

BOROUGH OF GLEN ROCK

EXECUTIVE MEETING GLEN ROCK MAYOR AND COUNCIL

**Wednesday, October 25, 2023 at 6:30 p.m.,
in the Conference Room of the Municipal Building**

Agenda (may be subject to change)

1. Mayor

- Café Seating Ordinance
- 175 Committee to contact County Re: Traffic
- Signage
- Background Checks

2. Council Committee and Liaison Report

3. Council Information

4. Correspondence

5. Old Business

6. Public Comment Portion

7. Resolution for Closed Session – (Immediately Following the Conclusion of Work Session Meeting) Contracts, Litigation and Personnel

PUBLIC MEETING – October 25, 2023, at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, October 25, 2023, at 8:00 pm in the Council Chambers of the Municipal Building:

AGENDA: (May be subject to change)

1. CALL TO ORDER /ROLL CALL

2. FLAG SALUTE/ANNOUNCEMENTS

3. PROCLAMATIONS

4. RESOLUTION NON-ROUTINE

5. MOTIONS - Departmental Reports

Motion to accept reports as filed:

Motion by Council Member

Seconded by Council Member

Roll Call: Martin, Barchetto, Gilbreath, Orlich, Gilligan, Viadro

6. 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 the adoption of all resolutions, received, and filed letters, correspondence, reports, and approval of applications and minutes.

Resolutions:

- 1. Resolution for Payment of Bills**
- 2. Resolution Approval of Minutes**
- 3. Resolution for Awarding Bid for Leaf Disposal**
- 4. Resolution Rejecting Alcove Bids**
- 5. Resolution to Amend and Update Policies Manual**
- 6. Resolution to Appoint Administrative Assistant Heather Bognar**
- 7. Resolution for Change Order #1 2022 Street Resurfacing**

Motion to accept consent agenda by Council Member

Seconded by Council Member

Roll Call: Martin, Barchetto, Gilbreath, Orlich, Gilligan, Viadro

7. ORDINANCES

- Ord. # 1913 Salary Ordinance**
- Ord. # 1914 Café Ordinance**
- Ord. # 1915 Signage**
- Ord. # 1916**

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

9. ADJOURNMENT

10. CLOSED SESSION - Following the Public Meeting

Guidelines for Public Comments at Glen Rock Council Meetings:

All interested parties are invited to speak about anything they wish to during the public discussion portion of a Borough Council Meeting. When the Mayor announces that the public discussion of the meeting has been opened, raise your hand and wait to be recognized.

Once recognized, speakers are reminded of the following rules:

- Approach the podium at the front of the room and clearly state your name and address.
- All public comments should be addressed to the Mayor.
- Public comments can be of any matter of concern that relates to the Borough.
- There is a 3-minute time limit per speaker.
- Speakers may speak only once during public comment, unused time may not be yielded.
- *This is a time for public comments and not necessarily questions to the Mayor and Council. Questions can certainly be asked but are more likely to be addressed via email, in person, or at a council work session.*
- Interested parties have one other opportunity for comment at Borough Council meetings, during the public hearing on a given ordinance.

Rules for ordinance hearings are as follows:

(allow 15 minutes for public comment)

- During a public hearing of an ordinance, only the subject matter of the ordinance can be discussed, questioned, or commented on.
- There is a 3-minute time limit per speaker.
- All comments should be addressed to the Mayor.

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

Resolution No.

Offered by Council Member

Seconded by Council Member

BE IT RESOLVED that the following bill list summary be paid from October 12, 2023 through October 24, 2023, in the amount of \$3,288,504.50:

CURRENT FUND:

Board of Education	\$ 2,239,625.00
Payroll	\$ 434,129.93
NJ State Health Benefits	\$ 204,026.92
NWBCD	\$ 111,196.50
North Jersey Tree Experts	\$ 12,428.00
Get A Can	\$ 13,459.83
PSEG	\$ 32,773.41
GRVAC	\$ 50,000.00
Ridgewood Water	\$ 30,852.55
MISC	\$ 80,625.75
TOTAL CURRENT FUND	\$ 3,209,117.89

DDEF	\$ 179.00
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ANIMAL	\$ 564.00
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DEVELOPERS FEES	\$ 9,450.00
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CAPITAL	\$ 69,193.61
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TOTAL PAYMENT OF BILLS	\$ 3,288,504.50
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ROLL CALL:

**Council Member Martin -
Council Member Gilbreath -
Council Member Gilligan -**

**Council Member Barchetto –
Council Member Orlich -
Council Member Viadro -**

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 25th day of October 2023.

Jacqueline Scalia, Borough Clerk

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

**Resolution No.
Offered by Council Member
Seconded by Council Member**

BE IT RESOLVED that the Minutes of:

Public Meeting 6/28/23

Be accepted as submitted.

ROLL CALL:

Council Member Martin –	Council Member Barchetto –
Council Member Gilbreath –	Council Member Cole –
Council Member Orlich -	Council Member Gilligan -

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held on the 25th day of October 2023.

