BOROUGH OF GLEN ROCK

PUBLIC MEETING – Wednesday, June 9, 2021, at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, June 9, 2021, at the conclusion of the Council work session via the following zoom platform:
https://us02web.zoom.us/j/89050963925?pwd=dXNhNnVwNHpNWCs5WjExQSt3ZUo1UT09

Agenda: (May be subject to change)

1. CALL TO ORDER /ROLL CALL

This meeting is called pursuant to the provisions of the Open Public Meetings Act. This meeting is open to the public via Zoom platform. This meeting was included in a list of meeting notices sent to the Bergen Record and advertised in said newspaper in January, posted on the bulletin board in the Municipal Building, and has remained continuously posted as the required notices under the Statute. Please note this meeting is being recorded by both audio and video. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

ROLL CALL:

Council Member Martin – present	**Council Member Barchetto - present**
Council Member Gilbreath – present	**Council Member Dill – present**
Council Member Unzaga – present	**Council Member Cole – present**

2. FLAG SALUTE/ANNOUNCEMENTS

Grey Henecker led the audience and Council in the flag salute.

A Moment of Silence was recognized for all of those whom we identify as allies.

Mayor Morieko thanked Holly Goshen and Julie Weber for the Pride Flag ceremony. Thanked Lenora, Mary Barchetto, Rob Dill, Bob Culvert, Bob Bouno and everyone involved in successfully opening the pool.
Glen Rock Spine held a ribbon cutting ceremony today which was attended by the Mayor and Council Members to welcome them to the community.

PROCLAMATIONS

Gun Violence Awareness
2021 PROCLAMATION

DECLARING THE FIRST FRIDAY IN JUNE TO BE NATIONAL GUN VIOLENCE AWARENESS DAY

This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Borough of Glen Rock, New Jersey to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.

WHEREAS, every day, more than 100 Americans are killed by gun violence, alongside more than 230 who are shot and wounded, and on average there are more than 13,000 gun homicides every year; and

WHEREAS, Americans are 25 times more likely to die by gun homicide than people in other high-income countries; and

WHEREAS, gun homicides and assaults are concentrated in cities, with more than half of all firearm related gun deaths in the nation occurring in 127 cities; and

WHEREAS, cities across the nation, including in the Borough of Glen Rock, are working to end the senseless violence with evidence-based solutions; and

WHEREAS, protecting public safety in the communities they serve is mayors' highest responsibility; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep their citizens safe; and

WHEREAS, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than a year of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in city gun violence;

WHEREAS, in January 2013, Hadiya Pendleton was tragically shot and killed at age 15; and on June 4, 2021 to recognize the 24th birthday of Hadiya Pendleton (born: June 2, 1997), people across the United States will recognize National Gun Violence Awareness Day and wear orange in tribute to -

(1) Hadiya Pendleton and other victims of gun violence; and

(2) the loved ones of those victims; and

WHEREAS, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

WHEREAS, anyone can join this campaign by pledging to wear orange on June 4th, the first Friday in June in 2021, to help raise awareness about gun violence; and

WHEREAS, by wearing orange on June 4, 2021 Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE BE IT RESOLVED, that Mayor Kristine Morieko of the Borough of Glen Rock declares the first Friday in June, June 4, 2021, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

The Proclamation for Pride Month was read by Council President Barchetto.

PROCLAMATION FOR PRIDE MONTH

WHEREAS, COVID-19 has created an environment of fear, social isolation, and an unexpected impact on mental health, even more so for the vulnerable members of the LGTBQ+ community; and

WHEREAS, the Borough of Glen Rock cherishes the value and dignity of each person and appreciates the importance of equality and freedom; and

WHEREAS, all are welcome in the Borough of Glen Rock to live, work, and play; and

WHEREAS, every person and family deserve a place to call home where they are safe, happy, and supported by friends and neighbors; and

WHEREAS, the Borough of Glen Rock denounces prejudice and discrimination based on age, gender identity, gender expression, race, color, religion, marital status, national origin, sexual orientation, or ability as an affront to our fundamental principles; and

WHEREAS, Pride Month began in June of 1969 on the one-year anniversary of the Stonewall uprising in New York City after LGBTQ+ and allied friends rose up and fought against the constant police harassment and discriminatory laws that have since been declared unconstitutional; and

WHEREAS, we will continue our work to build a society where every child grows up knowing that their community supports them, is proud of them, and has a place for them exactly as they are.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Glen Rock hereby proclaims the month of June 2021 as Pride Month in support of the LGBTQ+ community.

BE IT FURTHER RESOLVED that the rainbow flag will be raised on this day, June 5, 2021 recognizing all LGBTQ+ residents whose influential and lasting contributions to our neighborhoods make Glen Rock a vibrant community in which to live, work, and visit.

BE IT FURTHER RESOLVED that we urge residents to recognize the contributions made by members of the LGBTQ+ community and to actively promote the principles of equality, liberty, and justice.

3. Ord. # 1844 – Final Reading - AN ORDINANCE FOR THE CALENDAR YEAR 2021 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14) 159-21

Ordinance Procedure: # 1844
Date of Final Reading: June 9, 2021
Date of Introduction: April 28, 2021

Motion to Open Public Hearing on Ordinance 1844 was made by Council Member Gilbreath, seconded by Council Member Martin. All were in favor.

No public comments were made.

Motion to Close Public Hearing on Ordinance 1844 was made by Council Member Cole, seconded by Council Member Gilbreath. All were in favor.

Resolution No.: 159-21
Introduced by Council Member Gilbreath
Seconded by Council Member Barchetto

AN ORDINANCE FOR THE CALENDAR YEAR 2021 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member Martin - yes **Council Member Barchetto - yes**
Council Member Gilbreath - yes **Council Member Dill - yes**
Council Member Unzaga - yes **Council Member Cole – yes**

Ordinance #1844
CALENDAR YEAR 2021
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Glen Rock in the County of Bergen finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 2.5% increase in the budget for said year, amounting to $366,491.55 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS the Borough of Glen Rock hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Glen Rock, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Borough of Glen Rock shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to $513,088.17, and that the CY 2021 municipal budget for the Borough of Glen Rock be approved and adopted in accordance with this ordinance; and

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

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

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

Borough Auditor Steve Wielkotz was present.

Motion to Open Public Hearing on 2021 Municipal Budget was made by Council Member Gilbreath, seconded by Council Member Cole. All were in favor.

No public comments were made.

Motion to Close Public Hearing on 2021 Municipal Budget was made by Council Member Cole, seconded by Council Member Gilbreath. All were in favor.

Resolution to Adopt 2021 Municipal Budget - *tabled*
Mr. Wielkotz explained that the State still needs to review the Budget.

4. Resolution

A motion to pull Resolution #11 from the Consent Agenda and to be read separately was made by Council Member Gilbreath, seconded by Council Member Cole. All were in favor.

Resolution to Reexamine Cannabis Ordinance Once State Guidelines are Released.

Resolution No.: 160-21
Offered by Council Member Martin
Seconded by Barchetto

WHEREAS, it is the intent of the Mayor and Council of the Borough of Glen Rock to adopt an ordinance to ban all classes of recreational cannabis before the statutory deadline in August with regard to the same; and

WHEREAS, the guidelines with respect to the new cannabis law have not yet been released and the rulemaking has not yet been fully promulgated by the State of New Jersey; and

WHEREAS, it is the intent of the Mayor and Council to ensure that its local laws are consistent with the rulemaking and guidelines once same are released by the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock do hereby determine that the ordinance regarding recreational cannabis shall be reexamined once the State of New Jersey releases its guidelines with regard to same, and at that time shall determine whether any changes are necessary with regard to the ordinance.

ROLL CALL:

Council Member Martin – yes	**Council Member Dill - yes**
Council Member Barchetto- yes	**Council Member Unzaga - yes**
Council Member Gilbreath - yes	**Council Member Cole – yes**

5. CONSENT AGENDA
All items listed are considered to be routine and non-controversial by the Borough Council and will be approved by one motion. There will be no separate discussion on these items unless a Council member(s) so requests it, in which case the item(s) will be removed from the Consent

Agenda and considered in its normal sequence on the agenda. The one motion signifies adoption of all resolutions, received and filed letters, correspondence, reports, and approval of applications and minutes.

Resolutions:

1. Resolution for Payment of Bills 161-21

Resolution No. 161-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

BE IT RESOLVED, that the following bills of the Borough of Glen Rock be paid on May 26, 2021, in the amount of $ 4,379,545.84.

BCUA	**$**	**26,565.61**
Glen Rock BOE		**2,005,153.00**
JIF (2nd Q)		**146,067.00**
Payroll		**333,652.39**
Bergen County Dept of Health (1st half)		**19,170.13**
County of Bergen 2nd Q Taxes		**1,614,959.79**
County of Bergen 2nd Q Open Space Tax		**67,754.47**
PSE&G		**2,332.15**
State Health Ins		**182,412.19**
Wielkotz & Company		**11,500.00**
Misc.		**99,100.90**
Total Current Fund	**$**	**4,362,600.63**
Total Capital Fund		**16,895.21**
Total Trust Other		**50.00**
Grand Total	**$**	**4,379,545.84**

<u>June 9, 2021</u>

NFS	**22,644.83**
Payroll	**391,861.39**
Misc.	**57,765.13**
Total Current Fund	**472,271.35**
Total Capital Fund	**4,810.00**
Total Trust Other	**939.60**
Total Animal Control Dog	**1,442.60**

Developer Fees **725.00**

Grand Total **$480,188.55**

ROLL CALL:

Council Member Martin – yes Council Member Barchetto – yes
Council Member Gilbreath – yes Council Member Dill – yes
Council Member Unzaga – yes Council Member Cole - yes

2. Resolution for Approval of Minutes 162-21

Resolution No. 162-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

BE IT RESOLVED, that the Minutes of:

PUBLIC MEETING - 5/12/21
Work Session – 5/12/21
Closed Session – 5/12/21

Be accepted as submitted.

ROLL CALL:

Council Member Martin – yes Council Member Barchetto – yes
Council Member Gilbreath – yes Council Member Dill – yes
Council Member Unzaga – yes Council Member Cole - yes

3. Resolution for Liquor License Renewal 163-21

Resolution No. 163-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

WHEREAS, the statutory requirements as to renewal of the following Alcoholic Beverage License have been met:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the following Alcoholic Beverage Licenses are hereby renewed by the Mayor and Council of the Borough of Glen Rock effective July 1, 2021.

Rock Liquors Inc. **924 Prospect St.** **PRD** **$1,630**
0222-44-006-002

SRGR Holdings, LLC **T/A Stone and Rail** **0222-33-011-002**	**175 Rock Road**	**PRC**	**$2,000**
Glen Rock Holdings, LLC **0222-33-010-008**	**270 Gramercy Pl.**	**PRC**	**$2,000**
Mitchel Liquors t/a Beekman Wines & Liquors **0222-44-005-001**	**246-248 Rock Rd.**	**PRD**	**$1,630**

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to the New Jersey Department of Law & Public Safety, Division of Alcoholic Beverage Control, in Trenton, New Jersey.

