

BOROUGH OF GLEN ROCK

EXECUTIVE MEETING – Wednesday, September 26, 2018 at 6:30 p.m.

There will be an Executive Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, September 26, 2018 at 6:30 p.m. in the Conference Room of the Municipal Building.

Agenda (maybe subject to change)

- 1. Mayor**
 - Vaping Ordinance**
 - Resolution Opposing NBLG Power Plant**
 - Calendar – Recycling Hours**
 - Insurance Requirements**
 - Consider ordinance to license sellers of electronic smoking devices and require them to obtain an annual permit to do so**
 - Lower Faber – soliciting engineer suggestions**
- 2. Council Committee and Liaison Report**
- 3. Administrator’s Report**
- 4. Council Information**
- 5. Public Comment Portion**
- 6. Resolution for Closed Session – (Immediately Following Conclusion of Work Session Meeting)**
 - Litigation –**

PUBLIC MEETING – Wednesday, September 26, 2018 at 8:00 p.m.

There will be a Public Meeting of the Mayor and Council of the Borough of Glen Rock on Wednesday, September 26, 2018 at 8:00 p.m. 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. 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 request 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.

**Correspondence:
Resolutions:**

1. **Resolution for Payment of Bills**
2. **Resolution Authorizing Tax Appeal Refund (B49L15)**
3. **Resolution Authorizing Tax Appeal Refund (B178 L11)**
4. **Resolution Authorizing Changes to the Employee Handbook**
5. **Resolution Authorizing Sustainable Jersey Styrofoam Recycling Grant Application**
6. **Resolution for Certification of Compliance with the US Equal Employment Opportunity Commission**
7. **Resolution Opposing NBLG Power Plant**
8. **Resolution Appointing Public Defender (J. Steinfeld)**
9. **Resolution Authorizing Submission of NJDOT Safe Street to Transit Grant Application**
10. **Resolution Authorizing Submission of NJDOT Municipal Aid Grant Application (Boulevard Phase II)**
11. **Resolution Authorizing Submission of NJDOT Municipal Aid Grant Application (Pedestrian Safety Maple & Rock Improvements)**
12. **Resolution Authorizing Leasing of Police Vehicles**
13. **Resolution for Approval of Minutes**

Motion to accept consent agenda by Council Member

Seconded by Council Member

Roll Call: O'Hagan, Martin, Huisking, Morleko, Leonard, Kreibich

4. ORDINANCES

Ord. # 1795 – First Reading - AN ORDINANCE ADDING A NEW CHAPTER TO THE BOROUGH CODE OF THE BOROUGH OF GLEN ROCK ENTITLED “SMOKING”

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

6. ADJOURNMENT

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

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

WHEREAS, the Mayor and Council of the Borough of Glen Rock has certain pending litigation/personnel matters to discuss; and

WHEREAS, the same constitutes matters which are specifically excepted from the requirements of the Open Public Meeting Act of the State of New Jersey.

NOW THEREFORE BE IT RESOLVED that all matters shall be discussed in private session from which the public will be specifically excluded on September 26, 2018 at 6:30 p.m. or soon thereafter in the Conference Room of the Municipal Building.

BE IT FURTHER RESOLVED that the subject matter to be discussed at said private session of the Borough Council may be disclosed to the public at such future time as determination has been reached on said matter.

ROLL CALL:

**Council Member O'Hagan –
Council Member Huisling -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Kreibich -**

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 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

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

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

RESOLUTION AUTHORIZING TAX APPEAL REFUND

(B49 L 15)

WHEREAS, there has been an appeal of the 2018 tax assessment to the Bergen County Board of Taxation (Appeal No. 22-1800120L) in the matter of 47 Wellesley Rd. also known as Block 49 Lot 15,

WHEREAS, a Judgement was issued on July 27, 2018 by the Bergen County Board of Taxation on Block 49 Lot 15 in which the assessment was reduced from \$917,500 to \$825,000,

WHEREAS, the 2018 total tax due was reduced to \$23,817.75 and the amount previously collected was \$25,974.43 resulting in an overpayment of \$2,156.68,

NOW, THEREFORE, BE IT RESOLVED, The CFO is authorized to issue a refund check in the amount of \$2,156.68 to William R. McClure, Esq. - Trust Account on behalf of the Homeowners Steven And Melissa Heuss of 47 Wellesley Rd.