Jacqueline Scalia, Borough Clerk

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY
RESOLUTION**

Resolution No.
Offered by Council Member
Seconded by Council Member

**A RESOLUTION AWARDING BID TO RVH MULCH SUPPLY FOR 2023
LEAF TRANSPORT AND DISPOSAL BID**

WHEREAS, the Borough of Glen Rock authorized the advertising for the solicitation of bids for the 2023 Leaf Transport and Disposal Project; and

WHEREAS, a notice to bidders was duly advertised and five (5) bids were received from RVH Mulch Supply, Environmental Renewal, LLC, Nature's Choice Corporation , RER Supply and Frank Galbraith & Sons; and

WHEREAS, the Borough has reviewed the bid submissions and has determined that the lowest bid of RVH Mulch Supply, substantially conforms to the bid specifications; and

WHEREAS, the Director of Public Works has recommended that RVH Mulch Supply, be awarded the contract;

NOW, THEREFORE, BE IT RESOLVED, that the bid of RVH Mulch Supply be awarded the contract in the amount of \$6.45 per cubic yard of transported material, as its bid submission substantially conforms to the specifications of the Borough of Glen Rock; and be it further

RESOLVED, that the Borough Clerk is hereby authorized to follow up with execution of the contract with RVH Mulch Supply, and other required documents.

ROLL CALL

Council Member Martin -
Council Member Gilbreath -
Council Member Gilligan -

Council Member Barchetto –
Council Member Orlich -
Council Member Viadro -

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Jacqueline Scalia, Borough Clerk

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

Resolution No.
Offered by Council Member
Seconded by Council Member

A RESOLUTION REJECTING BIDS FOR ALCOVE RENOVATION

WHEREAS, the Borough of Glen Rock authorized the advertising for the solicitation of bids for Improvements to the Alcove; and

WHEREAS, a notice to bidders was duly advertised and three (3) bids were received from AA Berms, LLC, DTS Trucking LLC, and A-Tech Concrete Co.; and

WHEREAS, the bids received are outside the financial budget of the Borough for this project, resulting in the determination that the bid submitted should be rejected.

NOW THEREFORE BE IT RESOLVED, that the bids of AA Berms, LLC, DTS Trucking LLC, and A-Tech Concrete Co. are hereby rejected; and

BE IT FURTHER RESOLVED, that the bid security of the unsuccessful bidders AA Berms, LLC, DTS Trucking LLC, and A-Tech Concrete Co. are hereby authorized to be returned by the Borough Clerk; and

BE IT FURTHER RESOLVED, that the Borough Clerk is hereby authorized to re-advertise for bids for Improvements to the Alcove upon receipt of amended specifications by the Borough Planner, Ed Snieckus.

ROLL CALL:

Council Member Martin -
Council Member Gilbreath -
Council Member Gilligan -

Council Member Barchetto –
Council Member Orlich -
Council Member Viadro -

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Jacqueline Scalia, Borough Clerk

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

Resolution No.

Offered by Council Member

Seconded by Council Member

RESOLUTION TO UPDATE AND AMEND POLICIES AND PROCEDURES

WHEREAS, the Borough of Glen Rock participates in the New Jersey Municipal Excess Liability Joint Insurance Fund, and as such have previously adopted the MEL's model employment practices risk control program, producing the Policies and Procedure Manual for all employees and volunteers, which gets reviewed and updated every two years to remain eligible for cost saving lower deductibles in the program; and

WHEREAS, the Borough, in conjunction with recommendations and guidelines set forth by the MEL, have reviewed and updated the Policies and Procedure Manual for 2023 distribution; and

WHEREAS, updated version of the Personnel Policies and Procedures Manual includes adjustment to following policies:

- Sick Leave Policy
In accordance with COVID-19-related updates to the Earned Sick Leave Law, an additional reason for which sick leave may be used was added in both the PPPM and Employee Handbook. In addition, a note was added in both the PPPM and Employee Handbook to clarify that employers may choose to require up to seven (7) days' notice for foreseeable sick leave usage under the Earned Sick Leave Law.
- Alcohol and Drug-Free Workplace
Changes were made in the PPPM to account for the legalization of recreational cannabis, including the addition of language relating to the requirement that there be documentation of physical signs of impairment in addition to a positive drug test in order to subject an employee to adverse action. Language was also added to provide that applicants cannot be denied employment based solely on a pre-employment positive drug test for cannabis, with some listed exceptions. In the Policy Prohibitions section, cannabis was added to the portion discussing alcohol, as it would no longer fit under the illegal drugs portion that precedes it.

Language that is no longer applicable due to the legalization of cannabis was also removed throughout the policy. On the Pre-Employment Consent and Release Form, the language "for certain employment positions" was added after "Cannabinoids" because employers will no longer need to test for cannabis in pre-employment panels for most positions. In the Employee Handbook, the word "unlawful" was removed before "drugs" in order to make clear that the use of cannabis in the workplace is still prohibited.
- Domestic Violence Policy
Letter (E) under the Domestic Violence Reporting Procedures in the PPPM was removed due to it only being applicable to issues between State employees.
- Personal Day Policy
More details were added to the Personal Day Policy in the PPPM in order to match the language included in the same policy found in the Employee Handbook.

