the March 30, 2023 correspondence; and

**WHEREAS**, the improvements desired by the Borough is in the best interest of the health, safety and welfare of the general public of the Borough of Roselle; and

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

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

**WHEREAS**, on January 6, 2023, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2023-012) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2023-050); and

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

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

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer is authorized to perform professional engineering design services in the amount of \$34,500.00 for the CDBG Year 49 – Rivington Street Improvement Project.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

Certification of Availability of Funds:  
(Acct# C-04-55-267-009-007)

  
\_\_\_\_\_  
Nicola Trasente, CFO

Date 4/12/23

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-153**

**RESOLUTION AUTHORIZING PROFESSIONAL ENGINEERING DESIGN SERVICES IN CONNECTION WITH THE NJDOT FY2023 2<sup>ND</sup> AVENUE AND SPRUCE STREET PROJECT FUNDED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION AND MUNICIPALITY WITHIN THE BOROUGH OF ROSELLE, UNION COUNTY, NEW JERSEY**

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

**WHEREAS**, Colliers Engineering & Design dba Maser Consulting is familiar with the design procedures that are necessary for said improvements and shall perform the tasks as delineated in the March 30, 2023 correspondence; and

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

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

**WHEREAS**, on January 6, 2023, the Borough Council, after review of the responses deemed certain firms as "Qualified" in accordance with the terms of the Request for Qualifications (Resolution No. 2023-012) and also the Borough Council subsequently awarded the Borough Engineering Contract (Resolution No. 2023-050); and

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

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

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the Borough Engineer (Colliers Engineering & Design) is authorized to perform professional engineering design services in the amount of \$87,750.00 for the NJDOT FY2023 – 2<sup>nd</sup> Avenue and Spruce Street Project.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

Lisette Sanchez, Borough Clerk

Certification of Availability of Funds:  
(Acct# C-04-55-267-009-007)

  
Nicola Trasente, CFO

4/12/23  
Date

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-154**

**RESOLUTION AUTHORIZING REFUND OF TAX OVERPAYMENTS AND/OR  
APPEALS**

**WHEREAS**, there appears on the books of the Tax Collector, refunds due, resulting from Over Payments or Tax Appeal

**WHEREAS**, refunds are to be made to the persons who have made these overpayments or won an appeal;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough CMFO of the Borough of Roselle, Union County, be instructed to draw checks in the amounts covering the overpayments and to deliver said checks to the proper persons.


Name	Mailing Address	Block	Lot	Reason	Total
Agape Properties	1015 Chambers Ct	3902	17	2018 Tax Appeal	\$3,977.62
Agape Properties	1015 Chambers Ct	3902	17	2019 Tax Appeal	\$3,999.65
Agape Properties	1015 Chambers Ct	3902	17	2020 Tax Appeal	\$4,051.38
Agape Properties	1015 Chambers Ct	3101	13	2020 Tax Appeal	\$3,036.42
Agape Properties	1015 Chambers Ct	3101	13	2021 Tax Appeal	\$3,046.12
Agape Properties	1015 Chambers Ct	3101	13	2022 Tax Appeal	\$3,064.42
					<u>\$21,175.61</u>

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held on April 19, 2023.

**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 April 2023.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

Certification of Availability of Fund  
(Acct # 3-01-55-999-205-000)

  
Kendy Thompson, Tax Collector

4/13/23  
Date

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-155**

**RESOLUTION ACCEPTING THE RESIGNATION OF  
KEYBOARDING CLERK 2 SHIRLEY DAVIS TAYLOR**

**WHEREAS**, Shirley Davis Taylor notified the Borough of Roselle that they will be resigning from the position of Keyboarding Clerk 2; and

**WHEREAS**, Shirley Davis Taylor submitted a letter of resignation on March 27, 2023 to be effective April 21, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, hereby accepts the resignation of Shirley Davis Taylor effective April 21<sup>st</sup>, 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held April 19<sup>th</sup>, 2023.