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto – yes**
Council Member Gilbreath – yes	**Council Member Dill - yes**
Council Member Unzaga - yes	**Council Member Cole - yes**

4. Resolution to Amend Parking Regulations for Commuter and Employee Parking (CBD) 164-21

Resolution No. 164-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

RESOLUTION AMENDING CERTAIN ASPECTS OF RESIDENTIAL COMMUTER AND CBD EMPLOYEE PARKING REGULATIONS

WHEREAS, the Governors of New Jersey and New York have consistently lifted COVID-19 restrictions allowing more people the option of returning to work; and

WHEREAS, the Borough of Glen Rock wishes to revise certain aspects of the residential commuter parking and CBD employee permit parking regulations which had previously been temporarily suspended due to the coronavirus situation; and

WHEREAS, said amendments are in the best interests of the Borough of Glen Rock;

NOW, THEREFORE,BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock authorize the following amendments to its permit parking regulations:

- **The sale of 2021 Resident Commuter and CBD Employee E-Permits will begin on July 1, 2021.**
- **Resident Commuter Parking E-Permits will be prorated as established pursuant to the Borough Code – 101-14 Parking Fees,**
- **All Resident Commuter and Employee E-Permits purchased in 2020 will remain valid through March 1, 2022.**
- **A 30-day grace period will be provided before enforcement is to begin.**

BE IT FURTHER RESOLVED, that the current resident Commuter Parking area established along West Plaza Extension, between West Plaza and Glen Avenue, will be temporarily established as mixed use Resident Commuter and CBD Employee E-Permit Parking until further notice.

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto - yes**
Council Member Gilbreath - yes	**Council Member Dill - yes**
Council Member Unzaga - yes	**Council Member Cole - yes**

5. Resolution Authorizing Remarketing Retired Police Vehicle 165-21

Resolution No. 165-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

RESOLUTION APPROVING AND AUTHORIZING THE REMARKETING OF RETIRED POLICE VEHICLE FOR THE BOROUGH OF GLEN ROCK POLICE DEPARTMENT BY ENTERPRISE FLEET MANAGEMENT TO REDUCE POLICE VEHICLE LEASING COSTS

WHEREAS, the Borough of Glen Rock has entered into an agreement with Enterprise Fleet Management to lease police vehicles under the Sourcewell, formerly NJPA, government purchasing agreement, in order to replace the Police Department's aging and high maintenance vehicles in a more cost-effective manner; *and*

WHEREAS, Enterprise's vehicle disposal program represents their long term competitive advantages with 700+ dedicated remarketing employees that sell over one million vehicles in each fiscal year – their sole job is to maximize the value of a vehicle at the end of its life cycle. In 2017 Enterprise Fleet having sold over 54,000 customer owned (i.e. non-leased) vehicles at an average of 107.8% over the Black Book Commercial Index. Selling vehicles significantly better than what the wholesale market calls for lowering the total cost of ownership and reducing leasing cost for new vehicles;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Glen Rock authorizes the Chief of Police, or the Chief's designee, to turn over the following vehicle to Enterprise Fleet Management for remarketing to establish equity towards the lease of new police vehicles:

YEAR	MAKE	MODEL	VIN
2016	DODGE	CHARGER	2C3CDXKT7GH304258

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto - yes**
Council Member Gilbreath - yes	**Council Member Dill - yes**
Council Member Unzaga - yes	**Council Member Cole - yes**

6. Resolution to Release Maintenance Guarantee (42 Yardley Ct.) 166-21

Resolution No. 166-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

WHEREAS, the Borough has retained a Maintenance Guarantee from Mr. & Mrs. Lynch in the amount of $500.00 for a road opening permit at 42 Yardley Court, Glen Rock, NJ 07452, and

WHEREAS, Mr. & Mrs. Lynch have requested a release of their maintenance guarantee; and

WHEREAS, the Borough of Glen Rock made and inspection of said property and all conditions have been met by such applicants to have the maintenance guarantee released.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Glen Rock that the Maintenance Guarantee be released to Mr. & Mrs. Lynch in the amount of $500.00.

ROLL CALL:

Council Member Martin – yes	**Council Member Barchetto – yes**
Council Member Gilbreath – yes	**Council Member Dill – yes**
Council Member Unzaga – yes	**Council Member Cole - yes**

7. Resolution Authorizing Purchase of a New Fire Truck 167-21

Resolution No. 167-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

RESOLUTION AUTHORIZING PURCHASE OF A NEW FIRE APPARATUS FOR THE GLEN ROCK VOLUNTEER FIRE DEPARTMENT

WHEREAS, the Glen Rock Volunteer Fire Department has been in the process of researching and planning the purchase of a Fire Engine; and

WHEREAS, the Glen Rock Fire Department has the ability to utilize the service of the Huston-Galveston Area Council (HGAC), cooperative purchasing program in such purchase; and

WHEREAS, the HGAC Contract #FS12-19, base model FS19vc07 – Enforcer Pumper – is the apparatus that best fits the needs of the Glen Rock Fire Department, and after creating a sinking fund of capital reserve over the past eight years, has the funding source activated to award such bid; and

WHEREAS, the base bid for such apparatus is $530,667, with published options of $149,727, and unpublished options of $19,064.40, for a total amount of $699,458.40, with the Fire Chief and Borough Administrator recommend an optional deduction from the base bid, by a prepayment optional credit of $12,395.84 for prepayment of chassis construction, resulting in an amended total of $687,062.16.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Glen Rock, is hereby authorization to award a contract to Fire & Safety Services, 200 Ryan Street, South Plainfield,

NJ 07080, in accordance with the HGAC cooperative purchasing program, Contract #FS12-19, in the amount of $699,458.40, less the deduction for prepayment of chassis construction in the amount of $12,395.84, for a net amount of $687,458.40, subject to certification of funds by the CFO and approval of contract documents by the Borough Attorney.

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto - yes**
Member Gilbreath - yes	**Council Member Dill - yes**
Council Member Unzaga - yes	**Council Member Cole - yes**

CERTIFICATION OF FUNDS

It is hereby certified that an appropriation balance for payment of this authorization is available in the following accounts:

04-2150-55-1681-013	**$100,000.00**
04-2150-55-1700-006	**$100,000.00**
04-2150-55-1716-020	**$100,000.00**
04-2150-55-1740-009	**$100,000.00**
04-2150-55-1761-028	**$100,000.00**
04-2150-55-1785-020	**$100,000.00**
04-2150-55-1801-014	**$ 87,458.40**

June 9, 2021
Chief Financial Officer: _____
Lenora Benjamin

8. Resolution to Release Compensation Due to Employee Resignation 168-21

Resolution No. 168-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

RESOLUTION TO RELEASE COMPENSATION DUE TO RESIGNATION PER EMPLOYEE HANDBOOK

WHEREAS, Recreation Director Chris O'Reilly has submitted his resignation with the Borough of Glen Rock as of May 28, 2021; and

WHEREAS, Mr. O'Reilly was originally appointed by Resolution 112-20, the Borough Administrator respectfully requests the Mayor and Council accept his resignation as of May 28, 2021; and

WHEREAS, Mr. O'Reilly has accumulated thirteen (13) vacation days, at a rate of $295.68 per day, for a total amount of $3,843.84.

NOW THEREFORE BE IT RESOVED, that the compensation of benefit time of $3,843.84, be made to Mr. O'Reilly, and the Mayor and Council accept his resignation as of May 28, 2021.

ROLL CALL:

Council Member Martin - yes **Council Member Barchetto - yes**
Council Member Gilbreath - yes **Council Member Dill - yes**
Council Member Unzaga - yes **Council Member Cole - yes**

9. Resolution for Estimated Tax Billing 169-21

Resolution No. 169-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

Authorizing the Borough of Glen Rock Tax Collector to Prepare and Mail Estimated Tax Bills in Accordance with P.L. 1994 c.72

WHEREAS, the Borough of Glen Rock will have a public hearing regarding its scheduled budget adoption on June 9, 2021 and the Bergen County Tax Board is unable to certify Glen Rock's tax rate at this time and the Borough of Glen Rock's Tax Collector will be unable to mail the Borough's 2021 tax bills on a timely basis; and

WHEREAS, the Borough of Glen Rock's Tax Collector and Chief Financial Officer have computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3, and they have signed a certification showing the tax levies for the previous year, the tax rates and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Governing Body of the Borough of Glen Rock requests the Director of the Division of Local Government Services to approve the estimated tax levy confirming with the 105% listed below. Approval will enable the Borough to meet its financial obligations, maintain the tax collection rate, provide uniformity for tax payments, and save the unnecessary cost of interest on borrowing.

NOW, THERFORE, BE IT RESOLVED, by the Governing Body of the Borough of Glen Rock in the County of Bergen and the State of New Jersey on this 9th day of June 2021 as follows:

1. **The Borough of Glen Rock's Tax Collector is hereby authorized and directed to prepare and issue estimated tax bills for the Borough for the third installment of 2021 taxes. The Tax Collector shall proceed upon approval from the director and take such actions as are permitted and required by P.L. 1994, c. 72 (N.J.S.A. 54:4-66.2 and 54:4-66.3).**

2. **The entire estimated tax levy for 2021 is hereby set at $73,328,615.00.**

3. **In accordance with the law, the third installment of 2021 taxes shall not be subject to interest until the later of August 10, 2021 or the twenty-fifth day after the date the estimated bills were mailed. The estimated tax bills shall contain a notice specifying the date on which interest may begin to accrue.**

ROLL CALL:
Council Member Martin – yes **Council Member Barchetto - yes**

Council Member Gilbreath - yes **Council Member Dill - yes**
Council Member Unzaga - yes **Council Member Cole - yes**

10. Resolution Awarding Paving Bid Ramsey CoOp (D&L Paving) 170-21

Resolution No. 170-21
Offered by Council Member Unzaga
Seconded by Council Member Martin

RESOLUTION AWARDING CONTRACT FOR STREET RESURFACING WORK
RAMSEY CO-OPERATIVE PRICING SYSTEM

WHEREAS, the Borough of Ramsey, lead agency of the Northwest Bergen Cooperative Pricing System, which includes the Borough of Glen Rock, awarded the 2021 street resurfacing contract to D & L Paving, 675 Franklin Avenue, Nutley, NJ 07110, the lowest responsible bidder, with the total bid amount of $1,527,657.20; and

WHEREAS, the Borough of Ramsey is preparing the master contract as lead agency, and the Borough of Glen Rock must adopt this resolution of bid award, schedule the resurfacing work to begin on or about July 1, 2021, or as soon as possible after that date, for the resurfacing of streets or portions of streets; and

WHEREAS, the quantities submitted for paving total for the Borough of Glen Rock, including but not limited to Brook (Oxford to Dead End), Ferndale (Main to Maple), Argyle (Main to Thornbury), Heathcoate (Main to Thornbury), Somerset (Maple to Dead End), Glen (Rock to Maple) at an estimate of $211,091.12 in paving services for the year 2021.