- Equal Employment Opportunity Policy and Americans with Disabilities Policy
The protected categories of pregnancy, breastfeeding and childbirth were added to make the policy uniform with the Employee Handbook policy. An additional paragraph regarding breastfeeding accommodations was also added to the Americans with Disabilities Policy to further explain necessary accommodations.
- Family and Medical Leave Policy
Language was added in the PPPM to clarify that the employer may choose to include in their policy that employees are either required to use accrued paid leave during an FMLA-covered leave or may choose to use accrued paid leave. A “utilization of paid leave” section was added to the Employee Handbook to mirror the PPPM. In addition, the Family Temporary Disability section was updated to remove the “six weeks” and “effective July 2020” language.
- New Jersey Family Leave
An additional reason that NJFLA leave may be taken was added in both the PPPM and Employee Handbook, in accordance with COVID-19 related updates to the law. Changes were also made in the PPPM Policy to reinforce and clarify that NJFLA leave may be taken consecutively, intermittently or on a reduced schedule with little restriction, and to clarify the notice requirements for intermittent leave.
- Policy for Use of Employer Vehicles (Non-Law Enforcement)
A provision regarding employees driving their own vehicles for employer business providing the employer with a copy of their current certificate of insurance was added in the PPPM in order to make this policy uniform with the Employee Handbook policy.
- Overtime
The highly compensated employee overtime exemption was updated from \$100,000 to \$107,432 to reflect current law. In addition, language was added to clarify that the employer may choose to include in its policy that only time actually worked is considered for purposes of determining overtime compensation.
- Hours of Work
In the Employee Handbook’s Attendance and Tardiness section, a change was made to make the suggested time by which an employee must call out match the time found in the PPPM Absenteeism and Tardiness policy.
- Personnel Records
Some additions were made to the Employee Handbook policy in order to mirror the PPPM version of the policy.

NOW THEREFORE BE IT RESOLVED that this amendment to the personnel policies and procedures shall apply to all Borough officials, appointees, employees, volunteers and independent contractors. In the event there is a conflict between these rules and any collective bargaining agreement, personal services contracts or Federal or State law, the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

BE IT FURTHER RESOLVED by the Mayor and Council that the updates and changes made to the Personnel Policies and Procedure Manual be hereby approved.

ROLL CALL:

**Council Member Martin-
Council Member Gilbreath -
Council Member Gilligan -**

**Council Member Barchetto -
Council Member Orlich -
Council Member Viadro -**

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Jacqueline Scalia, Borough Clerk

**BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY**

**Resolution No.
Offered by Council Member
Seconded by Council Member**

**RESOLUTION APPOINTING THE POSITION OF
ADMINISTRATIVE ASSISTANT
FOR THE BOROUGH OF GLEN ROCK**

WHEREAS, there is a vacancy in the position of Administrative Assistant for the Borough of Glen Rock; and

WHEREAS, the Administration Committee interviewed numerous qualified candidates to fill the position, and has recommended that the Borough hire Heather Bognar, Glen Rock NJ, at an annual salary of \$45,000, effective November 1, 2023.

NOW, THEREFORE, BE IT RESOLVED that Borough Council does hereby appoint Heather Bognar to the position of Administrative Assistant for the Borough of Glen Rock, effective November 1, 2023.

ROLL CALL:

**Council Member Martin -
Council Member Gilbreath -
Council Member Gilligan -**

**Council Member Barchetto -
Council Member Orlich -
Council Member Viadro -**

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BOROUGH OF GLEN ROCK

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Resolutions:

1. Resolution for Payment of Bills



BILL LIST
10-25-23.pdf



Res. Payment of
Bills 10-25-23.docx

2. Resolution Approval of Minutes



Res. Approval of
Minutes 10-25-23.doc



Minutes
6-28-23.docx

3. Resolution for Awarding Bid for Leaf Disposal



Res Award Leaf
Disp Bid 10-25-23.doc

4. Resolution Rejecting Alcove Bids



Res. Rejecting
Alcove Bids 10-25-23

5. Resolution to Amend and Update Policies Manual



Res. Amend
Policies and Procedures

6. Resolution for Change Order for 2022 Street Resurfacing



Res. Change Order
#1 2022 Co-op Paving

7. Resolution to Appoint Administrative Assistant Heather Bognar



Resolution -
Appointing Heather

**Motion to accept consent agenda by Council Member
Seconded by Council Member**

Roll Call: Martin, Barchetto, Gilbreath, Orlich, Gilligan, Viadro

7. ORDINANCES

- **Ord. # 1913 Salary Ordinance**



Ord. # 1913 First
Reading Salary 10-



Ord. #1913 First
Reading Salary & W

- **Ord. # 1914 Café Ordinance**



Ord. # 1914 First
Reading Outdoor C



Ord. # 1914
Outdoor Cafe 10-5-

- **Ord. # 1915 Signage**



Ord. # 1915 First
Reading Signs 10-2



Ord. # 1915 Signs
10-25-23.docx

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

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(allow 15 minutes for public comment)

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BOROUGH OF GLEN ROCK

Ordinance Procedure # 1914

Date of Introduction: October 25, 2023

Mayor: The next order of business is the introduction of AN ORDINANCE AMENDING CHAPTER 116, ARTICLE II RESPECTING SIDEWALK CAFES AND OUTDOOR SEATING

Mayor: Directs the Clerk to read the resolution regarding passage and adoption on first reading.