**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 19<sup>th</sup> day of April, 2023.

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Lisette Sanchez  
Borough Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-156**

**RESOLUTION ACCEPTING THE RESIGNATION OF THE  
SENIOR CODE ENFORCEMENT OFFICER MICHAEL TISDALE**

**WHEREAS**, Michael Tisdale notified the Borough of Roselle that he will be resigning from the position of Senior Code Enforcement Officer; and

**WHEREAS**, Michael Tisdale submitted a letter of resignation on March 29<sup>th</sup>, 2023 to be effective April 14<sup>th</sup>, 2023.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Roselle, hereby accepts the resignation of Michael Tisdale effective April 14<sup>th</sup>, 2023.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held April 19<sup>th</sup>, 2023.

**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 19<sup>th</sup> day of April, 2023.

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Lisette Sanchez  
Borough Clerk



## **BOROUGH OF ROSELLE**



### **RESOLUTION NUMBER 2023-157**

#### **RESOLUTION FOR TRAFFIC SIGNAL MAINTENANCE UNDER MORRIS COUNTY CO-OP CONTRACT FOR THE BOROUGH OF ROSELLE.**

**WHEREAS**, the Borough of Roselle wishes to have Traffic Signal maintenance and repair for the Borough from Jen Electric Inc, an authorized vendor under the Morris County Co-op Contract #37; and

**WHEREAS**, Jen Electric Inc. is an authorized vendor under the Morris County Co-op Contract with the Borough of Roselle; and

**WHEREAS**, the Purchasing Agent recommends the utilization of this Co-Op Contract on the grounds that it represents the best means available to obtain the equipment and maintenance needed by the Borough

**NOW THEREFORE BE IT RESOLVED** by the Borough of Roselle that Jen Electric, be awarded a contract pursuant to the Morris County Co-op Contract #37 pursuant to its terms and conditions for traffic signal maintenance and repair in an amount not to exceed \$85,000.00, specifically:

1.	E. 1 <sup>st</sup> Ave & Walnut St	Underground Wiring	\$5,428.50
2.	E. 1st Ave & Linden Rd.	Signal Upgrades	\$5,502.10
3.	E. 9th Ave & Chestnut St	Conduit/ Meter Cabinet	\$3,802.50
4.	W. 1st Ave & Chestnut St	Controller Replacement	\$4,883.66
5.	W. 2nd Ave & Chestnut St	Controller Replacement	\$4,883.66
6.	E. 3rd Ave & Chestnut St	Controller/ Transformer Base	\$9,393.66
7.	W. 3rd Ave & Locust St	Controller Replacement	\$4,883.66
8.	W. 3rd Ave & Amsterdam Ave	Signal Upgrade/ Base Repair	\$21,062.50
9.	E. 3rd Ave & Chandler Ave	Battery Back Up/ Base Repair	\$10,518.00
10.	E. 8th Ave & Chestnut St	Controller/ Battery Back Up	\$12,211.66
		Total:	\$82,569.90

The Chief Financial Officer has certified that sufficient funds are available contingent upon the availability of funds in the 2022 adopted budget through Ordinance 2679-22.

**WHEREAS**, pursuant to N.J.A.C. 50:30-5.5(e) the award of the contract shall be subject to the availability and appropriation of funds in the CY 2022 budget in **account#C-04-55-267-009-006**; and

**WHEREAS**, if funds are not available for the contract in the 2022 permanent budget, the contract will be terminated.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

Certification of Availability of Funds:  
(Account# C-04-55-267-009-006)

  
\_\_\_\_\_  
Nicola Trasente, CFO

  
Date:

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-158**

**RESOLUTION ACCEPTING A GRANT FROM WITH THE NEW JERSEY DIVISION  
OF HIGHWAY TRAFFIC SAFETY FOR ITS 2023 DISTRACTED DRIVING  
CRACKDOWN GRANT PROGRAM**