NOW, THEREFORE BE IT RESOLVED, that the Borough of Glen Rock award the 2021 paving contract to D & L Paving Contractors in the amount of $211,091.12.

ROLL CALL:
Council Member Martin - yes **Council Member Barchetto – yes**
Council Member Gilbreath - yes **Council Member Dill - yes**
Council Member Unzaga - yes **Council Member Cole - yes**

11. Resolution to Reexamine Cannabis Ordinance Once State Guidelines are Released *Pulled and read separately*

Motion to accept consent agenda by Council Member Unzaga
Seconded by Council Member Matin
Roll Call:
Council Member Martin - yes **Council Member Barchetto – yes**
Council Member Gilbreath - yes **Council Member Dill - yes**
Council Member Unzaga - yes **Council Member Cole - yes**

6. ORDINANCES

Ord. # 1845 – First Reading - AN BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, AND A NEW FIRE ENGINE (PARTIAL FUNDING) AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF GLEN ROCK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $1,968,300 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Ordinance Procedure # 1845
Date of Introduction: June 9, 2021

Council Resolution # 171-21
Introduced by Council Member Gilbreath
Seconded by Council Member Cole

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, AND A NEW FIRE ENGINE (PARTIAL FUNDING) AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF GLEN ROCK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $1,968,300 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, via Zoom, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes
Council Member Gilbreath - yes
Council Member Unzaga- yes
Council Member Barchetto- yes
Council Member Dill - yes
Council Member Cole - yes

BOND ORDINANCE TO AUTHORIZE THE MAKING OF VARIOUS PUBLIC IMPROVEMENTS AND THE ACQUISITION OF NEW ADDITIONAL OR REPLACEMENT EQUIPMENT AND MACHINERY, NEW COMMUNICATION AND SIGNAL SYSTEMS EQUIPMENT, AND A NEW FIRE ENGINE (PARTIAL FUNDING) AND A NEW AUTOMOTIVE VEHICLE, INCLUDING ORIGINAL APPARATUS AND EQUIPMENT, IN, BY AND FOR THE BOROUGH OF GLEN ROCK, IN THE COUNTY OF BERGEN, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF $1,968,300 TO PAY THE COST THEREOF, TO APPROPRIATE VARIOUS GRANTS, TO MAKE A DOWN PAYMENT, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Borough Council of the Borough of Glen Rock, in the County of Bergen, State of New Jersey, as follows:

Section 1. The Borough of Glen Rock, in the County of Bergen, State of New Jersey (the "Borough") is hereby authorized to make various public improvements and to acquire new additional or replacement equipment and machinery, new communication and signal systems equipment, and a new fire engine (partial funding) and a new automotive vehicle, including original apparatus and equipment, in, by and for said Borough, as more particularly described in Section 4 hereof. The cost of the improvements includes all work, materials and appurtenances necessary and suitable therefor.

Section 2. There is hereby appropriated to the payment of the cost of making the improvements described in Sections 1 and 4 hereof (hereinafter referred to as "purposes"), the respective amounts of money hereinafter stated as the appropriation for said respective purposes. Said appropriation shall be met from the proceeds of the sale of the bonds authorized, and the down payment and the various grants appropriated, by this ordinance. Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefited.

Section 3. It is hereby determined and stated that the making of such improvements is not a current expense of said Borough.

Section 4. The several purposes hereby authorized for the financing of which said obligations are to be issued are set forth in the following "Schedule of Improvements, Purposes and Amounts" which schedule also shows (1) the amount of the appropriation and the estimated cost of each such purpose, and (2) the amount of each sum which is to be provided by the various grants hereinafter appropriated, and (3) the amount of each sum which is to be provided by the down payment hereinafter appropriated to finance such purposes, and (4) the estimated maximum amount of bonds and notes to be issued for each such purpose, and (5) the period of usefulness of each such purpose, according to its reasonable life, computed from the date of said bonds:

SCHEDULE OF IMPROVEMENTS, PURPOSES AND AMOUNTS

A. Resurfacing of Boulevard (Phase III). It is hereby determined and stated that said street being improved is of "Class B" or equivalent construction as defined in Section 22 of the

Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law").

Appropriation and Estimated Cost	**$ 250,000**
State Grant Appropriated	**$ 210,000**
Down Payment Appropriated	**$ 1,905**
Bonds and Notes Authorized	**$ 38,095**
Period of Usefulness	**10 years**

B. (i) Acquisition of new additional or replacement equipment and machinery for the use of the Department of Public Works ("DPW"), including, but not limited to, (a) a leaf collection attachment for a truck and (b) a sewer cleaning machine and (ii) undertaking of the following public improvements: (a) drainage improvements at various locations, (b) installation of a shed at the Recycling Center, (c) upgrading the security system at the Municipal Building, (d) undertaking the Tree Replacement Program at various locations, (e) undertaking the Sewer Root Control Program at various locations and (f) reconstruction of a retaining wall and painting of pool features at the Municipal Pool. It is hereby determined and stated that the public buildings being improved are of "Class B" or equivalent construction as defined in Section 22 of the Local Bond Law.

Appropriation and Estimated Cost	**$ 676,000**
Down Payment Appropriated	**$ 32,200**
Bonds and Notes Authorized	**$ 643,800**
Period of Usefulness	**15 years**

C. Acquisition of new additional or replacement equipment and machinery and a new automotive vehicle, including original apparatus and equipment, for the use of various Borough department, offices and agencies:

<u>DPW</u>
sanitation truck

<u>Fire Department</u>
extrication equipment
self-contained breathing apparatus equipment
turnout gear

Appropriation and Estimated Cost	**$ 296,100**
Down Payment Appropriated	**$ 15,020**
Bonds and Notes Authorized	**$ 281,080**
Period of Usefulness	**5 years**

D. Partial funding for the acquisition of a new fire engine, including original apparatus and equipment.

Appropriation and Estimated Cost	**$ 100,000**
Down Payment Appropriated	**$ 4,770**
Bonds and Notes Authorized	**$ 95,230**
Period of Usefulness	**10 years**

E. Refurbishing of the pavilion at the Municipal Pool.

Appropriation and Estimated Cost	**$ 125,000**
County Grant Appropriated	**$ 50,000**
Down Payment Appropriated	**$ 3,575**
Bonds and Notes Authorized	**$ 71,425**
Period of Usefulness	**10 years**

F. Upgrading and repair of various sewer pump stations.

Appropriation and Estimated Cost	**$ 235,000**
Down Payment Appropriated	**$ 11,200**
Bonds and Notes Authorized	**$ 223,800**
Period of Usefulness	**40 years**

G. Funding the Borough's contribution to the cost of a new telephone system and other equipment for the Northwest Bergen Central Dispatch.

Appropriation and Estimated Cost	**$ 286,200**
Down Payment Appropriated	**$ 13,630**
Bonds and Notes Authorized	**$ 272,570**
Period of Usefulness	**10 years**

Aggregate Appropriation and Estimated Cost	**$1,968,300**
Aggregate Grants Appropriated	**$ 260,000**
Aggregate Down Payment Appropriated	**$ 82,300**
Aggregate Amount of Bonds and Notes Authorized	**$1,626,000**

Section 5. The cost of such purposes, as hereinbefore stated, includes the aggregate amount of $110,000 which is estimated to be necessary to finance the cost of such purposes, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 6. **The sum of $210,000 received or to be received as a grant from the State of New Jersey Department of Transportation is hereby appropriated to the payment of the cost of the resurfacing of Boulevard (Phase III) authorized in Section 4.A hereof.**

Section 7. **The sum of $50,000 received or to be received as a grant from the County of Bergen Open Space, Recreation, Floodplain Protection, Farmland and Historic Preservation Trust Fund is hereby appropriated to the payment of the refurbishing of the Municipal Pool pavilion authorized in Section 4.E hereof.**

Section 8. **It is hereby determined and stated that moneys exceeding $82,300, appropriated for down payments on capital improvements or for the capital improvement fund in budgets heretofore adopted for said Borough, are now available to finance said purposes. The sum of $82,300 is hereby appropriated from such moneys to the payment of the cost of said purposes.**

Section 9. **To finance said purposes, bonds of said Borough of an aggregate principal amount not exceeding $1,626,000 are hereby authorized to be issued pursuant to the Local Bond Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.**

Section 10. **To finance said purposes, bond anticipation notes of said Borough of an aggregate principal amount not exceeding $1,626,000 are hereby authorized to be issued pursuant to the Local Bond Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.**

Section 11. **Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Mayor and by a financial officer and shall be under the seal of said Borough and attested by the Borough Clerk or Deputy Borough Clerk. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Chief Financial Officer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.**

Section 12. **It is hereby determined and declared that the average period of usefulness of said purposes, according to their reasonable lives, taking into consideration the respective amounts of bonds or notes authorized for said purposes, is a period of 15.24 years computed from the date of said bonds.**

Section 13. **It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Borough Clerk of said Borough, and that such statement so filed shows that the gross debt of said Borough, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by $1,626,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.**

Section 14. Any funds received from private parties, the County of Bergen, the State of New Jersey or any of their agencies or any funds received from the United States of America or any of its agencies in aid of such purposes (other than the various grants hereinbefore appropriated which shall be applied to the cost of such purposes, but shall not be applied to the payment of outstanding bond anticipation notes and the reduction of the amount of bonds authorized), shall be applied to the payment of the cost of such purposes, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purposes shall be reduced accordingly.

Section 15. The Borough intends to issue the bonds or notes to finance the cost of the improvements described in Sections 1 and 4 of this bond ordinance. If the Borough incurs such costs prior to the issuance of the bonds or notes, the Borough hereby states its reasonable expectation to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 16. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the Borough, and the Borough shall levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 17. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions 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, is on file with the Borough Clerk and is available for public inspection.

Section 18. This ordinance shall take effect twenty days after the first publication thereof after final passage.