Clerk: Then reads the resolution as follows:

**Council Resolution #
Introduced by Council Member
Seconded by Council Member**

Be It Resolved by the Borough Council of the Borough of Glen Rock AN ORDINANCE AMENDING CHAPTER 116, ARTICLE II RESPECTING SIDEWALK CAFES AND OUTDOOR SEATING

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 December 13, 2023 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 -
Council Member Gilbreath -
Council Member Gilligan -**

**Council Member Barchetto-
Council Member Orlich-
Council Member Viadro -**

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 25th day of October 2023.

Jacqueline Scalia, Borough Clerk

BOROUGH OF GLEN ROCK

ORDINANCE NO. 1914

AN ORDINANCE AMENDING CHAPTER 116, ARTICLE II RESPECTING SIDEWALK CAFES AND OUTDOOR SEATING

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

SECTION 1. Article II, Sidewalk Cafes, of Chapter 116, Food Establishments, of the Code of the Borough of Glen Rock is hereby amended to read in full as follows:

“ARTICLE II. Sidewalk cafes and outdoor seating

§ 116-6. Purposes.

The sidewalk cafe regulations as established by this chapter are designed to permit sidewalk cafes and outdoor seating accessory and incidental to lawfully existing dining and take-out food establishments within the C-1, C-2 and C-3 Districts as established and regulated in Chapters **66**, **137**, **146** and **230** hereof, to be located on public property immediately adjacent to such lawfully existing dining and take-out food establishments and in locations where they shall be determined to be appropriate by these regulations and all applicable related ordinances to promote and protect the public health, safety and general welfare. These general purposes shall include, among others, the following specific purposes:

- A. To ensure that adequate space will be provided for pedestrian circulation through areas where sidewalk cafes and outdoor seating are established and to ensure adequate access to adjoining properties and businesses.
- B. To encourage the establishment of sidewalk cafes and outdoor seating as one means of developing a pleasant and distinctive shopping atmosphere.

§ 116-7. Definitions.

As used in this article, the following terms shall have the meanings indicated:

SIDEWALK

That area of the public right-of-way reserved for pedestrian traffic from the curb to the front line of the building housing a dining or take-out food establishment.

SIDEWALK CAFE

The extension of the services of an existing dining establishment preparing and serving foods for consumption within an existing building or a take-out food establishment to the extent that food is permitted to be served and/or consumed

at the tables and chairs placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the dining or take-out food establishment is situated. A sidewalk cafe may contain readily removable tables and chairs but shall be otherwise unenclosed by fixed walls and open to the air except for umbrellas or other nonpermanent covers provided such covers, do not interfere with pedestrian circulation.

OUTDOOR SEATING

The extension of the services of an existing dining establishment preparing and serving foods for consumption within an existing building or a take-out food establishment to the extent that food is permitted to be consumed at the non-table seating (i.e. chairs, benches) placed on the public sidewalk adjacent to and within the confines of the frontage of that portion of the building in which the dining or take-out food establishment is situated. Outdoor seating is defined as chairs or benches and shall be otherwise unenclosed by fixed walls and open to the air except for umbrellas or other nonpermanent covers provided such covers, do not interfere with pedestrian circulation.

DINING ESTABLISHMENT

A restaurant or commercial establishment where prepared food is served and consumed on-premises to patrons

TAKE-OUT FOOD ESTABLISHMENT

A commercial establishment in which prepared food is provided to patrons for off-premises consumption.

§ 116-8. Sidewalk cafe license.

No person, firm or corporation may operate a sidewalk cafe or provide outdoor seating within the Borough of Glen Rock in any zone in which such use is permitted on a sidewalk adjacent to an existing dining or take-out food establishment operated by such person, firm or corporation unless obtaining a license from the Borough Code Enforcement Officer. Such license shall allow the operation of a sidewalk cafe or placement of outdoor seating between March 1 and November 30 of the year in the year in which it is issued and shall be renewed annually during the month of January.

§ 116-9. Location.

No license shall be issued hereunder unless the licensee shall demonstrate that a minimum of 36 inches of unobstructed paved sidewalk surface is available for pedestrian traffic around or through such sidewalk cafe or outdoor seating and that such sidewalk cafe or outdoor seating shall be directly in front of a dining or take-out establishment as hereinabove defined. The term "directly in front of" shall confine the sidewalk café an outdoor seating to the area represented by an extension of each side of the store occupied by the dining or take-out establishment projected directly to the curblin immediately in front thereof.

§ 116-10. Application for license.

