



BOROUGH OF OCEANPORT

MAYOR & COUNCIL

AGENDA • JANUARY 21, 2021

Regular Meeting

REMOTE/VIRTUAL

7:00 PM

Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Statement of Compliance with Open Public Meetings Act:

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 13, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

This meeting is also being broadcast on the Borough's Local Public Access Channel, Verizon FiOS Channel 28. Members of the general public can register for meetings from the Borough website at www.oceanportboro.com by scrolling to the bottom of the homepage and clicking "REGISTER for Mayor & Council Virtual Meetings" on the left-hand side of the screen. Registering allows the general public to view and participate in meetings on their computers, smart phones and tablets. Once registered, members of the general public will be muted upon entry to a meeting. Registration allows a member of the general public to participate during the public portions of a meeting by using one of the following options:

1. Text. Once registered for and admitted to a meeting, members of the general public can text comments through the GotoWebinar application. These text comments will be read out loud by the Clerk during the livestream public portions of the meeting.
2. Raise Your Hand Feature. Once registered for and admitted to a meeting, members of the general public can use the GoToWebinar's "Raise Your Hand" icon to be acknowledged for an opportunity to speak. Once recognized and advised to speak, members of the general public may need to unmute themselves to participate in the meeting.

Whether registered or not, the general public can (a) e-mail questions or comments prior to or during the meeting to public.comments@oceanportboro.com or (b) call the Borough's Public Comments Line at (732)-272-8337. The Public Comments Line is only answered during the livestream broadcast of a meeting. A caller to the Public Comments Line must provide his or her name and address in order to participate in a meeting. Once this information is provided, callers will either be admitted to speak at the meeting immediately or they will be called back by the Borough at the appropriate or designated time so that they can speak. Speakers participating through the Public Comments Line will be placed on speaker and all comments made will be part of the digital record of the meeting. The instructions for Public Participation in the Borough's meetings are also available on the Borough's website at www.oceanportboro.com.

III. Flag Salute

IV. Invocation

V. Roll Call

VI. GUEST: FMERA Staff Monthly Update

VII. Administrators Report

VIII. Clerk's Report

IX. Consent Agenda

All items listed under Consent Agenda, are considered routine by the Borough Council and will be enacted by one motion in the form listed below. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately. There will be one motion for all items listed.

- #2021-42** 1. Resolution authorizing payment of BILL LIST 01-21-2021

- #2021-43 2. Resolution appointing temporary laborers for the Public Works Dept
- #2021-44 3. Resolution appointing 2021 CJHIF Commissioners
- #2021-45 4. Resolution demanding action by the Legislature on the Affordable Housing Act
- 5. Acceptance of Minutes, Historical Committee, 11/12/2020

X. Resolutions

- Resolution authorizing permit for Facility Use - Girl Scout Troop 60710 - *Added on Late*
- Resolution authorizing an exception of Chapter 267 "Noise" - *Added on Late*
- Resolution approving amended certified LOSAP list for 2019 - First Aid

XI. First Reading Ordinances

- Introduction of An Ordinance to Amend the Salary Ordinance
- Introduction of An Ordinance to Amend Chapter 223 "Fire Prevention"
- Introduction of Ordinance Repealing and Replacing Chapter 328 "Stormwater Control" - *Added on Late*

XII. Committee Reports

- 1. Councilman Deerin, Parks and Recreation
- 2. Councilman Gallo, Public Works and Engineering
- 3. Councilman Keeshen, Public Safety
- 4. Councilman O'Brien, Finance and Administration
- 5. Councilman Tvrdik, Planning and Development Liaison
- 6. Councilwoman Walker, Health and Human Services Liaison

XIII. Mayor Coffey's Report**XIV. Petitions from the public****XV. Adjournment**

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING PAYMENT OF BILL LIST FOR
JANUARY 21, 2021**

**Resolution #2021-42
01/21/21**

WHEREAS, the Governing Body has considered the payment of said bills as set forth on the bill list at its public meeting of January 21, 2021.

BE IT RESOLVED, by the Mayor and Council that the bills be paid as on the attached bill list dated January 21, 2021 totaling \$2,690,648.01.

CERTIFICATION OF FUNDS

I, Catherine D. LaPorta, Chief Financial Officer, of the Borough of Oceanport, do hereby certify that funds are available for the purpose stated herein.



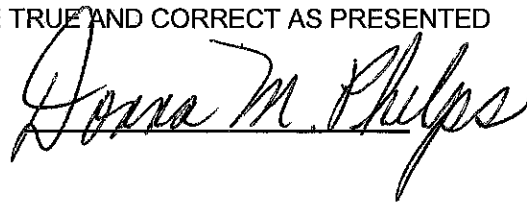
Catherine D. LaPorta, CFO

BOROUGH OF OCEANPORT BILL LIST

21-Jan-21

PAYEE	AMOUNT
PAYROLL ACCOUNT	\$128,996.95 26TH PAY
DCRP	\$351.59
PAYROLL ACCOUNT	\$114,773.26 1ST PAY
 UTILITIES/INSURANCE 01/13/21	 \$1,377,741.56
 2020 EXPENDITURES - WIRES	
TD BANK -MCIA 2011	\$97,374.99
PAYFLEX - CONTRACTUAL CONTRIBUTION	\$58,500.00
PAYFLEX - NON UNION CONTRIBUTION	\$28,500.00
TREASURER: STATE OF NJ PRESERVATION TRUST	\$1,094.44
 CAPITAL TRUST TOTAL	 \$368,644.51
 DOG REGISTRY TOTAL	
 OPEN SPACE TRUST TOTAL	 \$7,117.90
 SUI	 \$0.00
 UCC TRUST	 \$3,363.00
 TRUST OTHER TOTAL	 \$460.00
 ESCROW TRUST TOTAL	 \$16,905.03
 NON BUDGETARY	 \$3,684.95
 2020 VOUCHERS PAID THIS MEETING	 \$59,587.48
 2021 VOUCHERS PAID THIS MEETING	 \$423,552.35
 TOTAL	 \$2,690,648.01

I CERTIFY THAT THE ABOVE ITEMS ARE TRUE AND CORRECT AS PRESENTED



List of Bills - (All Funds)

9.1.a

Vendor	Description	Payment	Check Total
Current Fund			
1001 - A.R. COMMUNICATIONS	PO 7346 PAGER BATTERY & ANTENNA	193.40	
	PO 7349 MOTOROLA V BATTERIES	110.00	303.40
1009 - ADP, INC	PO 7340 PAYROLL SERVICES - NOVEMBER	287.85	
	PO 7341 PAYROLL SERVICES - OCTOBER	286.30	
	PO 7342 PAYROLL SERVICES - ADP PREMIUM ONLY PLAN	37.50	611.65
1738 - AIR GAS TECHNOLOGIES INC	PO 6830 DONATED RESCUE TRUCK	2,765.00	2,765.00
1658 - AMAZON CAPITAL SERVICES, INC	PO 7246 Office Supplies	113.02	113.02
1116 - ASBURY PARK PRESS	PO 7221 Legal Notice - Ordinance	48.05	
	PO 7222 Legal Notice - Ordinance	71.90	
	PO 7325 Legal Notices - Ordinances	58.40	
	PO 7326 Legal Notices	72.80	251.15
1769 - ATLANTIC SOLAR FILM	PO 7049 Safety glazing and window tint for the n	5,900.00	5,900.00
1469 - BLAZE EMERGENCY, LLC	PO 7307 3890 Air Leak	120.00	
	PO 7308 3890 Emergency Fuel Pump Repair	897.16	
	PO 7315 Emergency Repair Ladder pump	382.50	1,399.66
1469 - BLAZE EMERGENCY, LLC	PO 7318 AERIAL DEFFICIENCIES 38-90	3,591.04	3,591.04
1033 - BOB'S UNIFORM SHOP, INC	PO 6666 Traffic Vests for Crossing Guards	499.50	
	PO 7268 Uniform Purchase Chief Kelly	264.95	
	PO 7418 Patches for Uniforms	506.55	1,271.00
1037 - BOROUGH OF OCEANPORT	PO 7431 CENTENNIAL COMMITTEE TRANSFER	1,000.00	1,000.00
1628 - CUSTOM CARE SERVICES	PO 7351 LAWN SERVICES - NOVEMBER	5,312.50	5,312.50
1092 - EMERGENCY SERVICES	PO 7105 IAMRESPONDING	660.00	660.00
1099 - EUROFINS QC INC	PO 7200 WATER TESTING -NOVEMBER 2020	465.00	465.00
1105 - FIREFIGHTER ONE LLC	PO 5259 HARNESS TESTING	864.00	864.00
1778 - FRANK LIPPOLIS	PO 7314 REIMBURSEMENT - VEHICLE REGISTRATION	60.00	60.00
1126 - GLENCO SUPPLY INC	PO 7301 NADINE JEFFREY WAY	75.00	75.00
1158 - JOHN'S AUTO & TRUCK REPAIR LLC	PO 7311 TIRE REPAIR	20.00	20.00
1661 - JUAN MERINO	PO 7333 2020 SAFETY BOOT REIMBURSEMENT	250.00	250.00
1499 - KEVIN E KENNEDY, ESQ	PO 7313 Planning Board Meetings	500.00	500.00
1672 - Kyle + McManus Associates LLC	PO 7312 OLD PO #17-011175; LAND USE ORDINANCE PR	639.00	
	PO 7322 OLD PO #17-011175; LAND USE ORDINANCE PR	1,739.50	
	PO 7401 Professional Services - Planner	781.00	3,159.50
1181 - LANIGAN ASSOCIATES, INC	PO 4712 Cleaning Equipment for firearms	106.45	
	PO 7292 Uniform Purchase Petrillo	359.35	465.80
1727 - LAWREN SUPPLY COMPANY OF NEW JERSEY, INC	PO 6872 Uniform Purchase Resnyk	607.92	607.92
1195 - MASER CONSULTING, INC	PO 7375 PB Engineering - Ordinance #1030 Review	123.75	
	PO 7390 NOVEMBER 2020 ENGINEERING	5,250.00	5,373.75
1567 - MAZZA RECYCLING SERVICES, LTD.	PO 6702 CONCRETE DISPOSAL	26.74	26.74
1205 - MICHAEL CHENOWETH	PO 7327 Uniform reimbursement Chenoweth	242.90	
	PO 7439 Reimbursement for uniforms Chenoweth	103.99	346.89
1638 - Michael Lippolis	PO 7309 Truck Equipment 2 - reimbursement	22.93	
	PO 7310 Truck Equipment Misc 1 - reimbursement	104.94	127.87
1764 - Mike Chambers Oakhurst Electric	PO 6912 REPLACE BATTERIES IN ALERT SYSTEM	1,040.00	1,040.00
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 7304 BRINE/SALT	551.14	
	PO 7321 SALT/BRINE	5,315.68	
	PO 7359 GASOLINE - OCTOBER FAS	44.50	
	PO 7360 GASOLINE - OCTOBER DPW	401.35	
	PO 7361 GASOLINE - OCTOBER FD	214.90	6,527.57
1220 - MONMOUTH COUNTY PUBLIC WORKS	PO 7362 GASOLINE - OCTOBER	1,068.00	
	PO 7410 GASOLINE - NOVEMBER FD	10.21	
	PO 7411 GASOLINE - NOVEMBER	311.91	
	PO 7412 GASOLINE - NOVEMBER DPW	40.76	1,430.88
1538 - MONMOUTH COUNTY TREASURER	PO 6565 BULKY WASTE	252.62	
	PO 7285 BULKY WASTE	174.34	
	PO 7286 BULKY WASTE	135.21	
	PO 7305 BULKY WASTE	237.20	799.37
1246 - NJ CONFERENCE OF MAYORS	PO 7475 Membership Dues	395.00	395.00
1780 - NJ DIVISION OF CRIMINAL JUSTICE ACADEMP	PO 7404 Arson Training Det. Sgt Tucci	950.00	950.00
1248 - NJ LEAGUE OF MUNICIPALITIES	PO 7474 2021 Membership Dues	617.00	617.00
1249 - NJ MOTOR VEHICLE COMMISSION	PO 7469 CAIR System Online Access	150.00	150.00