Ord. # 1847 – First Reading - AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF GLEN ROCK WITH THE ADDITION OF A CHAPTER 231 ENTITLED "COMMUNICATION FACILITIES RIGHT-OF-WAY PERMITS" TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY

Ordinance Procedure # 1847
Date of Introduction: June 9, 2021

Council Resolution # 172-21
Introduced by Council Member Gilbreath
Seconded by Council Member Unzaga

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF GLEN ROCK WITH THE ADDITION OF A CHAPTER 231 ENTITLED "COMMUNICATION FACILITIES RIGHT-OF-WAY PERMITS" TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto- yes**
Council Member Gilbreath - yes	**Council Member Dill - yes**
Council Member Unzaga- yes	**Council Member Cole - yes**

ORDINANCE # 1847

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF GLEN ROCK WITH THE ADDITION OF A CHAPTER 231 ENTITLED "COMMUNICATION FACILITIES RIGHT-OF-WAY PERMITS" TO PROVIDE FOR THE REGULATION OF SMALL CELL WIRELESS FACILITIES WITHIN THE MUNICIPAL RIGHTS-OF-WAY

WHEREAS, the Borough of Glen Rock ("Borough") is aware that certain technological developments have made access to its Municipal Rights-of-Way desirable by certain telecommunications companies for the placement of small cell wireless facilities, including but not limited to, the installation of antennas, small cells and other communication devices and associated equipment (collectively the "Small Cells"); and

WHEREAS, the Borough has determined that its Municipal Rights-of-Way, such as they are or may be, themselves constitute a valuable resource, finite in nature, and which exists as a common right of the public to pass and repass freely over and across said lands without unreasonable obstruction or interference, and which therefore must be managed carefully; and

WHEREAS, the Federal Telecommunications Act preserves local governments' ability to manage the public Rights-of-Way on a competitively neutral and non-discriminatory basis 47 U.S.C. 332 (c)(7)(A); and

WHEREAS, New Jersey municipalities must give consent before a Small Cell, i.e., a small antenna, can be placed on existing poles pursuant to N.J.S.A. 48:3-19 and for the erection of new poles within the public Rights-of-Way pursuant to N.J.S.A. 48:17-10; and

WHEREAS, the Federal Communications Commission (FCC) has recently adopted an order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment" WT Docket No. 17-79; WC Docket 17-84, which places a shot clock on municipal approval for the placement of Small Cells on Existing Poles and the placement of New Poles in the Municipal Right-of-Way; and

WHEREAS, the erection of New Poles and Ground level Cabinets in the Municipal Right-of-Way raise significant aesthetic and safety concerns; and

WHEREAS, the FCC, in its recent order, provides that municipalities can impose aesthetic requirements on Small Cells where said requirement are: 1) reasonable; 2) no more burdensome than those applied to other types of infrastructure deployment; and 3) published in advance; and

WHEREAS, the Borough has determined that it is necessary to set forth clear standards in relation to the siting of Poles, Cabinets and Antennas for the benefit of its citizens and any utilities which use or will seek to make use of said Municipal Rights-of-Way.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Glen Rock that:

The Code of the Borough of Glen Rock is amended with the addition of Chapter 231 Communication Facilities Right-of-Way Permits

Chapter 231 Communication Facilities Right-of-Way Permits

A. <u>Definitions</u>

Administrative Review means ministerial review of an Application by the Designee and Borough Engineer to determine whether the issuance of a Permit is in conformity with the applicable provisions of this Chapter.

Antenna means communications equipment that transmits and/or receives electromagnetic radio frequency signals used in the provision of Wireless Services. This definition does not apply to broadcast antennas, antennas designed for amateur radio use, or satellite dishes for residential or household purposes.

Applicable Codes means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization to the extent such codes have been adopted by the Authority, including any amendments adopted by the Authority, or otherwise are applicable in the jurisdiction.

Applicant means any Person or Entity who submits an Applicable under this Chapter.

Application means a written request, on a form provided by the Borough of Glen Rock.

Authority means the Mayor and Council of the Borough of Glen Rock.

Collocate means to install or mount a Small Wireless Facility in the Public Right-Of-Way on an existing Support Structure, an existing Tower, or on an existing Pole to which a Small Wireless Facility is attached at the time of the Application.

"Collocation" has a corresponding meaning.

Communications Facility means, collectively, the equipment at a fixed location or locations within the Public ROW that enables Communications Services, including; (i) radio transceivers, Antennas, coaxial, fiber-optic or other cabling, power supply (including backup battery), and comparable equipment, regardless of technological configuration; and (ii) all other equipment associated with any of the foregoing. A Communications Facility does not include the Pole, Tower or Support Structure to which the equipment is attached.

Communications Service means cable service, as defined in 47 U.S.C. § 522(6); information service, as defined in 47 U.S.C. § 153(24); or telecommunications service, as defined in 47 U.S.C. § 153(53).

Communications Service Provider means a provider of Communications Services and includes a cable operator as defined in 47 U.S.C. § 522(5).

Decorative Pole means a Pole that is specially designed and placed for aesthetic purposes.

Designee means Hoplite Communications, LLC, the Person appointed by the Borough to serve as the initial point-of-contact and consultant for the Borough for all matters concerning this Chapter, and who may be contracted for professional services.

Eligible Facilities Request means an eligible facilities request as set forth in 47 C.F.R. Section 1.6100, as that section may be amended from time to time.

FCC means the Federal Communications Commission of the United States.

Laws means, collectively, any and all Federal, State or Local law, statute, common law, code, rule, regulation, order, or ordinance.

Ordinary Maintenance and Repair means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a communications Facility and/or the associated Support Structure, Pole or Tower, that does not require blocking, damaging or disturbing any portion of the Public ROW.

Permit or "R.O.W. Permit" means a written authorization to install, at a specified location(s) in the Public ROW, a Communications Facility, Tower or a Pole to support a Communications Facility.

Permittee means an Applicant that has received a Permit under this Chapter.

Person means an individual, corporation, limited liability company, partnership, association, trust or other entity or organization, including a governmental entity.

Pole means a legally constructed pole, such as a utility, lighting or similar pole made of wood, concrete, metal or other material, located or to be located within the Public Right-of-Way. A Pole does not include a Tower or Support Structure and does not include a pole or structure that supports electric transmission lines.

Provider means a Communications Service Provider or a Wireless Services Provider and includes any Person that owns and/or operates within the Public ROW any Communications Facilities, Wireless Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities or Towers.

Public Right of Way or Public ROW means the area on, below, or above property that has been designated for use as or is used for a public roadway, highway, street, sidewalk, or similar purpose. The term does not include a federal interstate highway, state highway, county right of way or other areas that are not within the legal jurisdiction, ownership or control of the Authority.

Replace or Replacement means, in connection with an existing Pole, Support Structure or Tower, to replace (or the replacement of) same with a new structure, substantially similar in design, size and scale to the existing structure and in conformance with this Chapter and any other applicable

regulations in order to address limitations of the existing structure to structurally support Collocation of a Communications Facility.

Small Wireless Facility means a Wireless Facility that meets both of the following qualifications: (i) each Antenna could fit within an enclosure of not more than three (3) cubic feet in volume; and (ii) all other wireless equipment associated with the Antenna, including the preexisting equipment, is cumulatively no more than twenty-eight (28) cubic feet in volume.

State means the State of New Jersey.

Support Structure means a structure in the Public ROW other than a Pole or a Tower to which a Wireless Facility is attached at the time of the Application.

Surrounding Streetscape means the visual elements of a street, including the road, adjoining buildings, street furniture, trees and open spaces, etc., that combine to form the street's character.

Tower means any structure in the Public ROW built for the sole or primary purpose of supporting a Wireless Facility. A Tower does not include a Pole or a Support Structure.

Wireless Facility means the equipment at a fixed location or locations in the Public ROW that enables Wireless Services. The term does not include: (i) the Support Structure, Tower or Pole on, under, or within which the equipment is located or Collocated; or (ii) coaxial, fiber-optic or other cabling that is between Communications Facilities or Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna. A Small Wireless Facility is one type of a Wireless Facility.

Wireless Services means any wireless services using licensed or unlicensed spectrum, whether at a fixed location or mobile, provided to the public.

B. <u>Access to Public Right of Way</u>

Prior to installing in the Public R.O.W. any Communications Facility, or any Pole built for the sole or primary purpose of supporting a Communications Facility, or any Tower, a Person shall enter into a Right of Way Use Agreement with the Borough of Glen Rock expressly authorizing use of the Public Right of Way for the Communications Facility, Pole or Tower proposed to be installed.

1. The term of the R.O.W. Use Agreement shall not exceed 30 years.

2. The R.O.W. Use Agreement authorizes the Provider's non-exclusive use of the Public R.O.W. for the sole purpose of installing, maintaining and operating Communications Facilities, including any Pole built for the sole or primary purpose of supporting the Communications Facilities and to provide the services expressly authorized in the agreement subject to Applicable Codes and applicable laws, this Chapter and the terms and conditions of the agreement. The agreement authorizes use only of the public R.O.W. in which the Borough has an actual interest. It is not a warranty of title or interest in any Public R.O.W. and it does not confer on the Provider any interest in any particular location within the Public R.O.W.. No other right or authority is granted except as expressly set forth in the agreement. Nothing herein shall authorize the use of the Borough's Poles, Towers, Support Structures, or other structures in the Public R.O.W.. All use of the Borough's Poles, Towers, Support Structures and other structures in the Public R.O.W. shall require a separate agreement and the payment of separate fees for such use.

3. The Provider shall, at its sole cost and expense, keep and maintain its Communications Facilities, Poles, Support Structures and Towers in the Public R.O.W. in a safe condition, and in good order and repair.

4. The Provider shall provide insurance and indemnification of the Borough as described in the R.O.W. Use Agreement. The insurance coverage limits must be at least as broad as follows:

a. Worker's Compensation and Employer's Liability Insurance. Provider shall provide proof of Worker's Compensation Insurance and be in compliance with the Worker's Compensation Law of the State of New Jersey. Employer's Liability: Limit of liability shall be a minimum of $500,000 in accordance with New Jersey statute.

b. Comprehensive General Liability. Comprehensive general liability ("CGL") insurance with limits no less than $2,000,000 per occurrence.

c. Automobile Liability. Automobile liability insurance covering claims for bodily injury and property damage arising from all owned, hired and non-owned vehicles with limits of not less than $1,000,000 combined single limit.

C. <u>R.O.W. Permit</u>

1. No person may construct, maintain or perform any other work in the Public R.O.W. related to Communications Facilities, Poles built for the sole or primary purpose of supporting Communications Facilities, or Towers without first receiving a Permit to the extent required under this Chapter, and any subsequent permits or authorizations required by applicable Laws or the Authority.

2. The Authority shall not issue a Permit unless the Applicant, or a Provider on whose behalf the Applicant is constructing Communications Facilities, Poles or Towers, has applied for and received the R.O.W. Use Agreement required by this Chapter, or otherwise has a current and valid franchise with the Borough expressly authorizing use of the Public R.O.W. for the Communications Facilities, Poles or Towers proposed in the Application, and all applicable fees have been paid.

3. The Provider shall not locate or maintain its Communications Facilities, Wireless Facilities, Support Structure, Poles and Towers so as to unreasonably interfere with the use of the Public R.O.W. by the Borough, by the general public or by other persons authorized to use or be present in or upon the Public R.O.W.