**WHEREAS**, the Mayor and Council of the Borough of Roselle wishes to accept a grant from the New Jersey Division of Highway Traffic Safety (NJDHVS) for its 2023 UDrive-Utext-UPay Distracted Driving Crackdown for the term period of April 1, 2023 through April 30, 2023, which will provide reimbursement funding, not to exceed \$7,000.00, for increased enforcement, public awareness and education; and IO

**WHEREAS**, distracted driving is a serious, life-threatening practice that is preventable; and

**WHEREAS**, distracted driving can result in injuries and deaths to all road users (motorists, pedestrians and bicyclists); and

**WHEREAS**, distracted driving occurs when drivers divert their attention away from the task of driving to focus on another activity instead; and

**WHEREAS**, from 2011-2020 distracted driving-related crashes resulted in 32,000 deaths on our nation's roads; and

**WHEREAS**, in New Jersey distracted driving was listed as a contributing circumstance in 50-percent of all motor vehicle crashes from 2016-2020; and

**WHEREAS**, the State of New Jersey will participate in the nationwide *Distracted Driving 2023 Crackdown* from April 1 - 30, 2023 in an effort to raise awareness and decrease driver distraction through a combination of increased enforcement, public awareness and education; and

**WHEREAS**, the national slogan for the campaign is UDrive. UText. UPay; and

**WHEREAS**, a reduction in distracted driving in New Jersey will save lives on our roadways;

**WHEREAS**, the Mayor and Council of the Borough of Roselle are in support of the New Jersey Division of Highway Traffic Safety 2023 UDrive-Utext-UPay Distracted Driving Crackdown Program; and

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

1. The Mayor and Council of the Borough of Roselle as a matter of public policy, hereby endorse, support and authorize accepting the New Jersey Division of Highway Traffic Safety 2023 UDrive-Utext-UPay Distracted Driving Crackdown Grant and will participate to the fullest extent possible with the New Jersey Division of Highway Traffic Safety to increase public awareness of the dangers of distracted driving.
2. This Resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held on April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

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Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-159**

**RESOLUTION SUPPORTING STREET SMART NJ PEDESTRIAN SAFETY  
AWARENESS, EDUCATION AND ENFORCEMENT**

**WHEREAS**, the Mayor and Council of the Borough of Roselle wish to support the 2023 Roselle Police Department Street-Smart New Jersey Pedestrian Safety Campaign through the North Jersey Transportation Planning Authority for the term period of May 1, 2023 through May 31, 2023.

**WHEREAS**, the safety and security of the residents and visitors of The Borough of Roselle Union County and surrounding areas are vitally important, especially as they travel our roads and walkways; and

**WHEREAS**, nearly one-third of all crashes in New Jersey involve a pedestrian, which is nearly twice the national average; and

**WHEREAS**, continued outreach, education, and enforcement is an effective way to protect people and to reduce pedestrian fatalities in motor vehicle crashes;

**AND WHEREAS**, pedestrian safety is supported by the Title 39 laws of The State of New Jersey and Roselle Borough Code Article VI, Chapter 523;

**AND WHEREAS**, May 1<sup>st</sup> through 31<sup>st</sup> will serve as the Street-Smart NJ Pedestrian Safety Campaign period in The Borough of Roselle;

**AND WHEREAS**, across the country, law enforcement officers, elected officials, residents and others are actively participating in pedestrian safety education, enforcement, and engineering efforts to ensure that all travelers are aware of pedestrian safety, and to reduce the risk of injury and death caused in pedestrian traffic crashes;

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

1. The Mayor and Council of the Borough of Roselle as a matter of public policy, hereby endorse, support and authorize May 1<sup>st</sup> through May 31<sup>st</sup>, as the Street-Smart NJ Pedestrian Safety Campaign in the Borough of Roselle and urge all residents and visitors to follow the pedestrian safety laws when driving, riding or walking on our roads.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular meeting of said Council held on April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

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Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-160**

