

**BOROUGH OF ROSELLE
MAYOR & COUNCIL
REGULAR MEETING - AGENDA
May 18, 2011 at 7:30 PM**

MEETING CALLED TO ORDER

FLAG SALUTE

INVOCATION

ROLL CALL

Council President Dansereau, Councilwoman Shaw, Councilman Aubourg, Councilwoman Turnage, Councilwoman Ricks, Councilman Holley, Mayor Smith

STATEMENT OF COMPLIANCE

This is to state for the record that this meeting is being held according to the requirements of the Open Public Meetings Act, Section 5, Chapter 231, P.L. 1975, by posting and maintaining the annual notice of regular and workshop meetings on the Borough Hall Bulletin Board, by mailing the Annual Notice of regular and workshop meetings for 2011 to the Union County Local Source and The Home News Tribune in 2010, and by filing said notice in the Office of the Borough Clerk.

CERTIFICATES OF RECOGNITION

Wills Paul

Cercle de L'amitie de New Jersey

Junior Police Academy

PROCLAMATIONS

Giovanni Shim – Student Ambassador

Memorial Day – May 30, 2011

APPROVAL OF MINUTES

Minutes of Mayor and Council Regular Meeting – March 16, 2011
Minutes of Redevelopment Agency Meeting – March 23, 2011
Minutes of Mayor and Council Workshop Meeting – April 13, 2011

RESOLUTIONS

CONSENT AGENDA

- 2011-152 Authorizing the Police Department to Dispose of Abandoned and Unclaimed Bicycles by Public Auction
- 2011-153 Authorizing Purchase of One (1) 2011 Ford Crown Victoria Vehicle from Winner Ford Through the New Jersey State Contract Purchasing System in the Amount NTE \$21,738.00

- 2011-154 Authorizing Receipt of Justice Assistance Grant Award and MOU (Memorandum of Understanding) with Union County in the amount of \$11,709.00
- 2011-155 Authorizing Redemption of Tax Sale Certificate 10-005, Block 806, Lot 12 in the Amount of \$25,044.24
- 2011-156 Authorizing Redemption of Tax Sale Certificate 09-024, Block 03504, Lot 22 in the Amount of \$57662.44
- 2011-157 Authorizing Redemption of Tax Sale Certificate 09-007, Block 503, Lot 11 in the Amount of \$26,965.65
- 2011-158 Authorizing Redemption of Tax Sale Certificate 09-035, Block 5404, Lot 44 in the Amount of \$44,144.59
- 2011-159 Accepting the Bid of Agape House of Worship to Lease Borough Property Contract *(at Block 2702, Lots 4 & 5 in the amount of \$6,480.00 per year)*
- 2011-160 Accepting the Bid of Guiding Star, United Holy Church of America, Inc. to Purchase Borough Property Contract *(Block 2602, Lots 16 & 17 in the amount of \$15,100.00)*
- 2011-161 Authorizing Auction of Abandoned and Unclaimed Vehicles on June 8, 2011
- 2011-162 Authorizing the Borough of Roselle to Enter Into a Contract for an Employee Assistance Plan (EAP) with Trinitas Hospital C.A.R.E. and Authorizing the Borough Administrator to Execute this Agreement
- 2011-163 Authorizing the Preparation of an Application to the Local Finance Board for Reversion to a Calendar Fiscal Year Pursuant to N.J.S.A. 40A:4-3.1
- 2011-164 Authorizing the Purchase of an 8000 Pound Asphalt Hot Patcher Dump Trailer, a Mott Alamo SH 88 Rear Mount Flail Mower and a Groundsmaster 360 4WD Riding Lawnmower as stated in the resolution
- 2011-165 Authorizing the Borough of Roselle to Become a Member of the Middlesex Regional Educational Services Commission Cooperative Pricing System #65MCECCPS and Authorizing the Borough Administrator to Execute this Agreement
- 2011-166 Authorizing the Borough of Roselle to Become a Member of the Somerset County Cooperative Pricing System #2-SOCCP and Authorizing the Borough Administrator to Execute this Agreement
- 2011-167 Authorizing the Filing of a Fiscal Year 2011 Community Oriented Policing Services (COPS) Hiring Program Grant Application
- 2011-168 Authorizing the Submission of an Application for a United States Department of Justice, Division of Community Oriented Policing Services 2011 Secure Our Schools Grant
- 2011-169 Authorizing a Block Party and Authorizing the Borough Clerk to Endorse Same for the Following:
- 169A. Ophelia Allen, 164 E. 6th Avenue, Roselle, for a Block Party to be held on May 28, 2011 on Walnut Street, between Sixth Avenue and Seventh Avenue from the hours of 2:00 p.m. to 9:00 p.m. For a Birthday Celebration.
- 169B. Robert and Darlene Polhill, 641 Meadow Street, Roselle, for a Block Party to be held on May 28, 2011 on Hamilton Street and Meadow Street from the hours of 12:00 noon to 8:30 p.m. For a Memorial Day Celebration.