D. <u>Location and Siting</u>

1. Height. No Pole shall be taller than fifty (50) feet in height including the antennas or 110% of the height of Poles in the Surrounding Streetscape, whichever is higher.

2. Distance from curb line. No Pole shall be farther than five (5) feet from the curb line.

3. Location, Safety and Aesthetics. No Pole shall be erected in the Right-of-Way unless it:

a. Is replacing an Existing Pole; or

b. Is approved by the Authority; or

c. Is located within the Municipal Right-of-Way; and

d. Is at least one hundred fifty (150) linear feet from any other Existing Pole or Proposed Pole, which is used to support a Small Wireless Facility; and

e. Is not located in an area with Underground Utilities except as specified in subsection (9) below; and

f. Does not inhibit any existing sight triangles; and

g. Allows adequate room for the public to pass and re-pass across the Right-of-Way; and

h. Applicant will heed reasonable requests by the Authority to utilize stealth technology and decorative poles when requested to preserve the existing character and streetscape and minimize impact on surrounding properties by causing the proposed Pole and Small Cell to blend in compatibly with their background

4. The Authority may require new poles to be Decorative Poles if appropriate.

5. Pole Mounted Antennas are permitted on New and Existing Poles, provided that each Pole Mounted Antenna:

a. Does not exceed three (3) cubic feet in volume; and

b. Is finished and/or painted and otherwise camouflaged, in conformance with best available stealth technology methods, so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and

c. Does not inhibit sight triangles; and

d. Allows adequate room for the public to pass and repass across the municipal right-of-way.

6. Pole Mounted Cabinets are permitted on New and Existing Poles, provided that each Pole Mounted Cabinet:

a. Does not exceed sixteen (16) cubic feet; and

b. Is finished and/or painted and otherwise camouflaged in conformance with best available stealth technology methods so as to blend in compatibly with its background and so as to minimize its visual impact on surrounding properties; and

c. Does not inhibit sight triangles; and

d. Allows adequate room for the public to pass and repass across the municipal right-of-way.

7. The Authority may also require that an applicant provide a certification from a licensed engineer attesting to the structural integrity of any Pole Mounted Antenna or Pole Mounted Cabinet.

8. Ground mounted equipment may be used only to house equipment and other supplies in support of the Small Wireless Facility.

9. Underground Utilities. Unless otherwise agreed to in writing by the Authority or otherwise required by applicable Laws, whenever any existing electric utilities or Communications Facilities are located underground within a Public R.O.W., the Provider with permission to occupy the same portion of the Public R.O.W. shall locate its Communications Facilities underground at its own expense. The Authority may, in its sole discretion, approve above-ground placement of equipment cabinets, pedestals and similar equipment. For facilities or equipment such as Wireless Facilities that cannot, by their nature, operate unless located above ground, the Provider and Authority shall work to find a suitable location for such facilities or equipment, and which may be outside the Public R.O.W., only if the Authority owns or otherwise manages said locations and has the authority to make them available to Applicant for its Communications Facilities under similar terms and conditions as locations are made available in the Public R.O.W. The Applicant shall not be compelled to locate its above ground Wireless Facilities on private property that is not owned, controlled or otherwise managed by the Borough.

10. All wireless equipment associated with the Pole or Tower, including the wireless equipment associated with the antenna and any preexisting associated equipment shall not be more than twenty-eight (28) cubic feet in volume.

11. The Provider shall upon completion of construction provide the Borough with as-built drawings and a map showing the location of the facility and equipment.

12. Fewest Possible New Poles. Applicant shall use existing Poles when possible for the placement of its Small Wireless Facilities and shall minimize the number of new proposed Poles in the right-of-way to the fewest possible to meet the coverage and capacity requirements.

13. Fewest Possible Small Wireless Facilities. Applicant shall minimize the number of new proposed Small Wireless Facilities in the right-of-way to the fewest possible to meet its coverage and capacity requirements.

E. <u>Restoration Requirements</u>

1. The Provider, or its agent or contractor, shall restore, repair and/or replace any portion of the Public R.O.W. that is damaged or disturbed by the Provider's Communications Facilities, Poles, Towers or work in or adjacent to the Public R.O.W.

2. If the Provider fails to timely restore, repair or replace the Public R.O.W. as required in this subsection, the Authority or its contractor may do so and the Provider shall pay the Authority's costs and expenses in completing the restoration, repair or replacement.

F. <u>Removal, Relocation and Abandonment</u>

1. Within 30 days following written notice from the Authority, the Provider shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its Communications Facilities, Poles, Support Structures or Towers within the Public R.O.W., including relocation of above-ground Communications Facilities underground (consistent with the provisions of this Chapter), whenever the Borough has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance or installation of any Borough improvement, the operations of the Borough in, under or upon the Public R.O.W., or otherwise is in the public interest. The Provider shall be responsible to the Borough for any damages or penalties it may incur as a result of the Provider's

failure to remove or relocate Communications Facilities, Poles, Support Structures or Towers as required in this subsection.

2. The Borough retains the right and privilege to cut or move any Communications Facility, Pole, Support Structure or Tower located within the Public R.O.W. of the Borough, as the Borough may determine, in its sole discretion, to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the Borough shall notify the Provider and give the Provider an opportunity to move its own facilities prior to cutting or removing the Communications Facility, Pole, Support Structure or Tower. In all cases, the Borough shall notify the Provider after cutting or removing the Communications Facility, Pole, Support Structure or Tower as promptly as reasonably possible.

3. A Provider shall notify the Borough of abandonment of any Communications Facility, Pole, Support, Structure or Tower at the time the decision to abandon is made, however, in no case shall such notification be made later than 30 days prior to abandonment. Following receipt of such notice, the Provider shall remove its Communications Facility, Pole, Support Structure or Tower at the Provider's own expense, unless the Borough determines, in its sole discretion, that the Communications Facility, Pole, Support Structure or Tower may be abandoned in place. The Provider shall remain solely responsible and liable for all of it Communications Facilities, Poles, Support Structures and Towers until they are removed from the Public R.O.W. unless the Borough agrees in writing to take ownership of the abandoned Communications Facilities, Poles, Support Structures or Towers.

4. If the Provider fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its Communications Facilities, Poles, Support Structures or Towers or remove any of its abandoned Communications Facilities, Poles, Support Structures or Towers as required in this subsection, the Borough or its contractor may do so and the Provider shall pay all costs and expenses related to such work, including any delay damages or other damages the Borough incurs arising from the delay.

G. <u>Fees and Charges</u>

1. One Time Fees and Recurring Rates. As consideration to the Borough for entering into the Right-of-Way Use Agreement and also as a condition precedent for the issuance of any required Permit pursuant to this Chapter, the Applicant shall pay the required one-time fees and recurring rates as set forth in this subsection, and which may be amended or modified from time to time per revision and modification to local, state and federal laws and regulations. Said fees shall include Application or One-Time Fees and Recurring Right-of-Way Occupancy Rates.

2. Permit Application Escrow. A Permit Application Escrow of $1000 per new Small Wireless Facility, including any new Pole or Support Structure, as applicable, and $500 per alteration, expansion, modification to an existing Small Wireless Facility or Pole or Support Structure, shall be submitted along with each Application for a Permit and held in escrow to be billed against actual incurred costs. Any expenses above the escrow shall be invoiced to Applicant directly and shall be paid by Applicant prior to the issuance of any Permit.

3. Reasonable Approximation. All One-Time Fees will be a reasonable approximation of objectively reasonable costs.

4. One Time Fees Apply to All Work. One-time fees and event fees apply to the initial installation of facilities as well as to any subsequent upgrade, replacement, expansion, modification or alteration of same, with each instance of an upgrade, expansion, alteration, modification or repair being a separate project subject to a Permit application and One-Time Fees. Ordinary Maintenance and Repair does not trigger any One-Time Fees.

5. Designee Consulting Fee. Applicant shall be responsible for Designee consulting fees which will be a reasonable reflection of objectively reasonable costs, and which shall be first paid to Designee via the Permit Application Escrow. Said fee shall be at the rate of $350/hour and shall not exceed 3 hours per installation, modification, alteration, upgrade or expansion of a Small Wireless Facility or Pole or Support Structure. Said consultation shall supplement Borough personnel with expertise and knowledge not otherwise possessed by Borough agents and officials.

6. Annual ROW Occupancy Rate shall be $270 per annum, and shall be paid within thirty (30) days of the issuance of the applicable Permit and annually thereafter, with payment being due on the anniversary of the first payment date for the balance of the Term. However, under no circumstances shall the Rate be remitted later than ninety (90) days after the full execution of the applicable Right-of-Way Use Agreement between Borough and Applicant.

7. Annual Attachment Rate, equal to an amount that represents a reasonable approximation of the objectively reasonable costs incurred by the Borough for the attachment of each Small Wireless Facility to Borough-owned structures in the Public Right-of-Way. This amount shall be paid within thirty (30) days of issuance of the applicable Permit(s) and annually thereafter. The annual rates in this subsection and the Annual ROW Occupancy Rate subsection combined shall not exceed $270 annually per Small Wireless Facility location.

8. All Fees and Rates will be applied in a non-discriminatory manner to all Communications Service Providers.

9. Other Fees. The Applicant or Provider shall be subject to any other generally applicable fees of the Borough or other government body, such as those required for electrical permits, building permits, or street opening permits, which the Applicant or Provider shall pay as required in the applicable Laws, as well as attachment fees for the use of the Borough owned Poles, Towers, Support Structures, ducts, conduits or other structures in the Public R.O.W., as set forth in attachment agreements authorizing such use.

10. No Refund. Except as otherwise provided in the Right of Way Agreement; Franchise Agreement; License, the Provider may remove its Communications Facilities, Poles or Towers from the Public R.O.W. at any time, upon not less than 30 days prior written notice to the Borough, and may cease paying the Borough any applicable recurring fees for such use, as of the date of actual removal of the facilities and complete restoration of the Public R.O.W.. In no event shall a Provider be entitled to a refund of any fees paid prior to removal of its Communications Facilities, Poles or Towers.

H. <u>Permit Applications</u>

1. Permit Required. Unless expressly authorized in this Chapter or in writing by the Authority, no Person may construct, install, modify, expand, alter or maintain in the Public R.O.W. any Communications Facilities, Poles bult for the sole or primary purpose of supporting

Communications Facilities or Towers, including the installation or Collocation of Communications Facilities on existing Poles, Towers, Support Structures or other structures within the Public R.O.W. without first receiving a Permit. Notwithstanding the foregoing, in the event of an emergency, a Provider or its duly authorized representative may work in the Public R.O.W. prior to obtaining a Permit, provided that the Provider shall attempt to contact the Borough prior to commencing the work and shall apply for a Permit as soon as reasonably possible, but not later than 24 hours, after commencing the emergency work. For purposes of this subsection, an "Emergency" means a circumstance in which immediate repair to damaged or malfunctioning facilities is necessary to restore lost service or prevent immediate harm to persons or property.