List of Bills - (All Funds)

9.1.a

Vendor	Description	Payment	Check Total
1256 - NJIB ATTN: MICHELLE DEYO	PO 7510 ENVIRONMENTAL INFRASTRUCTURE TRUST LOAN	413,611.59	413,611.59
1520 - PASHMAN STEIN WALDER HAYDEN, PC	PO 7430 AFFORDABLE HOUSING COUNCIL NOVEMBER 2020	92.50	92.50
1284 - POWERHOUSE SIGNWORKS	PO 6806 TRUNK OR TREAT	225.00	225.00
1286 - PRO JANITORIAL SERVICES, LLC	PO 7509 DECEMBER CLEANING	1,735.00	1,735.00
1303 - RESERVE ACCOUNT	PO 7492 POSTAGE	1,000.00	1,000.00
1314 - SEABOARD FIRE & SAFETY	PO 7329 FIRE EXTINGUISHER	549.95	549.95
1315 - SEABOARD WELDING SUPPLY, INC.	PO 7406 OXYGEN - NOVEMBER 2020	20.75	
	PO 7407 OXYGEN - OCTOBER 2020	20.75	41.50
1325 - SHREWSBURY AUTO PARTS	PO 7223 CABLE TIES FOR WREATHS	152.32	152.32
1326 - SIP'S PAINT	PO 7224 SUPPLIES	10.39	10.39
1330 - STATE OF NEW JERSEY	PO 7388 2ND QUARTER 2020 UNEMPLOYMENT	4,090.49	4,090.49
1346 - THE ARNETTE LAW FIRM LLC	PO 7490 BOROUGH ATTORNEY - NOVEMBER	2,790.00	2,790.00
1348 - THE HOME DEPOT	PO 7306 RATCHET STRAPS	105.70	
	PO 7348 ALL WEATHER BLKTP PATCH	47.20	
	PO 7386 SUPPLIES	234.79	
	PO 7387 COLD PATCH	178.13	
	PO 7507 SUPPLIES	89.82	655.64
1503 - The Meers Group, Ltd.	PO 7297 MONMOUTH PARK Tax Appeal	1,200.00	
	PO 7298 ASSESSMENT REVIEW	1,500.00	2,700.00
1358 - TREASURER: COUNTY OF MONMOUTH	PO 7485 SCAT - 4TH QUARTER BILLING 2020	1,860.00	1,860.00
1365 - TREASURER: STATE OF NJ/727GSPT	PO 7479 NJDEP, TRUST FUND MANAGEMENT	7,688.94	7,688.94
1383 - V&B AUTO REPAIR LLC	PO 6849 Repairs to Unit 12	1,007.81	
	PO 7100 Service to Unit 1	124.18	
	PO 7280 Repairs to Unit 7	221.15	1,353.14
1392 - W.B. MASON CO, INC	PO 7004 COVID SUPPLIES	102.85	
	PO 7118 SUPPLIES	234.76	337.61
1571 - William White	PO 7424 CERTIFIED PUBLIC WORKS MANAGER 3RD QUART	250.00	
	PO 7429 CERTIFIED PUBLIC WORKS MANAGER 4th QUART	250.00	500.00
Capital Fund			
1712 - EARLE ASPHALT COMPANY	PO 7425 MAIN STREET PHASE 2 INTERSECTION	350,838.75	350,838.75
1138 - HALE TRAILER BRAKE & WHEEL INC	PO 7241 TRAILER 900 MURPHY DR - DPW DECEMBER 202	340.00	
	PO 7317 TRAILER 900 MURPHY DR - DPW NOVEMBER 202	340.00	680.00
1708 - IAMELLO ARCHITECTURAL STUDIO LLC	PO 7354 OCTOBER/NOVEMBER	1,320.00	1,320.00
1195 - MASER CONSULTING, INC	PO 7389 2020 ROAD PROGRAM	2,445.00	
	PO 7437 2019 ROAD PROGRAM - CONSTRUCTION OVERSIG	2,050.00	4,495.00
1347 - THE GOLDSTEIN PARTNERSHIP	PO 7433 ARCHITECTURAL SERVICES DECEMBER 2020	6,057.20	6,057.20
1617 - UNITED SITE SERVICES	PO 7149 900 MURPHY DRIVE - 10/01/20	90.00	
	PO 7255 900 MURPHY DRIVE - 11/16/20	285.00	375.00
1785 - UNIVERSAL VAN LINES	PO 7506 MUNICIPAL COMPLEX MOVE	4,878.56	4,878.56
OPEN SPACE TRUST			
1628 - CUSTOM CARE SERVICES	PO 7351 LAWN SERVICES - NOVEMBER	5,312.50	5,312.50
1077 - DEW DROP LAWN SPRINKLERS	PO 7095 WINTERIZE & REPAIRS - SPRINKLER SYSTEM	489.20	
	PO 7347 WINTERIZE - SPRINKLER SYSTEM BBB	500.00	989.20
1310 - RYSER'S LANDSCAPE SUPPLY INC	PO 7352 STONE DUST	300.00	300.00
1362 - TREASURER: STATE OF NJ	PO 7468 WATER ALLOCATION FOR BLACK BERRY PARK	205.00	205.00
1617 - UNITED SITE SERVICES	PO 7127 MARIA GATTA PARK - 10/28-11/24/2020	311.20	311.20
UCC Trust			
1361 - TREASURER: STATE OF NJ	PO 7488 STATE TRAINING FEE - 4TH QUARTER 2020	3,363.00	3,363.00
OTHER TRUST			
1702 - TONI SVERAPA	PO 7449 REIMBURSEMENT - CENTENNIAL COMMITTEE	460.00	460.00
DEVELOPERS ESCROW TRUST			
1720 - CGP&H	PO 7399 ADMINISTRATIVE AGENT FOR AFFORDABLE HOUS	208.00	208.00
1783 - CHRIS HARVEY	PO 7498 REFUND ESCROW	750.00	750.00
1579 - ENGenuity Infrastructure, LLC	PO 7505 PB Engineering - Oport Partners LLC	3,548.65	3,548.65
1499 - KEVIN E KENNEDY, ESQ	PO 7069 PB LEGAL - ANTHONY SEMPKOWSKI	120.00	
	PO 7270 PB Engineering - BEIM	225.00	345.00
1195 - MASER CONSULTING, INC	PO 7212 PB Engineering - MARTELLI	123.75	
	PO 7324 PB Engineering - Triumphant Life Church	371.25	

List of Bills - (All Funds)