- 169C. Rev. Jean Donatien, of Jesus Christ Baptist Church for a Block Party to be held on May 29, 2011 on East 12th Avenue, between Chandler Avenue and Rivington Street, for the Closing Of Week of Revival from the hours of 8:00 a.m. to 4:00 p.m.
- 169D. Steven Johnson, 2 Fern Street, Roselle, for a Block Party to be held on June 25, 2011 on Fern Street, from the hours of 12:00 noon to 8:00 p.m. For a Neighborhood Gathering.
- 169E. Linda Henderson, 275 East 5th Avenue, Roselle, for a Block Party to be held on May 28, 2011 on East 5th Avenue, between Poplar Street and Spruce Street from the hours of 1:00 p.m. to 5:00 p.m. For a Community Mingle.

2011-170 Approving a Can Shake and Authorizing the Borough Clerk to Endorse Same for the following:

- 170A. Denise Daniels & Abraham Clark High School PTO for a Can-Shake to be held on May 14 & 15 at St. Georges Avenue & Chestnut; Wood Avenue (Dunkin Donuts); St. George Avenue & Chandler Avenue; 2nd Avenue & Chestnut Street from the hours of 9:00 AM – 12:00 Noon. For Fundraiser.
- 170B. Lou Grasso & Abraham Clark Varsity Football for a Can-Shake to be held on June 11 and July 16 & 23 at St. Georges Avenue & Chestnut; St. Georges Avenue & Wood Avenue from the hours of 9:00 AM – 1:00 PM. For Fundraiser.
- 170C. James Roach & Roselle Pop Warner Football for a Can-Shake to be held on August 6 & 27 and September 3 & 24 at St. Georges Avenue & Chestnut; 2nd Avenue & Chestnut; St. Georges Avenue & Wood Avenue from the hours of 9:00 AM – 12:00 Noon. For Fundraiser for Uniforms.

2011-171 Authorizing and Directing the Recreation Division to Advertise for the 2011 Summer Camp Program

2011-172 Authorizing Settlement of the 2010 and 2011 Tax Appeal Entitled Claudette Williams v. Borough of Roselle, Block 2505, Lot 13

NON-CONSENT RESOLUTIONS

- 2011-173 Authorizing Payment of Bill List dated May 18, 2011
- 2011-174 Approving a Shared Services Agreement Between the Borough of Roselle and the City of Linden for Qualified Purchasing Agent Services During the Time Period Covering July 1, 2011 Through June 30, 2012
- 2011-175 Approving Resolution as Policy for Police Chief and Fire Chief Terms and Conditions

ORDINANCES

ORDINANCE FOR PUBLIC HEARING AND FINAL PASSAGE

Ordinance Number 2398-11

AN ORDINANCE AMENDING THE BOROUGH CODE BY THE ADDITION OF A NEW CHAPTER 54 – ABANDONED RESIDENTIAL PROPERTY REGISTRATION

ORDINANCE FOR INTRODUCTION AND FIRST READING

Ordinance Number 2399-11

AN ORDINANCE AMENDING BOROUGH CODE CHAPTER 102, ENTITLED STREETS AND SIDEWALKS, ARTICLE 1, STREET EXCAVATION, SECTION 102-7 RESTORATION OF SITE: PAVEMENT AREAS

(Public Hearing to be held June 22, 2011 at 7:30 P.M.)