2. Permit Application Requirements. The Application shall be made by the Provider or its duly authorized representative and shall contain the following:

a. The Applicant's name, address, telephone number, and email address, including emergency contact information for the Applicant.

b. The names, addresses, telephone numbers and email addresses of all consultants, if any, acting on behalf of the Applicant with respect to the filing of the Application.

c. A description of the proposed work and the purposes and intent of the proposed Communications Facility, Pole, Tower, Support Structure or Wireless Facility (as applicable) sufficient to demonstrate compliance with the provisions of this Chapter

d. If applicable, a copy of the authorization for use of the property from the Pole, Tower or Support Structure owner on or in which the Communications Facility will be placed or attached.

e. Detailed construction drawings regarding the proposed Communications Facility, Pole, Tower, Support Structure or Wireless Facility (as applicable). Construction drawings shall include, at minimum, a clear delineation of the right-of-way, distance of the proposed Communications Facility, Pole or Support Structure from certain existing right-of-way features such as curb ramps for handicap accessibility pursuant to the Americans With Disabilities Act, sidewalk width and other details standard for these types of telecommunications installations in the public right-of-way.

f. To the extent the proposed facility involves Collocation on a Pole, Tower or Support Structure, a structural report performed by a duly licensed engineer evidencing that the Pole, Tower or Support Structure will structurally support the Collocation (or that the Pole, Tower or Support Structure will be modified to meet structural requirements) in accordance with Applicable Codes.

g. For any new aboveground facilities, accurate visual depictions or representations. If not included in the construction drawings.

h. The following additional permits, approvals and authorization, as each is reasonably applicable to the proposed Application:

i. Street opening permit, per Borough procedure

ii. **Construction permit, per Borough procedure. This requirement may be waived if the appropriate code official determines that it is unnecessary per the proposed construction and installation of facilities**

iii. **County approval, for sites located in the County R.O.W.**

3. Proprietary or Confidential Information in Application. Applications are public records that may be made publicly available pursuant to the New Jersey Open Public Records Act. Notwithstanding the foregoing, Applicant may designate portions of its Application materials that it reasonably believes contain proprietary or confidential information as "proprietary" or "confidential" by clearly marking each portion of such materials accordingly, and the Borough shall treat the information as propriety and confidential, subject to the New Jersey Open Public Records Act and the Borough's determination that the Applicant's request for confidential or proprietary treatment of Application materials is reasonable. The Borough shall not be required to incur any costs to protect the Application materials from disclosure, other than the Borough's routine procedures for complying with the New Jersey Open Public Records Act.

4. Ordinary Maintenance and Repair. A Permit shall not be required for ordinary Maintenance and Repair. The Provider or other Person performing the Ordinary Maintenance and Repair shall obtain any other permits required by applicable laws and shall notify the Borough in writing at least 48 hours before performing the Ordinary Maintenance and Repair. Notwithstanding the foregoing, the Authority reserves the right to inspect Applicant's Small Wireless Facilities at any time in order to determine if the existing configuration matches the configuration contained in the most recently issued Permit, and the applicable Right-of-Way Use Agreement. Applicant shall bear no costs for said inspections. However, if it is determined that an existing Small Wireless Facility is found to be larger than the dimensions specified in the most recently issued applicable Permit, then Applicant shall be in violation of this Chapter. Applicant shall receive notice from the Borough and, upon receipt of such notice, be required to restore the site within ten (10) days to the configuration of the most recently approved Permit or retroactively apply for Administrative Approval for the unapproved modifications. In such instances, Applicant will be responsible for costs and fees incurred by the Authority to perform inspections and review.

5. Material Changes. Unless otherwise agreed to in writing by the Authority, any material changes to an Application, as determined by the Authority in its sole discretion, shall be considered a new application for purposes of the time limits set forth in Chapter, unless otherwise provided by application Laws.

6. Application Fees. Unless otherwise provided the applicable Laws, all Applications pursuant to this Chapter shall be accompanied by the required Fees.

7. Effect of Permit. A Permit from the Authority authorizes an Applicant to undertake only the activities in the Public R.O.W. specified in the Application and Permit, and in accordance with this Chapter and any general conditions included in the Permit. A Permit does not authorize attachment to or use of existing Poles, Towers, Support Structures or other structures in the Public R.O.W.; a Permittee or Provider must obtain all necessary approvals from the owner of any Pole, Tower, Support Structure or other structure prior to any attachment or use. A Permit does not create a property right or grant authority to the Applicant to interfere with other existing uses of the Public R.O.W..

8. Duration. Any Permit for construction issued under this Chapter shall be valid for a period of 365 days after issuance, provided that the period may be extended for up to an additional 180 days upon written request for the Applicant (made prior to the end of the initial 365 day period) if the failure to complete construction is as a result of circumstances beyond the reasonable control of the Applicant.

9. Batch Permit. An Applicant may simultaneously submit not more than twenty-five (25) Applications for Communications Facilities, or may file a single, consolidated Application covering such Communications Facilities, provided that the proposed Communications Facilities are to be deployed on the same type of structure using similar equipment and within an adjacent, related geographic area of the Borough. If the Applicant files a consolidated application, the Applicant shall pay the application fee calculated as though each Communications Facility were a separate Application.

I. <u>Application Review</u>

1. Pre-Application Meeting. Prior to making a formal application with the Borough for use of the Municipal Right-of-Way, all applicants are advised to meet voluntarily with the Borough Engineer and Designee to review the scope of the Applicant's proposal.

2. All applications made under this Chapter shall be expedited so as to comply with the shot clocks set forth in the Federal Communications Commission Order titled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barrier to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 170-84.

3. The Borough Engineer and Designee shall review all applications for the placement of new Poles and Ground Level Cabinets within the Municipal R.O.W. and the placement of Pole Mounted Antennas and Pole Mounted Cabinets within the Municipal R.O.W. and advise the Authority whether the application is complete and whether it meets the requirements of this Chapter.

4. Except as otherwise provided by applicable Laws, the Authority shall within thirty (30) days of receiving an Application, notify the Applicant if the Application is incomplete and identify the missing information. The Applicant may resubmit the completed Application within ten (10) days without additional charge, in which case the Authority shall have thirty (30) days from receipt of the resubmitted Application to verify the application is complete, notify the Applicant that the Application remains incomplete or, in the Borough's sole discretion, deny the Application.

5. The Authority shall review the Application and, if the Application conforms with applicable provisions of Chapter, the Authority shall issue the Permit, subject to the standard permit requirements published by the Borough.

6. The Authority shall make its final decision to approve or deny the Application within sixty (60) days for a collocation of a small wireless facility to an existing structure, and ninety (90) days to deploy a small wireless facility on a new structure, after the Application is complete (or deemed complete in the event the Borough does not notify the Applicant that the Application or resubmitted Application is incomplete). Review of an Application to deploy a facility other than a small wireless facility using a new structure shall be decided within 150 days.

7. Waiver. The Authority may waive any siting standard set forth in Chapter where the Applicant demonstrates that strict enforcement of said Standard:

i. Will prohibit or have the effect of prohibiting any interstate or intrastate telecommunications service pursuant to 47 U.S.C. 253(a); or

ii. Will prohibit or have the effect of prohibiting personal wireless service pursuant to 47 U.S.C. 332(c)(7)(B)(i)(11); or

iii. Will violate any requirement set forth by the Federal Communications Commission Order entitled "Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment; Accelerating Wireline Broadband Deployment by the Removal of Barrier to Infrastructure Investment." WT Docket No. 17-79; WC Docket No. 170-84.

8. The Authority shall advise the Applicant in writing of its final decision.

J. Permitted Use.

Notwithstanding anything else in the Code of the Borough of Glen Rock, the installation of antennas, small cells and other communication devices and associated equipment in the public municipal roadway either on existing or new poles are permitted and considered a permitted use if a Right-of-Way Use Agreement and Right-of-Way Permits are obtained pursuant to this Chapter.

K. Governance of Deployments Outside of the Public Right-of-Way

This Chapter is intended to govern the installation, placement, maintenance, modification, upgrade and repair of Communications Facilities, including Small Wireless Facilities, in the Public Right-of-Way. The placement of telecommunications equipment outside of the Public Right-of-Way shall be governed by the applicable codes and ordinances of the Borough.

L. Preexisting Sites and Municipal Agreements.

1. Any Communications Facilities in the Public Rights-of-Way existing at the time of the adoption of the provisions of this Chapter, whether or not a Right-of-Way Use Agreement exists or is in force and effect with regard to same, shall be required to comply with the provisions of this Chapter.

2. Any Right-of-Way Use Agreements entered into between the Borough and any Provider regarding Communications Facilities in the Public Rights-of-Way shall be required to conform to the provisions and standards of this Chapter. To the extent the provisions of any existing such agreement conflict with this Chapter, said provisions, at the discretion of the Borough, shall be replaced and superseded by the applicable terms of this Chapter.

M. New Jersey One Call

In addition to compliance with the applicable provisions of this Chapter, prior to the start of any installation of Poles, Support Structures, Small Wireless Facilities or other Communications Facilities that requires excavation, Applicant shall contact New Jersey One Call at 811 at least three (3) full business days prior to the commencement of work.

N. Violations of this Chapter.

Violation of any of the provisions of this Chapter shall be a simple citation punishable with a civil penalty of $500 for each violation which continues more than ten (10) days after written notice of such violation is provided to the Person or Applicant. Each day, after such notice, that a violation occurs or is permitted to exist by the Person or Applicant constitutes a separate offense.

Section 3. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 4. All ordinances or parts of ordinance inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect upon final adoption and publication in accordance with Law.

Ord. # 1848 – First Reading – of AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED "1978 ZONING ORDINANCE" OF THE OF THE BOROUGH OF GLEN ROCK TO AMEND THE MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS

Ordinance Procedure # 1848
Date of Introduction: June 9, 2021

Council Resolution #173-21
Introduced by Council Member Martin
Seconded by Council Member Barchetto

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED "1978 ZONING ORDINANCE" OF THE OF THE BOROUGH OF GLEN ROCK TO AMEND THE MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes **Council Member Barchetto- yes**
Council Member Gilbreath - yes **Council Member Dill - yes**
Council Member Unzaga- yes **Council Member Cole - yes**

ORDINANCE # 1848

BOROUGH OF GLEN ROCK
COUNTY OF BERGEN

AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED "1978 ZONING ORDINANCE" OF THE OF THE BOROUGH OF GLEN ROCK TO AMEND THE MANDATORY AFFORDABLE HOUSING SET-ASIDE REQUIREMENTS

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Glen Rock, County of Bergen, State of New Jersey, that amendments set forth below are made to the "1978 Zoning Ordinance" of the Borough of Glen Rock, Chapter 230 entitled "Zoning."