9.1.a

Vendor	Description	Payment	Check Total
	PO 7366 PB Engineering - MARTELLI	330.00	
	PO 7367 PB Engineering - MARTELLI	577.50	
	PO 7368 PB Engineering - AcuteCare	82.50	
	PO 7369 PB Engineering - 114 Salzmann Ave,	247.50	
	PO 7370 PB Engineering - KBeeHaven	123.75	
	PO 7371 PB Engineering - Somerset Developers	4,991.25	6,847.50
1195 - MASER CONSULTING, INC	PO 7372 PB Engineering - BEIM	330.00	
	PO 7373 PB Engineering - T KELLY	206.25	536.25
1195 - MASER CONSULTING, INC	PO 7374 PB Engineering - FMBC	82.50	
	PO 7421 PLOT PLAN REVIEW - CATALOG 7764520001	125.00	
	PO 7423 PLOT PLAN REVIEW - CATALOG 7764520001	125.00	
	PO 7499 PB Engineering - PADULA	577.50	
	PO 7508 PB Engineering - NJCU	3,115.00	4,025.00
1200 - McMANIMON*SCOTLAND*BAUMANN LLC	PO 7323 KKF UNIVERSITY 10/29/2020	280.63	280.63
1340 - T&M ASSOCIATES	PO 7391 RPM SOUTH POST CATALOG #7764520217	273.00	
	PO 7392 RPM NORTH POST B110.02 L1 CATALOG #77645	91.00	364.00
TOTAL			883,315.22

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-101-01-000-011	CASH OPERATING			0.00	486,824.78
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	2,162.00			
01-201-26-300-273	SUPPLIES	89.82			
01-201-30-410-200	NJEIT ADMIN FEES	9,397.50			
01-201-45-920-200	DEBT SERVICE OE	411,903.03			
01-203-20-100-200	(2020) ADMINISTRATIVE & EXECUTIVE OE		2,120.34		
01-203-20-120-200	(2020) MUNICIPAL CLERK OE		413.59		
01-203-20-130-200	(2020) FINANCIAL ADMINISTRATION OE		611.65		
01-203-20-150-200	(2020) ASSESSMENT OF TAXES OE		1,500.00		
01-203-20-155-200	(2020) LEGAL SERVICES OE		2,882.50		
01-203-20-165-200	(2020) BOROUGH ENGINEER OE		5,250.00		
01-203-21-180-200	(2020) PLANNING BOARD OE		1,404.75		
01-203-25-240-200	(2020) POLICE OE		10,788.30		
01-203-25-240-300	(2020) POLICE EQUIPMENT		2,765.00		
01-203-25-252-200	(2020) EMERGENCY MANAGEMENT OE		1,040.00		
01-203-25-265-200	(2020) FIRE DEPARTMENT OE		2,565.22		
01-203-25-265-209	(2020) REPAIRS & MAINTENANCE		4,990.70		
01-203-26-300-200	(2020) STREETS & ROADS OTHER EXPENSES		568.24		
01-203-26-300-271	(2020) REPAIRS		20.00		
01-203-26-300-273	(2020) SUPPLIES		670.94		
01-203-26-300-277	(2020) BITUMINOUS CONCRETE		47.20		
01-203-26-300-281	(2020) UNIFORM RENTAL		250.00		
01-203-26-300-282	(2020) SALT & SAND		5,866.82		
01-203-26-310-200	(2020) PUBLIC BUILDINGS & GROUNDS OE		7,057.89		
01-203-27-335-300	(2020) WATER WATCH COMMITTEE-OTHER		465.00		
01-203-28-371-200	(2020) PARKS AND PLAYGROUNDS OE		225.00		
01-203-30-420-200	(2020) CELEBRATION OF PUB. EVENTS OE		1,000.00		
01-203-31-430-208	(2020) GASOLINE & OIL		2,091.63		
01-203-31-465-200	(2020) SANITATION DUMPING FEES		799.37		
01-203-46-870-200	(2020) COVID 19		4,193.34		
01-204-55-000	Accounts Payable			3,684.95	
TOTALS FOR	Current Fund	423,552.35	59,587.48	3,684.95	486,824.78

04-101-01-100-011	CAPITAL CASH - TD		0.00	368,644.51
04-215-55-474-000	MUNICIPAL COMPLEX ORD #970		13,310.76	
04-215-55-988-A00	ROADS, DRAINAGE, TRAFFIC SIGNAL, BULKHEAD		350,838.75	
04-215-55-989-A00	2019 #1001 VARIOUS ROAD/DRAINAGE		2,050.00	

List of Bills - (All Funds)

9.1.a

Vendor	Description	Payment	Check Total
Current Fund			
1047 - CENTRAL JERSEY HEALTH INSURANC	PO 7461 HEALTH/DENTAL INSURANCE JANUARY 2021	72,806.00	72,806.00
1058 - COMCAST * DPW	PO 7345 DPW 12/08-01/07/21	300.52	
	PO 7451 DPW 01/08-02/07	301.01	601.53
1060 - COMCAST BUSINESS COMMUNICATION	PO 7427 BORO HALL INTERNET/PHONE 12/14-01/13	569.16	569.16
1446 - DIRECT ENERGY BUSINES	PO 7413 282 HILDRETH/900 MURPHY 11/13-12/17/2020	839.34	
	PO 7414 FIRST AID 11/12-12/16/20	254.00	
	PO 7415 433 MYRTLE AVE 11/12-12/16/20	248.16	
	PO 7458 21 MAIN STREET 11/12-12/16//2020	254.00	1,595.50
1109 - FMERA	PO 7453 BLDG 282 - DECEMBER	961.26	
	PO 7454 BDGL 900 UTILITIES - DECEMBER 2020	458.06	
	PO 7455 BLDG 901 - DECEMBER JCPL	195.35	
	PO 7456 RT 537 - DECEMBER 2020	273.26	
	PO 7503 BUILDING 977 - DECEMBER JCPL	2,693.39	4,581.32
1153 - JERSEY CENTRAL POWER & LIGHT	PO 7344 200-000-857-007	4,732.26	
	PO 7416 200 000 956 009 11/01-11/30/20	1,112.92	
	PO 7436 JCPL #015 - 10/30 to 11/30/2020	1,176.79	
	PO 7460 200-000-857-007	4,703.43	11,725.40
1232 - MONMOUTH MUNICIPAL JIF	PO 7463 MMJIF INSURANCE - FIRST INSTALLMENT 2021	109,179.00	109,179.00
1245 - NJ AMERICAN WATER CO	PO 7302 NEW MUNICIPAL COMPLEX- 11/11-12/09/20	139.24	
	PO 7303 910-930 OCEANPORT WAY 11/11-12/09	139.24	
	PO 7335 433 MYRTLE AVE - 11/10-12/09/2020	139.24	
	PO 7336 OLD WHARF #2 11/11-12/09/2020	15.56	
	PO 7337 LIBRARY WATER - 11/11-12/10/2020	2.76	
	PO 7338 CHARLES PARK SERVICE 11/11-12/10/20	15.56	
	PO 7376 CHARLES PARK SERVICE 11/11-12/09/20	15.56	
	PO 7384 OLD WHARF #2 11/11-12/09/2020	124.44	591.60
1245 - NJ AMERICAN WATER CO	PO 7385 WHARF COMMUNITY CENTER 11/11-12/09/2020	38.86	
	PO 7438 HYDRANT SERVICE 11/25-12/22/2020	6,619.84	6,658.70
1251 - NJ NATURAL GAS CO	PO 7377 901 MURPHY 11/12-12/17/20	527.09	
	PO 7378 900 MURPHY 11/12-12/17/20	576.31	
	PO 7379 433 PORT AU PECK 11/13-12/16/2020	393.30	
	PO 7380 2 PEMBERTON AVE 11/11-12/16/20	401.62	
	PO 7381 315 E. MAIN 11/11-12/16/20	221.59	
	PO 7382 977 MURPHY - 11/12-12/17/2020	763.83	
	PO 7383 282 HILDRETH 11/12-12/17/20	760.86	
	PO 7428 LIBRARY 11/10-12/16/20	161.00	3,805.60
1251 - NJ NATURAL GAS CO	PO 7459 315 E. MAIN 11/11-12/16/20	401.62	401.62
1261 - OCEANPORT BOARD OF EDUCATION	PO 7501 JANUARY 2021 SCHOOL TAX REMITTANCE	852,468.00	852,468.00
1282 - POSTMASTER	PO 7457 POSTAGE FOR JAN/FEB 2021 BULLETIN	500.00	500.00
1323 - SHORE REGIONAL HIGH SCHOOL	PO 7502 JANUARY 2021 TAX REMITTANCE	309,434.00	309,434.00
1387 - VERIZON	PO 7299 LIBRARY PHONE 12/07-01/06/2020	263.72	
	PO 7334 BOROUGH HALL FIRE MONITORING - 12/08-01/	47.21	
	PO 7363 NEW POLICE 11/24-12/23/20	331.26	
	PO 7426 POLICE TELEPHONE/INTERNET 12/13-01/12	822.24	
	PO 7434 NEW POLICE 12/24-01/23/20	306.37	1,770.80
1388 - VERIZON WIRELESS	PO 7353 FAS WIRELESS 11/24-12/23/2020	70.02	
	PO 7435 FAS WIRELESS 12/24-01/23/2021	70.02	
	PO 7504 POLICE 12/27-01/26/21	651.38	791.42
1559 - Verizon Wireless	PO 7464 UCC/CLERK - WIRELESS SERVICES	24.27	24.27
1389 - VERIZON WIRELESS (OEM)	PO 7452 OEM 01/02-02/01	38.01	38.01
OPEN SPACE TRUST			
1388 - VERIZON WIRELESS	PO 7462 BBB SECURITY MONITORING	51.51	51.51
UCC Trust			
1559 - Verizon Wireless	PO 7464 UCC/CLERK - WIRELESS SERVICES	148.12	148.12
TOTAL			1,377,741.56