Application for the license required hereunder shall be made to the Code Enforcement Officer and shall be signed by the applicant. The application shall contain the following information:

- A. The name, residence address and telephone number of each individual, owner or partner, or if a limited liability company, the name, residence address and telephone numbers of all members and the name of the managing member, if any, or if a domestic corporation, the names, residence addresses and telephone numbers of the directors and officers owning a ten-percent or greater interest in the corporation and the chief operating executive of the corporation, and if a nondomestic corporation, the name, residence address and telephone number of the managing officer for service of process within the State of New Jersey and a copy of the qualification of said nondomestic corporation to conduct business in the State of New Jersey.
- B. A copy of the trade, corporate, business or fictitious name upon which the applicant intends to do business pursuant to this article.
- C. The address and description of each place where the applicant intends to establish or operate a sidewalk café or provide outdoor seating.
- D. The name and address of the person owning the premises (if other than the applicant), and the consent of the owner of the premises to the application.
- E. Three sets of a proposed layout plan containing scaled drawings clearly illustrating the number, type of materials, color and location of all tables, chairs, benches, umbrellas or other furnishings or fixtures intended to be located in the sidewalk café or outdoor seating area. Sidewalk umbrellas are permitted and may also contain the name or logo of the of the business referenced in § **116-10B**. The scaled drawings shall also illustrate the following:
 - 1. The location of any doors leading from the eating establishment to the sidewalk café or outdoor seating area. No such doors may be obstructed in any manner.
 - 2. The number of feet and location of unobstructed space permitting free passage of pedestrian traffic around or through each sidewalk café or outdoor seating area.
 - 3. The location of any portable heaters. Use of heaters require a permit from the Department of Fire Prevention.
 - 4. The location of all fire hydrants, parking meters, utility poles, benches, handicap ramps, street furniture, trees and any other fixtures permanently located on the sidewalk in front of the eating establishment or within 10 feet thereof on either or any side.
- F. An application fee as set forth in Chapter **101** of the Code of the Borough of Glen Rock.
- G. Conditions for issuance of license. Upon approval by the Borough Code Enforcement Officer of the application and plans submitted by the applicant pursuant to this article, the Borough Code Enforcement Officer shall issue a license to the applicant, provided the applicant has furnished the following to the Borough:

1. An agreement signed by the applicant indemnifying and holding the Borough harmless against loss, including costs and expenses, resulting from injury to person(s) or property as a direct or indirect result of the operation of the sidewalk café and/or outdoor seating or for injury to person(s) or property occurring on the premises occupied by the sidewalk café and/or outdoor seating and to repair any damage caused to the sidewalk in the operation of the sidewalk café or outdoor seating at the expense of the applicant. The applicant shall provide a certificate of insurance as evidence of the required policy to the Borough, and naming the Borough as a named insured, in the amounts required under § 116-16 hereof.
- H. Rules, regulations and specifications. A sidewalk café and/or outdoor seating authorized and operated pursuant to this article shall comply with all of the following rules, regulations and specifications:
1. The applicant and/or operator shall fully comply with all plans submitted and approved by the Borough Code Enforcement Officer under the terms of this article.
 2. The area of operation shall be kept clean and free of litter.
 3. Music and any other form of entertainment is prohibited.
 4. The operator shall provide that tables, chairs, benches and other materials do not interfere with the required open areas and pedestrian traffic. Chairs and benches next to the pedestrian walkway shall be placed so as not to obstruct the pedestrian walkway. Where there are obstructions, such as light posts and mailboxes, which would cause the pedestrian aisle to be less than three feet wide, the Borough Code Enforcement Officer shall have the discretion to approve an alternate arrangement.
 5. Shade coverings, such as umbrellas, shall be permitted provided that no part of the shade covering extends into the required three-foot unobstructed pedestrian access area, is anchored securely against wind and is removed or retracted during the closing hours. The lowest point of any shade covering shall be no lower than 7 feet from the ground.
 6. No vending machines of any kind shall be permitted on the exterior of any building operating a sidewalk café or outdoor seating area.
 7. No food or drinks served or consumed at such sidewalk café or outdoor seating area shall be prepared or stored other than in the interior of the dining or take-out food establishment.
 8. Seating provided in a sidewalk café or outdoor seating area shall be exempt from the calculation of parking requirements for the associated dining or take-out food establishment.
 9. The operator shall comply with all the requirements of N.J.A.C. 8:24-1 et seq., also known as Chapter XII of the New Jersey Sanitary Code, and N.J.S.A. 24:15-1 et seq.
 10. The operator shall comply with all other federal, state, county or municipal laws or regulations.

§ 116-11. Review of application.

The Code Enforcement Officer will review the application for completeness and compliance with the terms of this article. If the application is complete, the Code Enforcement Officer will act upon the same within 10 business days of the submittal of the application or within 10 business days after the application becomes complete. If the application is not complete, the Code Enforcement Officer will so notify the applicant within 10 business days of the submission and specifically detail the areas in which the application lacks compliance with the requirements of this article.

§ 116-12. Issuance of license.