ORDINANCE FOR INTRODUCTION AND FIRST READING

Ordinance Number 2400-11

AN ORDINANCE AUTHORIZING THE BOROUGH TO REVERT TO A CALENDAR FISCAL YEAR FROM A STATE FISCAL YEAR

(Public Hearing to be held June 22, 2011 at 7:30 P.M.)

ORDINANCE FOR INTRODUCTION AND FIRST READING

Ordinance Number 2401-11

AN ORDINANCE TO ESTABLISH A TRAFFIC SIGNAL MONITORING SYSTEM

(Public Hearing to be held June 22, 2011 at 7:30 P.M.)

ORDINANCE FOR INTRODUCTION AND FIRST READING

Ordinance Number 2402-11

AN ORDINANCE TO AMEND CHAPTER 64 OF THE CODE OF THE BOROUGH OF ROSELLE ENTITLED "FEES FOR BOROUGH SERVICES"

(Public Hearing to be held June 22, 2011 at 7:30 P.M.)

PUBLIC COMMENT

MAYOR'S COMMENTS

COUNCIL COMMENTS

ADJOURNMENT

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE
ORDINANCE NUMBER 2398-11**

**AN ORDINANCE AMENDING THE BOROUGH CODE BY THE ADDITION OF A
NEW CHAPTER 54 – ABANDONED RESIDENTIAL PROPERTY REGISTRATION**

WHEREAS, the presence of vacant, abandoned residences can lead to neighborhood blight; and,

WHEREAS, the presence of vacant, abandoned residences can create an unattractive public nuisance; and,

WHEREAS, the presence of vacant, abandoned residences can contribute to lower property values; and,

WHEREAS, the presence of vacant, abandoned residences can discourage potential buyers from purchasing a home adjacent to, or within neighborhoods with vacant, abandoned residences; and,

WHEREAS, many vacant, abandoned residences are often the responsibility of out of state or out of area lenders and trustees; and,

WHEREAS, in many instances, the lenders and mortgage holder fail to adequately maintain and secure these vacant, abandoned residences; and,

WHEREAS, the Borough of Roselle (the “Borough”) has the power to protect its residential neighborhoods from blight, decline and devaluation.

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

SECTION 1. The Code of the Borough of Roselle, in the County of Union, New Jersey is hereby amended by the addition of Chapter 54, to read as follows:

Section 54-1 Title. This Chapter shall be known as and may be cited as the “Abandoned Residential Property Registration Ordinance”.

Section 54-2 Purpose.

It is the purpose and intent of the Borough Council of the Borough of Roselle, through the adoption of this Chapter, to establish an abandoned residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties.

Section 54-3 Definitions.

For the purposes of this chapter, certain words and phrases used in this chapter are defined as follows:

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE
ORDINANCE NUMBER 2398-11**

“Abandoned” means a property that is vacant and has been the subject of foreclosure sale where the title was retained by the mortgage holder involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

“Accessible property” means a property that is accessible through a compromise/breached gate, fence, wall, etc.

“Accessible structure” means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

“Agreement” means any agreement or written instrument, which provides that title to residential property, shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

“Beneficiary” means a lender under a note secured by a mortgage, deed of trust or similar document.

“Buyer” means any person, co-partnership, association, corporation, or fiduciary who agrees to transfer anything of value in consideration for property described in an agreement of sale, as defined in this subsection.

“Dangerous building” means any building/structure that is violation of any condition referenced in Chapter 48, “Buildings, Abandonment and Dangerous” of the Borough Code.

“Days” means consecutive calendar days.

“Deed of Trust” means an instrument by which title to real estate is transferred to a third party trustee as security for a real estate loan definition applies to any and all subsequent deeds of trust i.e.: 2nd trust deed, 3rd deed, etc.

“Deed in lieu of foreclosure” means a recorded document that transfers ownership of a property from the fee owner to a mortgagor, lien holder, or beneficiary of the deed of trust.

“Default” means the failure to fulfill a contractual obligation, monetary or conditional.

“Distressed” means a property that is under a current Notice of Default and/or Notice of Sheriff’s Sale and/or pending Tax Lien Sale or has been foreclosed upon by the Mortgagee or has been conveyed to the mortgagor, beneficiary or trustee via a Deed in lieu of Foreclosure.