List of Bills - (All Funds)

9.1.a

Vendor

Description

Payment

Check Total

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT

01-101-01-000-011	CASH OPERATING			0.00	1,377,541.93
01-201-20-100-200	ADMINISTRATIVE & EXECUTIVE OE	500.00			
01-201-23-210-200-1	GENERAL LIABILITY	56,246.00			
01-201-23-210-200-2	WORKMEN'S COMPENSATION	52,933.00			
01-201-23-210-202	HEALTH	68,531.00			
01-201-23-210-203	DENTAL	4,275.00			
01-201-25-240-200	POLICE OE	651.38			
01-201-25-252-200	EMERGENCY MANAGEMENT OE	38.01			
01-201-31-430-203	TELEPHONE/INTERNET	325.28			
01-203-25-255-200	(2020) FIRE HYDRANT SERVICE OE		6,619.84		
01-203-25-260-200	(2020) FIRST AID ORGANIZATION OE		795.66		
01-203-31-430-201	(2020) ELECTRICITY		5,773.61		
01-203-31-430-203	(2020) TELEPHONE/INTERNET		2,640.48		
01-203-31-430-204	(2020) WATER/SEWER		769.70		
01-203-31-430-205	(2020) NATURAL GAS		5,147.10		
01-203-31-430-207	(2020) STREET LIGHTING		10,393.87		
01-206-55-000-046	REGIONAL SCHOOL TAX			309,434.00	
01-207-55-000-045	LOCAL SCHOOL TAX			852,468.00	

TOTALS FOR	Current Fund	183,499.67	32,140.26	1,161,902.00	1,377,541.93
		=====	=====	=====	=====
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	51.51
06-270-00-500-020	RESERVE FOR OPEN SPACE			51.51	

TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	51.51	51.51
		=====	=====	=====	=====
18-101-01-100-101	CASH UCC TRUST			0.00	148.12
18-270-55-600	RESERVE FOR UCC TRUST			148.12	

TOTALS FOR	UCC Trust	0.00	0.00	148.12	148.12
		=====	=====	=====	=====

Total to be paid from Fund 01 Current Fund 1,377,541.93

Total to be paid from Fund 06 OPEN SPACE TRUST 51.51

Total to be paid from Fund 18 UCC Trust 148.12

=====

1,377,741.56

9.1.a

Pending Payments (*Not Finalized*) - (..) ALL FUNDS

From 01/01/2021 to 01/31/2021 With a Line Amount > 10000.00

DATE	ENTRY #	PO#	CHECK #	ACCOUNT	VENDOR/EXPLANATION	DEBIT	CREDIT	ACCOUNT
1/13/2021	7461			01-201-23-210-202 01-201-23-210-203	HEALTH DENTAL CENTRAL JERSEY HEALTH INSURANC	68,531.00 4,275.00	72,806.00	01-101-01-000-011
1/13/2021	7463			01-201-23-210-200-2 01-201-23-210-200-11	WORKERS COMPENSATION MONMOUTH MUNICIPAL JIF	52,933.00 56,246.00	109,179.00	01-101-01-000-011
1/13/2021	7501			01-207-55-000-045 01-207-55-000-045	JANUARY 2021 TAX REMITTANCE JANUARY DEBT SERVCIE OCEANPORT BOARD OF EDUCATION	843,015.00 9,453.00	852,468.00	01-101-01-000-011
1/13/2021	7502			01-206-55-000-046 01-206-55-000-046	JANUARY 2021 TAX REMITTANCE JANUARY 2021 DEBT SERVICE SHORE REGIONAL HIGH SCHOOL	286,650.00 22,784.00	309,434.00	01-101-01-000-011

JANUARY SUMMARY BY ACCOUNT:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	PENDING CR
01-101-01-000-011	CASH OPERATING				1,343,887.00
01-201-23-210-200-11	MJIF		56,246.00		
01-201-23-210-200-2	WORKMEN'S COMPENSATION		52,933.00		
01-201-23-210-202	HEALTH		68,531.00		
01-201-23-210-203	DENTAL		4,275.00		
01-206-55-000-046	REGIONAL SCHOOL TAX			309,434.00	
01-207-55-000-045	LOCAL SCHOOL TAX			852,468.00	
JANUARY TOTALS (FOR RANGE):			181,985.00	1,161,902.00	1,343,887.00
		=====	=====	=====	=====

SUMMARY BY ACCOUNT FOR RANGE:

ACCOUNT	ACCOUNT DESCRIPTION	APR RESERVE	CURRENT	NON-BUDGETARY	DISBURSED
01-101-01-000-011	CASH OPERATING				1,343,887.00
01-201-23-210-200-11	MJIF		56,246.00		
01-201-23-210-200-2	WORKMEN'S COMPENSATION		52,933.00		
01-201-23-210-202	HEALTH		68,531.00		
01-201-23-210-203	DENTAL		4,275.00		
01-206-55-000-046	REGIONAL SCHOOL TAX			309,434.00	
01-207-55-000-045	LOCAL SCHOOL TAX			852,468.00	
TOTALS (FOR RANGE):			181,985.00	1,161,902.00	1,343,887.00
		=====	=====	=====	=====

9.1.a

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
04-215-55-990-A00	2020 ROAD PROGRAM - ORD #1026			2,445.00	
TOTALS FOR	Capital Fund	0.00	0.00	368,644.51	368,644.51
06-101-01-100-011	OPEN SPACE CASH - TD			0.00	7,117.90
06-270-00-500-020	RESERVE FOR OPEN SPACE			7,117.90	
TOTALS FOR	OPEN SPACE TRUST	0.00	0.00	7,117.90	7,117.90
18-101-01-100-101	CASH UCC TRUST			0.00	3,363.00
18-270-55-600	RESERVE FOR UCC TRUST			3,363.00	
TOTALS FOR	UCC Trust	0.00	0.00	3,363.00	3,363.00
60-101-01-100-101	CASH-OTHER TRUST - TD			0.00	460.00
60-270-55-600-136	RES FOR CENTENNIAL CELEBRATION			460.00	
TOTALS FOR	OTHER TRUST	0.00	0.00	460.00	460.00
61-101-01-100-101	CASH-DEV.ESCROW/TD			0.00	16,905.03
61-270-55-600-205	RES.FOR DEV.ESCROW			16,905.03	
TOTALS FOR	DEVELOPERS ESCROW TRUST	0.00	0.00	16,905.03	16,905.03

Total to be paid from Fund 01 Current Fund	486,824.78
Total to be paid from Fund 04 Capital Fund	368,644.51
Total to be paid from Fund 06 OPEN SPACE TRUST	7,117.90
Total to be paid from Fund 18 UCC Trust	3,363.00
Total to be paid from Fund 60 OTHER TRUST	460.00
Total to be paid from Fund 61 DEVELOPERS ESCROW TRUST	16,905.03

	883,315.22

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF SEASONAL LABORERS IN THE PUBLIC WORKS
DEPARTMENT FOR ASSISTANCE WITH THE RELOCATION OF MUNICIPAL
OFFICES TO THE NEW MUNICIPAL COMPLEX**

**Resolution #2021-43
01/21/21**

WHEREAS, there was a need for additional laborers to assist with the relocation of municipal offices to the new municipal complex; and

WHEREAS, the following four individuals were ready, willing and available to work: Jake Turner, George Papageorge, Matt Crochet and John Salerno; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor & Council of the Borough of Oceanport, that Jake Turner, George Papageorge, Matt Crochet and John Salerno are hereby appointed as laborers to assist with the relocation of municipal offices at a rate of \$15.00 per hour in accordance with the Borough's salary ordinance retroactive to January 11, 2021.

BE IT RESOLVED, that a copy of this resolution shall be forwarded to the Borough Administrator, Chief Financial Officer and the Payroll Clerk.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPOINTMENT OF FUND COMMISSIONERS FOR THE CENTRAL JERSEY
HEALTH INSURANCE FUND FOR 2020**

**Resolution #2021-44
01/21/21**

BE IT RESOLVED that the following Mayor appointments are hereby ratified and confirmed.