Section 1. Section 230-139 entitled "Mandatory Set-Aside Ordinance" is hereby amended and supplemented to the existing code in the following particulars only: (deleted sections are noted by ~~strikethroughs~~, new sections are <u>underlined</u>)

§230-139. Affordable housing set-aside requirements.

A. Purpose. This section is intended to ensure that any site or development that benefits from a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board that results in five (5) or more new multi-family or single-family attached dwelling units produces affordable housing at a set-aside rate of twenty percent (20%) for affordable for-sale and fifteen percent (15%) if rental affordable units are created. This section shall apply except where inconsistent with applicable law or Court order.

B. Mandatory Set-Aside Requirement.

(1) Any multi-family or single-family attached residential development, including the residential portion of a mixed-use project, that is approved and contains five (5) or more new dwelling units as a result of a subdivision or site plan approval, rezoning, use variance, redevelopment plan or rehabilitation plan approved by the Municipality or a Borough land use board shall be required to set aside a minimum percentage of units for affordable housing.

(2) For inclusionary projects for sale, or offered for rent, the minimum set-aside percentage shall be twenty (20%) percent for affordable ownership unit, fifteen (15%) if affordable rental units are created. Where the set-aside percentage results in a fractional unit, the total set-aside requirement shall be rounded upwards to the next whole number, regardless of the fractional amount.

(3) Nothing in this section precludes the Municipality or a Borough land use board from imposing an affordable housing set-aside in a development not required to have a set-aside pursuant to this section consistent with <u>N.J.S.A.</u> 52:27D-311(h) and other applicable law.

(4) This requirement does not create any entitlement for a property owner or applicant for subdivision or site plan approval, a zoning amendment, use variance, or adoption of a redevelopment plan or rehabilitation plan in areas in need of redevelopment or rehabilitation, or for approval of any particular proposed project.

(5) This requirement does not apply to any sites or specific zones for which higher set-aside standards have been or will be established, either by zoning, subdivision or site plan approval, or an adopted redevelopment plan or rehabilitation plan.

(6) If the Municipality's Settlement Agreement with Fair Share Housing Center ("FSHC") dated September 25, 2019, or the Municipality's 2019 Housing Element and Fair Share Plan, establishes set-aside standards for any specific sites or zones which are different from the set-aside standards set forth in this section, the set-asides established for those sites or zones in the Settlement Agreement or Housing Element and Fair Share Plan shall govern.

(7) Furthermore, this requirement shall not apply to residential expansions, additions, renovations, replacement, or any other type of residential development that does not result in a net increase in the number of dwellings of five (5) or more.

(8) Where a developer demolishes existing dwelling units and builds new dwelling units on the same site, the provisions of this section shall apply only if the net increase in the number of dwelling units is five (5) or greater.

(9) All subdivision and site plan approvals of qualifying residential developments shall be conditioned upon compliance with the provisions of this section.

(10) No subdivision shall be permitted or approved for the purpose of avoiding compliance with the mandatory set-aside requirements set forth in this section.

(11) All affordable units to be produced pursuant to this section shall comply with the Borough's Affordable Housing Ordinance at Article XXVI, Chapter 230-127 of the Zoning Ordinance of the Borough of Glen Rock and the Uniform Housing Affordability Controls (N.J.A.C. 5:80-26.1 et seq.), as may be amended from time to time, and any applicable Order of the Court, including a Judgment of Compliance and Repose Order.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Glen Rock, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Borough of Glen Rock are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. **After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Glen Rock for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Municipal Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.**

Section 6. **This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.**

Section 7. **This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1.**

Ord. # 1849 – First Reading - AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED "1978 ZONING ORDINANCE" OF THE OF THE BOROUGH OF GLEN ROCK TO AMEND THE AFFORDABLE HOUSING ORDINANCE

Ordinance Procedure # 1849
Date of Introduction: June 9, 2021

Council Resolution # 174-21
Introduced by Council Member Unzaga
Seconded by Council Member Barchetto

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED "1978 ZONING ORDINANCE" OF THE OF THE BOROUGH OF GLEN ROCK TO AMEND THE AFFORDABLE HOUSING ORDINANCE

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes **Council Member Barchetto- yes**
Council Member Gilbreath - yes **Council Member Dill - yes**
Council Member Unzaga- yes **Council Member Cole - yes**

ORDINANCE #1849

AN ORDINANCE TO AMEND CHAPTER 230 ENTITLED "1978 ZONING ORDINANCE" OF THE OF THE BOROUGH OF GLEN ROCK TO AMEND THE AFFORDABLE HOUSING ORDINANCE

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Glen Rock, County of Bergen, State of New Jersey, that amendments set forth below are made to the "1978 Zoning Ordinance" of the Borough of Glen Rock, Chapter 230 entitled "Zoning."

Section 1. §230-127.20. entitled "MONITORING AND REPORTING REQUIREMENTS" is hereby amended in the existing code in the following particulars only:

(deleted sections are noted by ~~strikethroughs~~, new sections are underlined)

§~~230-127.20~~ 230-127.19. MONITORING AND REPORTING REQUIREMENTS.

Section 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

Section 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Glen Rock, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Code of the Borough of Glen Rock are hereby ratified and confirmed, except where inconsistent with the terms hereof.

Section 4. The Borough Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this ordinance to the Bergen County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15, and N.J.S.A. 40:55D-63 (if required).

Section 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Glen Rock for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Municipal Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

Section 6. This Ordinance shall be presented to the Mayor for her approval and signature, which approval shall be granted or denied within ten (10) days of receipt of same, pursuant to N.J.S.A. 40:69A-149.7. If the Mayor fails to return this Ordinance with either her approval or objection to same within ten (10) days after it has been presented to her, then this Ordinance shall be deemed approved.

Section 7. **This Ordinance shall take effect immediately upon (1) adoption; (2) approval by the Mayor pursuant to N.J.S.A. 40:69A-149.7; (3) publication in accordance with the laws of the State of New Jersey; and (4) filing of the final form of adopted ordinance by the Clerk with (a) the Bergen County Planning Board pursuant to N.J.S.A. 40:55D-16, and (b) the Municipal Tax Assessor as required by N.J.S.A. 40:49-2.1.**

Ord. #1850 – First Reading – AN ORDINANCE TO FIX THE COMPENSATION OF CERTAIN BOROUGH EMPLOYEES 175-21

Ordinance Procedure # 1850
Date of Introduction: June 9, 2021

Council Resolution # 175-21
Introduced by Council Member Cole
Seconded by Council Member Martin

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN AMENDMENT TO AN ORDINANCE TO FIX THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF GLEN ROCK, BERGEN COUNTY, NEW JERSEY

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto- yes**
Council Member Gilbreath - yes	**Council Member Dill - yes**
Council Member Unzaga- yes	**Council Member Cole - yes**

ORDINANCE NO. 1850

AN AMENDMENT TO AN ORDINANCE TO FIX THE COMPENSATION OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF GLEN ROCK, BERGEN COUNTY, NEW JERSEY.

BE IT ORDAINED, by the Borough Council of the Borough of Glen Rock in the County of Bergen, New Jersey as follows:

SECTION 1. That there is hereby established salary and wages for the classification of certain employees herein below set forth:

OFFICIALS	**MINIMUM**	**MAXIMUM**

RECREATION			
Director	**48,000.00**	**90,000.00**	**year**
Shack Supervisor	**20.00**	**30.00**	**hour**
Shack Counselors	**12.00**	**15.00**	**hour**
Kindergarten Swim Director	**15.00**	**30.00**	**hour**
Kindergarten Instructors	**12.00**	**20.00**	**hour**
Grounds Crew	**12.00**	**15.00**	**hour**
POOL			
Manager	**20.00**	**35.00**	**hour**
Assistant Manager	**15.00**	**30.00**	**hour**
Lifeguard	**12.00**	**18.00**	**hour**
Lifeguard Instructor	**15.00**	**30.00**	**hour**
Gate Guard	**12.00**	**15.00**	**hour**
Pool Maintenance	**12.00**	**25.00**	**hour**
Learn to Swim Director	**18.00**	**25.00**	**hour**
Lean to Swim Instructors	**14.00**	**20.00**	**hour**
Swim Team Director	**18.00**	**25.00**	**hour**
Swim Team Instructors	**12.00**	**25.00**	**hour**

Ord.# 1851 – First Reading – AN ORDINANCE OF THE BOROUGH OF GLEN ROCK IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 230-61 OF THE BOROUGH OF GLEN ROCK MUNICIPAL CODE 176-21

Ordinance Procedure # 1851
Date of Introduction: June 9, 2021

Council Resolution # 176-21
Introduced by Council Member Barchetto
Seconded by Council Member Cole

Be It Resolved by the Borough Council of the Borough of Glen Rock that AN ORDINANCE OF THE BOROUGH OF GLEN ROCK IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 230-61 OF THE BOROUGH OF GLEN ROCK MUNICIPAL CODE

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes | **Council Member Barchetto- yes**
Council Member Gilbreath - yes | **Council Member Dill - yes**
Council Member Unzaga- yes | **Council Member Cole - yes**

ORDINANCE NO. 1851

AN ORDINANCE OF THE BOROUGH OF GLEN ROCK IN THE COUNTY OF BERGEN AND STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF ADULT USE RECREATIONAL CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING SECTION 230-61 OF THE BOROUGH OF GLEN ROCK MUNICIPAL CODE

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" (the "Act"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- **Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;**
- **Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;**
- **Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;**
- **Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;**
- **Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and**
- **Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.**

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of adult use recreational cannabis establishments (defined in section 3 of the Act as "a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis

retailer"), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Glen Rock has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of adult use recreational cannabis business might have on New Jersey municipalities in general, and Glen Rock in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of Glen Rock's residents and members of the public who visit, travel, or conduct business in Glen Rock to amend Glen Rock's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Glen Rock; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Glen Rock, in the County of Bergen, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all adult use recreational cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from

operating anywhere in the Borough of Glen Rock except for the delivery of cannabis items and related supplies by a delivery service.

2. Section 230-61 of the Code of the Borough of Glen Rock is hereby amended by adding to the list of prohibited uses, the following: "All classes of adult use recreational cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16 which includes retail marijuana stores, retail marijuana cultivation facilities, retail marijuana products manufacturing facilities, and retail marijuana testing facilities; and the operation of retail marijuana social clubs and, therefore, all activities related to the above mentioned retail uses such as, but not limited to, cultivation, extraction, manufacturing, processing, storing, laboratory testing, transporting, delivering, dispensing, transferring and distributing are expressly prohibited within the Borough of Glen Rock, but not the delivery of cannabis items and related supplies by a delivery service."