**RESOLUTION AUTHORIZING AN ADDITIONAL STIPEND TO WALTER WIMBUSH FOR PERFORMANCE OF ZONING OFFICER DUTIES IN AN AMOUNT NOT TO EXCEED \$7,260**

**WHEREAS**, there exists an emergent need in the Borough of Roselle for qualified zoning officer within the Department of Zoning Administration and Enforcement; and

**WHEREAS**, Walter Wimbush, a Code Enforcement Officer with the Borough of Roselle's Department of Local Code Enforcement has made himself immediately available, beginning on or about April 10, 2023 to assist the Borough in the performance of zoning officer duties; and

**WHEREAS**, the Borough Council desires to continue to utilize the services of Mr. Wimbush in the area zoning officer duties until a permanent zoning officer is appointed, which may not occur until January 1, 2024; and

**WHEREAS**, Walter Wimbush shall be compensated for his work in the performance of zoning officer duties for the period of April 10, 2023 until a permanent zoning officer is appointed, or until December 31, 2023 (whichever occurs earlier), at the value of \$10,000 a year, pro-rated and paid in equal bi-weekly installments, in addition to his normal paycheck as Code Enforcement Officer.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Roselle that Walter Wimbush shall receive the aforementioned stipend as compensation for the performance of duties of zoning officer for the Borough of Roselle.

**BE IT FURTHER RESOLVED**, these stipend payments shall cease either upon the appointment of a zoning officer or on December 31, 2023, whichever event occurs earlier, and in no event shall the total amount of stipend payments made to Walter Wimbush pursuant to this agreement exceed \$7,260.00.

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April 2023.

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Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-161**

**RESOLUTION FOR A CHANGE ORDER AMENDMENT TO THE CONTRACT FOR  
PICERNO GIORDANO CONSTRUCTION REGARDING ADDITIONAL SITE WORK  
FOR THE COMPLETION OF THE POPLAR STREET PARK IMPROVEMENTS  
PROJECT**

**WHEREAS**, Picerno Giordano Construction, 200 Market Street, Kenilworth, NJ 07033 was awarded project in the amount of \$322,544.00 by way of Resolution Number 2022-273; and

**WHEREAS**, additional funds are required to complete the project due to unforeseen project cost as listed in the Colliers Engineering & Design correspondence dated April 11, 2023; and

**WHEREAS**, the Borough Engineer has reviewed the request and has recommended to the Borough Administrator, Borough CFO and Borough Finance Office an increase in the total contract amount and not to exceed **\$63,282.00**; and

**WHEREAS**, the Chief Financial Officer has certified that sufficient funds are available within the current and/or previously adopted budget for said purpose, specifically Bond Ordinance 2679-22.

**NOW THEREFORE BE IT RESOLVED**, by the Borough Council of the Borough of Roselle, Union County, New Jersey that the above-referenced increase in project scope is authorized to Picerno Giordano Construction as per the Colliers Engineering & Design correspondence dated April 11, 2023 and the following breakdown:

<b>Contract Amount</b>	<b>\$322,544.00</b>
<b>Change Order</b>	<b>\$ 63,282.00</b>
<b>Adjusted Contract Amount</b>	<b>\$385,826.00</b>

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

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the forgoing is true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a regular meeting of said Council held on April 19, 2023.



**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 19<sup>th</sup> day of April 2023.

Lisette Sanchez, Borough Clerk

Certification of Availability of Funds  
(Acct#3-01-44-902-000-201)

  
Nick Trasente, CFO

Date

4/19/23

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-162**

**RESOLUTION AMENDING RESOLUTION 2023-129 ESTABLISHING 2023  
TEMPORARY EMERGENCY APPROPRIATIONS**

**WHEREAS**, the 2023 Budget has not been adopted and additional temporary appropriations are required in order to provide Borough services until the 2023 budget is adopted; and

**WHEREAS**, N.J.S.A.40A:4-20 of the Local Budget Law provides for the creation of emergency temporary appropriations for purposes mentioned above;