Central Jersey Health Insurance Fund Commissioner

Jeanne Smith

Central Jersey Health Insurance Fund Commissioner (Alt)

Donna M. Phelps

**RESOLUTION OF THE BOROUGH OF OCEANPORT
DEMANDING THAT THE NEW JERSEY STATE LEGISLATURE ACCEPT ITS
RESPONSIBILITY TO ADMINISTER THE PROVISIONS OF THE
AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION UNTIL SUCH
TIMES AS IT HAS PROMULGATED RULES GOVERNING ITS
IMPLEMENTATION**

**Resolution #2021-45
01/21/21**

WHEREAS, in 1975 the New Jersey Supreme Court in Mount Laurel I decreed that every municipality in New Jersey, “must, by its land use regulations, presumptively make realistically possible an appropriate variety and choice of housing. More specifically, presumptively it cannot foreclose the opportunity of the classes of people mentioned for low and moderate income housing and in its regulations must affirmatively afford that opportunity, at least to the extent of the municipality’s fair share of the present and prospective regional need therefor” (*10 S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 67 N.J. 151, 174 (1975)) ; and

WHEREAS, in 1983, the Supreme Court in Mount Laurel II expanded the Mount Laurel doctrine, saying:

“Therefore, proof of a municipality’s bona fide attempt to provide a realistic opportunity to construct its fair share of lower income housing shall no longer suffice. Satisfaction of the Mount Laurel obligation shall be determined solely on an objective basis: if the municipality has in fact provided a realistic opportunity for the construction of its fair share of low and moderate income housing, it has met the Mount Laurel obligation to satisfy the constitutional requirement; if it has not, then it has failed to satisfy it. Further, whether the opportunity is “realistic” will depend on whether there is in fact a likelihood-to the extent economic conditions allow-that the lower income housing will actually be constructed. Plaintiff’s case will ordinarily include proof of the municipality’s fair share of the regional need and defendant’s proof of its satisfaction. Good or bad faith, at least on this issue, will be irrelevant.” (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 220-22 (1983)); and

WHEREAS, the Supreme Court in Mount Laurel II suggested that builders’ remedies should be used to force compliance by municipalities, reasoning that:

Experience . . . has demonstrated to us that builder’s remedies must be made more readily available to achieve compliance with Mount Laurel. We hold that where a developer succeeds in Mount Laurel litigation and proposes a project providing a substantial amount of lower income housing, a builder’s remedy should be granted unless the municipality establishes that because of environmental or other substantial planning concerns, the plaintiff’s proposed project is clearly contrary to sound land use planning. We emphasize that the builder’s remedy should not be denied solely because the municipality prefers some other location for lower income housing, even if it is in fact a better site. (*S. Burlington Cty. N.A.A.C.P. v. Mount Laurel Twp.*, 92 N.J. 158, 279-80 (1983)); and

WHEREAS, the New Jersey Legislature responded quickly to the Court’s Mount Laurel decision by enacting the Fair Housing Act of 1985, N.J.S.A. 52:27D-301, et seq., which created the Council on Affordable Housing (“COAH”) which as the Court noted in Mount Laurel IV “ . . . was designed to provide an optional administrative alternative to litigating constitutional compliance through civil exclusionary zoning actions.” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on*

Affordable Hous., 221 N.J. 1, 4 (2015); and

WHEREAS, COAH, pursuant to the authority granted to it by the Fair Housing Act, then adopted procedural and substantive rules which provided clear guidance to municipalities as to how they could meet their affordable housing obligation; and

WHEREAS, in its rules, COAH assigned a fair share number to each municipality and set forth various mechanisms that a municipality could use in order to satisfy that obligation; and

WHEREAS, the Borough of Oceanport, like many other municipalities throughout the State of New Jersey, met its First and Second Round Affordable Housing Obligations through the COAH process; and

WHEREAS, COAH adopted the First Round Rules for the period from 1987 through 1993 and the Second Round Rules for the period 1993 to 1999 and then extended to 2004; and

WHEREAS, COAH was obliged by the Fair Housing Act to adopt Third Round Rules to take effect in 2004, however, but never adopted rules that were acceptable to the Courts; and

WHEREAS, in 2015, the Supreme Court again stepped in, finding that COAH's failure to adopt Third Round Rules forced the Court to intervene; and

WHEREAS, the Supreme Court designated Mount Laurel judges in each of the fifteen court vicinages to hear all Mount Laurel cases; and

WHEREAS, instead of providing clear guidance, like the COAH rules did, the Supreme Court in Mount Laurel IV set forth vague standards that have led to a complex system of non-uniform implementation; and

WHEREAS, as a result of the Supreme Court's decision in Mount Laurel IV, municipalities no longer were assigned fair share numbers, no longer had clear and concise procedural and substantive rules to follow, and no longer had one tribunal to decide these issues, which meant that even the threshold issues of regional need and local fair share obligations had to be litigated before fifteen different Mount Laurel judges, and as a result, municipalities were forced to spend tens of thousands, and in some cases hundreds of thousands of dollars, to negotiate fair share numbers with the Fair Share Housing Center ("FSHC") and to gain court approval of settlement agreements negotiated with FSHC; and

WHEREAS, the Supreme Court in Mount Laurel IV concluded its opinion by encouraging the Legislature to once again assume responsibility in the area of affordable housing, saying:

"In conclusion, we note again that the action taken herein does not prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their

constitutional obligation. In enacting the FHA, the Legislature clearly signaled, and we recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. (Citation omitted.) It is our hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied” (*In re Adoption of N.J.A.C. 5:96 & 5:97 ex rel. New Jersey Council on Affordable Hous.*, 221 N.J. 1, 34 (2015)); and

WHEREAS, it has been five years since the Mount Laurel IV opinion was issued and, to the detriment of each municipality in New Jersey and to the future viability of the State, neither the Legislature nor the Governor nor COAH have taken any action to remedy the situation; and

WHEREAS, if the Governor, the Legislature and COAH continue to ignore their responsibilities, municipalities will once again face a burdensome, time-consuming and expensive process to obtain Fourth Round Mount Laurel compliance starting in 2025;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport in the County of Monmouth, State of New Jersey, that it does hereby demand that the Governor and the Legislature cease their unconscionable disregard of this most important provision of the State constitution and take immediate and decisive action to restore a viable administrative remedy that municipalities can use in satisfaction of their constitutional obligations to provide affordable housing.



TOWNSHIP OF LONG HILL

COUNTY OF MORRIS

GILLETTE, HOMESTEAD PARK, MEYERSVILLE, MILLINGTON, STIRLING

TOWNSHIP OFFICES,
915 Valley Road
Gillette, NJ 07933
(908) 647-8000
FAX (908) 647-4150

Dear Fellow Mayor:

Over the last few years, each municipality in New Jersey has suffered with the administration of the Affordable Housing Act. Although the idea of affordable housing is recognized as important and supported by all municipalities, the current implementation framework has left residents and elected officials feeling they have been robbed of the ability to control development within their jurisdiction. Of greater concern, it has stripped local municipalities of leverage in their negotiations with developers. With the fourth round looming in 2025, the situation, if left unchecked, will only get worse.

The abdication of responsibility for the administration of the Affordable Housing Act by the Governor and the State legislature to the Courts is a major, if not the major cause, of the current untenable situation.

Attached please find a Resolution entitled:

"DEMANDING THAT THE NEW JERSEY STATE LEGISLATURE ACCEPT ITS RESPONSIBILITY TO ADMINISTER THE PROVISIONS OF THE AFFORDABLE HOUSING ACT AND STAY FURTHER ACTION UNTIL SUCH TIMES AS IT HAS PROMULGATED RULES GOVERNING ITS IMPLEMENTATION".

This Resolution was passed unanimously by the Long Hill Township Committee at its meeting on November 23rd 2020.

Please join Long Hill Township in passing this Resolution so we can deliver it to the Governor and the Legislature as a united group and thereby force them to work with each municipality to establish clear and uniform rules for implementing this important Constitutional mandate.

Respectfully,

Brendan P. Rae
Mayor
Long Hill Township

APPROVED
MINUTES OF THE OCEANPORT HISTORICAL COMMITTEE MEETING HELD
11/12/20

The Oceanport Historical Committee met on Thursday, November 12, 2020. We met at the Blackberry Bay Pavilion at 7:00 p.m. using social distancing protocols, and we wrapped things up around 8:30 p.m. The goals of the committee are to plan and execute efforts to celebrate the Borough's centennial which will occur in 2020-2021 and to promote a better understanding of the Borough's history.

In attendance were:

Frank Barricelli
 Rosanne Letson
 Mike MacStudy
 Barbara Sheppard
 Ric Siciliano
 Toni Sverapa

Guests: Pat Pflieger

(Note: If I omitted your name from the attendance for this meeting, please let me know.)

Our Agenda for this meeting was as follows:

- Sign-in sheet
- Introduction of new members and guests
- Review/approve previous month's Minutes
- Review financial status
- Review status of magnets and holiday ornaments – approve payments
- Review action items from previous meeting
- Ongoing - gift to Wolf Hill School in memory of Nadine Jeffrey
- Review status of inputs to history book
- Other items and open discussion
- Verify new action items and adjourn

We voted to approve the Minutes from the last meeting. Rosanne will prepare them in final form and submit them to Jeanne Smith at the Borough.

Toni provided the following information about our financial status:

1. Out of 250 magnets, we have 4 left. Toni thanked Paula for all that she had done to facilitate the sale and delivery of the magnets. Toni noted that a free Oceanport reusable shopping bag was given with each magnet purchase. (She added that she has one box of bags left, and that she intends to use those to give out the books.)

We collected \$1,220.00 so far for the magnets, and our cost was \$616.00, which leaves us with a profit of \$604.00. Toni mentioned that several people commented on the size of the magnets, and she added that it doesn't fit on some cars. If/when we do this again, we will look into ordering a smaller size.