“Evidence of vacancy” means any condition that on its own, or combined with other conditions present would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements by neighbors, passerby, delivery agents, government employees that the property is vacant.

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE
ORDINANCE NUMBER 2398-11**

“Foreclosure” means the process the process by which a lien holder seeks to acquire title to the property, to have the sheriff sell at auction to satisfy the debt.

“Local” means within forty (40) road/driving miles distance of the subject property.

“Mortgage” means a lien against real estate granted to serve an obligation, including a deed of trust.

“Mortgagee” means one to whom a property is mortgaged.

“Mortgagor” means one who mortgages real property.

“Neighborhood Standard” means those conditions that are present on a simple majority of properties within a three hundred (300) foot radius of an individual property. A property that is the subject of a neighborhood standard comparison, or any other abandoned property within the three hundred (300) foot radius, shall not be counted toward the simple majority.

“Notice of Default” means a recorded notice that a default has occurred under a mortgage or deed of trust and that the mortgagee or beneficiary intends to proceed with a foreclosure proceeding.

“Out of area” means in excess of ten (10) road/driving miles distance of the subject property.

“Owner” means any person, co-partnership, association, corporation, or fiduciary having a legal or equitable title or any interest in any real property.

“Owner of record” means the person having recorded title to the property at any given point in time as set forth in the records recorded with the Registrar of Deeds of Union County.

“Property” means any unimproved or improved real property, or portion thereof, situated in the Borough and includes the buildings or structures located on the property regardless of condition.

“Residential building” means any improved real property, or portion thereof, situated in the Borough, designed or permitted to be used for dwelling purposes, and shall include the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchanges as “residential” whether or not it is legally permitted and/or zoned for such use.

“Securing” means such measures as may be directed by the Borough Construction Code Officer or his or her designee that assist in rendering the property inaccessible to unauthorized persons, including but not limited to the repairing of fences and walls, chaining/pad locking of gates, the repair or boarding of door, window and/or other openings. Boarding shall be completed to a minimum of the current HUD securing standards at the time the boarding is completed or required.

“Trustee” means the person, firm or corporation holding a Deed of Trust on a property.

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE
ORDINANCE NUMBER 2398-11**

“Trustor” means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

“Vacant” means a building/structure that is not legally occupied.

Section 54-3 Recordation of Transfer of Loan/Deed of Trust/Assignment of Rents

Within ten (10) days of the acquisition of title by Deed in lieu of foreclosure or Sheriff Sale by the Mortgagee/Trustee, the Mortgagee/Trustee shall record, with the Borough of Roselle Tax Office, documents that lists the name of the corporation, and/or individual, the mailing address and contact phone number of the new owner/beneficiary/trustee responsible for receiving payments associated with the mortgage/deed of trust, an/or the owner of the property.

Section 54-4 Registration

Any mortgagee/trustee, who holds a deed on a property located within the Borough of Roselle, shall perform an inspection of the property that is the security for the mortgage or deed of trust, upon default by the mortgagor or trustor. If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the mortgage/trustee shall, within ten (10) days of the inspection, register the property with the Code Officer or his or her designee on forms provided by the Borough.

The registration shall contain the name of the mortgagee/trustee (corporation or individual), the direct street/office mailing address of the mortgagee/trustee (no P.O. Boxes), a direct contact name and phone number for the mortgagee/trustee and, in the case of a corporation or out of area mortgagee/trustee, the local property management company responsible for the security, maintenance and marketing of the property. Registration fees will not be prorated.

An annual registration fee shall accompany the registration form. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations and fees are due January 1st of each year and must be received no later than January 31st of the year due.

This section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a deed of trust or mortgagee involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure.

Properties subject to this chapter shall remain under the annual registration requirement, security and maintenance standards of this section as long as such properties remain vacant.

Any person, firm or corporation that has registered a property under this chapter must report any change of information contained in the registration within ten (10) days of the change.

Section 54-5 Maintenance Requirements

Properties subject to this section shall be, in comparison to the neighborhood standard, kept free of weeds, dry bush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, accept those required by federal, state or

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE
ORDINANCE NUMBER 2398-11**

local law, discarded personal items including but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

The property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure.