If the application complies with this article, the Code Enforcement Officer shall issue a license strictly subject to the terms and conditions of this article. Licenses are valid for one calendar year.

§ 116-13. Transfer of license.

The license is personal to the applicant, and any change or transfer of ownership of the applicant shall terminate the license and shall require a new application and a new license in conformance with all of the requirements of this article.

§ 116-14. Inspections.

Acceptance of the license by the applicant shall operate as a consent to the health, fire, police and building officials of the Borough to inspect the sidewalk cafe or outdoor seating area and associated dining or take-out establishment for continued compliance with the terms and conditions of this article and any federal, state, County or local law, article or regulation affecting the same.

§ 116-15. Indemnification of Borough.

No license required by this article shall be granted to any person to operate an sidewalk cafe or outdoor seating area until such person shall have filed with the Code Enforcement Officer a statement agreeing to indemnify and hold harmless the Borough of Glen Rock, its agents, servants, representatives or employees from any or all claims, damages, judgment costs or expenses, including attorneys' fees, which they or any of them may incur or be required to pay because of any personal injury, including death, or property damage suffered by any person or persons as a result of or related in any way to the operation and maintenance of the sidewalk café or outdoor seating area for which the license is issued.

§ 116-16. Liability insurance requirement.

- A. No license required by this article shall be granted to any person to operate a sidewalk cafe or outdoor seating area until such person shall have first filed with the Code Enforcement Officer a comprehensive general liability policy issued to such person by a public liability insurance company authorized to do business in the State of New Jersey affording the coverages set forth below in the amounts

specified. Such insurance policy shall name the Borough of Glen Rock, 1 Harding Plaza, Glen Rock, New Jersey 07452, its agents, officers, servants, representatives and employees as additional insureds with respect to the operation and maintenance of the sidewalk cafe or outdoor seating area in the following amounts:

1. Bodily injury.
 - (a) Each person: \$300,000.
 - (b) Each accident: \$1,000,000.
 2. Property damage.
 - (a) Each person: \$300,000.
 - (b) Each accident: \$1,000,000.
- B. The insurance coverage required by this section shall at all times be maintained for the full amount. The policy of insurance required by this section to be filed with the Code Enforcement Officer shall contain a clause obligating the company issuing the same to give not less than 30 days' written notice to the Borough Clerk before cancellation or amendments of any of the terms thereof. Notice of cancellation shall not relieve the company issuing such policy of liability for any injury or claim arising before the cancellation becomes effective. The cancellation of any such policy shall have the immediate effect of suspending the license of such person to operate the sidewalk cafe or outdoor seating area covered thereby until a new policy complying with the provisions of this section is filed with the Code Enforcement Officer and a letter in writing confirming the new effective date of the license is issued by the Code Enforcement Officer.
- C. Every insurance policy required hereunder shall contain a provision for continuing liability thereunder to the full amount thereof notwithstanding any recovery thereon, that the liability of the insured shall not be affected by the insolvency or the bankruptcy of the insured, and that until the policy is canceled the insurance company will not be relieved from liability on account of nonpayment of premium or of any act or omission by the named insured. Such policy of insurance shall be further conditioned for the payment of any and all judgments up to the limits of such policy.

§ 116-17. Revocation or suspension of license.

Any license issued hereunder is issued solely as a revocable license, which shall be subject to revocation or suspension by the Borough Code Enforcement Officer for failure of any licensee to comply with this article or for violation of any other applicable federal, state, County or municipal law, regulation or article. Any license issued hereunder is issued upon the express understanding that the licensee obtains no property right thereunder, nor any interest in the continuation of said license.

§ 116-18. Operation without license unlawful.

It shall be unlawful for any person to operate a sidewalk café and/or outdoor seating after the suspension or termination of the applicable license.

§ 116-19. Property maintenance.

Each licensee is responsible for keeping the area of the sidewalk café, outdoor seating area and the adjacent walks and streets free and clear of any debris, including leaves, ice, or accumulating precipitation, and litter occasioned by the sidewalk café or outdoor seating. Areas must be cleaned as needed and at the time that business is closed and at the beginning of each business day, but not later than 9:00 a.m. Sidewalks shall be washed and kept free of all debris, including leaves, ice, or accumulating precipitation, and litter. All foreign substances shall be removed from the sidewalk surface.

§ 116-20. Additional rights of Borough.

In addition to the powers of suspension or revocation as set forth above, the Borough reserves the right to modify, suspend or revoke any license on 10 days' written notice if the Borough determines that pedestrian traffic is, in fact, impeded or made unsafe because of the operation of the sidewalk cafe or because of any other safety issue which the Borough determines adversely affects the Borough because of such operation. The license may also be suspended or revoked on five days' written notice in the event that the Borough determines that it is necessary to utilize the area or any part thereof for the maintenance or installation of the sidewalk or underground utilities. In the event of an emergency, which emergency is certified by the Borough Administrator or Department of Emergency Management, the license may be suspended or revoked without notice.

§ 116-21. Alcoholic beverage control license.