2. The balance in our account as of 11/12/20 is \$20,291.62, which includes the \$1,200.00 we paid for the more recent banners.
3. We ordered 200 Christmas ornaments. We only paid for half of them so far. The total cost was \$1,935.00 and we're charging \$20.00 each. We owe \$967.50. Rosanne made a Motion that we approve payment of the invoice for the remaining balance, and Frank seconded it. Toni will find out if we can order more ornaments before Christmas if this turns out to be a popular fundraiser.
4. We talked about the deposit we need to make for the Gala in October 2021. Toni explained that the special trust for the Historical/Centennial Committee currently ends in March, 2021. The Council applied for an extension after a Resolution to extend was passed. It went to the State, and it came back from the State. BA Donna Phelps explained to Toni that the Borough attorney had an issue with liability for the alcohol for the event. They're looking to see if they, the Borough, can do a separate Rider from the Borough's insurance carrier to cover it. Donna spoke to Toni the day before our meeting and told her that the serving of alcohol was problematic. A conference call had been set up between her and the Borough attorney and the Borough's insurance adjuster to see if it can be done. We can't pay the deposit for this event until this is resolved. This can be an issue with Merry Makers as weddings are currently being scheduled/rescheduled for 2021.
5. Toni also explained that an additional Historical Society trust fund was discovered from 2008 (set up by Ordinance 08/21/08 – side note: Rosanne looked at copies of the Minutes from 2008 to try to figure out why this was set up. The July 2008 Minutes are not available on the Borough's website, the June 2008 Minutes contain nothing about this, and the 08/07/08 minutes just have this listed under Consent Agenda items: "3. Resolution authorizing the transfer of certain public records to the Monmouth County Archives. R-08-109." There was only one meeting on the website in August 2008, and that was 08/07/08. The next meeting, 09/04/08, contains no mention of it whatsoever.) This trust fund currently consists of \$988.00. It was set up by Ordinance, and there's no deadline on this one. Toni suggested putting the money we make on our fundraisers into this account instead of into the Gala account. We agreed that it made sense to do that.

Next we reviewed the Action Items from the 10/08/20 meeting, which were as follows:

Action Items from 10/08/20 meeting

1. Rosanne will prepare the Minutes from the September 10, 2020 meeting in approved form and submit them to Jeanne Smith.
2. We will all review the book prototype that Pat provided.
3. Frank will send Rosanne the list of Council members, which she will work on.

4. Toni will follow up with the Borough about the Gala and the Trust.
5. Rosanne will put a note in the Bulletin about the magnets and ornaments.
6. Tom will check with Skip's Sports to see if they do plaques.
7. Rosanne will look into a street sign with Nadine Jeffrey's name on it.
8. Mike will get us his section of the book on Foggia's.
9. Rosanne will send Toni some of the articles she has for editing for content.
10. Rosanne will complete the list of Oceanport brick-and-mortar businesses.
11. Paula will provide the names of people who submitted articles for the book.

As Tom was not able to attend the meeting, we will revisit #6 at the next meeting. Mike suggested that Perry's does something similar.

Regarding #7, Frank did not recall Rosanne sending him information about street signs (note: she re-emailed it to him on 11/15/20). Toni said she would ask Max at the DPW about it, and Rosanne will call/reach out to BA Donna.

As for #8, Mike knows he still has to get us this information, and Rosanne suggested that he try to get a few pictures, too.

The rest of the Action Items can be marked as completed.

Following the discussion of Action Items and on the heels of the discussion about Foggia's, Frank asked if we knew what the oldest continuously operating business in town was. Mike noted that we thought it was Foggia's, but had found out that it was actually Woodbine Cemetery. Frank noted that it was actually a gas station on Branchport Avenue that was established somewhere between 1914 and 1916. We discussed that, and Pat added that her great grandfather owned a gas station on Main Street. She will send us a photo from it.

Frank then told us that he attended a virtual meeting of the Fort Monmouth Historical Committee, where a discussion ensued about complaints about some of the residential properties in the Oceanport section of Fort Monmouth that have been designated in the historical district. Some of the residents have been "altering" their properties by adding landscaping and/or outdoor gazebo/canopy-type structures. He added that Oceanport does not have a historical preservation ordinance on the books, so we will follow this to see how the State and FMERA work it out.

Our next Book Committee meeting will be Thursday, November 19th at 7:00 p.m. at the Blackberry Bay Pavilion. Our next regular meeting will be Thursday, December 10th at 7:00 p.m. at the Blackberry Bay Pavilion.

We adjourned at approximately 8:30 p.m.

Action Items for the next meeting:

1. Rosanne will prepare the Minutes from the October 8, 2020 meeting in approved form and submit them to Jeanne Smith.

2. Toni will process the invoice for the remaining balance owed for the Christmas ornaments, and will commence the sale of same. She will find out if we can order more before Christmas if we feel we have the market for them.
3. Toni will talk to Max at the DPW about the street signs for our memorial to Nadine, and Rosanne will talk to BA Donna regarding same.
4. Pat will send us/Frank a photograph from her great-grandfather's gas station.
5. Mike will finish the Foggia's piece for the book.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING USE OF BOROUGH ATHLETIC FACILITIES**

Resolution

WHEREAS, the Parks and Recreation Committee has recommended the following group(s) be approved for use of a Borough athletic facility for the purposes as indicated on application(s) as follows:

**Girl Scout Troop 60710, Maria Gatta Community Park
February 27, 2021; 10am - 3pm**

WHEREAS, as required by ordinance the Borough Council has considered the recommendations of said committee.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council that facility usage by the above referenced organizations is hereby granted for the dates, fields and times as reviewed and approved by the Recreation Committee.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING AN EXCEPTION PURSUANT TO CHAPTER 267-4, NOISE
EXCEPTIONS**

Resolution

WHEREAS, the Borough of Oceanport is under contract with Fiore Paving Co., Inc. for the construction of improvements related to the 2020 Road Program which is underway; and

WHEREAS, the contractor has requested relief from the Noise Ordinance that prohibits outdoor construction between 10pm and 8 am in order to commence work at 7 am as material suppliers for asphalt and concrete close at 3:30 pm and 4 pm respectively which limits the amount of work that can be done in a work day.

WHEREAS, granting the exception pursuant to Chapter 267-4 which states that any public works project is not subject to the prohibitions with prior approval of the Mayor and Council when deemed to be in the public's welfare, safety and for the public good; and

WHEREAS, the Mayor & Council have determined that expansion of the work hours will reduce the overall number of days of construction and imposition on the residents and finds it to be for the public good,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that Fiore Paving Co., Inc. is hereby granted an exception to the Noise Ordinance pursuant with Chapter 267-4 for the duration of work related to their contract for the 2020 Road Program improvements.

**RESOLUTION OF THE BOROUGH OF OCEANPORT
APPROVING THE AMENDED OCEANPORT VOLUNTEER FIRST AID SQUAD
CERTIFIED LIST FOR THE LENGTH OF SERVICE AWARD PROGRAM
(LOSAP) FOR CY 2019**

Resolution

WHEREAS, the Governing Body adopted Resolution #2020-250 approving the Oceanport First Aid Squad's Certified List of 2019 LOSAP Participants; and

WHEREAS, pursuant with the resolution the certified list was posted for 30 days in accordance with law; and

WHEREAS, the Borough Clerk subsequently received four (4) appeals of the posted list; and

WHEREAS, the LOSAP Plan Administrator conducted an investigation pursuant with N.J.S.A 40A:14-183 et. Seq. and N.J.A.C. 5:30-14 et. Seq.

WHEREAS, a non-binding recommendation was made to the Squad to further amend its Certified List of 2019 LOSAP Participants; and

WHEREAS, on January 20, 2021, the Squad submitted an updated certified LOSAP list for 2019; and

WHEREAS, the Governing Body has reviewed the updated certified list per N.J.A.C. 5:30-14.10 and approves the list presented,

NOW THEREFORE BE IT RESOLVED, be it resolved by the Mayor and Council of the Borough of Oceanport that said certified list is hereby approved and the LOSAP Plan Administrator is hereby authorized to proceed with 2019 contributions.

Jeanne Smith

From: Jeanne Smith
Sent: Thursday, January 14, 2021 11:30 AM
To: 'maggie.lippolis@gmail.com'
Cc: Fred Filippone; Oceanport Mayor; Bryan Keeshen; Tom Tvrdik; the5kennys; Kim Carroll; Ken Carroll; Scott Poyner
Subject: Appeals of Approved Certified List of First Aid Squad LOSAP Participants

VIA EMAIL ONLY

January 14, 2021

Margaret Lippolis, President
 Oceanport Volunteer First Aid Squad
 2 Pemberton Avenue
 Oceanport, NJ 07757

RE: Four (4) Appeals to Certified List of LOSAP Participants 2019

Dear Maggie,

The Borough received four (4) appeals in objection to the Borough's approval of the Certified List of LOSAP Participants for 2019 from the First Aid. All four persons had been removed from the original list as documentation provided at the time indicated that those persons had no points in one of the four mandatory categories to be considered "active member" and thereby eligible to participate in LOSAP.

In order to investigate the appeals, I requested that each appellant submit documentation to substantiate their participation in drills. I requested the same documentation from the Squad which you promptly provided. I have completed my investigation of the documentation submitted and provide the following non-binding recommendation to the First Aid Squad:

- 1) Revise the 2019 Revised Certified List to add the following members who have satisfactorily documented that they met the requirements of the Squad's by-laws to be considered "active member" and obtained the minimum 50 points required by ordinance:

Kim Carroll
 Kenneth Carroll
 Katherine Kenny
 Scott Poyner

Should the Squad accept the recommendation, please submit an amended list to include the names of those eligible to participate and having achieved 50 points, no later than January 20, 2021 in order for the revised list to be considered for approval by the Mayor & Council at their January 21, 2021 meeting.