**WHEREAS**, Resolution number 2023-095 establishing the 2023 Temporary Emergency Appropriations was adopted by Borough Council on February 15, 2023; and

**WHEREAS**, Resolution number 2023-129 amended Resolution 2023-095 which established the 2023 Temporary Emergency Appropriations on March 15, 2023; and

**NOW, THEREFORE, BE IT RESOLVED** that the following temporary emergency appropriations be made for the year 2023:

	<b>Temporary Emergency Appropriation 2023</b>		<b>NJSA 40A: 4- 20 Temp Emergency</b>	
	<b>NJSA 40A:4-19 Temp Budget</b>	<b>Modified Temp Budget 1/18/23</b>	<b>Modified Temp Budget 3/15/23</b>	<b>Modified Temp Budget</b>
General Admin SW	80,000.00	80,000.00	16,670.00	96,670.00
General Admin OE	180,000.00	180,000.00		180,000.00
Human Resources SW	26,000.00	26,000.00	15,000.00	41,000.00
Human Resources OE	12,500.00	12,500.00		12,500.00
Mayor and Council SW	45,000.00	60,000.00	17,000.00	77,000.00
Mayor and Council OE	12,000.00	15,000.00		15,000.00

Municipal Clerk SW	78,000.00	78,000.00	52,000.00		130,000.00
Municipal Clerk OE	35,000.00	35,000.00			35,000.00
Finance					
Administration SW	105,000.00	105,000.00	90,000.00		195,000.00
Finance					
Administration OE	63,000.00	63,000.00		30,000.00	93,000.00
Audit	25,000.00	25,000.00			25,000.00
Revenue					
Administration SW	24,000.00	24,000.00	17,000.00		41,000.00
Revenue					
Administration OE	4,000.00	4,000.00			4,000.00
Tax Assessment SW	34,000.00	34,000.00	31,000.00		65,000.00
Tax Assessment OE	28,000.00	43,000.00			43,000.00
Legal Services	145,000.00	245,000.00	150,000.00		395,000.00
Engineering Services	52,000.00	52,000.00	45,000.00	53,000.00	150,000.00
Economic					
Development SW	25,000.00	25,000.00	16,500.00		41,500.00
Economic					
Development OE	50,000.00	150,000.00	60,000.00	20,000.00	230,000.00
Planning Board SW	1,575.00	1,575.00	2,700.00		4,275.00
Planning Board OE	10,000.00	10,000.00			10,000.00
Zoning Board of					
Adjustment SW	1,575.00	1,575.00	2,700.00		4,275.00
Zoning Board of					
Adjustment OE	2,000.00	2,000.00			2,000.00
Budling Department					
SW	115,000.00	115,000.00	105,000.00		220,000.00
Budling Department					
OE	15,000.00	15,000.00			15,000.00
Code Enforcement SW	80,000.00	80,000.00	74,000.00		154,000.00
Code Enforcement OE	10,000.00	10,000.00			10,000.00
Parking Enforcement					
SW	18,500.00	18,500.00	5,000.00		23,500.00
Parking Enforcement					
OE					-
Hispanic/Latino Board					
Multicultural	200.00	3,000.00			3,000.00
Senior Advisory board		3,000.00			3,000.00
Other Insurance					
Premiums	1,319,000.00	1,319,000.00			1,319,000.00