Visible front and side yards shall be landscaped and maintained to the neighborhood standard at the time registration was required.

Landscape includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed especially for residential installation.

Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastic sheeting, mulch, indoor-outdoor carpet or any similar material.

Maintenance includes, but is not limited to regular watering, irrigation, cutting, pruning and mowing of required landscaped and removal of all trimmings.

Pools and spas shall be kept in working order so the water remains clear and free of pollutants and debris or drained and kept dry. In either case properties with pools and/or spas must comply with the minimum security fencing requirements of the Borough.

Adherence to this section does not relieve the mortgagee/trustee or property owner of any obligations set forth in any Covenants Conditions and Restrictions and/or Home Owners Association rules and regulations which may apply to the property.

Section 54-6 Security Requirements

Properties subject to this section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

Secure manner includes but is not limited to the closure and locking of windows, doors (walkthrough, sliding and garage) gates and any other opening of such size that it may allow a child to access the interior of the property and or structure(s). In the case of broken windows securing means the reglazing or boarding of the window.

If the property is owned by a corporation and/or out of area mortgagee/trustee/owner, a local property management company shall be contracted to perform weekly inspections to verify that the requirements of this section, and any other applicable laws, are being met.

The property shall be posted with name and a 24-hour contact phone number of the local property management company. The posting shall be no less than 18" X 24" and shall be of font that is legible from a distance of forty-five (45) feet and shall contain along with the name and 24-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL". The posting shall be placed on the interior of a window facing the street to the front of the property so it is visible from the street, or secured to the

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE
ORDINANCE NUMBER 2398-11**

exterior of the building/structure facing the street to the front of the property so it is visible from the street or if no such area exists, on a stake of sufficient size to support the posting in a location that is visual from the street to the front of the property but not readily accessible to vandals.

Exterior postings must be constructed of and printed with weather resistant materials.

The local property management company shall inspect the property on a weekly basis to determine if the property is in compliance with the requirements of this chapter.

Section 54-7 Additional Authority

In addition to the enforcement remedies established in Chapter 87 of the Borough Code, the Code Enforcement Officer or his or her designee shall have the authority to require the mortgagee/trustee/owner and/or owner of record of any property affected by this section, to implement additional maintenance and/or security measures including but not limited to, securing any/all door, window or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

Section 54-8 Fees

The fee for registering an Abandoned Residential Property shall be \$500.

Section 54-8 Enforcement

The Code Enforcement Officer in the Building Department, in addition to all other Borough officials empowered by the Borough Code or general law to take enforcement action or issue summons for violations of State Statutes and/or the provisions of the Borough Code are hereby authorized to enforce this Chapter and issue summons for violations of any section of this Chapter.

Section 54-9 Violation/Penalty

Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violate any portion of this section shall be subject to prosecution and/or administrative enforcement. Any person who shall violate any of the provisions of this article shall, upon conviction, be punished by a fine not more than \$1,000 or be subject to imprisonment in the county jail for a period of 90 days or by a period of community service not exceeding 90 days. The Court may impose all, some or any combination of these sanctions

Section 54-10 Severability

Should any provision, section, paragraph, sentence or word of this chapter be determined or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this chapter shall remain in full force and effect.

**NOTICE OF PUBLIC HEARING
BOROUGH OF ROSELLE
ORDINANCE NUMBER 2398-11**

SECTION 2. The remaining provisions of the Borough Code shall continue in full force and effect to the same extent as if herein fully repeated.

SECTION 3. 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 therefrom.

SECTION 4. This Ordinance shall take effect at the time and in the manner provided by law.

PUBLIC NOTICE is hereby given that the foregoing proposed Ordinance was introduced and read by title for the first time at a special meeting of the Borough Council of the Borough of Roselle held on April 20, 2011, and this Ordinance will be considered for final passage at a regular meeting of the Borough Council to be held May 18, 2011, at 7:30 P.M., or as soon thereafter as the matter may be reached, at Borough Hall, Council Chambers, 210 Chestnut St., Roselle, NJ, at which time and place all persons interested will be given an opportunity to be heard concerning same.