Sincerely,

JEANNE SMITH
BOROUGH CLERK
LOSAP PLAN ADMINSTRATOR



**Oceanport Volunteer
First Aid & Rescue Squad, Inc.**

2 Pemberton Avenue
Oceanport, New Jersey 07757
oceanportfas@gmail.com



Updated LOSAP according to Borough recommendations for 2019
See attached

Last	First	Initial	
Bellack	Michael		
Carroll	Kenneth		
Carroll	Kim		
Covert	Erika		
Egidio	Gina		
Filippone	Frederick	J	
Kenny	Katherine		
Lippolis	Frank	S	
Lippolis	Margaret	A	
Lombardo	Joseph	N	
Poyner	Scott		

LOSAP Officer

Joseph N. Lombardo

Date

Jan 17, 2021

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY SETTING THE SALARY RANGES OF CERTAIN BOROUGH OFFICERS AND BOROUGH EMPLOYEES

BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey that the purpose of this Ordinance is to amend the ordinance entitled "An Ordinance to Fix and Determine the Salaries of Certain Borough Officials" passed and approved on March 16, 1939, as last revised and passed on October 15, 2020. Said amendment shall establish new section 12 "Fire Prevention Bureau" and establish a salary range for Fire Official pursuant with Resolution #2021-06 and Borough Code Chapter 223 "Fire Prevention" as follows:

NOTE: Additions are underlined and deletions are marked by strike through.

SECTION 1. Administration & Finance

Borough Administrator	\$	70,000.	-	100,000.
Deputy Borough Administrator	\$	30,000.	-	50,000.
Deputy Borough Clerk	\$	36,000.	-	50,000.
Qualified Purchasing Agent	\$	1,500.	-	10,000.
Finance Personnel Manager	\$	10,000.	-	30,000.

SECTION 2. Statutory Employees (N.J.S.A. 40A:9-165)

Chief Financial Officer	\$	50,000.	-	80,000.
Tax Assessor	\$	5,000.	-	30,000.
Tax Collector	\$	10,000.	-	40,000.
Borough Clerk	\$	50,000.	-	80,000.
Part Time Borough Clerk	\$	20/hr.	-	60/hr.

SECTION 3. Department of Public Works

Superintendent	\$	10,000.	-	65,000.
Foreman	\$	50,000.	-	80,000.
Assistant Foreman	\$	40,000.	-	60,000.
Senior Laborer	\$	40,000.	-	60,000.
Repair Mechanic	\$	35,000.	-	60,000.
Worker	\$	40,000.	-	50,000.
Labor 2	\$	35,000.	-	45,000.
Labor 1	\$	30,000.	-	40,000.
Street Sweeper/Sewer Jet Operator	\$	12.	-	25./hr
Labor	\$	12.	-	25./hr

SECTION 4. Municipal Court

Municipal Court Judge	\$	15,000.	-	23,000.
Court Administrator	\$	30,000.	-	80,000.
Deputy Court Administrator	\$	50.	-	125. per call
Municipal Prosecutor	\$	10,000.	-	15,000.
Public Defender	\$	100.	-	200. per defendant

SECTION 5. Recreation & Education

Recreation Coordinator	\$	9,000.	-	15,000.
Action Camp Director	\$	2,000.	-	5,000.
Recreation Aides & Assistants	\$	8.50	-	15.00/hr
Library Aide	\$	8.50	-	15.00/hr

SECTION 6. Planning & Development

Planning Board Secretary	\$	2,000.	-	20,000.
Planning Board Secretary	\$	12.	-	30./hr
Construction Official	\$	15,000.	-	100,000.
Building Inspector/Sub Code Official	\$	8,000.	-	25,000.
Plumbing Sub Code Official	\$	8,000.	-	25,000.
Electrical Sub Code Official	\$	8,000.	-	25,000.
Fire Sub Code Official	\$	4,000.	-	15,000.
Housing Inspector	\$	4,000.	-	10,000.
Code Enforcement Officer	\$	2,000.	-	15,000.
Control Person/T.A.C.O.	\$	8,000.	-	50,000.
Fire Sub Code Official/Electrical, Bldg Insp	\$	4,000.	-	20,000.
Engineer	\$	65,000.	-	125,000.
Zoning Officer	\$	2,000.	-	15,000.

SECTION 7. Board of Health

Registrar	\$	1,000.	-	2,000.
Deputy Registrar	\$	0.	-	750.
Secretary	\$	400.	-	1,000.

SECTION 8. Emergency Management

Emergency Management Coordinator	\$	3,000.	-	5,000.
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SECTION 9. Clerical

Administrative Assistant/Clerk	\$	30,000.	-	59,000.
Part Time Administrative Assistant	\$	12.00/hr.	-	30.00/hr.

SECTION 10. Police Department

Chief	\$	110,000.	-	146,000.
Captain	\$	120,000.	-	131,000.
Lieutenant	\$	117,000.	-	128,000.
Sergeants	\$	114,000.	-	125,000.
Detective	\$	Stipend		250./mo
Patrol XII	\$	107,000.	-	114,000.
Patrol XI	\$	99,000.	-	99,000.
Patrol X	\$	94,000.	-	94,000.
Patrol IX	\$	88,000	-	114,000.
Patrol VIIIA	\$	97,000.	-	98,000.
Patrol VIII	\$	82,000.	-	92,000.
Patrol VII	\$	76,000.	-	84,000.
Patrol VI	\$	70,000.	-	76,000.
Patrol V	\$	64,000.	-	68,000.
Patrol IV	\$	58,000.	-	60,000.
Patrol III	\$	50,960.	-	52,000.
Patrol II	\$	46,000.	-	46,000.
Patrol I	\$	40,000.	-	40,000.
Records Clerk	\$	30,000.	-	59,000.
School Crossing Guards	\$	6,500.	-	12,000.
School Crossing Guards Daily Rate	\$	48.00	-	54.00
School Crossing Guard ½ Day Rate	\$	24.00	-	27.00
Class II Special Officer	\$	8.	-	20./hr
Class I Special Officer	\$	8.	-	20./hr

SECTION 11. Casual Labor

Casual Labor	\$	8.	-	20./hr
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SECTION 12. Fire Prevention Bureau

<u>Fire Official</u>	\$	<u>20,000.</u>		<u>35,000.</u>
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SECTION 13. Elected Officials

Mayor	\$			1,500.
Councilperson	\$			1,500.

SECTION 2. All ordinances and resolutions or parts of ordinances and resolutions, inconsistent with this amending ordinance be and the same are hereby repealed.

SECTION 3. This amending ordinance shall become effective upon due passage and publication according to law.

APPROVED ON FIRST READING

DATED: January 21, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: January 21, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 223 "FIRE PREVENTION"

WHEREAS, the Governing Body of the Borough of Oceanport has determined that is in the best interest of the Borough of Oceanport to provide its own Fire Prevention Services pursuant with the "Shared Services and Consolidation Act" at N.J.S.A. 40A:65-1 et seq. (The "Act"); and

WHEREAS, the Borough Code shall be amended to reflect that the Borough of Oceanport Fire Prevention Bureau shall be the local enforcement agency for the Borough of Oceanport,

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, in the State of New Jersey, that the following amendments be made to Chapter 223 entitled "Fire Prevention":

NOTE: Additions are underlined and deletions are marked by strike through.

§ 223-6 Designation of enforcement agency.

The local enforcing agency shall be the ~~Borough of Eatontown Bureau of Fire Safety~~
Borough of Oceanport Fire Prevention Bureau for the Borough of Oceanport.

BE IT FURTHER ORDAINED that all other terms and provisions of Article II, Chapter 223, Fire Prevention, Establishment and Management of the Borough Code shall remain unchanged.

BE IT FURTHER ORDAINED that this Ordinance shall take effect upon final passage and publication in accordance with the law.

APPROVED ON FIRST READING

DATED: January 21, 2021

JEANNE SMITH

Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: January 21, 2021

JEANNE SMITH

Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

ORDINANCE

AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 328 "STORMWATER CONTROL"

WHEREAS, the Borough of Oceanport previously adopted a Stormwater Control Ordinance in 2008 (Chapter 328) as a requirement of the NJDEP permit for the Municipal Separate Storm Sewer System (MS4) outfall permit; and

WHEREAS, the NJDEP has recently revised the Stormwater Management Regulations NJAC 7:8. and now requires all municipalities to adopt the revised version of the Stormwater Control Ordinance so that the ordinance is in line with the current regulations; and

WHEREAS, the NJDEP has an initiative to utilize Green Infrastructure Best Management Practices (to the extent practical) to treat stormwater runoff with the goal to maintain natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. The existing Ordinance has standards for water quality, quantity, and groundwater recharge. The revised Ordinance enhances these standards and clarifies which Green Infrastructure method can be utilized to address each of the three standards.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Oceanport, County of Monmouth, State of New Jersey, that Chapter 328 "Stormwater Control" is hereby repealed and replaced with the attached.

BE IT FURTHER RESOLVED, that each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

BE IT FURTHER RESOLVED, that this Ordinance shall take effect immediately upon the approval of the "County Review Agency", as defined herein, or sixty (60) days from the receipt of this ordinance by the County Review Agency if the County Review Agency should fail to either approve or reject this ordinance within such time period, following final adoption hereof and publication of notice of adoption hereof in accordance with law.

APPROVED ON FIRST READING

DATED: January 21, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: January 21, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

Section I. Scope and Purpose:

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by Borough of Oceanport

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any

other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

"CAFRA Centers, Cores or Nodes" means those areas with boundaries incorporated by reference or revised by the Department in accordance with N.J.A.C. 7:7-13.16.

"CAFRA Planning Map" means the map used by the Department to identify the location of Coastal Planning Areas, CAFRA centers, CAFRA cores, and CAFRA nodes. The CAFRA Planning Map is available on the Department's Geographic Information System (GIS).