Workers Compensation Insurance	325,000.00	325,000.00			325,000.00
Employee Group Insurance	1,549,500.00	1,549,500.00	1,200,000.00		2,749,500.00
Health Benefits Waiver	45,000.00	45,000.00			45,000.00
State Unemployment Insurance	60,000.00	60,000.00			60,000.00
Police Department SW	1,885,000.00	1,885,000.00	2,310,000.00		4,195,000.00
Police Department OE	315,000.00	315,000.00			315,000.00
Traffic Control School Crossing SW	82,000.00	82,000.00	72,000.00		154,000.00
Traffic Control School Crossing OE	4,200.00	4,200.00			4,200.00
Police Dispatch/911 SW	210,000.00	210,000.00			210,000.00
Police Dispatch/911 OE	1,500.00	1,500.00			1,500.00
Fire Department SW	1,090,000.00	1,090,000.00	1,065,000.00		2,155,000.00
Fire Department OE	80,000.00	80,000.00			80,000.00
Office of Emergency Management SW	4,200.00	4,200.00	1,000.00		5,200.00
Office of Emergency Management OE	11,000.00	11,000.00			11,000.00
Municipal Prosecutor SW	13,500.00	13,500.00	15,500.00		29,000.00
Municipal Prosecutor OE	5,000.00	5,000.00			5,000.00
Shade Tree	18,000.00	18,000.00			18,000.00
Public Works SW	800,000.00	800,000.00	450,000.00		1,250,000.00
Public Works OE	225,000.00	225,000.00			225,000.00
Vehicle Maintenance - Fire	25,000.00	25,000.00			25,000.00
Vehicle Maintenance - Police	25,000.00	25,000.00	2,000.00	10,000.00	37,000.00
Vehicle Maintenance - PW/Motor pool	50,000.00	50,000.00	20,000.00	70,000.00	140,000.00
Solid Waste	400,000.00	400,000.00	100,000.00		500,000.00
Recycling	28,000.00	28,000.00	25,000.00		53,000.00
Snow Removal	60,000.00	60,000.00			60,000.00

Municipal Service Act	9,000.00	9,000.00			9,000.00
Public Health Services					
SW	32,000.00	62,000.00	16,000.00		78,000.00
Public Health Services					
OE	17,000.00	17,000.00	5,000.00	10,000.00	32,000.00
Community Center					
SW	10,000.00	10,000.00	14,000.00		24,000.00
Community Center OE	1,000.00	4,000.00			4,000.00
Parks & Playgrounds					
SW	30,000.00	30,000.00	22,000.00		52,000.00
Parks & Playgrounds					
OE	40,000.00	40,000.00			40,000.00
Maintenance of Free					
Public Library	175,000.00	175,000.00	175,000.00		350,000.00
Accumulated Leave					
Compensation	53,500.00	53,500.00			53,500.00
Electricity OE	167,000.00	167,000.00	167,000.00		334,000.00
Telephone	119,000.00	119,000.00	119,000.00		238,000.00
Fire Hydrant Service	100,000.00	100,000.00	100,000.00		200,000.00
Water OE	23,000.00	23,000.00	5,000.00		28,000.00
Natural Gas	25,000.00	25,000.00	25,000.00		50,000.00
Sewerage Disposal					
Lind/Roselle Authority	800,000.00	800,000.00	800,000.00		1,600,000.00
Gasoline	80,000.00	80,000.00	20,000.00	50,000.00	150,000.00
Contingency	10,000.00	10,000.00			10,000.00
PERS			-	773,626.00	773,626.00
Social Security	220,000.00	220,000.00	220,000.00		440,000.00
Police & Fire					
Retirement			-	3,715,716.57	3,715,716.57
DCRP	3,500.00	3,500.00			3,500.00
Tax Appeals Reserve	7,500.00	7,500.00			7,500.00
Judgements	100,000.00	100,000.00			100,000.00
Shared Service:					
Dispatch	70,000.00	70,000.00			70,000.00
Shared Service: STD					
Elizabeth	3,000.00	5,000.00			5,000.00
Shared Service: Health					
Officer	52,000.00	52,000.00			52,000.00

Shared Service:					
Animal Control	11,000.00	11,000.00	24,000.00		35,000.00
Municipal Court SW	115,000.00	115,000.00	120,000.00		235,000.00
Municipal Court OE	18,000.00	18,000.00		7,000.00	25,000.00
Public Defendant SW	8,100.00	8,100.00	2,000.00		10,100.00
Public Defendant OE	2,500.00	2,500.00			2,500.00
Capital Improvement - Poplar St. and other Parks				94,000.00	94,000.00
Capital Improvement Fund	400,000.00	400,000.00			400,000.00
Bond Principal	1,945,000.00	1,945,000.00			1,945,000.00
Bond Interest	1,217,000.00	1,217,000.00			1,217,000.00
Not Interest	330,000.00	330,000.00			330,000.00
NJEIT Loan	100,000.00	100,000.00			100,000.00
Green Trust Loans	2,600.00	2,600.00			2,600.00
	16,204,950.00	16,478,750.00	12,283,412.57	524,000.00	29,286,162.57

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held on April 19, 2023.