ROLL CALL:

**Council Member O'Hagan -
Council Member Huisling -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Kreibich -**

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that the above is a true copy of a Resolution passed by the Council of the Borough of Glen Rock at the meeting held on the 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

R-2

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

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

RESOLUTION AUTHORIZING TAX APPEAL REFUND

(B178 L 11)

WHEREAS, there has been an appeal of the 2017 tax assessment to the Tax Court of New Jersey (Docket No. 006779-2017) in the matter of 290 Harristown Rd. also known as Block 178 Lot 11,

WHEREAS, a Judgement was issued on August 29, 2018 by the Tax Court of New Jersey on Block 178 Lot 11 in which the 2017 assessment was reduced from \$1,041,400 to \$990,000, and the Freeze Act was invoked so that the 2017 tax assessment as reduced also applies to the subject property's 2018 assessment,

WHEREAS, the 2017 total tax due was reduced to \$28,026.90 and the amount previously collected was \$29,482.03 resulting in an overpayment of \$1,455.13, and

WHEREAS, the 2018 total tax bill has been reduced from \$30,065.22 to \$28,581.30, resulting in a reduction of the 4th Quarter 2018 amount due by \$1,483.92,

NOW, THEREFORE, BE IT RESOLVED, The CFO is authorized to issue a refund check for the year 2017 in the amount of \$1,455.13 to Spiotti & Esposito, P.C. – Attorney Trust Account on behalf of the Homeowners Amit & Priya Trivedi of 290 Harristown Rd.

ROLL CALL:

**Council Member O'Hagan –
Council Member Hulsing -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Kreibich -**

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that the above is a true copy of a Resolution passed by the Council of the Borough of Glen Rock at the meeting held on the 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

R-3

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

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

WHEREAS, the Mayor and Council have determined that there is a need to amend the existing Personnel Policies and Procedures Manual/Handbook.

NOW, THEREBY, BE IT RESOLVED by the Mayor and Council that the Personnel Policies and Procedures Manual/Handbook, is hereby amended as follows:

Change 1: Protections Against Discrimination and Accommodation for Breastfeeding Employees (Located in Section One)

The Manual was modified to amend the Anti-Discrimination Policy and the Americans with Disabilities Act Policy/ New Jersey Pregnant Worker's Fairness Act contained in Section One to include protections for breastfeeding to comply with recent changes in New Jersey law. The Manual now expressly protects individuals who are breastfeeding from discrimination and requires the Local Unit to provide to employees who are breastfeeding a reasonable break time each day and a suitable room or other location with privacy, other than a toilet stall, in close proximity to work area for the employee to express breast milk for the child.

Change 2: Modification to Communication Media Policy (Located in Section Two)

The Communication Media Policy was amended to be a "Communication Media/ Social Media Policy" with relevant changes contained within to be in compliance with recent cases.

Change 3: Section Five

There are some revisions to this Section in accordance with the Fair Credit Reporting Act.
Change 4: Modification to Open Public Records Meetings Act Section (Located in Section Five)

Three changes have been made to the policy's Open Public Meetings Act (OPMA) section. First, the policy has been amended to reflect the holding of Keane Federation of Teacher v. Ada Morell. 448 N.J. Super. 520 (App. Div. 2017). In Keane Federation, the Appellate Division held that Rice notices are not only required when **there is discussion**

regarding the appointment, termination, terms and conditions of employment, performance evaluation or discipline of any current or prospective officer of employee in closed session but also when the local unit intends to act on these enumerated matters. Additional language has been added to clarify this expansion of when Rice notices are required to be issued. Second, the policy has been amended to clarify that only the municipal governing body or a "public body" of the local unit (as that term is defined by OPMA) are required to provide Rice notices. Third, changes have been made to update the criminal background checks in accordance with State legislative amendments.

Change 5: Overtime Compensation

Overtime Compensation Policy in Section 4 of the Manual was modified slightly to clarify the rate of overtime pay. This is not a substantive change.

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.

ROLL CALL:

Council Member O'Hagan -	Council Member Martin -
Council Member Huisling -	Council Member Morieko -
Council Member Leonard -	Council Member Kreibich -

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 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

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

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

**Resolution of Support from the Borough of Glen Rock Authorizing the
Collaborative Sustainable Jersey Bergen Hub Grant Application for Styrofoam Recycling**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and

WHEREAS, the Borough of Glen Rock strives to save tax dollars, assure clean land, air and water, improve working and living environments; and

WHEREAS, the Borough of Glen Rock is participating in the Sustainable Jersey Program; and

WHEREAS, one of the purposes of the Sustainable Jersey Program is to provide resources to municipalities to make progress on sustainability issues, and they have created a grant program called the Sustainable Jersey Small Grants Program;

THEREFORE, the Mayor and Council of the Borough of Glen Rock has determined that Borough of Glen Rock should apply for the Collaborative Sustainable Jersey Bergen Hub Grant Application for Styrofoam Recycling

THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Glen Rock, State of New Jersey, authorize the submission of the aforementioned Sustainable Jersey Grant.