If the applicant is the holder of an alcoholic beverage control license pursuant to the laws of the State of New Jersey, it shall be the applicant's responsibility to cause the alcohol beverage control license to be amended to include the premises utilized for sidewalk cafe or outdoor seating purposes in order to serve alcoholic beverages therein.

§ 116-22. Equipment.

No tables, chairs, benches or other equipment used in the sidewalk café or outdoor seating area shall be attached, chained or in any manner affixed to any tree, post, sign, curb or sidewalk or property of the Borough of Glen Rock within or near the licensed area.

§ 116-23. Hours of operation.

No sidewalk cafe shall be open for business prior to 9:00 a.m. nor remain open for business after 11:00 p.m. All persons occupying the sidewalk cafe shall vacate the same no later than 11:30 p.m.

§ 116-24. Table service.

Table service is required at dining establishments only.

§ 116-25. Terms and conditions of license.

The Borough of Glen Rock shall issue a license certificate upon payment in full of the appropriate annual fee and compliance by the applicant of the prerequisites set forth in this article. The licensee is required to display the license certificate prominently in the front window, facing towards the sidewalk of the establishment. Failure to properly display the requisite license certificate shall result in suspension or termination of the license by order of the Code Enforcement Officer.

SECTION 2. § 101-24, Miscellaneous Fees, of Chapter 101, Fees, of the Code of the Borough of Glen Rock is hereby amended and supplemented to add thereto the following fee:

“B. Sidewalk Cafes and Outdoor Seating		
1-6 seats (each 24” for benches)		\$75.00/annum
7-10 seats		\$125.00/annum
11 seats or more		\$150.00/annum”

SECTION 3. Severability.

If any section, sentence, clause or other portion of this ordinance, or the application thereof to any person or circumstance, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such judgement shall not affect, impair or repeal the remainder of this ordinance.

SECTION 4. Inconsistency.

All ordinances or parts thereof inconsistent with the provisions hereof, are hereby superseded to the extent of such inconsistency.

SECTION 5. Effective date.

This ordinance shall take effect immediately following passage and publication as required by law.

Approved: _____
Kristine Morieko, Mayor

Attested: _____
Jacqueline Scalia, Borough Clerk

Introduced: _____

Adopted: _____

BOROUGH OF GLEN ROCK

Ordinance Procedure # 1915

Date of Introduction: October 25, 2023

Mayor: The next order of business is the introduction of AN ORDINANCE AMENDING SECTION 230-43, 230-47 AND 230-48 OF ARTICLE VIII, SIGNS AND BILLBOARDS OR CHAPTER 230, ZONING, OF THE CODE OF THE BOROUGH OF GLEN ROCK

Mayor: Directs the Clerk to read the resolution regarding passage and adoption on first reading.

Clerk: Then reads the resolution as follows:

Council Resolution #

Introduced by Council Member

Seconded by Council Member

Be It Resolved by the Borough Council of the Borough of Glen Rock AN ORDINANCE AMENDING SECTION 230-43, 230-47 AND 230-48 OF ARTICLE VIII, SIGNS AND BILLBOARDS OR CHAPTER 230, ZONING, OF THE CODE OF THE BOROUGH OF GLEN ROCK

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 December 13, 2023 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 -
Council Member Gilbreath -
Council Member Gilligan -**

**Council Member Barchetto-
Council Member Orlich-
Council Member Viadro -**

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 25th day of October 2023.

Jacqueline Scalia, Borough Clerk

BOROUGH OF GLEN ROCK

ORDINANCE NO. 1915

AN ORDINANCE AMENDING SECTION 230-43, 230-47 AND 230-48 OF ARTICLE VIII, SIGNS AND BILLBOARDS OR CHAPTER 230, ZONING, OF THE CODE OF THE BOROUGH OF GLEN ROCK

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

SECTION 1. § 230-43, Definitions, of Article VIII, Signs and Billboards, of Chapter 230, Zoning, of the Code of the Borough of Glen Rock is hereby amended and supplemented to add thereto the following definitions:

§ 230-43 Definitions.

As used in this section, the following terms shall have the meanings indicated:

SIGN

Any object, device, display or structure or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, location, idea, issue or point of view by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images, but excluding seasonal holiday displays, the American flag or other governmental flags, athletic scoreboards on school premises, or official announcements and signs of government.

GRAND OPENING

An event held to mark and celebrate the opening of a new business.

ANNIVERSARY

An event held to mark and celebrate the date on which a business opened in a previous year.

TWO (2) DAY EVENT

An event occurring over 48 consecutive hours.

ONE DAY MERCHANDISING EVENT

A store or community wide event held to mark and celebrate the promotion of products for one business day.