**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 19<sup>th</sup> of April 2023.

\_\_\_\_\_  
Lisette Sanchez, Borough Clerk

**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-163**

**RESOLUTION HIRING PARKING ENFORCEMENT OFFICERS  
IN THE POLICE DEPARTMENT AT A RATE OF \$19.20 PER HOUR**

**WHEREAS**, there is a need in the Police Department of the Borough of Roselle to supplement its workforce with Parking Enforcement Officers on a Full Time basis; and

**WHEREAS**, Mr. Jody Brooke and Ms. Keyana Hall were interviewed and judged to be qualified for employment in the position of Parking Enforcement Officer within the Police Department of the Borough of Roselle.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Roselle that Mr. Jody Brooke and Ms. Keyana Hall are hereby appointed to the position of Parking Enforcement Officer, on a full-time basis of 35 hours per week at an hourly rate of \$19.20 per hour in the Police Department of the Borough of Roselle, effective Monday, May 1, 2023, subject to the successful completion of the ninety (90) day working test period; and

**BE IT FURTHER RESOLVED**, that the hiring of Mr. Jody Brooke and Ms. Keyana Hall is subject to the satisfactory completion of a criminal background check, the initial cost of which is to be borne by employees and will be reimbursed by the Borough so long as the check is satisfactory and employment is continued.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey, at a Regular Meeting of said Council held April 19, 2023.

**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 19<sup>th</sup> day of April, 2023.

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Lisette Sanchez  
Borough Clerk

## **Resolution # 2023-164**

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-Apr-23**

#### **FUND**

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ANIMAL CONTROL	\$	109.80
CAPITAL ACCOUNT	\$	231,653.99
CDBG TRUST		
CURRENT FUND	\$	2,370,655.88
ESCROW TRUST	\$	52,235.20
FSLEF		
SLEF		
GENERAL TRUST ACCOUNT	\$	3,413.00
TRUST DCA FEES		
GRANT ACCOUNT		
SUI		
MARCH 24, 2023 PAYROLL	\$	703,767.20
APRIL 6, 2023 PAYROLL	\$	703,767.20
MANUAL CHECK	\$	1,623,767.59
POAA		
REDEMPTION PREMIUM ACCOUNT	\$	42,500.00
PUBLIC DEFENDER		
REDEMPTION TRUST	\$	17,015.87
RESERVE FOR ESCROW		
SALARY DEDUCTION		
 GRAND TOTAL		 <u><u>\$5,748,885.73</u></u>

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LISETTE SANCHEZ  
MUNICIPAL BOROUGH CLERK

DATED: APRIL 19, 2023



**BOROUGH OF ROSELLE**



**RESOLUTION NUMBER 2023-165**

**RESOLUTION AUTHORIZING A CLOSED (EXECUTIVE SESSION)**

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

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

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

1. The public shall be excluded from discussions of and action hereinafter specified as:
  - Personnel Matters
  - Contract Negotiations
  - Contractual Matters
  - Litigation Matters
  - Matters Falling Within Attorney Client Privilege
2. It is anticipated at this time, the above stated subject matters will be made public when it is determined that the need for confidentiality no longer exists.

This resolution shall take effect immediately.

I, Lisette Sanchez, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Borough Council of the Borough of Roselle, County of Union, State of New Jersey at a Regular Meeting of said Council held on April 19, 2023.

**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 19<sup>th</sup> of April 2023.

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Lisette Sanchez, Borough Clerk