ROLL CALL:

**Council Member O'Hagan -
Council Member Huisking -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Kreibich -**

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 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

R-5

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

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

**GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES
EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "Enforcement Guidance on the
Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the
Civil Rights Act of 1964"**

WHEREAS, N.J.S.A. 40A:4-5 as amended by P.L. 2017, c.183 requires the governing body of each municipality and county to certify that their local unit's hiring practices comply with the United States Equal Employment Opportunity Commission's "Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," as amended, 42 U.S.C. § 2000e et seq., (April 25, 2012) before submitting its approved annual budget to the Division of Local Government Services in the New Jersey Department of Community Affairs; and

WHEREAS, the members of the governing body have familiarized themselves with the contents of the above-referenced enforcement guidance and with their local unit's hiring practices as they pertain to the consideration of an individual's criminal history, as evidenced by the group affidavit form of the governing body attached hereto.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Glen Rock, hereby states that it has complied with N.J.S.A. 40A:4-5, as amended by P.L. 2017, c.183, by certifying that the local unit's hiring practices comply with the above-referenced enforcement guidance and hereby directs the Clerk to cause to be maintained and available for inspection a certified copy of this resolution and the required affidavit to show evidence of said compliance.

ROLL CALL:

Council Member O'Hagan -	Council Member Martin -
Council Member Huisling -	Council Member Morieko -
Council Member Leonard -	Council Member Kreibich -

I, the Borough Clerk of the Borough of Glen Rock, hereby certify that the above is a true copy of a Resolution passed by the Council of the Borough of Glen Rock at the meeting held on the 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

R-6

BOROUGH OF GLEN ROCK
Bergen County, New Jersey

RESOLUTION NO.:

Introduced by Council Member:

Seconded by Council Member:

RESOLUTION OPPOSING THE CONSTRUCTION OF THE GAS-POWERED NORTH BERGEN LIBERTY GENERATING STATION

WHEREAS Los Angeles-based Diamond Generating Corporation, a subsidiary of Mitsubishi, has proposed and has requested permits to build a \$1.5B, 1,200-MW gas-fired power plant in North Bergen, NJ on a 21-acre parcel near Railroad Avenue on the banks of Bellman's Creek. A 6.5-mile, 345-kV underground and submarine cable would transmit the electric energy produced by this plant across the Hudson River via the Susquehanna Tunnel to connect with ConEd's substation on West 49th Street in Manhattan. All of this electricity would be used by ConEd in New York. The project is anticipating permit approvals by the Environmental Protection Agency (EPA) and the New Jersey Department of Environmental Protection (NJDEP) by the end of 2019, and to be operational by 2022; and

WHEREAS this natural gas plant would become one of the largest sources of air pollution and greenhouse gas emissions in New Jersey; and

WHEREAS the municipality and borough council of the Borough of Glen Rock has a principal responsibility to protect the health, wellbeing, and safety of its residents, businesses and institutions; and

WHEREAS the people and environment of New Jersey have been increasingly subjected to a build-out of fracked natural gas infrastructure, including but not limited to pipelines and distribution networks, compressor stations, power plants, combustion heating systems, metering and regulation stations, and pigging stations; and

WHEREAS peer-reviewed scientific studies link exposure to air pollutants emitted from natural gas infrastructure facilities with neurological, cardiovascular and respiratory disease, cancer, birth defects, and other adverse health impacts; and

WHEREAS the American Medical Association acknowledges the hazards of natural gas infrastructure and its associated adverse health impacts; and

WHEREAS the National Ambient Air Quality Standards (NAAQS) are based on average population risks across a large area, over a long period of time, but do not adequately address human toxicity

R-7

for residents living in close proximity to natural gas infrastructure or where they are subject to episodic high exposures during events such as blowdowns; and

WHEREAS on February 7, 2010, a gas blow operation was being performed at the Kleen Energy Systems LLC power plant construction site in Middletown, CT in which flammable natural gas was pumped under high pressure through new fuel gas lines to remove debris. During this operation, an explosion occurred when the gas contacted an ignition source taking the lives of six workers and injuring 50 others; and

WHEREAS the top 11 electric power plant operators in the U.S. have been fined over \$13.3B since 2000 for 161 environmental violations; and

WHEREAS current protocols used for assessing compliance with ambient air quality standards do not adequately determine intensity, frequency, or durations of actual human exposures to pollutants and mixtures of pollutants emitted from natural gas infrastructure, noting that periodic 24-hour average measures can underestimate actual exposures by an order of magnitude; and

WHEREAS gas infrastructure facilities can emit into the air hundreds of tons of pollutants annually, including: particulate matter; toxic chemicals such as sulfur dioxide and mercury; criteria pollutants such as nitrogen oxides, which cause smog, acid rain, and contribute to ozone production; known carcinogens such as benzene and formaldehyde; and also sources of radioactive contamination known to increase the severity of asthma and other respiratory diseases; and