3. This Ordinance shall not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary pursuant to the New Jersey Cannabis Compassionate Use Medical Marijuana Act, N.J.S.A. 26:61-1.

3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Glen Rock inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Bergen County Planning Board, and as otherwise provided for by law.

Ord. # 1852 – First Reading – AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 216 ENTITLED "VEHICLES AND TRAFFIC"

Ordinance Procedure # 1852
Date of Introduction: June 9, 2021

Council Resolution # 177-21
Introduced by Council Member Barchetto
Seconded by Council Member Gilbreath

Be It Resolved by the Borough Council of the Borough of Glen Rock AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 216 ENTITLED "VEHICLES AND TRAFFIC"

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and

directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto- yes**
Council Member Gilbreath - yes	**Council Member Dill - yes**
Council Member Unzaga- yes	**Council Member Cole - yes**

ORDINANCE # 1852

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 216 ENTITLED "VEHICLES AND TRAFFIC"

WHEREAS, the Mayor and Council of the Borough of Glen Rock recognize the need to amend the Chapter 216 of the Borough Ordinance as follows:

Now, therefore, be it ordained as follows, Chapter 216 be and hereby is amended as follows:

SECTION 1.

A. Section 216-31 is amended to repeal Time Limit parking on Belmont Road.

B. Section 216-40 is amended to repeal Handicapped parking on Belmont Road.

C. Section 216-31 is amended to Add 2 Hour Parking for visitors on Hamilton (approximately 3 spots):

1. **West side of street starting at a point 67 feet south of Harristown Rd. to a point 125 feet south of Harristown Rd.**

D. Section 216-29 is amended as to Emerson Road as follows:

1. **No Parking Any Time" from Hamilton Ave to Berkeley Pl on the North Side of the street;**
2. **Repeal "No Parking Any Time" on the South Side of the street.**

E. Section 216-31 as to Berkeley Pl. is amended as follows:

1. **Repeal 4 hour parking on the West side of street from Rock Rd to Harristown Rd;**
2. **Add "No Parking Any Time" on West side of street.**

F. Section 216-31 as to Ridge Rd. is amended as follows:

1. **Repeal 4 hour parking on the West side of street from Rock Rd to Harristown Rd.**

G. Section 216-29 as to Ridge Rd. is amended as follows:

1. **Add "No Parking Any Time" on West side of street.**

H. Section 216-29 as to Gramercy Pl. is amended as follows:

1. **"No Parking Any Time" from Hamilton Ave to Berkeley Pl on the North Side of the street.**

I. 216-29 Schedule I Parking Prohibited At All Times is amended as follows:

1. **Designate the west side of Berkeley as no parking from Rock Road to Harristown Road.**

.

J. Section 216-30 Schedule III Time Limit Parking is amended as follows:

1. **Repeal 4 hour parking on the West side of Berkeley from Rock Rd to Harristown Rd.;**

2. **Both sides of Berkeley between Carlton and Rock will remain four hour Parking;**

3. **The east side of Berkeley from Carlton to Harristown will remain four hour parking.**

SECTION 2.

All other parts, portions and provisions of the Borough Code of the Borough of Glen Rock, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

SECTION 3.

The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

SECTION 4.

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

Ord. # 1853 – First Reading - AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 150 ENTITLED "PARKING"

Ordinance Procedure # 1853
Date of Introduction: June 9, 2021

Council Resolution # 178-21
Introduced by Council Member Cole
Seconded by Council Member Gilbreath

Be It Resolved by the Borough Council of the Borough of Glen Rock AN ORDINANCE

AMENDING THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 150 ENTITLED "PARKING"

Heretofore introduced and does now pass on first reading, and that the said Ordinance be further considered for final passage at a meeting to be held on July 28, 2021 at 8:00 p.m., or as soon thereafter as the matter can be reached, at the Municipal Building in the Borough of Glen Rock, and that at such time and place all persons interested be given an opportunity to be heard concerning said ordinance, and that the Borough Clerk is hereby authorized and directed to publish said ordinance in the Bergen Record according to law with a notice of its introduction and passage on first reading and of the time and place when and where said ordinance will be further considered for final passage.

ROLL CALL:

Council Member Martin - yes	**Council Member Barchetto- yes**
Council Member Gilbreath - yes	**Council Member Dill - yes**
Council Member Unzaga- yes	**Council Member Cole - yes**

ORDINANCE # 1853

AN ORDINANCE AMENDING THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, CHAPTER 150 ENTITLED "PARKING"

WHEREAS, the Mayor and Council of the Borough of Glen Rock recognize the need to amend the Chapter 150 of the Borough Ordinance as follows:

Now, therefore, be it ordained as follows, Chapter 150 be and hereby is amended as follows:

SECTION 1.

A. Section 150-12 Entitled On-Street permit parking for Middle School and High School Administrative and educational staff and affected residents is repealed in its entirety.

SECTION 2.

All other parts, portions and provisions of the Borough Code of the Borough of Glen Rock, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

SECTION 3.

The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

SECTION 4.

This Ordinance shall take effect immediately upon final passage and publication according

to law.

Ord. # 1846 – Final Reading - AN ORDINANCE REPEALING CHAPTER 154, SECTION 6 OF THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, ENTITLED "POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY PRECLUDED"

Ordinance Procedure: # 1846
Date of Final Reading: June 9, 2021
Date of Introduction: May 12, 2021

Council President Barchetto explained this Ordinance is to be in line with the State legislature of decriminalization of under

Motion to Open Public Hearing on Ordinance 1846 was made by Council Member Barchetto, seconded by Council Member Martin. All were in favor.

Jill Orlich, 399 Dunham Place – Would like to know how the rules have changed?

Council President Barchetto stated that the Ordinance is removing the criminalization of underage consumption because the State has decriminalized the act.

Borough Attorney added that we need to abide by the Superiority Clause which states that the State Law supersedes Municipal law.

Council Member Cole stated that this does not repeal the Council saying that they condone underage drinking.

Council Member Gilbreath commented that this does not change the way an underage drinker would be handled when operating a motor vehicle. Motor vehicle violations remain in effect.

Mayor Morieko mention that criminal code 2C:33-17, anyone who purposely or knowingly offers or serves or makes available an alcoholic beverage to a person under the legal age for consumption will suffer legal consequences. The responsibility falls on the parents and can be charged.

Motion to Close Public Hearing on Ordinance 1846 was made by Council Member Barchetto, seconded by Council Member Gilbreath. All were in favor.

Resolution No.: 179-21
Introduced by Council Member Barchetto
Seconded by Council Member Gilbreath

AN ORDINANCE REPEALING CHAPTER 154, SECTION 6 OF THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, ENTITLED "POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY PRECLUDED"

Be passed upon second and final reading, and that the Borough Clerk be, and is hereby authorized and directed, to advertise the same according to law by publishing the same by title in the Bergen Record.

ROLL CALL:

Council Member Martin - yes
Council Member Gilbreath - yes
Council Member Unzaga - yes
Council Member Barchetto - yes
Council Member Dill - yes
Council Member Cole - yes

ORDINANCE # 1846

AN ORDINANCE REPEALING CHAPTER 154, SECTION 6 OF THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK, ENTITLED "POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES BY UNDERAGE PERSONS ON PRIVATE PROPERTY PRECLUDED"

WHEREAS, the Mayor and Council of the Borough of Glen Rock recognize the need to amend Chapter 154, Section 6 of the Borough Ordinance due to the recent enactment of certain laws of the State of New Jersey as follows:

SECTION 1.

§ 154-6- Possession or consumption of alcoholic beverages by underage persons on private property precluded, be and hereby is repealed in its entirety.

SECTION 2.

All other parts, portions and provisions of the Borough Code of the Borough of Glen Rock, be and the same, are hereby ratified and confirmed, except where inconsistent with the terms thereof. In the event of any such inconsistency, the terms of this Ordinance shall be deemed to govern.

SECTION 3.

The terms of this Ordinance are hereby declared to be severable; should any part, portion or provision hereof be declared invalid or unconstitutional, said finding shall not affect any other part, portion or provision thereof.

SECTION 4.

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

7. Announcements/Updates

Mayor Morieko reminded everyone to lock their cars, take key fobs inside and do not leave possessions in your cars to prevent theft.

Council President Barchetto announced that a senior seated exercise program will be held every Tuesday at 9am in front of Borough Hall which will be moving to the Annex in July. The program is free and can you can just drop in. Senior Citizen resident Pool Party will be held on June 18th from 6pm-8pm with free dinner and music.

Council Member Gilbreath stated the latest issue of the Perennial will be out this week an informational newsletter. It will be distributed and available on the Borough webpage.

Council Member Dill reminded residents to water their new tree plantings during dry spells. Fall tree planting sign up is available. We are currently interviewing for Park and Rec. Director. Thanked Council Members and DPW for filling void left behind and everyone behind the scenes. The Facilities Monitoring Program will be restarted we will be getting out of work crossing guards to go to various parks to survey facilities for supplies and everything is in working order. Congratulated new Eagle Scout Henry Pfeiffer.

Council Member Unzaga thankful for Council Members Dill and Barchetto and all those involved in opening the pool. The Stigma Free Committee is supportive of Pride Month Ceremony, excited for this month and to be an ally to the LGBTQ+ community. An inspirational speech by Eli.

Council Member Martin stated that the library will not be quarantining books. Staffing has been an issue and are currently looking for staff. The second part of the Library Bond Act was submitted on June 4th. Participation in the All Star Read A Thon was very high this year. A record amount of money was raised this year at $12,500. The library honored Georgene Betterbed and dedicated a reading nook to her. The Centennial celebration planning has started for 2022. On June 12th, the Library will be hosting a guided conversation "Insuring a Fair and Just Community" from 3-5:30pm held outside, made possible by the American Library Association. The reopening at the library includes: no masks required for outdoor events, computer use limited to one hour, quite rooms will reopen, front door entrance will be reopened, and they will maintain a 50% capacity to be revisited in September. This the Arts Council held their "Spring into Dance Event" at the Arboretum which was well attended. Two new Board Members were appointed, Libby and Stacey. GREC submitted Sustainable Jersey recertification with 645 points.

Council Member Cole thanked the Volunteer Ambulance Corps. in May they put in 144 hours.

Mayor Morieko announced that on June 15th at 4:30pm the Read A Thon awards will be handed out in front of Borough Hall. Byrd School won overall.

8. OPEN TO THE PUBLIC (Before speaking at the meeting, each person must state their name and address. 3-minute limit.)

No public comments.

9. ADJOURNMENT

Motion to adjourn by Council Member Barchetto
Seconded by Council Member Unzaga

All were in favor.
Meeting adjourned at 9:30 pm.

CLOSED SESSION – Wednesday, June 9, 2021, following the Public Meeting contracts/personnel.