Rhona C. Bluestein, M.B.A., R.M.C., C.M.C.
Municipal Clerk

**BOROUGH OF ROSELLE
ORDINANCE NUMBER 2399-11**

**AN ORDINANCE TO AMEND THE BOROUGH OF ROSELLE CODE: CHAPTER
102 - STREETS AND SIDEWALKS, ARTICLE 1 – STREET EXCAVATION, SECTION
102-7 RESTORATION OF SITE; PAVEMENT AREAS**

THE FOLLOWING SUB-SECTION IS ADDED TO SECTION 102-7:

**MAKING OF EXCAVATIONS AND OPENINGS IN STREETS AND PUBLIC
PLACES.**

Sec. 102-7.1A Definitions.

For the purpose of this Section of the Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Director shall mean Director of Public Works and the Borough Engineer.

Opening shall mean and include removing, digging in, disturbing, excavating or taking up any surface, pavement or soil of any street as defined in this Chapter.

Pavement shall mean and include the regularly traveled portion of any street, being the same constructed of bituminous concrete, Portland Cement concrete, penetrated macadam, macadam, or stone or other material having a seal coat of one (1) or more applications of asphaltic oil or tar with or without stone chips.

Shoulder shall mean and include that area within the street right-of-way, adjacent to the existing pavement as described above and available for use by vehicular traffic.

Streets shall mean and include any street, highway, lane, alley, court, sidewalk or public place in the City recognized as such by the City and under its control.

Sec. 102-7.2A. Permit required.

(a) No person, firm, or corporation shall construct, remove, replace or repair any sidewalk, curbing, driveway, street opening or any excavation, or place any form of construction in, over or upon any street or otherwise endanger or obstruct the normal flow of traffic or normal flow of surface water, by the placing of any barricade, structure, material or equipment not normally designated to be operated, placed or used on a street without first obtaining a written permit, approved by the Director or his designee, which shall be issued by the Director or his designee, for such fees as provided in this Article. Before a permit is issued, application must be made therefor upon forms provided by the Borough. The application shall include scaled or dimensioned drawings satisfactory to the Director or his designee, showing all details of any structures, pipes, ducts, wires, cables, or other facilities being installed in the street or of any street being altered in any way.

**BOROUGH OF ROSELLE
ORDINANCE NUMBER 2399-11**

(b) The Director or his designee shall grant such permit when all of the requirements of this Article have been complied with by the applicant.

(c) A separate permit will be required for each opening made.

(d) Every permit shall specify the name and residence of the applicant, the place and places at which the work is to be done, the character of the work, and the time within which it is to be completed. The permit must be visibly exhibited, must be in the possession of the parties doing the work and must be exhibited to the Director or his authorized representative upon request. No such permit shall be valid except for the place, time and character of work specified therein.

(e) The Director or his designee shall have the right to revoke or cancel the permit at any time should the permittee fail to comply with any of the terms, agreements, covenants, and conditions thereof.

(f) The permit shall not be assigned or transferred except upon the prior written consent of the Director or his designee.

(g) (1) All work performed in accordance with permits issued under this Article shall be constructed, removed, replaced, or repaired in accordance with such grades and specifications as may be determined or promulgated by the Director or his designee, and the permittee shall perform the work so as to meet the grade and alignment of the adjoining sidewalk, curb, and driveway and/or such established line and grade as may be determined by the Director or his designee, and in accordance with the latter's directions.

(2) Except as provided in paragraph (B) of this Subsection, no permit shall be issued for a newly constructed or substantially improved street for a period of five (5) years from the date of acceptance of such construction except in cases of emergency as described in Section 102-5 Emergency Work. Ninety (90) days prior to the start of construction of permanent pavement on any street, the Director or his designee shall notify, in writing, all property owners of record on such street, all utility companies serving such street, the Police Chief and the Fire Chief of such construction and of the provisions of this Section. Sidewalks shall be exempt from the provisions of this Section.

(A) For any applicant to open any paved or improved street surface which is less than five (5) years, the Director or his designee shall be required to secure approval therefor from the Governing Body by resolution before any permit can be approved hereunder.

(i) Where the Director makes application for Governing Body approval as provided hereunder, the Director shall provide, to the extent possible, all efforts made by the applicant, if any, to avoid the street opening and therefore the basis for the requested Council approval.