WHEREAS particulate matter, once inhaled, can affect the heart, lungs, and cause serious health issues in humans, including lung cancer. Long-term exposure to ozone is linked to aggravation of asthma, emphysema, and chronic bronchitis; and

WHEREAS both ozone and particulate pollution have been linked to: premature death, cardiovascular harm, and increased susceptibility to infections. Recent studies have linked air pollution to increases in obesity, diabetes, Parkinson's disease, Alzheimer's and other forms of dementia, and stroke. Children, the elderly, asthmatics, and those active outdoors, especially outdoor workers, are at the greatest risk from breathing air containing ozone and other air pollutants; and

WHEREAS those with the greatest risk of harm are people who live or work in close proximity to natural gas infrastructure facilities such as power plants and compressor stations, particularly developing fetuses, children, the elderly, and those with cardiovascular, lung or respiratory problems and other vulnerable subpopulations. These pollutants can have a wider impact on human health under certain weather and terrain conditions; and

WHEREAS developing fetuses and children are uniquely vulnerable to exposures as they receive proportionally greater doses of pollutants than adults and have immature, developing organs and detoxification systems; and

WHEREAS methane is the primary ingredient of natural gas and leaks at every system stage, including extraction, processing, transmission, distribution, and end-use consumption; and

WHEREAS methane is an extremely potent greenhouse gas with a global warming potential that is 34 times that of carbon dioxide over a 100-year timeframe, and 86 times that of carbon dioxide over a 20-year timeframe; and

WHEREAS the methane emissions from gas-fired power plants may be considerably higher than previously thought according to a 2017 study, which found that gas-fired power plants released more than 20 times more methane than the facilities had initially estimated; and

WHEREAS Bergen and Hudson Counties (proposed site of the proposed plant) already receive grades of 'F' from the American Lung Association for ozone air pollution, the new plant will increase the concentration of ground ozone, increase the health hazards and risks from this pollutant and make it even more difficult to reduce the level of this pollutant; and

WHEREAS New Jersey's environmental justice communities already have some of the worst air quality in the nation, building another massive gas-fired power plant will only exacerbate their predicament; and

WHEREAS the proposed gas-fired electric power plant will be approximately one mile from an existing gas-fired electric power plant operated by PSE&G. PSE&G's Bergen Generating Station is already one of the largest sources of air pollution in New Jersey and already produces over 2 million metric tons of CO₂ annually; and

WHEREAS the proposed gas-fired power plant will produce limited economic benefits to the town of North Bergen and, to an even lesser degree, its neighboring towns. Expected economic benefit will primarily occur during the construction phase due, in part, to the fact that NJ electrical generating equipment is exempt from property tax. After construction, the residents of these municipalities will continue to incur the health care costs associated with increased pollution for another 30 to 40 years; and

WHEREAS an alternative approach to producing electricity from solar panels would avoid all of the environmental and health issues noted in this resolution, while still providing new jobs and other financial benefits to local towns; and which would also be in line with Governor Murphy's goal to increase the use of renewable energy; and

WHEREAS the proposed gas-fired power plant will provide electric energy to New York only. Residents of Hudson and Bergen Counties, and the rest of New Jersey, will incur only the health care costs and environmental degradation caused by the plant during its construction and operation; and

WHEREAS the gas-fired power plant represents a direct threat to the Hackensack Meadowlands, one of the state's most crucial ecological resources. Wetlands such as the Meadowlands serve many beneficial functions, including acting as a natural filtration system, purifying our water. They preserve biodiversity by hosting a number of plant and animal species. Wetlands play an essential

role in flood mitigation by absorbing storm water surges, protecting urban or residential communities in nearby flood zones. The construction of, and pollution from, the proposed plant could affect quantity and quality of water flows, thereby harming the delicate animal and plant habitats within the wetlands and undermining their critical hydrological functions. The rehabilitation of the Meadowlands, which has been a triumph for the local groups that have worked hard to recover this area, would be squandered in order to provide unnecessary power to New York City residents; and

WHEREAS the plant will be within the half mile U.S. Department of Transportation (DOT) Evacuation Zone for oil train derailments which have been known to explode, the occurrence of which can only be dealt with by letting the flames burn out; and

WHEREAS the location of the plant conflicts with the Regional Plan Association's 2017 finding of the Meadowlands being at risk from sea level rise. The RPA's Fourth Regional Plan found that "of all the places in the tri-state region challenged by increased flooding from climate change, the New Jersey Meadowlands is at greatest risk." It also concluded that "[t]he Meadowlands are also likely to be one of the first places to be permanently inundated from sea-level rise."; and