"Community basin" means an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond, established in accordance with N.J.A.C. 7:8-4.2(c)14, that is designed and constructed in accordance with the New Jersey Stormwater Best Management Practices Manual, or an alternate design, approved in accordance with N.J.A.C. 7:8-5.2(g), for an infiltration system, sand filter designed to infiltrate, standard constructed wetland, or wet pond and that complies with the requirements of this chapter.

"Compaction" means the increase in soil bulk density.

"Contributory drainage area" means the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

"Core" means a pedestrian-oriented area of commercial and civic uses serving the surrounding municipality, generally including housing and access to public transportation.

"County review agency" means an agency designated by the County Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

1. A county planning agency or county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.
2. A county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

“Department” means the Department of Environmental Protection.

“Designated Center” means a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

“Design engineer” means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

“Disturbance” means the placement or reconstruction of impervious surface or motor vehicle surface, or exposure and/or movement of soil or bedrock or clearing, cutting, or removing of vegetation. Milling and repaving is not considered disturbance for the purposes of this definition.

“Drainage area” means a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

“Environmentally constrained area” means the following areas where the physical alteration of the land is in some way restricted, either through regulation, easement, deed restriction or ownership such as: wetlands, floodplains, threatened and endangered species sites or designated habitats, and parks and preserves. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

“Empowerment Neighborhoods” means neighborhoods designated by the Urban Coordinating Council “in consultation and conjunction with” the New Jersey Redevelopment Authority pursuant to N.J.S.A 55:19-69.

“Erosion” means the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

“Green infrastructure” means a stormwater management measure that manages stormwater close to its source by:

1. Treating stormwater runoff through infiltration into subsoil;
2. Treating stormwater runoff through filtration by vegetation or soil; or
3. Storing stormwater runoff for reuse.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Lead planning agency” means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2, that serves as the primary representative of the committee.

“Major development” means an individual “development,” as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

Major development includes all developments that are part of a common plan of development or sale (for example, phased residential development) that collectively or individually meet any one or more of paragraphs 1, 2, 3, or 4 above. Projects undertaken by any government agency that otherwise meet the definition of “major development” but which do not require approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., are also considered “major development.”

“Motor vehicle” means land vehicles propelled other than by muscular power, such as automobiles, motorcycles, autocycles, and low speed vehicles. For the purposes of this definition, motor vehicle does not include farm equipment, snowmobiles, all-terrain vehicles, motorized wheelchairs, go-carts, gas buggies, golf carts, ski-slope grooming machines, or vehicles that run only on rails or tracks.

“Motor vehicle surface” means any pervious or impervious surface that is intended to be used by “motor vehicles” and/or aircraft, and is directly exposed to precipitation including, but not limited to, driveways, parking areas, parking garages, roads, racetracks, and runways.

“Municipality” means any city, borough, town, township, or village.

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

“Node” means an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

“Nutrient” means a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

“Person” means any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

“Pollutant” means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. “Pollutant” includes both hazardous and nonhazardous pollutants.

“Recharge” means the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

“Regulated impervious surface” means any of the following, alone or in combination:

1. A net increase of impervious surface;
2. The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
3. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
4. The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

“Regulated motor vehicle surface” means any of the following, alone or in combination:

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant, where the water quality treatment will be modified or removed.

“Sediment” means solid material, mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water or gravity as a product of erosion.

“Site” means the lot or lots upon which a major development is to occur or has occurred.

“Soil” means all unconsolidated mineral and organic material of any origin.

“State Development and Redevelopment Plan Metropolitan Planning Area (PA1)” means an area delineated on the State Plan Policy Map and adopted by the State Planning Commission that is intended to be the focus for much of the State’s future redevelopment and revitalization efforts.

“State Plan Policy Map” is defined as the geographic application of the State Development and Redevelopment Plan’s goals and statewide policies, and the official map of these goals and policies.

“Stormwater” means water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, or is captured by separate storm sewers or other sewage or drainage facilities, or conveyed by snow removal equipment.

“Stormwater management BMP” means an excavation or embankment and related areas designed to retain stormwater runoff. A stormwater management BMP may either be normally dry (that is, a detention basin or infiltration system), retain water in a permanent pool (a retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

“Stormwater management measure” means any practice, technology, process, program, or other method intended to control or reduce stormwater runoff and associated pollutants, or to induce or control the infiltration or groundwater recharge of stormwater or to eliminate illicit or illegal non-stormwater discharges into stormwater conveyances.

“Stormwater runoff” means water flow on the surface of the ground or in storm sewers, resulting from precipitation.

“Stormwater management planning agency” means a public body authorized by legislation to prepare stormwater management plans.

“Stormwater management planning area” means the geographic area for which a stormwater management planning agency is authorized to prepare stormwater management plans, or a specific portion of that area identified in a stormwater management plan prepared by that agency.

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

“Urban Coordinating Council Empowerment Neighborhood” means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

“Urban Enterprise Zones” means a zone designated by the New Jersey Enterprise Zone Authority pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et. seq.

“Urban Redevelopment Area” is defined as previously developed portions of areas:

1. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
2. Designated as CAFRA Centers, Cores or Nodes;
3. Designated as Urban Enterprise Zones; and
4. Designated as Urban Coordinating Council Empowerment Neighborhoods.

“Water control structure” means a structure within, or adjacent to, a water, which intentionally or coincidentally alters the hydraulic capacity, the flood elevation resulting from the two-, 10-, or 100-year storm, flood hazard area limit, and/or floodway limit of the water. Examples of a water control structure may include a bridge, culvert, dam, embankment, ford (if above grade), retaining wall, and weir.

“Waters of the State” means the ocean and its estuaries, all springs, streams, wetlands, and bodies of surface or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

“Wetlands” or “wetland” means an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Section III. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 - 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 - 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
 - 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 - 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 - 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.

- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Cistern	0	Yes	No	--
Dry Well ^(a)	0	No	Yes	2
Grass Swale	50 or less	No	No	2 ^(e) 1 ^(f)
Green Roof	0	Yes	No	--
Manufactured Treatment Device ^{(a) (g)}	50 or 80	No	No	Dependent upon the device
Pervious Paving System ^(a)	80	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Bioretention Basin ^(a)	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Small-Scale Infiltration Basin ^(a)	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations ^(a) through ^(g) are found on Page 15)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)
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Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found on Page 15)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section IV.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at Section II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars

- of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Monmouth County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing.

The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if

the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Monmouth County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed three times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

3. To satisfy the stormwater runoff quantity standards at Section IV.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section IV.G.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R.
 5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.
- P. Groundwater Recharge Standards
1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
 2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
 4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or

indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)	Time (Minutes)	Cumulative Rainfall (Inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900
19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

5. If more than one BMP in series is necessary to achieve the required 80 percent TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$$R = A + B - (A \times B) / 100,$$

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

A. Stormwater runoff shall be calculated in accordance with the following:

- 1. The design engineer shall calculate runoff using one of the following methods:
 - i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds* (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
 3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
 4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
 5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.
- B. Groundwater recharge may be calculated in accordance with the following:

The New Jersey Geological Survey Report GSR-32, A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at:

<https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf>

or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

Section VI. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

- B. Submissions required for review by the Department should be mailed to:

The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

Section VII. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

2. The standard in A.1. above does not apply:

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to

prevent delivery of all solid and floatable materials that could not pass through one of the following:

- a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

Section VIII. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - 3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With

the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;

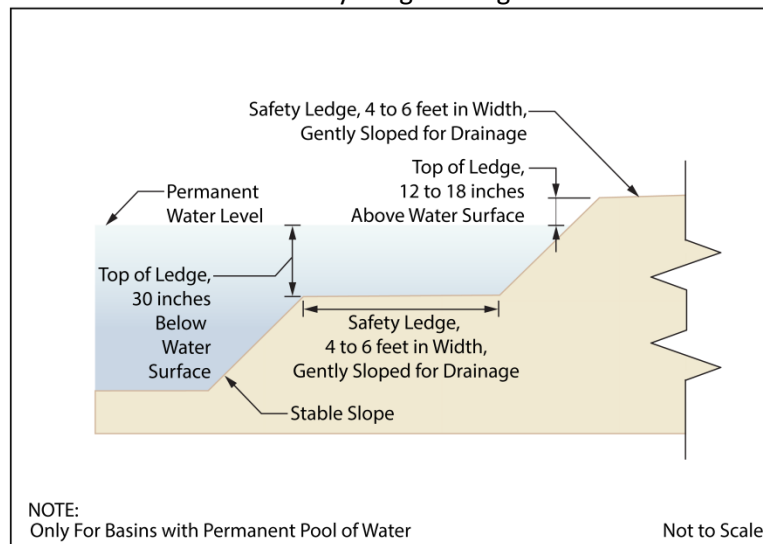
- ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
- iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section IX.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit 14 copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of Sections III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section IX.C.1 through IX.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

Section X. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:

- i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
8. The requirements of Section X.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

Note: It may be appropriate to delete requirements in the maintenance and repair plan that are not applicable if the ordinance requires the facility to be dedicated to the Borough. If the Borough does not want to take this responsibility, the ordinance should require the posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53. Maintenance and inspection guidance can be found on the Department's website at:

https://www.njstormwater.org/maintenance_guidance.htm.

9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

Section XI. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to subject to a fine under the general penalty provisions, Chapter 1, §1-15, General Penalty.