BOROUGH OF ROSELLE
ORDINANCE NUMBER 2399-11

(B) Should an applicant be granted a permit to open the paved street as described herein above, there shall be a charge for said opening, except in the case of emergencies as described Section 102-5 Emergency Work. The charge shall be on a sliding scale determined as follows:

- (i) Assessment = \$1,000.00
- (ii) Area of road cut in square feet (sq. ft.) x \$5.00 = varies
- (iii) Total (1) and (2) = varies

The assessment factor is two percent (2%) of the above total for each unelapsed month or fraction thereof of the five (5) year (60 months) restricted period. The maximum assessment shall be one hundred twenty percent (120%) of the above total, provided however that no assessment hereunder shall be less than Five Hundred Dollars (\$500.00). Inspection and permit fees set forth herein are payable in addition to the assessment charge(s) set forth herein pursuant to Section 102-4 Issuance of Permit; Fees and Deposit. No portion of the assessment charge shall be refundable nor shall such assessment payment relieve the permit holder from the required insurance(s) for the restoration of all road openings in "new street" pavement. **All restoration hereunder shall include infrared pavement repair.**

(3) All street openings, excavations, and restoration thereof shall be made under the supervision and control of the Director or his designee and subject to his inspection. The Director or his designee shall not be required to inspect any work done under the provisions of this Section unless the permittee shall have given not less than forty-eight (48) hours' notice that said work is ready for inspection.

(4) Restoration. The permittee shall restore the site or work promptly, upon completion thereof; all surplus excavated material and debris to be removed and shall restore the site of the work in a neat and orderly condition. Where top soil, seeded areas or sod are disturbed in the course of the work, permittee shall restore the ground surfaces to a condition the same as they were previously.

**BOROUGH OF ROSELLE
ORDINANCE NUMBER 2400-11**

**AN ORDINANCE AUTHORIZING THE BOROUGH OF ROSELLE
TO REVERT TO A CALENDAR FISCAL YEAR
FROM A STATE FISCAL YEAR**

WHEREAS, the Borough of Roselle currently operates under a State Fiscal Year pursuant to N.J.S.A. 40A:4-3.1; and

WHEREAS, State law now allows municipalities that operate under a State Fiscal Year to revert to a Calendar Fiscal Year upon approval of an application to the Local Finance Board and passage of an ordinance authorizing the reversion; and

WHEREAS, the Borough of Roselle has considered the matter of reverting to a Calendar Fiscal Year and finds that the reversion is in the best interest of the Borough of Roselle;

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Roselle in the County of Union, State of New Jersey, that, pursuant to N.J.S.A. 40A:4-3.1 et seq., the Borough shall commence operating on a Calendar Fiscal Year beginning with Calendar Year 2012; and

BE IT FURTHER ORDAINED that following its final adoption, this ordinance shall take affect upon approval by the Local Finance Board of the application as required by law.

**BOROUGH OF ROSELLE
ORDINANCE NUMBER 2401-11**

**AN ORDINANCE ESTABLISHING A TRAFFIC CONTROL SIGNAL MONITORING
SYSTEM IN THE BOROUGH OF ROSELLE**

WHEREAS, by P.L. 2007, Chapter 348 (the Act), the Legislature of the State of New Jersey has determined that the installation of a traffic control signal monitoring system by municipalities complementing local law enforcement could serve as an effective tool in encouraging drivers to observe and obey traffic control devices at intersections, thereby increasing traffic flow and pedestrian safety; and

WHEREAS, by the Borough of Roselle (the "Borough") is desirous of installing traffic control signal monitoring systems at various intersections within the Borough; and;

WHEREAS, the Borough has determined that adoption of an Ordinance establishing a traffic control signal monitoring system is in the best interest of the health, safety and welfare of the Borough and its residents.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough Of Roselle as follows:

Section 1. Installation.