WHEREAS geological changes occurring along the East Coast are causing land to sink along the Eastern seaboard. This is exacerbating the flood-inducing effects of sea level rise, which has been occurring faster in the western Atlantic Ocean than elsewhere in recent years. A 2016 article in *Scientific American* reported that Sandy Hook is sinking at the rate of over one inch per decade, while regional sea level is rising at over three inches per decade; and

WHEREAS construction would require digging a 40-foot wide trench through the Meadowlands to connect to an existing Williams' Transco Pipeline, further risking long-lasting damage to sensitive wetlands. The connection to the Williams pipeline may require upgrades to the line and expansion of one or more compressor stations in Northern NJ, risking increases in dangerous emissions from the compressor station and greater potential for leaks from the pipeline; and

WHEREAS the owners of the proposed gas-fired power plant have stated this project is being built to replace the energy that will be lost when the Indian Point Nuclear Plant is closed. However, a 2017 study by Hudson Riverkeeper and the Natural Resources Defense Council states, "[b]y 2023, assumed new energy efficiency and required new renewable energy [will] provide as much output as IPEC would have produced"; and

WHEREAS the proposed gas-fired power plant will require 8.6M gallons of sewage discharge wastewater per day which will allow evaporation of chemicals in the water to contribute to the existing levels of air pollution; and

WHEREAS the proposed plant will require diesel generator backups for winter gas shortage situations, which in turn will require storage of 1M gallons of diesel fuel onsite, increasing the inherent risk of spills and leakage. Leaks or spills would produce additional air, ground, and sediment pollution, as well as surface water pollution in sensitive wetlands and nearby water bodies; and

WHEREAS the gas-fired power plant will require on site storage of chemicals such as ammonia, bleach, and acids, as well as trucks to supply these products. This increases the potential for spills into nearby wetlands and streams as well as increased traffic-based air pollution; and

WHEREAS the proposed gas-fired power plant will increase the volume of fracked gas used in New Jersey, which will, in turn, increase drilling and associated environmentally destructive activities associated with its production and transport. It will also increase pressure on New Jersey and the Delaware River Basin Commission to accept fracked waste water for disposal; and

WHEREAS the proposed gas-fired power plant will utilize fracked natural gas thereby increasing the amount of energy produced by fossil fuels in direct opposition to Governor Murphy's commitment to moving New Jersey to 100% clean renewable energy usage by 2050.

WHEREAS this type of massive fossil fuel infrastructure project will operate for several decades. This will increase long-term dependence on harmful fossil fuels and their associated environmental impacts and health risks and is incompatible with this administration's energy goals. The average New Jersey gas-fired power plants went online 23 years ago and 13 percent of the state's gas plants went online more than 40 years ago; and

THEREFORE, be it resolved that the municipality and town council of the Borough of Glen Rock in the interest of protecting its residents, businesses and institutions, as of September 26, 2018, strongly opposes the construction of the North Bergen Liberty Generating power plant.

Be it further resolved, that the Borough Clerk shall forward this Resolution to:

- New Jersey Governor Phil Murphy
- Commissioner of the NJ Department of Environmental Protection Catherine McCabe
- State Senator Gordon
- State Assemblypersons Timothy Eustace and Joseph Lagana
- Food & Water Watch, 100 Bayard Street, Suite 310, New Brunswick, NJ 08901
- The Sierra Club – New Jersey Chapter, 145 W. Hanover Street, Trenton NJ 08618
- Hackensack Riverkeeper
- Hudson County Freeholders and Administration and all Hudson County Municipal Councils, Boards of Health and Environmental Commissions
- Bergen County Freeholders and Administration and all Bergen County Municipal Councils, Boards of Health and Environmental Commissions
- League of New Jersey Municipalities
- NJ Advance Media

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

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

WHEREAS the Borough of Glen Rock requires certain professional services for the calendar year of 2018 and

WHEREAS, it is anticipated that the expenditure for such professional services will per on a per diem basis in said calendar year; and

WHEREAS, it is contemplated that the 2018 budget will contain the necessary appropriations estimated to be reasonably required for each said professional service;

NOW, THEREFORE BE IT RESOLVED, By the Mayor and Council of the Borough of Glen Rock that the following appointments be and they are hereby made for the calendar year 2018.

Public Defender	Jeffrey Steinfeld
Replacing	Ira Levine

BE IT FURTHER RESOLVED that the aforesaid appointments were made without competitive bidding under the provision of N.J.S.A. 40A:11-5 which excepts from competitive bidding "Professional Services" rendered by persons authorized by law to practice a recognized profession and whose practice is regulated by law;

BE IT FURTHER RESOLVED, that a copy of this resolution shall be published within ten (10) days after passage as required by law.

