

Workshop
****MINUTES****

July 28, 2021

6:30 P.M.

Work Session of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.

1. Meeting Called to Order and Roll Call
The meeting was called to order by Mayor Reynolds at 6:35 P.M.

Roll Call: Present: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti,
and Mayor Reynold

Absent: C/Wojyn

Also Present Borough Attorney Joseph Youssouf, Finance Officer Sylvia Eryan-Hawileh, and 2nd Deputy Municipal Clerk Gretchen McCarthy.
2. Discussion Items:
 - A. Shared Services with Monmouth County for Study of Dam Structure
Mayor Reynolds explained that the dam needs substantial work. Monmouth County has agreed to a 50% share of the costs. The estimate for repairs is \$1.2 million in addition to half of the \$135,000 for engineering initial studies. A bond ordinance is listed to be introduced under new business on this evening's agenda. Fines could be incurred by NJDEP if no action is taken.
 - B. Gordon's Corner Water Company Rate Increase BPU Petition
Mayor Reynolds informed Council that Gordon's Corner Water Company has petitioned the Board of Public Utilities for a 20% rate increase. The Borough will be seeking a bulk rate from the water company after their petition gains B.P.U. approval.
 - C. LEAP Implementation Grant for High Resolution Aerial Imagery
Mayor Reynolds also informed Council that Monmouth County has notified the Borough of grant availability for High Resolution Aerial Imagery, which will be of no cost to Englishtown. A resolution has been prepared to take part in the shared service should Council wish to do so.

- D. Borough Telephone Service
Due to recent poor performance with the current telephone situation, Mayor Reynolds explained that costs could be incurred should the Borough leave current carrier Windstream. Council discussed options available and arrived at the decision to end services with Windstream due to the numerous times the Borough has had no telephone service.
3. Adjournment
- There being no further business a motion to adjourn the workshop was offered by C/Mann, Seconded by C/Robilotti, with all present Council members in favor. C/Francisco and C/ Wojyn were absent. Time of adjournment 6:52pm.

Regular Meeting of the Mayor and Council of the Borough of Englishtown, 15 Main Street, Englishtown, New Jersey 07726.

1. Meeting Called to Order and Roll Call
The meeting was called to order by Mayor Reynolds at 6:53 P.M.
- Roll Call: Present: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti, and Mayor Reynolds
- Absent: C/Wojyn
- Also Present Borough Attorney Joseph Youssouf, Finance Officer Sylvia Eryan-Hawileh, 2nd Deputy Municipal Clerk Gretchen McCarthy.
2. Statement of Compliance with Sunshine Law
Borough Attorney Youssouf announced that pursuant to N.J.S.A. 10 4-6 notification of this meeting has been (1) Published in the Asbury Park Press and the News Transcript the Official Newspapers of the Borough, (2) Posted to the Public at Borough Hall, (3) Copy has been filed with the Municipal Clerk, (4) Copy of this agenda and the Sunshine Statement has been filed with the Mayor and Council. This meeting was deemed in compliance with the Open Public Meetings Act.
3. Moment of Silence and Salute to the Flag were led by Mayor Reynolds
4. Approval of Minutes
June 23, 2021 Regular Meeting

There being no corrections, deletions or additions, a motion to approve the June 23, 2021 Regular Meeting minutes was made by C/Robilotti, seconded by C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
Nays: None
Abstain: C/Wojyn
Absent: None

Mr. Francisco stated that he misspoke at the June 23, 2021 meeting when he voted yes on Ordinance 2021-04. It was his intention to vote no.

5. Committee Reports

Councilmember Francisco, Code Enforcement, Public Health, Welfare & Public Events, had no report.

Council member Krawiec, Public Utilities, had no report.

Council member Marter, Legislative, Insurance and licenses stated that Go Daddy needs a banking routing number for billing as they no longer accept purchase orders. Finance Officer Eryan-Hawileh informed Council that the Borough's bank no longer does ACH payments, therefore the requested banking information cannot be provided. After further discussion, Mayor Reynolds stated that he would provide a credit card and put in for reimbursement in order to facilitate this matter.

Councilmember Mann, Public Buildings & Grounds, reported that the Monmouth County Road crew, this morning, inspected and found erosion around the sewer grate by Main Street and Center Street. The County is looking into repairing this, but they will not repair the curb or the sidewalk. Mayor Reynolds added that the County was also at Rt. 527 by Rick's Saddle Shop to clean out the storm drains across the street and found a pipe to the lake that needs replacement. The Borough's infrastructure is aging.