- (a) The Borough hereby determines to install and utilize a traffic control signal monitoring system ("System") at various intersections within the Borough as approved by the Commissioner of Transportation pursuant to the Act.
- (b) The System to be installed shall be approved by the Borough Council by resolution.
- (c) The Borough shall have the authority to enter into a contract, following a lawful procurement process, for the installation of the System. Any contract that shall contain provisions contrary to the Act shall not be deemed invalid but rather reformed to conform to the Act.
- (d) The signs notifying drivers that a System is being utilized shall be approved by the Borough Engineer, and shall be placed on each street converging into the affected intersection as required by the Act.
- (e) The Borough Engineer shall inspect and certify the System at least once every six (6) months from the date of its installation.

Section 2. Issuance of the Summons.

The Borough of Roselle Police Department (the "Police Department") shall review the recorded images produced by the System, to determine whether sufficient evidence exists demonstrating that a traffic control signal violation has occurred and shall issue a Summons when appropriate in accordance with the rules of the Court.

**BOROUGH OF ROSELLE
ORDINANCE NUMBER 2401-11**

Section 3. Use of Recorded Images.

- (a) Except as otherwise provided in this section, the recorded images produced by the System shall be available for the exclusive use of the Police Department for the purpose of discharging the Police Department's duties under P.L. 2007, Ch. 348.
- (b) Any recorded image or information produced in connection with the System shall not be deemed a public record under N.J.S.A 47:1A-1 et. seq., or common law. The recorded images shall not be: (i) discoverable as a public record by any person, entity, or governmental agency, except upon a subpoena issued by a grand jury or a court order in a criminal matter, or (ii) offered as evidence in any civil or administrative proceeding not directly related to a traffic control signal violation.
- (c) Any recorded image or information collected in connection with a traffic control signal violation shall not be retained after sixty (60) following the collection of any fine or penalty.
- (d) If a summons is not issued within forty (40) business days following the traffic control signal violation, all recorded images and any information collected with respect to the traffic control signal violation shall be removed by the Police Department within two (2) business days.
- (e) The Borough shall certify compliance of this Section by filing a report to with the Commissioner of Transportation in accordance with the Act.

Section 4. Owner's Liability.

The liability of the Owner and Operator of a motor vehicle for a traffic control signal violation summons pursuant to the System shall be joint subject to provisions of the Act.

Section 5. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 6. Severability.

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 7. Effective Dates.

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

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. The Borough Clerk shall have this ordinance codified and incorporated in the official copies of the Borough's Code.

BOROUGH OF ROSELLE
ORDINANCE NUMBER 2401-11

- C. This Ordinance shall take effect at the time in the manner as provided by law.
- D. The Borough Clerk and the Borough Attorney may change any chapter numbers, article numbers and section numbers if codification of this Ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**BOROUGH OF ROSELLE
ORDINANCE NUMBER 2402-11**

**AN ORDINANCE TO AMEND CHAPTER 64 OF THE CODE OF THE
BOROUGH OF ROSELLE ENTITLED "FEES FOR BOROUGH SERVICES"**

BE IT ORDAINED by the Mayor and Council of the Borough of Roselle that the Code of the Borough of Roselle, Chapter 64, is hereby amended as follows:

CHAPTER 64, ARTICLE III - Summer Program Fees/Summer Event Fees

Section 1. There shall be hereby fixed and established, fees chargeable to participants by the Borough for Summer Activities as stated below:

The fees shall be as follows:

A. Roselle Resident

(i) Standard Fees:

Summer Camp Registration Fee:

Family, Registration fee, first child.....	\$300
Family, Registration Fee, second child.....	\$200
Family, Registration Fee, third child.....	\$100
Family, Registration Fee, each additional child (after third)	\$50

(ii) Fees For Children in the reduced cost school lunch program:

Summer Camp Registration Fee:

Family, Registration fee, first child.....	\$200
Family, Registration Fee, second child.....	\$100
Family, Registration Fee, each additional child.....	\$75

(iii) Fees For Children in the free school lunch program:

Summer Camp Registration Fee:

Family, Registration fee, first child.....	\$100
Family, Registration Fee, each additional child.....	\$50

B. Non Resident- Registration fee, each child..... \$600

Section 2. If any portion or part of this ordinance or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of the ordinance which is hereby declared to be severable.

Section 3. All ordinances or part of ordinances inconsistent with the provisions of this ordinance be and the same are hereby repealed.

Section 4. This Ordinance shall take effect at the time and in the manner provided at law.