ROLL CALL:

Council Member O'Hagan -	Council Member Martin -
Council Member Huisling -	Council Member Morieko -
Council Member Leonard -	Council Member Kreibich -

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 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

R-8

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

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

Resolution approving the submission of a 2019 New Jersey Department of Transportation – Safe Streets to Transit Grant application and execution of a grant agreement for the Maple Ave and Rock Rd Pedestrian Safety Improvements Project.

WHEREAS, the Borough of Glen Rock wishes to apply for and obtain funding through the New Jersey Department of Transportation – Safe Streets to Transit grant program for the completion of the Maple Ave and Rock Rd Pedestrian Safety Improvements Project.

NOW THEREFORE BE IT RESOLVED, that the Municipal Council of the Borough of Glen Rock do hereby authorize the submission of such a grant application, for the said project, titled *SST-2019-Maple Ave and Rock Rd Pedestrian Sa-00014*.

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and Borough Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

ROLL CALL:

**Council Member O’Hagan –
Council Member Huisking -
Council Member Leonard -**

**Council Member Martin -
Council Member Morleko -
Council Member Kreibich -**

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 26th day of Septeber, 2018.

Jacqueline Scalia, Borough Clerk

R-9

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

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

**Resolution approving the submission of a 2019 New Jersey Department of Transportation –
Municipal Aid grant application and execution of a grant agreement for the Boulevard
Resurfacing Phase II project.**

WHEREAS, the Borough of Glen Rock wishes to apply for and obtain funding through the New Jersey Department of Transportation – Municipal Aid grant program for the completion of the Boulevard Resurfacing Phase II project.

NOW THEREFORE BE IT RESOLVED, that the Municipal Council of the Borough of Glen Rock do hereby authorize the submission of such a grant application, for the said project, titled *MA-2019-Boulevard Resurfacing Phase II-00169*.

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and Borough Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

ROLL CALL:

**Council Member O’Hagan –
Council Member Huisling -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Krelbich -**

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 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

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

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

**Resolution approving the submission of a 2019 New Jersey Department of Transportation –
Municipal Aid grant application and execution of a grant agreement for the Maple Ave and
Rock Rd Pedestrian Safety Improvements Project.**

WHEREAS, the Borough of Glen Rock wishes to apply for and obtain funding through the New Jersey Department of Transportation – Municipal Aid grant program for the completion of the Maple Ave and Rock Road Pedestrian Safety Improvements Project.

NOW THEREFORE BE IT RESOLVED, that the Municipal Council of the Borough of Glen Rock do hereby authorize the submission of such a grant application, for the said project, titled *MA-2019-Maple Ave and Rock Road Pedestrian S-00170*.

BE IT FURTHER RESOLVED, that upon the receipt of a grant award the Mayor and Borough Clerk are hereby authorized to sign the grant agreement and that their signatures constitute acceptance of the terms and conditions of the grant agreement.

ROLL CALL:

**Council Member O'Hagan –
Council Member Huisking -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Kreibich -**

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 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

R-11

**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 7/25/18

Be accepted as submitted.

ROLL CALL:

Council Member O'Hagan –	Council Member Martin -
Council Member Huisking –	Council Member Morieko -
Council Member Leonard -	Council Member Kreibich –

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 26th day of September, 2018.

Jacqueline Scalia, Borough Clerk

R-13

BOROUGH OF GLEN ROCK

Ordinance Procedure # 1795

Date of Introduction: September 26, 2018

**Mayor: The next order of business is the introduction of AN ORDINANCE
ADDING A NEW CHAPTER TO THE BOROUGH CODE OF THE BOROUGH
OF GLEN ROCK ENTITLED "SMOKING"**

**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 ADDING A NEW CHAPTER TO THE BOROUGH CODE OF THE
BOROUGH OF GLEN ROCK ENTITLED "SMOKING"**

**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
October 10, 2018 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 O'Hagan -
Council Member Huisling -
Council Member Leonard -**

**Council Member Martin -
Council Member Morieko -
Council Member Krelbich -**

**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 26th
day of September, 2018.**

Jacqueline Scalia, Borough Clerk

ORDINANCE NO. 1795

BOROUGH OF GLEN ROCK
BERGEN COUNTY, NEW JERSEY

AN ORDINANCE ADDING A NEW CHAPTER TO THE BOROUGH CODE OF THE
BOROUGH OF GLEN ROCK ENTITLED "SMOKING"

WHEREAS, the Mayor and Council of the Borough of Glen Rock recognize the need to add a new chapter to the Borough Ordinance to include a new section entitled "SMOKING" as follows:

Now, therefore, be it ordained as follows:

SECTION 1.