SECTION 2. Subparagraphs 11 and 12 of Paragraph I., Temporary portable signs, of § 230-47, Signs in nonresidential districts, of Article VIII, Signs and Billboards, of Chapter 230, Zoning, of the Code of the Borough of Glen Rock are hereby amended

and supplemented to read as follows:

(11) Prohibited design features. The following design features shall be prohibited:

- (a) Any type of artificial illumination of such signs shall be prohibited.
- (b) Highly reflective or refractive materials.
- (c) Fluorescent or luminescent materials.
- (d) Three-dimensional materials.
- (e) Water-soluble materials.
- (f) Balloons, pennants, flags, streamers, banners and similar items except for Grand Openings, Anniversary, Two-day Events and One-Day Merchandising Events

(12) Duration. Temporary Portable Signs may be displayed only for one business day except for the following:

- (a) Grand Opening events for a duration not in excess of three (3) weeks
- (b) Anniversary events for a duration not in excess of one (1) week
- (c) Two (2) Day events for a duration not in excess of 48 consecutive hours.
- (d) One Day Merchandising events for a duration not in excess of one business day.

(13) Permit required. Prior to the placement of any such temporary portable sign, a permit shall be applied for and obtained from the Borough Code Enforcement Officer/Zoning Officer at least one week prior to the event/sign placement.

SECTION 3. § 230-48, Violations and Penalties, of Article VIII, Signs and Billboards, of Chapter 230, Zoning, of the Code of the Borough of Glen Rock are hereby amended to read as follows:

§ 230-48 Violations and penalties.

Any violation of this section shall, upon conviction thereof, be punishable by a fine of not less than \$100 and not to exceed \$2,000 or by imprisonment for a term not to exceed 90 days, or both, for each violation committed hereunder. Every day that a violation continues after service of written notice by ordinary mail on the owner of the subject property or the sign registrant or a posting of a copy of said notice on the subject property shall be deemed a separate offense hereunder. The Code Enforcement Officer/Zoning Officer is the officer charged with the enforcement of this article.

SECTION 4. Inconsistency. All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 5. Severability. If any sentence, section, clause, or other portion of this ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or repeal the remainder of this ordinance.

SECTION 6. Effective Date. This ordinance shall take effect upon passage and publication as required by law and upon filing with the Bergen County Planning Board.

Kristine Morieko, Mayor

Jacqueline Scalia, Borough Clerk

Introduced: _____

Adopted: _____

BOROUGH OF GLEN ROCK

Ordinance Procedure # 1916

Date of Introduction: October 25, 2023

Mayor: The next order of business is the introduction of AN ORDINANCE TO AMEND CHAPTER 101 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "FEES"; BEING AN ORDINANCE COVERING FEES CHARGED BY VARIOUS AGENCIES, BUREAUS AND DEPARTMENTS WITHIN THE BOROUGH OF GLEN ROCK: TO ADD OUTDOOR CAFE FEES

Mayor: Directs the Clerk to read the resolution regarding passage and adoption on first reading.

Clerk: Then reads the resolution as follows:

Council Resolution #

Introduced by Council Member

Seconded by Council Member

Be It Resolved by the Borough Council of the Borough of Glen Rock AN ORDINANCE TO AMEND CHAPTER 101 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971 AS AMENDED ENTITLED "FEES"; BEING AN ORDINANCE COVERING FEES CHARGED BY VARIOUS AGENCIES, BUREAUS AND DEPARTMENTS WITHIN THE BOROUGH OF GLEN ROCK: TO ADD OUTDOOR CAFE FEES

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 December 13, 2023 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 -
Council Member Gilbreath -
Council Member Gilligan -**

**Council Member Barchetto-
Council Member Orlich-
Council Member Viadro -**

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that this is a true copy of a resolution passed by the Council of the Borough of Glen Rock at a meeting held this 25th day of October 2023.

Jacqueline Scalia, Borough Clerk

**BOROUGH OF GLEN ROCK
ORDINANCE NO. 1916**

**AN ORDINANCE TO AMEND CHAPTER 101 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF GLEN ROCK - 1971
AS AMENDED ENTITLED "FEES"; BEING AN ORDINANCE
COVERING FEES CHARGED BY VARIOUS AGENCIES, BUREAUS,
AND DEPARTMENTS WITHIN THE BOROUGH OF GLEN ROCK**

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

Section I Chapter 101 of the Revised General Ordinance - entitled "**Fees**" be and is
hereby amended as follows:

Section II. § 101-24, Miscellaneous Fees, of Chapter 101, Fees, of the Code of the
Borough of Glen Rock is hereby amended and supplemented to add thereto the following fee:

Sidewalk Cafes and Outdoor Seating	
1-6 seats (each 24" for benches)	\$75.00/annum
7-10 seats	\$125.00/annum
11 seats or more	\$150.00/annum

Section III. VALIDITY-SEVERABILITY If the provisions of any section,
subsection, paragraph, subdivision, or clause of this Ordinance shall be held invalid by a court of
competent jurisdiction, such judgment shall not affect or invalidate the remainder of this
Ordinance, but such judgment shall be confined in its operation to the section, paragraph,
subdivision or clause directly involved in the controversy in which said judgment shall have been
rendered.

Section IV All Ordinances or parts of Ordinances inconsistent with the provisions
hereof are hereby repealed.

Section V This Ordinance shall take effect upon passage as required by law.

APPROVED:

Jacqueline Scalia, Borough Clerk

Kristine Morieko, Mayor