Councilmember Robilotti, Administration, Finance and Personnel, reported that there was no planning board meeting this month and the newly hired violations clerk has started.

Councilmember Wojyn, Public Safety, was absent.

6. Correspondence

The following correspondence was noted as having been received:

- Mayor & Council received on July 3rd, from the CFO, the June 2021 Budget Report
- Received on June 0, 2021, a letter from Earl Brown on behalf of Mrs. Marlene Rucker recommending the placement of the memorial bench for former Councilman Rudy Rucker at the Borough Veterans Park.

- Received June 30, 2021, a letter from Earl Brown of Hamilton Street regarding outdated signs on the corner of South Main Street and Park Avenue.
- A reminder to please submit your council reports to the Clerk

Mayor Reynolds reported that he did investigate the area around the lake and found that the geese and duck droppings were terrible, and he recommended the bench for former Councilman Rucker be placed elsewhere.

Mayor Reynolds also informed Council that he has sent a letter to Monmouth County for a “no right on red” designation at the corner of Water Street and Main Street.

7. **Open Public Portion/Limited to Agenda Items Only**
Limited to Five (5) Minutes per citizen to be determined at Borough Council’s discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

Motion was made by C/Robilotti, seconded by C/Mann approved on the following roll call vote to open to public comment:

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
 Nays: None
 Abstain: None
 Absent: C/Wojyn

Public Comment:

Englishtown Police Chief Cooke made inquiry regarding the resolution on the agenda regarding his contract.

There being no further comments, motion was made by C/Robilotti, seconded by C/Marter approved on the following roll call vote to close to public comment.

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
 Nays: None
 Abstain: None
 Absent: C/Wojyn

8. **Old Business:**

Ordinance No. 2021-04 – Second Reading and Public Hearing

ORDINANCE NO. 2021-04

**AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 2.130.09
“PROHIBITED USES” OF CHAPTER 2.130 “ZONING” OF THE CODE OF THE
BOROUGH OF ENGLISHTOWN PROHIBITING THE OPERATION OF ANY CLASS
OF CANNABIS BUSINESS WITHIN THE TERRITORIAL LIMITS OF THE BOROUGH
OF ENGLISHTOWN**

WHEREAS; IN 2020 the New Jersey electorate approved Public Question No.1 amending the New Jersey Constitution legalizing a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

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

WHEREAS; the Act establishes six (6) marketplace classes of licensed businesses, including:

Class 1 Cannabis Cultivator license, for facilities involved in the growing and cultivating cannabis;

Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation and packaging of cannabis items

Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

Class 4 Cannabis Distributor license, for businesses involved in transporting cannabis plants in bulk from a licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

Class 5 Cannabis Retailer licenses for locations at which cannabis items and related supplies are sold to consumers; and

Class 6 Cannabis Delivery license for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchased items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for the fulfillment by a retailer and then delivered to a consumer; and

WHEREAS; section 31 a of the Act authorizes municipalities adopt an ordinance governing the number of cannabis establishments as defined in section 3 of the Act; and

WHEREAS; section 31 b of the Act provides that any municipality that wishes to prohibit the application of the provisions of the Act within its boundaries must adopt an ordinance or regulations within 180 days of effective date of the Act, i.e., by August 22, 2021; and

WHEREAS; pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five (5) years thereafter the growing, cultivation, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS; at the conclusion of the initial and any subsequent five-year period following failure to enact local regulations or prohibitions, the municipality again shall have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, however, such

ordinance prohibitions would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS; the Mayor and Council of the Borough of Englishtown have determined that due to present uncertainties regarding the potential future impacts of allowing one or more cannabis businesses to operate within the Borough, it is at this time necessary, desirable and in the public interest to amend the Zoning ordinance of the Borough of Englishtown to prohibit all manner of cannabis related land use and development within the geographic boundaries of the Borough of Englishtown.

NOW THEREFORE BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Englishtown as follows:

ARTICLE I: Section 2.130.09 B of the Code of the Borough of Englishtown is hereby amended to include new subsection:

(12) CANNABIS, *“All classes of cannabis establishments or cannabis distributors or cannabis delivery service, as said terms are defined in section 3 of P.L 2021 c.16, but not the delivery of cannabis items and related supplies by a delivery service are prohibited uses. Pursuant to section 31 b. of the New Jersey Cannabis Regulatory Enforcement Assistance and Marketplace Modernization Act (P.L. 2021.c.16) all cannabis establishments, distributors, or cannabis delivery services are prohibited from opening or operating anywhere within the Borough of Englishtown except for the delivery of cannabis items and related supplies by a delivery service from another jurisdiction.”*

ARTICLE II. Any article, section, paragraph, subsection, clause or other provision of this ordinance inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

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

ARTICLE IV. This ordinance shall take effect upon its passage and publication and filing with the Monmouth County Planning Board, and as otherwise provide by law.

Motion was made by C/Robilotti, seconded by C/Mann approved on the following roll call vote to open to public comment on Ordinance 2021-04

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
 Nays: None
 Abstain: None
 Absent: C/Wojyn

Public Comment on Ordinance 2021-04:

Jonathan Powers, 361 Stelton Road, Piscataway, NJ, Union Representative of the United Food and Commercial Workers Union Local 360-AFL-CIO - requested Council table this ordinance and instead review and consider adopting an ordinance similar to the one adopted by the city of Bayonne on this matter.

Lauren Roth, 40 Tennent Avenue – questioned claims of economic benefits in having cannabis businesses in the Borough and whether costs of having same were estimated or researched. Council should prohibit such businesses until further research could be done.

William Lewis, 50 Lasatta Avenue – inquired whether the Borough researched which class of business it might consider permitting

Kim Sabin, 22 Tennent Avenue – suggested the question of having cannabis businesses in the Borough be posed as a question on the ballot for voters to decide.

The Mayor, Council and Borough Attorney discussed points made and options available to the Borough under statutory requirements. Borough Attorney Youssof also gave explanation on land use regulations and the master plan of the Borough. The option of a ballot question and other possibilities to ascertain resident opinions were also discussed.

Motion was made by C/Mann, seconded by C/Robilotti approved on the following roll call vote to close to public comment on the 2021-04

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
 Nays: None
 Abstain: None
 Absent: C/Wojyn

Procedural steps of a ballot question and the possibility of a survey to obtain resident opinions were discussed amongst Council with the Borough Attorney.

Motion was made by C/Krawiec, seconded by C/Mann and approved on the following roll call vote for adoption of Ordinance 2021-04, entitled, ‘An Ordinance Amending and Supplementing Section 2.130.09 “Prohibited Uses” of Chapter 2.130 “Zoning” of the Code of the Borough of Englishtown Prohibiting the Operation of Any Class of Cannabis Business Within the Territorial Limits of the Borough of Englishtown’.

Roll Call: Ayes: C/Krawiec, C/Mann, C/Robilotti
 Nays: C/Francisco, C/Marter
 Abstain: None
 Absent: C/Wojyn

**RESOLUTION OF THE BOROUGH OF ENGLISHTOWN MAYOR AND
COUNCIL FOR A CLOSED OR EXECUTIVE SESSION
PURSUANT TO N.J.S.A. 10:4-13**

WHEREAS, N.J.S.A. 10:4-12b provides that a public body may exclude the public from that portion of a meeting at which the body discusses: Potential Litigation and Personnel.

1. Any matter which, by express provision of Federal Law or State statute or rule of court, shall be rendered confidential;
2. Any matter in which the release of information would impair a right to receive funds from the Government of the United States;
3. Any material, the disclosure of which constitutes an unwarranted invasion of individual privacy such as any records or personal material including health records, legal defense, insurance, etc.;
4. Any collective bargaining agreement or terms and conditions related thereto;
5. Any matter involving the purchase, lease or acquisition of real property with public funds;
6. Any tactics and techniques utilized in protecting the public safety and property;
7. Any pending or anticipated litigation or contract negotiation wherein the public body is, or may, become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required;
8. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of performance of, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee, employed or appointed by the public body;
9. Any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit; and

WHEREAS, N.J.S.A. 10:4-13 provides that a public body may not exclude the public from any meeting to discuss any matters described in N.J.S.A. 10:4-12 until the public body has adopted a resolution at a meeting to which the public shall be admitted, stating the general nature of the subject to be discussed and stating as precisely as possible, the time and when the circumstances under which the discussion conducted in a closed session of the public body can be disclosed to the public; and

WHEREAS, the Mayor and Council of the Borough of Englishtown believe that a closed session pursuant to Section 4 of N.J.S.A. 10:4-12b is required to discuss contract negotiations.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the public be excluded from this portion of the public meeting convened on the 28th day of July, 2021 pursuant to Section 4 of the Open Public Meetings Act.

BE IT FURTHER RESOLVED that the minutes of this executive session will be made public when it is no longer required that the subject matter discussed be kept privileged.

Offered by: C/Robilotti

Seconded by: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: C/Wojyn

Council returned from Executive Session to continue consideration of agenda matters.

RESOLUTION NO. 2021-103 (*tabled from May 26, 2021 & June 23, 2021 meetings*)

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ENGLISHTOWN APPROVING CONTRACT OF CHIEF PETER COOKE OF THE ENGLISHTOWN POLICE DEPARTMENT

WHEREAS, the maintenance of an orderly police administration is essential to the public welfare of the Borough of Englishtown; and

WHEREAS, in order to effectuate this, the Mayor and Council of the Borough of Englishtown, on December 17, 2018 adopted Resolution 2018-152, which appointed Peter S. Cooke, Jr. as the Chief of the Englishtown Police Department; and

WHEREAS, said Resolution 2018-152 also approved the employment contract of the Englishtown Chief of Police for the year 2019; and

WHEREAS, the Mayor and Council wish to enter into an employment contract with Chief Cooke for the year 2020.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Englishtown, County of Monmouth, New Jersey, that the 2020 employment contract with Chief Peter S. Cooke, Jr. be and is hereby approved.

Offered by: C/Marter

Seconded by: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
Nays: None
Abstain: None
Absent: C/Wojyn

9. New Business:

**BOROUGH OF ENGLISHTOWN
ORDINANCE NUMBER 2021-05**

**BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE
ENGLISHTOWN LAKE DAM, BY AND IN THE BOROUGH OF
ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW
JERSEY; APPROPRIATING \$750,000 THEREFOR AND AUTHORIZING THE
ISSUANCE OF \$712,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE
PART OF THE COST THEREOF**

BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ENGLISHTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

SECTION 1. The improvements or purposes described in Section 3 of this bond ordinance are hereby authorized as general improvements or purposes to be undertaken by the Borough of Englishtown, in the County of Monmouth, State of New Jersey (the “Borough”). For said improvements or purposes stated in Section 3, there is hereby appropriated the sum of \$750,000, said sum being inclusive of the sum of \$37,500 as the amount of down payment for said improvements or purposes required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the “Local Bond Law”). The down payment is now available by virtue of a provision or provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvements or purposes described in Section 3 hereof and to meet the part of said \$750,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$712,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$712,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is for improvements to Englishtown Lake Dam, said improvements to include, but not be limited to, assessment

and improvements to the dam and dam spillway together with assessment and improvements to associated bridges, roadways, curbs, sidewalks, and retaining walls, as applicable, and also including all engineering, surveys, work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.

(b) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is \$712,500.

(c) The estimated cost of said purpose is \$750,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of \$712,500, is the down payment for said improvement or purpose in the amount of \$37,500.

SECTION 4. In the event the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity make a contribution or grant in aid to the Borough for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, the County of Monmouth and/or a private entity shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough (the "Chief Financial Officer"), provided that no note shall mature later than one (1) year from its date unless such bond anticipation notes are permitted to mature at such later date in accordance with applicable law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith and a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, is on file in the Office of the Borough Clerk and is available for public inspection.

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense and is an improvement or purpose which the Borough may lawfully undertake as a general improvement or purpose, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15 years.

(c) The supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Borough Clerk and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by \$712,500 and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$350,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose herein before described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use proceeds to pay or reimburse expenditures for the costs of the purpose described in Section 3 of this bond ordinance. This Section 9 is a declaration of intent within the meaning and for purpose of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

SECTION 10. The Borough Chief Financial Officer is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The Borough Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

SECTION 11. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under this bond ordinance.

MOTION TO APPROVE ORDINANCE 2021-05 ON FIRST READING, SECOND READING SET FOR AUGUST 25, 2021:

Offered By: C/Krawiec

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: C/Wojyn

**BOROUGH OF ENGLISHTOWN
ORDINANCE 2021-06**

**AN ORDINANCE OF THE BOROUGH OF ENGLISHTOWN AMENDING
CHAPTER 2.54 OF THE CODE OF THE BOROUGH OF ENGLISHTOWN,
ENTITLED “MUNICIPAL STORMWATER CONTROL” BY AMENDING
VARIOUS SECTIONS OF SAME**

BE IT ORDAINED, by the Borough Council of the Borough of Englishtown, County of Middlesex and State of New Jersey as follows:

SECTION 1: PURPOSE

The purpose of this Ordinance is to revise certain sections of the Borough of Englishtown Ordinance pursuant to the recommendations of the New Jersey Department of Environmental Protection (NJDEP)

SECTION 2: ORDINANCE

Chapter 2.54 – Municipal Stormwater Control

Sections:

2.54.01 Scope and Purpose

2.54.02 Definitions

2.54.03 Design and Performance Standards for Stormwater Management Measures

2.54.04 Stormwater Management Requirements for Major Development

2.54.05 Calculation of Stormwater Runoff and Groundwater Recharge:

2.54.06 Sources for Technical Guidance

2.54.07 Solids and Floatable Materials Control Standards

2.54.08 Safety Standards for Stormwater Management Basins

2.54.9 Requirements for a Site Development Stormwater Plan

2.54.10 Maintenance and Repair

2.54.11 Penalties

2.54.12 Severability

2.54.13 Effective Date

2.54.14 Refuse Containers/Dumpsters

2.54.15 Private Storm Drain Inlet Retrofitting Ordinance

(ord. 2009-08, Added 6/1/2009; Ord. 2006-07, added 5/10/2006)

2.54.01 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 2.54.02.

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 Englishtown Borough.

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.

2.54.02 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 Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

A county planning agency or

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 sub watershed, 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 2.54.04.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 2-, 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.

2.54-03 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

2.54.04 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 2.54.10.

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 muhlenbergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Sections 2.54.04.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 Sections 2.54.04.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 Sections 2.54.04.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Sections 2.54.04.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 Section 2.54.04.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Sections 2.54.04.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 Sections 2.54.04.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	--

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)				
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

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 ^(e)	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 2.54.04.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 2.54.02;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 2.54.02.

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 2.54.06.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 2.54.04.O only if the measures meet the definition of green infrastructure at Section 2.54.02. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 2.54.04.O.2 are subject to the contributory drainage area limitation specified at Section 2.54.04.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 2.54.04.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 2.54.04.D is granted from Section 2.54.04.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 2.54.08.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 2.54.08; 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 2.54.04.O.4.

K. Any application for a new agricultural development that meets the definition of major development at Section 2.54.02 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 2.54.04.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 Sections 2.54.04.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 Sections 2.54.04.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 2.54.10.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 2.54.04 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 2.54.04.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 2.54.04.F. and/or an alternative stormwater management measure approved in accordance with Section 2.54.04.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 2.54.04.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 2.54.04.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 2.54.04.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 2.54.04.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 2.54.04.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 Sections 2.54.04.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 2.54.04.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 Sections 2.54.04.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 2.54.05, 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.

2.54.05 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 2.54.05.A.1.i and the Rational and Modified Rational Methods at Section 2.54.05.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/greport/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.

2.54.06 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.

2.54.07 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 2.54.04.F above, or alternative designs in accordance with Section 2.54.04.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.

2.54.08 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 Sections 2.54.08.C.1, 2.54.08.C.2, and 2.54.08.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.

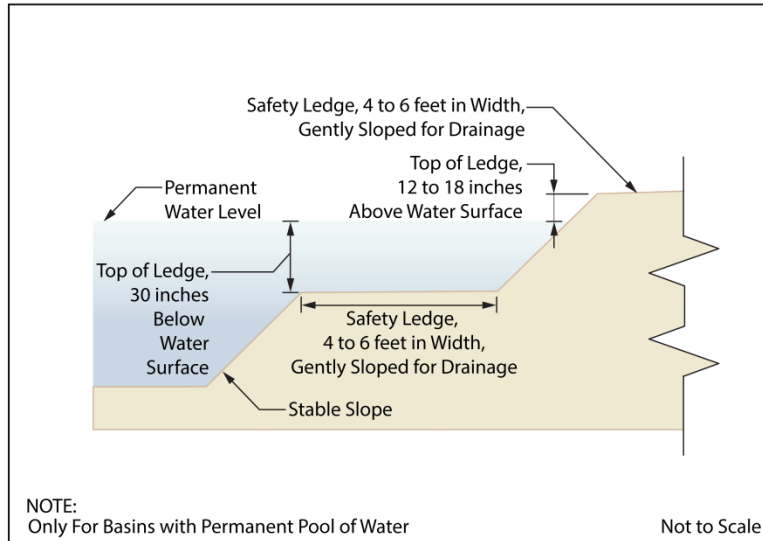
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The 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 2.54.08.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 Section 2.54.08.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



2.54.9 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 2.54.09.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 [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with 2.54.09.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 2.54.04 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 2.54.10.

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 2.54.09.C.1 through 2.54.02.54.10.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.

2.54.10 Maintenance and Repair:

A. Applicability

Projects subject to review as in 2.54.01.C of this ordinance shall comply with the requirements of Sections 2.54.10.B and 2.54.10.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 2.54.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 2.54.10.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 2.54.10.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 Sections 2.54.10.B.6 and B.7 above.

8. The requirements of Section 2.54.10.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.

The party responsible for the maintenance and repair of the stormwater management measure, shall post 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

2.54.11 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 the following penalties:

A fine not to exceed five hundred (\$500.00) dollars or imprisonment in the County Jail for a period not to exceed ninety (90) days, or both.

2.54.12 Severability:

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.

2.54.13 Effective Date:

This ordinance shall take effect immediately upon approval by the County review agency, or sixty (60) days from the receipt of the ordinance by the County review agency if the County review agency should fail to act.

2.54.14 Refuse Containers/Dumpsters

A. Purpose

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times and prohibits the spilling, dumping, leaking or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Englishtown and/or the waters of the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. 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.

1. *Municipal separate storm sewer system (MS4)* - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by the Borough of Englishtown or other public body, and is designed and used for collecting and conveying stormwater.
2. *Person* - any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
3. *Refuse container* - any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.
4. *Stormwater* - means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.
5. *Waters of the State* - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct

Any person who controls, whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing.

Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Englishtown.

D. Exceptions to Prohibition

1. Permitted temporary demolition containers
2. Litter receptacles (other than dumpsters or other bulk containers)
3. Individual homeowner trash and recycling containers
4. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit
5. Large bulky items (e.g., furniture, bound carpet and padding, white goods placed curbside for pickup)

E. Enforcement

This ordinance shall be enforced by the Police Department and/or Municipal Code Enforcement Officer of the Borough of Englishtown.

F. Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00).

G. Severability

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.

H. Effective date

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

(Ord. 2009-08, Added 6/1/2009)

2.54.15 Private Storm Drain Inlet Retrofitting Ordinance

A. Purpose

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer(s) operated by the Borough of Englishtown so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

B. 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.

1. *Municipal separate storm sewer system (MS4)* - a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Englishtown or other public body, and is designed and used for collecting and conveying stormwater.
2. *Person* - any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
3. *Storm drain inlet* - an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.
4. *Waters of the State* - means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

C. Prohibited Conduct

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

1. Already meets the design standard below to control passage of solid and floatable materials; or

2. Is retrofitted or replaced to meet the standard in Section V below prior to the completion of the project.

D. Design Standard

Storm drain inlets identified in Section IV above 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 V.3 below.

1. Design engineers shall use either 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:
 - a. 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 (April 1996); or
 - b. 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 surface include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

2. Whenever design engineers use a curb-opening inlet, 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.
3. This standard does not apply:
 - a. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;
 - b. Where flows 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:
 - i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

- ii. A bar screen having a bar spacing of 0.5 inches.
- c. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or
- d. 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.

E. Enforcement

This ordinance shall be enforced by the Police Department and/or Municipal Code Enforcement Officer of the Borough of Englishtown.

F. Penalties

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each storm drain inlet that is not retrofitted to meet the design standard.

G. Severability

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.

H. Effective date

This ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

MOTION TO APPROVE ORDINANCE 2021-06 ON FIRST READING, SECOND READING SET FOR AUGUST 25, 2021:

Offered By: C/ Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: C/Wojyn

RESOLUTION NO. 2021-118

**APPOINTMENT OF CLASS II
SPECIAL LAW ENFORCEMENT OFFICER**

WHEREAS, there is a need to hire a Class II Special Law Enforcement Officer;
and

WHEREAS, the Chief of Police has recommended Cynthia Buckel of Keyport,
N.J. for the position; and

WHEREAS, the appointment was conditional upon Cynthia Buckel passing a
background investigation, psychological evaluation, physical examination, drug testing
by urinalysis, and firearms qualifications; and

WHEREAS, Cynthia Buckel was sworn in by the Deputy Municipal Clerk on
June 23, 2021 as a Class II Special Law Enforcement Officer for the Borough of
Englishtown.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the
Borough of Englishtown, County of Monmouth, State of New Jersey that Cynthia Buckel
is hereby appointed Class II Special Law Enforcement Officer for the Borough of
Englishtown as follows:

1. Appointment is effective June 23, 2021.
2. Salary is effective June 23, 2021 in the amount of \$15.00 per hour, paid semi-monthly per the salary ordinance.
3. That said appointment is probationary for one year and said probation shall culminate on June 22, 2022.
4. That said appointment is for the remainder of this calendar year and subject to re-appointment annually.

BE IT FURTHER RESOLVED, that a certified true copy of this resolution be
forwarded to the Chief of Police, Chief Financial Officer, the Police Training
Commission, the Police Commission and Cynthia Buckel.

Offered By: C/Robilotti

Seconded By: C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: C/Wojyn

RESOLUTION NO. 2021-119

**RESOLUTION REGRETFULLY ACCEPTING THE
RESIGNATION OF TIMOTHY G. LEITSTEIN**

WHEREAS, Timothy G. Leitstein has served as a police officer for the Borough of Englishtown since May 6, 2019; and

WHEREAS, Timothy G. Leitstein has notified the Chief of Police that his last day of employment shall be July 22, 2021.

NOW, THEREFORE, BE IT RESOLVED that:

1. The Englishtown Borough Council regretfully accepts the resignation of Timothy G. Leitstein.
2. That a certified copy of this Resolution be delivered to the Chief Financial Officer.

Offered By: C/Robilotti

Seconded By: C/Marter

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
Nays: None
Abstain: None
Absent: C/Wojyn

RESOLUTION NO. 2021-120

**AUTHORIZING THE ACCEPTANCE OF THE STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE
ATTORNEY GENERAL BODY-WORN CAMERA GRANT PROGRAM STATE
FISCAL YEAR 2021**

WHEREAS, the Borough of Englishtown desires to accept funding in the amount of \$20,380.00, with no match, under the SFY21 Body-Worn Camera Grant Program. State Account BFY21-100-066-1020-95, Award Number 21-BWC-137, Award period January 1, 2021-December 31, 2025; and

WHEREAS, the Borough of Englishtown has reviewed the accompanying application and has approved said requests; and

WHEREAS, this project is a joint effort between the Department of Law and Public Safety Office of the Attorney General and the Borough of Englishtown Police Department for the purpose described in the application.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that:

1. As a matter of public policy, the Borough of Englishtown wishes to participate to the fullest extent possible with the Department of Law and Public Safety, Office of the Attorney General;
2. The Attorney General will receive funds on behalf of the applicant
3. The Office of the Attorney General will be responsible for the receipt and review of the application for said funds;
4. The Office of the Attorney General will initiate allocations to each applicant as authorized.

Offered By: C/Robilotti

Seconded By: C/Krawiec

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: C/Wojyn

- A. Resolution No. 2021-121
Authorize Redemption of Tax Lien and Return of Premium on Tax Sale Certificate

RESOLUTION NO. 2021-121

AUTHORIZING REFUND OF TAX SALE CERTIFICATE & REFUND OF PREMIUM PAID AT TAX SALE

WHEREAS, the Borough of Englishtown Tax Collector has reported that the following Tax Sale Certificate has been sold to US Bank Global Corp Trust Services, 50 South 16th St., Suite #2050, Philadelphia, PA 19102:

Tax Sale Certificate No. 19-00001

Block 2, Lot 20.17

17 Carriage Lane

in the amount of \$1,081.29

WHEREAS, US Bank Global Corp. also paid \$100.00 as a premium to obtain Tax Sale Certificate; and

WHEREAS, the above-mentioned certificate has been voided by the tax collector and the holder is also entitled to a refund of the premium paid to obtain said certificate for a total refund amount of \$1,181.29.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, State of New Jersey that it hereby authorizes payment in the amount of \$1,181.29 to US Bank Global Corp Trust Services, 50 South 16th St., Suite #2050, Philadelphia, PA 19102

BE IT FURTHER RESOLVED that a certified true copy of this Resolution be forwarded to the Borough's Tax Collector and Chief Financial Officer.

Offered By: C/Mann

Seconded By: C/Francisco

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
Nays: None
Abstain: None
Absent: C/Wojyn

RESOLUTION NO. 2021-122

AUTHORIZING PAYMENT CERTIFICATE #1 (PARTIAL) FOR 2020 ANNUAL ROAD PROGRAM FOR RECONSTRUCTION OF HAMILTON STREET, HERITAGE DRIVE AND RAYMOND COURT.

WHEREAS, the Borough of Englishtown had previously awarded a contract (via Resolution 2021-071) for the project known as the 2020 Annual Road Program for the reconstruction of Hamilton Street, Heritage Drive and Raymond Court, to Earle Asphalt Company in the amount of \$435,413.30; and

WHEREAS, Earle Asphalt Company has submitted invoices to Borough Engineer Thomas Herits, (known as payment certificate #1) in the partial amount of amount of \$96,533.85; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Englishtown does hereby authorize payment of \$93,533.85 for payment certificate #1(partial) to Earle Asphalt Company of Farmingdale, New Jersey for the 2020 Annual Road Program for the reconstruction of Hamilton Street, Heritage Drive and Raymond Court

BE IT FURTHER RESOLVED that a certified true copy of this resolution be forwarded to the Borough's Chief Financial Officer and Borough Engineer.

Offered By: C/Robilotti

Seconded By C/Mann

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
Nays: None
Abstain: None
Absent: C/Wojyn

RESOLUTION NO. 2021-123

RESOLUTION OF THE BOROUGH OF ENGLISHTOWN COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING THE PAYMENT OF BOROUGH BILLS

WHEREAS, the Mayor and Council have carefully examined all vouchers presented to the Borough for the payment of claims; and

WHEREAS, after due consideration of the said vouchers, the Mayor and Council have approved payment of same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Englishtown, County of Monmouth, as follows:

1. The said approved vouchers amounting to the sum of \$737,070.48 are hereby authorized to be paid on July 28, 2021
2. The Borough Clerk is hereby directed to list on the page in the Minutes Book following the minutes of this meeting all of the said vouchers hereby authorized to be paid.

Offered By: C/Mann

Seconded By: C/Robilotti

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
Nays: None
Abstain: None
Absent: C/Wojyn

RESOLUTION No. 2021-124

PARTICIPANT'S RESOLUTION

LEAP IMPLEMENTATION GRANT

WHEREAS, the State of New Jersey has appropriated \$10 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the County of Monmouth and the Borough of Englishtown propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to provide the technical benefits the County receives through our high-resolution aerial imagery service (Nearmap) to all fifty-three (53) municipalities in the County, free of charge for two years, which will benefit the residents of all participating local units; and

WHEREAS, this service will provide high-resolution, high-quality imagery, as well as a complete set of countywide images three times a year through a web-based interface that allows the user to view the most recent images online; and

WHEREAS, municipal governments will use this to do the following:

- Measure size and footprints of buildings
- Determine property boundaries, setbacks and buffers
- Evaluate environmental conditions and potential development impacts
- Estimate capital investments
- Post disaster damage assessment
- Hazard mitigation assessments
- Search and rescue; and

WHEREAS, the County of Monmouth has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Englishtown, that the Borough of Englishtown does hereby join with County of Monmouth in applying for a LEAP Implementation Grant in the amount of \$250,000.00 to support implementation of this shared service.

Offered By: C/Robilotti

Seconded By C/Mann

Roll Call: Ayes: C/Krawiec, C/Mann, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: C/Wojyn

10. Tax Collector's Reports:
Dated June 2021 was read by Mayor Reynolds

11. Public Portion
Limited to Five (5) Minutes per citizen to be determined at Borough Council's discretion. Any and all situations regarding Borough Personnel, when names are implied or mentioned, are to be brought to the full attention of the Council through an appointment and subsequent disclosure through the Personnel Committee.

Motion was made by C/Mann, seconded by C/Robilotti, approved on the following roll call vote to open to public comment:

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti

Nays: None

Abstain: None

Absent: C/Wojyn

Chief Cooke, Englishtown Police Department, stated that the contract approved this evening was not approved by him prior to this meeting. Councilman Mann asked the Chief for monthly reports.

Lauren Roth, 40 Tennent Avenue, proposed forming a community development committee for the purpose of producing a newsletter, a community clean-up day, etc.

Police Chief Cooke verbally gave the monthly report for June 2021.

There being no further public comments, motion was made by C/Francisco, seconded by C/Marter and approved on the following roll call vote to close to public comment.

Roll Call: Ayes: C/Francisco, C/Krawiec, C/Mann, C/Marter, C/Robilotti
 Nays: None
 Abstain: None
 Absent: C/Wojyn

Adjournment

There being no further business a motion to adjourn was offered by C/Mann, seconded by C/Robilotti with all present Council members in favor.

8:54 P.M.

August 25, 2021
Date Approved

Laurie Finger
Deputy Municipal Clerk