SMOKING

Article I. Tobacco Sales to Minors; Vending machines

§1. Definitions.

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

TOBACCO and TOBACCO PRODUCTS

(1) any product containing tobacco leaf including, but limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco;

(2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the exception that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependency.

VENDING MACHINES

Any automated, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses cigarettes or other tobacco products.

§2. Tobacco sales to minors prohibited.

It shall be unlawful for any person to sell, give, furnish or permit to be sold, given or furnished, to any person under the age of 18 years, tobacco in any form.

§3. Vending machine restrictions.

It shall be unlawful for any person to offer for sale, or to give or furnish, any tobacco through a vending machine, unless the vending machine meets the following requirements of operation:

A. The vending machine shall be located within a premises in one of the commercial zones of the Borough.

B. The operation of the vending machine to dispense tobacco products is possible only by the activation of an electronic switch or electronic device, which device is controlled by the proprietor of the establishment or an employee designated by the proprietor, which employee is over the age of 18 years. The electronic switch or device, which activates the machine, shall operate in such a fashion that the vending machine shall remain in the "off" position until activated for each individual sale.

C. The proprietor or employee shall, before activating the machine, have made the determination by examination of two forms of identification, including a photo identification, that the person wishing to use the tobacco vending machine is 18 years of age or older.

§4. Tampering with vending machines prohibited.

It shall be unlawful for any person to tamper with a tobacco vending machine in any manner, including removal, disconnecting or otherwise disabling the electronic limiting device.

§5. Violations and penalties.

A violation of any section of this article shall, upon conviction, result in a fine not exceeding \$1,000 or imprisonment for any term not exceeding 90 days or a period of community service not exceeding 90 days. A minimum fine of \$100 shall be assessed for each violation of this article.

Article II. Use or Possession of Tobacco by Minors

§6 Definitions.

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

NONPUBLIC PLACE

Any place that is not a public place.

PUBLIC PLACE

Any building or enclosed structure, open to the public and any street, road, sidewalk, walkway,

park or open space located within the Borough and which is open to the public.

TOBACCO

Any product made from the tobacco plant for the purpose of smoking, chewing, inhaling and other personal use, including cigars, chewing tobacco, pipe tobacco, snuff and cigarettes in any form.

TOBACCO and TOBACCO PRODUCTS

(1) any product containing tobacco leaf including, but limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco;

(2) any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the exception that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependency.

ELECTRONIC VAPOR DEVICE

Any device with a heating element, a batter, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates tobacco products, shisha, herbs, or any other product that produces smoke.

ELECTRONIC/VAPOR INHALATION SUBSTANCE PRODUCTS

Any cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers, vaporizers, electronic smoking device batteries, electronic smoking device chargers and any other item specifically designed for the preparation, charging, or use of electronic vapor devices.

§7 Use or Possession Prohibited

A. It shall be unlawful for any person under the age of 18 years to smoke or use a tobacco product, electronic vapor device or electronic/vapor inhalation substance product in or on any public place or non-public place or to possess in open view an opened pack, opened carton, opened box or other opened container used for holding or packaging those items in any public or non-public place.

B. This article shall not apply to a minor smoking or using any such item described in Section A above in a non-public place which constitutes the residence of the minor and/or the residence of his or her parent or parents or guardian.

§8. Violations and penalties.

A. A violation by a minor of this article shall be enforced as follows:

(1) First offense.

(a) A verbal warning will be given to the offender by the officer observing the violation. The officer will take the offender's name, age, address, telephone number and name and address of parents or guardians. The information will be placed on a juvenile record card maintained at the Department of Police, which said card shall also contain the date and place of the offense.

(b) Unless there are other violations outstanding or the offender is uncooperative, he or she will not be taken to Police headquarters for a first violation. The information from the juvenile record card will be transmitted to the Detective Bureau Commander who will file it and advise the parent or guardian of the incident and information contained on the card.

(2) Second offense.

The officer observing the violation will take the offender's name, age, address, telephone number, parent's or guardian's name and address (the information will be placed on a juvenile record card). The card will also contain the date and place of the offense. The Detective Bureau Commander will arrange a station house adjustment with the offender and the offender's parents or guardians. The station house adjustment will involve discussion of the third phase of enforcement, and anti-tobacco use literature will be provided. Unless there are extenuating circumstances, the officer does not have to take the offender into custody.

(3) Third offense.

(a) The information described above for the juvenile record card will be verified and given to the Detective Bureau Commander. The card will also contain the date and place of the offense. The Detective Bureau Commander will take appropriate action, which will be a referral to a two-hour education program currently conducted by the Valley Hospital Community Education Department. In the event that such program is not available, the Bureau Commander will assign attendance at a similar education program. Attendance at this program is required, both by the offender and a minimum of one parent or guardian. Unless there are extenuating circumstances, the officer does not have to take the offender into custody.

(b) If a period of two years or more passes after the commission of the third offense, the next offense will not be considered a fourth offense, but the procedure for a third offense will be repeated.

(4) Fourth offense.

The information on the juvenile record card will be implemented and verified and give to

the Detective Bureau Commander. The card will also contain the date and place of the offense. The Detective Bureau Commander. The card will also contain the date and place of the offense. The Detective Bureau Commander will take appropriate action, which will include a referral to a six-session smoke stop program offered by the Community Education Program at Valley Hospital, or equivalent. Any costs involved for these programs shall be paid by the offender. Unless there are extenuating circumstances, the officer does not take the offender into custody.

(5)Fifth offense.

A juvenile complaint will be issued to the offender for appearance in Juvenile Court or Municipal Court.

B. In the event that the offender does not comply with any of the requirements set forth in first, second, third or fourth offenses, a juvenile complaint will be issued to the offender for the initial and any subsequent violations.

§9. Intent.

This article is intended to implement N.J.S.A. 2A:170-51 et seq.[1] .

Article III. Smoke-Free Zones and Areas

§10. Definitions.

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

BOARD OF EDUCATION FACILITIES

Any and all property, structures or other areas owned or leased by the Glen Rock Board of Education or operated by employees and agents of and/or persons authorized by the Glen Rock Board of Education and used for official business of the Glen Rock Board of Education.

ENCLOSED AREAS

All areas between a floor and a ceiling, extending to the outer perimeter walls of a structure.

MUNICIPAL FACILITIES

All structures, improvements, property and enclosed areas owned, leased, rented and/or operated by the Borough of Glen Rock, and/or occupied by employees and agents of and/or persons authorized by the Borough of Glen Rock and used for official business of the Borough of Glen Rock.

PARKS AND RECREATIONAL FACILITIES

All public parks, playgrounds, sport fields publicly owned or leased by the Borough of Glen Rock and all such property within the boundaries of the Borough of Glen Rock upon which the public is invited or upon which the public is permitted and where individuals gather for recreational activities.

TOBACCO and TOBACCO PRODUCTS

(1) Any product containing tobacco leaf including, but limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco;

(2) Any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the exception that the product or matter will be introduced into the human lungs or mouth in smoke or vapor form, using any tobacco paraphernalia, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco dependency.

ELECTRONIC VAPOR DEVICE

Any device with a heating element, a batter, or an electronic circuit that provides nicotine or other vaporized liquids to the user in a manner that simulates tobacco products, shisha, herbs, or any other product that produces smoke.

ELECTRONIC/VAPOR INHALATION SUBSTANCE PRODUCTS

Any cartridges, cartomizers, e-liquid, smoke juice, tanks, tips, atomizers vaporizers, electronic smoke device batteries, electronic smoking device charges and any other item specifically designed for the preparation, charging, or use of electronic vapor devices.

§11. Smoking prohibited.

A. It shall be unlawful for any person to smoke or use any tobacco or tobacco product, electronic vapor device, and/or electronic/vapor inhalation substance product as defined in this Chapter in or on any of the following areas:

(1) Any area defined in Section 10;

(2) In or on the area between the edge of the pavement of any street/roadway line and the property boundary of any Board of Education Facility as defined in Section 244-10, inclusive of the sidewalk and open or grass area adjacent to the property boundary.

B. "No smoking" signs or the international "*no smoking*" symbol may be clearly and

conspicuously posted in or on any area defined in Sections 244-6, 244-10 above, and 244-11 below, at the discretion of The Borough, except in or on the Board of Education facilities, which signage may be posted at the discretion of the Board of Education. It shall not be a defense to a violation of this section that "no smoking" signs were not conspicuously posted as they are not required in this Article.

§12. Violations and penalties.

Any person(s) observed to be in violation of this article who is not a minor or otherwise subject to Article II of this Chapter shall be issued a summons and may be subject to, at the discretion of the court, the following penalties:

- A. A warning by the court or a fine of not less than \$50 but not more than \$100 for conviction fo a first offense;
- B. A find of not less than \$100 but not more than \$150 for conviction of a second offense;
- C. A fine of not less than \$150 but not more than \$500 for conviction of a third and/or any subsequent offense.
- D. For any conviction, the court shall assess court administration fees and costs and may sentence the offender to community service, for a period of time and type of service to be determined by the court.

SECTION 2.

All other parts, portions and provisions of Chapter 36 of the Borough of Glen Rock Code, 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.

ATTEST:

**APPROVED:
BOROUGH OF GLEN ROCK**

Jackie Scalia, Borough Clerk

Mayor Bruce Packer

Adopted: