

**FAIR HAVEN BOROUGH COUNCIL  
FEBRUARY 22, 2021**

In Mayor Lucarelli's absence, the meeting was called to order by Council President Rodriguez at 7:02 p.m. The Flag Salute was led by Councilman McCue followed by a Moment of Silent Meditation. The following Sunshine Law Statement was read:

**IN ACCORDANCE WITH THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, PUBLIC MEETINGS MAY BE HELD IN PERSON OR BY MEANS OF COMMUNICATION EQUIPMENT TO INCLUDE STREAMING SERVICES AND OTHER ONLINE MEETING PLATFORMS (NJSA 10:4-8(b)).**

**DUE TO THE COVID-19 SITUATION, THE BOROUGH OF FAIR HAVEN'S MUNICIPAL FACILITIES ARE CLOSED TO THE PUBLIC. THIS MEETING IS BEING PRESENTED THROUGH THE ZOOM MEETING PLATFORM AND BEING BROADCAST FROM BOROUGH HALL, 748 RIVER ROAD, FAIR HAVEN, NJ. PUBLIC PARTICIPATION FOR THIS COUNCIL MEETING OF FEBRUARY 22, 2021 IS AVAILABLE BY CALL IN PHONE NUMBER OR THROUGH WEB CONFERENCE (ZOOM). MEMBERS OF THE PUBLIC WILL BE ON MUTE UNTIL PUBLIC QUESTIONS/COMMENT TIME, WHICH WILL BE ANNOUNCED. AT THAT TIME THE PUBLIC HAS THE OPPORTUNITY TO QUESTION/COMMENT BY PHONE OR THROUGH ZOOM BY THE "RAISE HAND" BUTTON AND WILL BE CALLED ON AT THE APPROPRIATE TIME.**

**NOTICE OF THIS MEETING WAS INCLUDED IN A SCHEDULE OF MEETINGS WHICH WAS ADOPTED BY RESOLUTION NO. 2021-13 AND SENT TO THE ASBURY PARK PRESS, THE TWO RIVER TIMES, THE HUB AND THE STAR LEDGER ON JANUARY 7, 2021 POSTED ON THE BOROUGH WEBSITE, THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS REQUIRED UNDER THE STATUTE.**

**WITH ADEQUATE NOTICE HAVING BEEN GIVEN, THE BOROUGH CLERK IS DIRECTED TO INCLUDE THIS STATEMENT IN THE MINUTES OF THIS MEETING.**

**ROLL CALL**

On Roll Call the following were present: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez. Absent: Mayor Lucarelli and Councilman Banahan. Others present: Administrator Casagrande and Attorney Cannon.

**WORKSHOP SESSION**

Council President Rodriguez asked Brian Rice, Jersey Devil Sportfishing, to present his request to the governing body. Mr. Rice advised that this will be the 7<sup>th</sup> season of the kids fishing camp. The camp runs from the second week in July to August 20<sup>th</sup> and it has been successful. The dock is used 2-3 days a week. The Recreation Committee gave their approval for this year. Councilman Rodriguez said that the camp is quite popular with the community and kids. Councilwoman Chrisner-Keefe asked if the appropriate insurance coverage is provided; yes. She asked what the ages for the camp are; it starts at the age of 10 and phase out at 14-15 years old. Councilwoman Koch said that Mr. Rice came before Parks and Recreation and the Committee is 100% in support of it as they have been each year it has been held. Administrator Casagrande asked if there are COVID protocols in place; yes, they were in place last year and the camp will follow State guidelines again this year.

Motion to Approve moved by Councilwoman Koch, second by Councilwoman Chrisner-Keefe with Ayes by all present.

The next order of business was the Animal Control Contract that we have through an Interlocal Service Agreement with Red Bank. The contract expired on December 31, 2020 and Administrator Casagrande has been corresponding with Red Bank's Administrator, Ziad Shehady, who sent a proposal for renewal. Because there is a significantly different cost share proposed for three years moving forward with Red Bank, Administrator Casagrande requested and received a proposal from the Monmouth County SPCA. There was a follow up conversation with Mr. Shehady this afternoon and he advised that Red Bank would raise the contract by 2% (contract amount of \$7,870) extending the contract until the end of 2021 (the same percentage increase from past contracts). This service contract will be revisited before year end. Chief McGovern is comfortable with keeping the contract with Red Bank. Councilwoman Koch was in favor of the one-year extension and maintaining this service with Red Bank. Councilwoman Chrisner-Keefe said she is happy Red Bank is willing to give us another year to review the matter at a smaller increase. The proposals from Red Bank and the SPCA are totally different services and amounts. This year would be best to review options and see how to best address it in the future. Administrator Casagrande requested approval to place a resolution on the next agenda to extend the Animal Control Officer contract with Red Bank for a year.

**PUBLIC COMMENT ON AGENDA ITEMS**

The meeting was opened to the public for comments or questions at 7:10 p.m. Tracy Cole, Grange Avenue, had a question about the proposed amendment to the Stormwater Management Ordinance and where we are in the process? Councilman Rodriguez said that it is listed for introduction this evening. Mrs. Cole asked if the Environmental Commission discussed this and gave input. They did review it and agreed to move forward with it, as introduced, giving it a year to see how Fair Haven is affected; then the Commission will revisit it in 9 months. The Ordinance will be provided to the Fair Haven Planning Board, the County Planning Board and surrounding municipalities, as required by law. Once introduced, there will be a hearing set for April 12<sup>th</sup>.

Councilwoman Neff asked if there would be an opportunity to discuss the Architect’s proposal for the DPW Facility and the Purchase Order. She was advised that it is listed under resolutions under the consent agenda and can be discussed at that time.

There being no further comments or questions, the meeting was closed to the public at 7:13 p.m.

**APPROVAL OF MINUTES**

Councilwoman Koch made a motion to approve the Regular Meeting minutes of February 10, 2021, second by Councilwoman Neff

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
Negative: None  
Abstain: None  
Absent: Councilman Banahan

Councilwoman Koch made a motion to approve the Executive Session minutes of February 10, 2021, second by Councilwoman Neff

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
Negative: None  
Abstain: None  
Absent: Councilman Banahan

**OLD BUSINESS**  
**HEARING AND ADOPTION OF ORDINANCES**

- 1. Ordinance No. 2020-02, Index Rate (COLA)

**2020 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK**

On motion of Councilwoman Koch, second by Councilman McCue with Ayes by all present, Council President Rodriguez opened the meeting for comments or questions at 7:14 p.m.

Administrator Casagrande gave a synopsis of the ordinance so that the residents could understand it and in case they had any questions. This ordinance is adopted each year at the advice of the Chief Financial Officer. It is tied to the Borough’s Appropriations CAP and the State sets the amount of increase we are allowed to bank if we don’t use it. This ordinance allows us to bank what we can up to 3.5% for 2021 and can use it in the future if we don’t use it this year.

There being no further comments or questions, the Hearing was closed to the public at 7:16 p.m. on motion of Councilwoman Chrisner-Keefe, second by Councilwoman Koch with Ayes by all present.

Offered for adoption by Councilwoman Chrisner-Keefe, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
Negative: None  
Abstain: None  
Absent: Councilman Banahan

**NEW BUSINESS**

**Council Committee Reports**

**Finance** - Councilman Banahan was absent. Administrator Casagrande advised that the CFO is finishing the Annual Financial Statement (AFS) and once completed, it will be distributed to the Finance Committee and then the full governing body. Most of the budget has been populated, but she is waiting for a few responses from outside entities for their numbers. Once the AFS has been finalized and all of the numbers have been entered into the budget, it will be provided to the Finance Committee for review and discussion.

**Personnel** - Councilwoman Chrisner-Keefe reported that the Personnel Committee has had a busy start to the year. A few positions were advertised, numerous resumes received, and interviews conducted with a second round of interviews. There are two employees being hired this evening, part-time via two resolutions under the Consent Agenda. She congratulated Sandra Papa and Krystie Larsen. The Personnel Committee met with all of the non-aligned personnel and made adjustments to their compensation; there is a resolution on this evening’s agenda. Some increases are historically in line with 2% and others were deserving of a little more than the 2% based on other local municipality’s salaries. These increases are due to the dedication, talent and commitment of the employees.

Council President welcomed the new employees to the staff.

**Planning & Zoning** - Councilwoman Koch advised that the next Zoning Board meeting will be held on March 4<sup>th</sup> and there are three applications on the agenda that were carried from the February meeting. The Planning Board meeting in March will be on the 16<sup>th</sup>; there is no agenda as of this date.

**Parks and Recreation and Communications** - Councilwoman Koch reported that the Borough just sent out an e-mail listing all important information pertaining to residents; there are due dates for certain events. Information is also on the Borough’s website. The Council President’s Walking Challenge started today; 50 people registered. The talent show submissions have closed; there will be voting on the entries soon. Spring sports registrations are now live (Lacrosse, Softball or Baseball) on the Recreation website.

**Police, Fire & OEM** - Councilman McCue did not have any Police Department updates. There was an active house fire last week; our fire department volunteers were able to save the house. The Office of Emergency Management reported that Fair Haven’s cases of COVID are going down; currently 58 active cases. Everyone was asked to continue to social distance and follow proper procedures.

**Engineering, DPW and Borough Facilities** - Councilman Rodriguez reiterated Councilwoman Koch’s mention of the Fair Haven Walking challenge that started today; it will run for a full month. There will be a donation to a local charity.

The Brush Committee last met in early February and will meet in early March. There is a Borough Facilities meeting every two weeks; next meeting will be with the Green Team to review site plans and preliminary drawings for the Police Department and DPW. Review of the plans by all will occur in the near future. The Planning Board may be able to conduct a capital review of the plans in March, depending on their agenda. Public will be able to review and comment at the meeting and provide comments to the Facilities Committee for revisions. There will be a final presentation done; not sure of the date yet (could be in April, possibly later). DPW has been busy with the snow and he complimented the department on doing such a great job making the streets safe to allow our residents to travel to and from work.

**INTRODUCTION OF ORDINANCES**

- 1. Ordinance No. 2021-03, Amend Chapter 30, Stormwater Management

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH AMENDING CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS SUBDIVISION” OF THE BOROUGH’S REVISED GENERAL ORDINANCES TO DELETE AND REPLACE SECTION 30-14: “STORMWATER MANAGEMENT AND CONTROL” TO COMPLY WITH NEWLY UPDATED NJDEP STORMWATER MANAGEMENT RULES.**

**WHEREAS**, the New Jersey Department of Environmental Protection (“NJDEP”) recently amended its state-wide Stormwater Management Rules, N.J.A.C. 7:8, *et seq.*; and

**WHEREAS**, the Borough of Fair Haven (the “Borough”) presently maintains its municipal stormwater management regulations at Borough Code Section 30-14; and

**WHEREAS**, pursuant to the recommendation and instruction of the Borough Engineer, the Borough must amend its local stormwater management regulations within the Borough’s Revised General Ordinances to be consistent with NJDEP amendments and mandates.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey that Section 30-14: “Stormwater Management and Control” of Chapter 30: “Land Use and Development Regulations” of the Borough’s Revised General Ordinances is hereby deleted and replaced as follows:

**CHAPTER 30: “LAND USE AND DEVELOPMENT REGULATIONS”**

\* \* \*

**§ 30-14**

**STORMWATER MANAGEMENT AND CONTROL.**

### § 30-14.1 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 Section is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 30-14.2.
- C. *Applicability.*
1. This Section 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 Section shall also be applicable to all major developments undertaken by the Borough of Fair Haven.
- D. *Compatibility with Other Permit and Ordinance Requirements.* Development approvals issued pursuant to this Section 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 Section shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Section 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 Section 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.

### § 30-14.2 Definitions.

For purposes of this Section, the following terms, phrases, words and derivations shall have the meanings stated herein unless their use in the text of this Section 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 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 Section.

“*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:

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

“*Department*” means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

“*HUC 14*” or “*hydrologic unit code 14*” means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit

hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

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

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

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

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
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 Section. 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 Section. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this Section, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this Section 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 Section.

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

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

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

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

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

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

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

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

“*Tidal Flood Hazard Area*” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced by, stormwater

runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

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

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

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

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

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

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

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

#### **§ 30-14.3 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 Section 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.

#### **§ 30-14.4 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 30-14.10.
- 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 Section 30-14.4.P, Q and R:



1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 30-14.4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 30-14.4.O, P, Q and R to the maximum extent practicable;
  3. The applicant demonstrates that, in order to meet the requirements of Section 30-14.4.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 30-14.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 30-14.4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 30-14.4.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](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 Section the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

<b>Table 1 Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Cistern	0	Yes	No	--
Dry Well <sup>(a)</sup>	0	No	Yes	2
Grass Swale	50 or less	No	No	2 <sup>(e)</sup> 1 <sup>(f)</sup>
Green Roof	0	Yes	No	--

Manufactured Treatment Device <sup>(a) (g)</sup>	50 or 80	No	No	Dependent upon the device
Pervious Paving System <sup>(a)</sup>	80	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Bioretention Basin <sup>(a)</sup>	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Small-Scale Infiltration Basin <sup>(a)</sup>	80	Yes	Yes	2
Small-Scale Sand Filter	80	Yes	Yes	2
Vegetative Filter Strip	60-80	No	No	--

(Notes corresponding to annotations (a) through (g) are found after Table 3)

<b>Table 2</b> <b>Green Infrastructure BMPs for Stormwater Runoff Quantity</b> <b>(or for Groundwater Recharge and/or Stormwater Runoff Quality</b> <b>with a Waiver or Variance from N.J.A.C. 7:8-5.3)</b>				
<b>Best Management Practice</b>	<b>Best Management Practice</b>	<b>Best Management Practice</b>	<b>Best Management Practice</b>	<b>Best Management Practice</b>
Bioretention System	80 or 90	Yes	Yes <sup>(b)</sup> No <sup>(c)</sup>	2 <sup>(b)</sup> 1 <sup>(c)</sup>
Infiltration Basin	80	Yes	Yes	2
Sand Filter <sup>(b)</sup>	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond <sup>(d)</sup>	50-90	Yes	No	N/A

(Notes corresponding to annotations (b) through (d) are found after Table 3)

<b>Table 3</b> <b>BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or</b> <b>Stormwater Runoff Quantity</b> <b>only with a Waiver or Variance from N.J.A.C. 7:8-5.3</b>				
<b>Best Management Practice</b>	<b>Stormwater Runoff Quality TSS Removal Rate (percent)</b>	<b>Stormwater Runoff Quantity</b>	<b>Groundwater Recharge</b>	<b>Minimum Separation from Seasonal High Water Table (feet)</b>
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device <sup>(h)</sup>	50 or 80	No	No	Dependent upon the device
Sand Filter <sup>(c)</sup>	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 30-14.4.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 30-14.2;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 30-14.2.

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 30-14.6.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 30-14.4.O only if the measures meet the definition of green infrastructure at Section 30-14.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 30-14.4.D is granted from Section 30-14.4.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 30-14.8.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 30-14.8; 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 30-14.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 30-14.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 30-14.4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 30-14.4.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 Monmouth County Clerk's Office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 30-14.4.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 30-14.10.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 Borough.

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 30-14.4 of this Section 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 Monmouth County Clerk’s Office 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 30-14.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 30-14.4.F. and/or an alternative stormwater management measure approved in accordance with Section 30-14.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

<b>Best Management Practice</b>	<b>Maximum Contributory Drainage Area</b>
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 30-14.4.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 30-14.4.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 30-14.4.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 30-14.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 30-14.4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of

area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 30-14.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 30-14.4.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 30-14.5, either:
  - a. 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
  - b. 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:
  - a. 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
  - b. 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:
  - a. 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.
  - b. 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**

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,

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in

stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 30-14.4.P, Q and R.

5. 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.
6. 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.
7. 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.
8. 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 30-14.5, complete one of the following:
  - a. 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;
  - b. 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;
  - c. 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
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.

**§ 30-14.5 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:
  - a. 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](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

- b. 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 30-14.5.A.1.i and the Rational and Modified Rational Methods at Section 30-14.5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

- B. Groundwater recharge may be calculated in accordance with the following:

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

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

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

#### **§ 30-14.6 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](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](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.

**§ 30-14.7 Solids and Floatable Materials Control Standards.**

- A. Site design features identified under Section 30-14.4.F above, or alternative designs in accordance with Section 30-14.4.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 30-14.7.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:
    - 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; 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 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.
    - c. 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:
    - a. 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;
    - b. 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;
    - c. 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:
      - i. 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
      - ii. A bar screen having a bar spacing of 0.5 inches.
      - iii. 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).
    - d. 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

- e. 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.
- B. Any land area used as a nonstructural stormwater management measure to meet the performance standards in subsections 30-14.3.A, 30-14.4.O, P, and Q shall be dedicated to a government agency, subjected to a conservation restriction filed with the appropriate County Clerk's office, or subject to an approved equivalent restriction that ensures that measure or an equivalent stormwater management measure approved by the reviewing agency is maintained in perpetuity.

**§ 30-14.8 Safety Standards for Stormwater Management Basins.**

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 30-14.8.C.1, 30-14.8.C.2, and 30-14.8.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:
    - a. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
    - b. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
    - c. 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
    - d. 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:
    - a. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
    - b. The overflow grate spacing shall be no less than two inches across the smallest dimension
    - c. 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:
    - a. 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 30-14.8.C, a free-standing outlet structure may be exempted from this requirement;

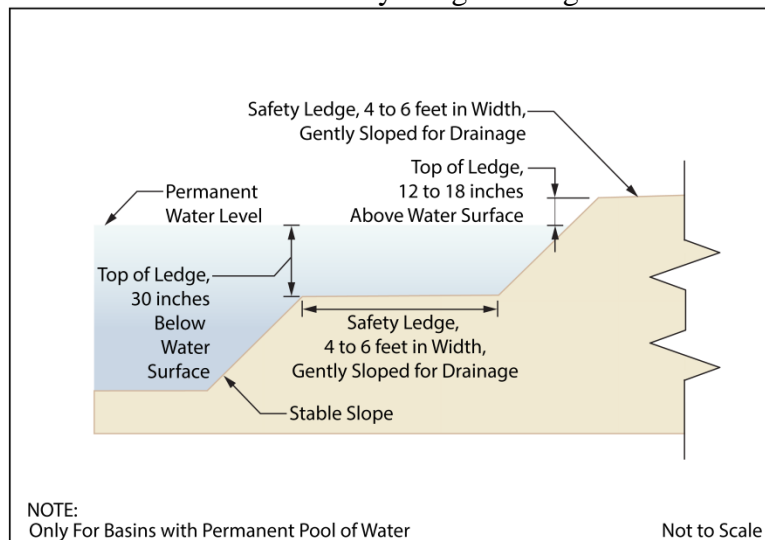
- b. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and 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 30-14.8.E for an illustration of safety ledges in a stormwater management BMP; and
- c. 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



**§ 30-14.9 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 Section, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 30-14.9.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 Section.
3. The applicant shall submit twelve (12) copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 30-14.9.C.

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 determine if the project meets the standards set forth herein.

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 30-14.3 through 30-14.5 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:

- a. 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.
- b. 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

- a. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 30-14.4.
- b. When the proposed stormwater management control measures depend on the hydro-logic 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 30-14.10.

#### 8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this Section may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 30-14.9.C.1 through 30-14.9.C.6 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.

### **§ 30-14.10 Maintenance and Repair**

#### A. Applicability

Projects subject to review under Section 30-14.1.C shall comply with the requirements of Sections 30-14.10.B and 30-14.10.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 30-14.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 30-10.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 30-14.10.B.3 above shall perform all of the following requirements:
  - a. 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;
  - b. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan

and the deed as needed; and

- c. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 30-14.10.B.6 and B.7 above.
8. The requirements of Section 30-14.10.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.
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.
10. Responsibility for operation and maintenance of stormwater management facilities, including periodic removal and disposal of accumulated particulate material and debris, shall remain with owner or owners' property within permanent arrangements that it shall pass to any successive owner, unless assumed by a government agency. If portions, of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall be designate for each project the property owner, governmental agency or other legally established entity to be permanently responsible for maintenance, hereinafter in this section referred to as the responsible person.
11. The owner of a private stormwater facility is required to inspect the facility after each major storm event and perform any maintenance and/or repairs that may be required in addition to routine mowing and removal and disposal of accumulated debris from the facility. "Major storm event" shall mean the occurrence of rainfall within the Borough of more than 1.50 inches of precipitation within any one-hour period or the occurrence of a two-year storm within the Borough as defined by the National Oceanic and Atmospheric Administration, whichever is lesser. The Borough shall inspect the facility once per year and maintain a log to demonstrate compliance with maintenance requirements and any actions taken by the Borough to enforce compliance. If inspection reveals that maintenance has not been maintained by the owner of the stormwater facility, then the Borough Official will issue an order to correct the deficiency within 30 days. If the deficiency is not corrected within 30 days, the Borough will correct the deficiency and recover the cost under the Property Maintenance Section of the Borough Code. The Borough, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause as approved by the Borough Engineer or his/her designee.
12. The applicant shall enter into any agreement with the Borough (or County) to ensure the continued operation and maintenance of the facility. This agreement shall be in a form satisfactory to the Borough Attorney, and may include, but may not necessarily be limited to, personal guarantees, deed restrictions, covenants, and bonds, in case where property subdivided and sold separately, a homeowners association or similar permanent entity governmental agency to assume responsibility.
  - a. An applicant seeking approval for construction of a stormwater management facility shall provide the funds necessary to permanently maintain the facility. The amount necessary to permanently maintain the facility shall be calculated by the Planning Board Engineer based upon current estimates for maintenance with an annual increase of 4%. The Planning Board Engineer shall also assume that the investment will yield a return equal to the ninety day certificate of deposit interest rate paid by the Borough's official depository bank on the date the calculation is made.
  - b. The form of security for the maintenance of the facility shall be approved by the Borough's Chief Finance Officer.
13. Dedication of Facilities. Where required, the stormwater management facilities shall be dedicated to the Borough of Fair Haven as a drainage easement or right-of-way. Detention or retention facility dedication shall be 15 feet from the top of bank of facilities constructed in fill, inlet and outlet piping and maintenance access shall be contained within thirty-foot-side, minimum, drainage utility easements. No relocation, construction or reconstruction shall take place within the area of the easement, nor shall any structures be located within such area, nor

shall any action be taken which may alter or impair the effectiveness of present or future drainage facilities without prior approval from the Borough Council.

14. Surface Water Runoff Control Plan Standards for Residential Lots.

- a. All blocks and lots in all subdivisions shall be graded to secure proper drainage away from building and to prevent the collection of pools of stormwater. Finished floor elevation and exterior grading shall be shown on all lots.
- b. At the time of application to the Borough Construction Code Official for a building permit for any building within an individual lot or part of an approved subdivision or site plan, the applicant shall submit a Surface Water Runoff Control Plan to the Borough Engineer for review and approval.

C. At a minimum, the following items are required as part of the Surface Water Runoff Control Plan:

1. An outbound survey, inclusive of all easements, of the property on which the structure is proposed, as prepared by a New Jersey licensed land surveyor, indicating the name and the development and/or applicant, Tax Map, lot, block and street address. The scale of the survey shall be no smaller than one-inch equals 30 feet.
2. Footprint of the proposed dwelling unit.
3. The basement elevation, garage elevation, and finished floor elevation of the proposed building upon USGS MSL data. Spot grades should be provided at all corners of the building footprint and garage apron.
4. Data showing that the lowest finished floor of the structure, including the basement, is at least one foot above the delineated one hundred-year flood elevation of any watercourse on or near the property, or one foot above the seasonal high water table, as determined by test pit, soil boring, or investigative work done in conjunction with a disconnected on-site individual sewage disposal system.
5. Provision of sufficient, existing and proposed contour lines and spot elevations to show the direction of surface water runoff, yard slopes greater than 2% or less than one vertical to three horizontal, elimination of any standing water conditions and grading which will not adversely impact adjoining properties.
6. The location of proposed potable water and sanitary sewer services or potable water supply water well, and a disconnected on-site individual sewage disposal system. The applicant shall show the location of any proposed sump pump pit and the point of discharge on the property.

6. Driveway location.

- D. Any or all the above standards may be waived by the Borough Engineer, as site conditions may require. An acceptable Surface Water Runoff Control Plan report must be issued by the Borough Engineer prior to the issuance of a building permit by the Borough Construction Code Official.
- E. Nothing in this subsection shall preclude the Borough from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

**§ 30-14.11 Penalties.**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this Section shall be subject to the penalties set forth in Chapter 1, Section 1-5 of the Borough of Fair Haven Code.

**BE IT FURTHER ORDAINED** by Mayor and Council that should any section, paragraph, sentence, clause, or phase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portion of this ordinance shall not be affected thereby and shall remain in full force and effect, and to that end the provisions of this ordinance are hereby declared to be severable; and

**BE IT FURTHER ORDAINED** by Mayor and Council that, after introduction, the Borough Clerk is directed to submit a copy of the within Ordinance to the Planning Board of the Borough of Fair Haven for its review pursuant to N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64, and the Planning Board is directed to make and transmit to the Mayor & Council, within 35 days after referral, a



report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate; and

**BE IT FURTHER ORDAINED** that, after adoption of this Ordinance, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the County of Monmouth for its review and approval in accordance with N.J.S.A. 40:55D-97; and

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect upon its (1) adoption; (2) publication in accordance with the laws of the State of New Jersey; and (3) approval by the Monmouth County Planning Board pursuant to N.J.S.A. 40:55D-97; and

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances inconsistent with this amending ordinance are hereby repealed to the extent of their inconsistencies.

Offered for introduction by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Administrator Casagrande explained the ordinance and how it came about. The ordinance is a mandate of the NJDEP and was worked on, internally, through the Engineer’s Office and the Borough Attorney. This was discussed during the February 10<sup>th</sup> Workshop meeting, it was sent to the Environmental Commission for their review and they are behind it going forward, as written, and will wait to see how it impacts Fair Haven, directly. She said Fair Haven has a very good internal crew who understands Stormwater Management for the Borough. The ordinance can be improved down the road. Engineer Gardella said that he went through the ordinance at the last Council Meeting; the amendments mainly have to do with green infrastructure. Councilwoman Neff said she was glad that the Environmental Commission had a chance to review the ordinance and when she spoke with them, they were agreeable to go with the mandated guidelines and review it in the future with the possibility of amendment requests by the Commission.

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

- 2. Ordinance No. 2021-04, Amend Salary Ordinance

**AN ORDINANCE OF THE COUNCIL OF THE BOROUGH OF FAIR HAVEN IN THE COUNTY OF MONMOUTH SETTING THE SALARY RANGES OF OFFICERS, EMPLOYEES AND ADMINISTRATIVE AND EXEMPT MEMBER OF THE BOROUGH OF FAIR HAVEN**

**BE IT ORDAINED** by the Council of the Borough of Fair Haven, in the County of Monmouth, in the State of New Jersey that the purpose of this Ordinance is to amend Ordinance 2019-04 to alter and reflect current salary ranges paid within the Borough, as last revised and passed May 13, 2019.

**NOTE:** Additions are in **bold italics with underlines**, deletions are shown as ~~**strikeovers in bold italics**~~.

**SECTION 1. ADMINISTRATIVE OFFICE AND EMPLOYEES**

<u><b>TITLE</b></u>	<u><b>MINIMUM - MAXIMUM</b></u>	
Borough Administrator	\$ <del>50,000.00</del> - <del>150,000.00</del>	<u><b>\$ 60,000.00 - 165,000.00</b></u>
Assistant Borough Administrator	\$ 500.00 - 25,000.00	
Borough Clerk	\$ 40,000.00 - 90,000.00	
Deputy Borough Clerk	\$ 2,000.00 - 5,000.00	
Chief Financial Officer	\$ 20,000.00 - 40,000.00*	
Assistant Chief Financial Officer	\$ <del>25,000.00</del> - <del>65,000.00</del>	<u><b>\$ 25,000.00 - 70,000.00</b></u>
Payroll Coordinator	\$ 3,500.00 - 7,500.00	
Tax Collector	\$ 35,000.00 - 60,000.00*	
Tax Search Officer	\$ 1,000.00 - 3,500.00*	
Municipal Court Administrator	\$ 5,000.00 - 25,000.00*	
Tax Assessor	\$ 15,000.00 - 30,000.00	
Administrative Assistant	\$ 18,000.00 - 45,000.00	
Registrar	\$ 2,000.00 - 4,000.00	
Librarian	\$ 30,000.00 - 55,000.00	
Assistant Librarian	\$ 20,000.00 - 40,000.00	
Municipal Judge	\$ 10,000.00 - 20,000.00	

Municipal Prosecutor	\$ 7,500.00 - 20,000.00	
Parks and Recreation Director	<del>\$ 30,000.00 - 65,000.00</del>	<u>\$ 30,000.00 - 70,000.00</u>
Chief of Police	<del>\$ 75,000.00 - 150,000.00</del>	<u>\$ 85,000.00 - 165,000.00</u>
Police Officer	\$ 30,000.00 - 135,000.00	
Code Enforcement Officer	\$ 10,000.00 - 25,000.00	
Zoning Officer	<del>\$ 10,000.00 - 30,000.00</del>	<u>\$ 10,000.00 - 35,000.00</u>
Construction Official	\$ 20,000.00 - 45,000.00*	
Fire Sub-Code Officer	\$ 4,000.00 - 15,000.00*	
Fire Prevention Officer	\$ 4,000.00 - 8,000.00*	
Plumbing Inspector	\$ 3,000.00 - 15,000.00*	
Electrical Inspector	\$ 5,000.00 - 15,000.00*	
School Crossing Guard ( <i>permanent</i> )	\$ 5,000.00 - 12,000.00	
Director of Engineering/Director of Public Works	\$ 80,000.00 - 140,000.00	
Assistant Director of Engineering & Public Works	\$ 50,000.00 - 80,000.00	
Public Works Foreman	\$ 50,000.00 - 80,000.00	
Buildings, Grounds and Parks Foreman	\$ 2,000.00 - 5,000.00	
Streets and Sanitation Foreman	\$ 2,000.00 - 5,000.00	
Mechanic	\$ 45,000.00 - 80,000.00	
Public Works Laborer	\$ 27,500.00 - 75,000.00	
Municipal Alliance Coordinator	\$ 5,000.00 - 20,000.00	
Recycling Coordinator	\$ 500.00 - 2,500.00	
Performance Based Merit Bonus	\$ 0.00 - 10,000.00	

**HOURLY RANGES**

Receptionist/Secretary	<del>\$10.00 - 15.00 per hour</del>	<u>\$ 15.00 - 30.00 per hour</u>
Assistant Parks and Recreation Director	\$14.00 - 18.00 per hour	
Police Records Clerk	<del>\$10.00 - 18.00 per hour</del>	<u>\$ 12.00 - 20.00 per hour</u>
Special Officer Class I	<del>\$10.00 - 20.00 per hour</del>	<u>\$ 12.00 - 20.00 per hour</u>
Special Officer Class II	\$13.00 - 20.00 per hour	
School Crossing Guard ( <i>substitute</i> )	<del>\$ 9.00 - 17.00 per hour</del>	<u>\$ 12.00 - 17.00 per hour</u>
Public Works Laborer	<del>\$ 9.00 - 20.00 per hour</del>	<u>\$ 12.00 - 20.00 per hour</u>
Planning Board Secretary	<del>\$ 8.00 - 20.00 per hour</del>	<u>\$ 12.00 - 30.00 per hour</u>
Zoning Board Secretary	<del>\$ 8.00 - 20.00 per hour</del>	<u>\$ 12.00 - 30.00 per hour</u>
Code Enforcement Officer	\$12.00 - 18.00 per hour	
Deputy Court Administrator/Violations Clerk	\$13.00 - 18.00 per hour*	
Library Assistant	<del>\$10.00 - 20.00 per hour</del>	<u>\$ 12.00 - 20.00 per hour</u>
Clean Communities Worker	<del>\$ 9.00 - 15.00 per hour</del>	<u>\$ 12.00 - 15.00 per hour</u>
Summer Camp Counselors	<del>\$10.00 - 20.00 per hour</del>	<u>\$ 12.00 - 20.00 per hour</u>
Tennis Camp Instructors	\$14.00 - 18.00 per hour	

**BE IT FURTHER ORDAINED** that specific salaries and bonuses within the ranges will be set by a negotiated contract or in an annual salary resolution adopted by the governing body.

\*Services provided through an Interlocal Service Agreement (positions are currently vacant)

Administrator Casagrande said state law requires us to set salary ranges by ordinance and then set the actual salaries annually via certain contracts or a resolution for non-aligned employees.

Offered for introduction by Councilwoman Chrisner-Keefe, second by Councilwoman Koch

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

**CONSENT AGENDA**  
**RESOLUTIONS**

1. Resolution No. 2021-46, Appoint Green Team Members

**WHEREAS**, the Borough of Fair Haven’s Green Team members serve as the Borough’s agents for the Sustainable Jersey Municipal Certification Process and are composed as follows:

Stephanie Adams  
Daniella Solomon  
Bonnie Torcivia  
Jacqueline Rice  
Michael Dawson  
Jenni Foster  
Andrea Reid  
Sonja Trombino  
Erin Howard  
Kelly Flanagan  
Councilwoman Laline Neff  
Councilman Michael McCue

**WHEREAS**, these individuals are interested in advancing the efforts of Fair Haven in the Sustainable Jersey Municipal Certification program and will continue the work of the Green Team; and

**WHEREAS**, the Green Team has been creating and cataloging significant sustainability actions so that the Borough of Fair Haven may maintain its Bronze Level Certification under the Sustainable Jersey Program and pursue Silver Certification over the next 2-3 years.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Fair Haven that:

- The Green Fair Haven is active in the community and advancing sustainable practices and actions included in the Sustainable Jersey Municipal Certification Program;
- The Green Team has been and shall continue to be composed of individuals who have demonstrated interest in advancing the efforts of Fair Haven to pursue and maintain certification through the Sustainable Jersey Municipal Certification Program;
- The role of the Green Team has been and shall continue to be to lead and coordinate the sustainability activities of the community

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

Councilwoman Neff asked about the timing of events for the DPW facility and if the Facility Committee is far enough along in the process or should there be a community meeting before going to the Planning Board? She did not want to get further along into the plans before receiving the community's feedback. Councilman Rodriguez said that there needs to be a capital review done by the Planning Board which would give the public a chance to see the preliminary plans before moving forward with any finalized plans. He said it is not the desire of the Facilities Committee or the Council to drag the process out any further. Councilwoman Neff stated that she wants the community to have enough opportunities to comment on the draft plans before moving forward with finalized plans or it being too late. Councilwoman Chrisner-Keefe echoed Councilwoman Neff's comments and concerns. She is concerned with the word "final"; it seems "more fully baked" before public input. The Council received the site plan and she asked if the site plan could be shared with the public? We need the public to weigh in during the process. Councilman Rodriguez agreed with the comments and said this discussion does not reconcile with this resolution. We need to continue the progress and it is important to have this proposal (it is not set in stone). This resolution is for professional services to get to the endpoint. Councilwoman Koch said before the plans are presented to the Planning Board, we should allow the public to review and speak to what will be presented. What would go before the Planning Board is a capital review; it is not like a site plan or subdivision review. Councilman Rodriguez said he is trying to keep this moving forward and so is the Facilities Committee. Councilman McCue said the Planning Board will do the capital review as a courtesy (a sneak peek for the public) before the public presentation; the Facilities Committee talked about publishing PDF plans online so the public can review and form their questions. Administrator Casagrande explained the Facilities Committee reasoning, procedure and thought process. They did not want to go too far down the road without Planning Board input. This is more concept plans and site plans to get a feel for what the Planning Board is looking for. The Police Department site is different because there is not much as far as site plan work. Once feedback is received from the Planning Board, the plan will go to the Mayor and Council and public once it is more finalized. Councilman Rodriguez would like to follow the process that has been planned out

because going outside the process will cost more money and time. We want the right professionals to be part of the meeting before sharing the site plan. Councilwoman Chrisner-Keefe said that she wants to follow the same approach as the Police Department process. Councilwoman Neff asked that the Borough publicize the Planning Board meeting, very well, to allow the public to understand that it is their first chance to comment and offer feedback on a plan (totally different than originally presented) as promised by the previous Council and this Council.

2. Resolution No. 2021-66, Approve Architect Proposal-DPW Facility and authorize Administrator to Create a Purchase Order

**WHEREAS**, The Goldstein Partnership (“Architect”), a licensed architect in the State of New Jersey, was retained by the Borough of Fair Haven (the “Borough”) to perform certain architectural services (the “Work”) by way of Contracts for Professional Services, dated December 11, 2017 and October 9, 2018, which Contracts were most recently amended on December 11, 2019; and

**WHEREAS**, the Architect has already completed and/or undertaken several aspects of the work under the aforementioned Contracts, with which work the Borough has been satisfied to date; and

**WHEREAS**, the Borough desires that the Architect continue to perform said work in connection with the design of the Borough’s new DPW Facility; and

**WHEREAS**, the Architect has submitted a Proposal, revised as of February 5, 2021 and attached hereto as Exhibit A, for its continued design, inspection, and administration of construction for the Borough’s new DPW Facility; and

**WHEREAS**, the Borough has bonded for various construction projects and will encumber funds to pay the Architect for the work.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Fair Haven, County of Monmouth, State of New Jersey, hereby:

- (1) Authorize the renewal of the Borough’s Professional Service Contracts with The Goldstein Partnership for a period not to exceed one year pursuant to N.J.S.A. 40A:11-5; and
- (2) Authorize the Borough Administrator to accept and execute the Proposal attached hereto as Exhibit A from The Goldstein Partnership pursuant to N.J.S.A. 40A:11-5; and
- (3) Provide notice that the retention of The Goldstein Partnership is exempt from public bidding as a professional service under N.J.S.A. 40A:11-5.1(a)(i), and is being awarded under a non-fair and open process in accordance with New Jersey’s Pay-to-Play law; and
- (4) Direct that Notice of this contract award shall be published in the designated official newspapers as required by law within ten (10) days of the passage of this Resolution; and
- (5) Direct that The Goldstein Partnership shall submit a Business Entity Disclosure Certification which certifies compliance with New Jersey’s Pay-to-Play law; and
- (6) Direct that the Borough Purchasing Agent shall ensure the appropriate public contracting language and documentary requirements are submitted by The Goldstein Partnership prior to commencement of the Work; and
- (7) Direct that a certified copy of this resolution be forwarded to the Borough Administrator, Chief Financial Officer, Borough Engineer, and The Goldstein Partnership; and

**BE IT FURTHER RESOLVED** that the Borough Administrator is hereby authorized to prepare the appropriate purchase order(s) for the full proposal amounts received from the Architect and draw down from those encumbered funds, inclusive of work performed to date on this project; and

**BE IT FURTHER RESOLVED** that the necessary funds to pay the Architect for the work described in Exhibit A hereto will be encumbered from existing bonds obtained by the Borough and payment to the Architect will be made through purchase orders as services are provided.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None  
 Absent: Councilman Banahan

3. Resolution No. 2021-67, Hire Part Time Planning Board and Zoning Board Secretary - Sandra Papa

**WHEREAS**, the position of Planning Board and Zoning Board secretary is currently being filled temporarily; and

**WHEREAS**, there is a need to fill this part time position; and

**WHEREAS**, resumes were received, and interviews were held with the Borough Administrator, Assistant Administrator and the Personnel Committee; and

**WHEREAS**, it is the recommendation of the Borough Administrator and the Personnel Committee that Sandra Papa be appointed as the part-time Planning Board and Zoning Board Secretary.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Sandra Papa be appointed as the Planning Board and Zoning Board Secretary on a part-time basis, effective March 1, 2021 at an hourly rate of \$25.00 with hours not to exceed 20 hours per week.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

4. Resolution No. 2021-68, Hire Part Time Central Office Administrative Assistant - Krystie Larsen

**WHEREAS**, there is a need to hire a part-time Administrative Assistant to assist with the day to day operations in the central office of Borough Hall; and

**WHEREAS**, resumes were received, and interviews were held with the Borough Administrator, Assistant Administrator and the Personnel Committee; and

**WHEREAS**, it is the recommendation of the Borough Administrator and the Personnel Committee that Krystie Larsen be appointed as the part-time Central Office Administrative Assistant.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that Krystie Larsen be appointed to the Administrative Assistant position on a part-time basis, effective March 1, 2021 at an hourly rate of \$25.00 with hours generally not to exceed 20 hours per week.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

5. Resolution No. 2021-69, Approve 2021 Non-Aligned Employee Salaries

**WHEREAS**, Borough Salary Ordinance No. 2019-04, provides for salary ranges for designated municipal employees; and

**WHEREAS**, the exact amount of each salary is to be determined by the Borough Council of the Borough of Fair Haven with the recommendation of the Borough Administrator.

**NOW, THEREFORE, BE IT RESOLVED** that the following non-contractual individuals shall be paid the regular base salary for the year 2021, for their services to the Borough of Fair Haven in the designated positions as follows:

<b>EMPLOYEE</b>	<b>POSITION</b>	<b>2021</b>
Allyson Cinquegrana	Borough Clerk	\$77,853.00
Allyson Cinquegrana	Assistant Administrator	13,947.00
Melissa Abrahamsen	Assistant Chief Financial Officer/Payroll Coordinator	63,363.00
Betty Ann Berube	Administrative Assistant/Registrar	45,000.00

Debbie Ozut	Tax and Finance Office Assistant	45,000.00
Gregory Hutchinson	Tax Assessor	29,500.00
Peter Lucas	Municipal Court Judge	14,943.00
Anthony Vecchio	Municipal Prosecutor	13,235.00
Darryl Breckenridge, Jr.	Director of Parks and Recreation, Events and Special Project Administrator	65,025.00
Donna Powers	Librarian	50,980.00
Annette Bufano	Assistant Librarian	37,455.00
Nicolas Poruchynsky	Assistant Director of Engineering and Public Works	77,017.00
Nicolas Poruchynsky	Zoning Officer	26,930.00
Nicolas Poruchynsky	Flood Plain Manager	6,386.00
	Municipal Alliance Coordinator	18,000.00
Various Employees	Permanent Crossing Guard	10,200.00
Joseph Mulé	Planning & Zoning Code Compliance	24,000.00
Jeffrey Jarvis	Public Works Laborer – Recycling	16.00/hour
Catherine Palma	Part Time Library Assistant	16.00/hour
Maria Mitterando	Part Time Library Assistant	12.75/hour
Erin Hendrickson	Part Time Police Records Clerk	16.75/hour
Bonnie Ferris	Part Time Police Records Clerk	16.75/hour
Various Employees	Part Time Crossing Guards	15.75/hour
	Special Officers – Class I	15.25/hour
	Special Officers – Class II	18.75/hour
	Police Matron	17.75/hour
	DPW Seasonal	13.75/hour

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

6. Resolution No. 2021-70, Authorize Monmouth County Mosquito Control Division to Conduct Aerial Spray

**WHEREAS**, the Monmouth County Board of Chosen Freeholders, pursuant to NJSA 26:9-27, et seq., has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitoes within the County; and

**WHEREAS**, the County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control and chemical control to exterminate the mosquito population within the County of Monmouth; and

**WHEREAS**, prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 137.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and

**WHEREAS**, the Borough of Fair Haven is designated as a “congested area” by the Federal Aviation Administration and the County has requested that this governing body consent to its proposed aerial dispensing operations.

**NOW THEREFORE BE IT RESOLVED** as follows:

1. The Mayor and Council of the Borough of Fair Haven hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides, by aircraft, for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas harboring high populations of mosquitoes constituting either a nuisance, a health hazard or both with the understanding that:
  - a. The County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and
  - b. Such operations will be performed in compliance with applicable Federal and State regulations; and
  - c. The County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

Councilwoman Neff asked, “how this operation is handled, who does the application of the spray, and is it done by an aircraft flyover?” Administrator Casagrande said it is a program under the Monmouth County Mosquito Commission. The Borough is advised of an approximate date when the application will be sprayed and the Borough publicizes the information on the website to make the public aware. This is a blanket, global approach to standing water areas. Councilwoman Neff asked what the public is told to do during the spraying. We do not offer advice, we just let the public know when and what is happening; it is their decision on whether they want to be home or in the area when the application is taking place.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

7. Resolution No. 2021-71, Appoint Heyer Gruel & Associates as the Administrative Agent for Affordable Housing

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, et seq., the Borough of Fair Haven is implementing a program to provide affordable housing units to low- and moderate-income households within the Borough; and

**WHEREAS**, the Borough’s Affordable Housing Ordinance, found in Chapter 30 Section 15 of the Borough’s Code, sets forth the duties of the administrative agent pursuant to N.J.A.C. 5:80-26 et. seq., that requires the affordability controls of affordable housing units be administered by an Administrative Agent acting on behalf of a municipality; and

**WHEREAS**, the Borough of Fair Haven has selected Heyer, Gruel & Associates, who has professional staff that has obtained the necessary training and certification, to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing within the Borough.

**NOW THEREFORE BE IT RESOLVED**, by the Governing Body of Fair Haven Borough, County of Monmouth, State of New Jersey that Heyer, Gruel & Associates is hereby appointed by the Governing Body of the Borough of Fair Haven as the Administrative Agent for the Borough’s housing programs and that the Mayor and Borough Clerk are hereby authorized to execute agreement for same.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

8. Resolution No. 2021-72, Approve Fire Department Membership Application - John Santos, Jr.

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that John C. Santos, Jr., 92 Pine Cove Road, Fair Haven, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

9. Resolution No. 2021-73, Approve Fire Department Membership Application - John Santos, III

**BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that John C. Santos, III, 92 Pine Cove Road, Fair Haven, NJ having been duly accepted as an affiliate member of the Fair Haven Volunteer Fire Co., is hereby appointed to the Fair Haven Fire Department/First Aid.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

10. Resolution No. 2021-74, Payment of Vouchers

**BE IT RESOLVED** by the Governing Body of the Borough of Fair Haven that the vouchers listed for payment on the February 22, 2021 agenda are hereby approved and the Finance Department is hereby authorized to release payment to the various vendors.

2020 CURRENT ACCOUNT	\$ 26,181.58
2021 CURRENT ACCOUNT	\$ 224,594.22
GENERAL CAPITAL	\$ 11,614.00
GRANT FUND	\$ 5,846.00
OTHER TRUST	\$ 5,109.06
<b>TOTAL</b>	<b>\$ 273,344.86</b>

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

11. Resolution No. 2021-75, Approve 2021 Professional Service Agreement with Vallee Surveying as Surveyor

**WHEREAS**, the Borough of Fair Haven has a need to retain professional services pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Borough Administrator has determined and certified that the value of surveying services and base map preparation may exceed \$17,500 for the year 2021; and

**WHEREAS**, a contract proposal for said professional service has been received by the Borough; and

**WHEREAS**, said professional has completed and submitted a Business Entity Disclosure Certification, which certifies that said professional has not made any reportable contributions to a political or candidate committee in the previous one year, and that the contract will prohibit said professional from making any reportable contributions throughout the term of the contract; and

**WHEREAS**, funds for these purposes will be appropriated in the 2021 Municipal Budget; and

**WHEREAS**, said professional is duly appointed by the Borough Council of the Borough of Fair Haven pursuant to N.J.S.A. 40A:11-5.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Fair Haven that the Mayor and Municipal Clerk are hereby authorized to execute a contract with the Vallee Surveying, Inc. for Surveying and Base Map Preparation.

**BE IT FURTHER RESOLVED** that contract for said service and the Business Disclosure Entity Certification and Determination of Value are on file with the Borough Clerk and available for public inspection; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the following:

1. Vallee Surveying, Inc.
2. Chief Financial Officer
3. Borough Administrator

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be published in the Asbury Park Press as required by law within ten (10) days of its passage.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe



Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

12. Resolution No. 2021-76, Approve Temporary Emergency Appropriation

**WHEREAS**, emergent conditions have arisen with respect to the payment of bills in a number of accounts and no adequate provision has been made in a Year 2021 temporary budget for the aforesaid purposes; and

**WHEREAS**, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for the purposes above mentioned; and

**WHEREAS**, the total temporary emergency resolutions adopted in the year 2021 for the Borough pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$2,036,797.98 for the Current Fund.

**NOW, THEREFORE, BE IT RESOLVED** that not less than two-thirds of all members of the Borough Council of the Borough of Fair Haven, New Jersey affirmatively concurring in accordance with the provisions of NJSA 40A:4-20:

1. An emergency temporary appropriation shall be and the same is hereby made for the following purposes:

<b>Account Number</b>	<b>Description</b>	<b>Amount</b>	<b>Reason</b>
<b>Current Account</b>			
1-01-25-255-207	Vol. Fire Other Expenses	\$5,000.00	Add to Temp Budget
1-01-28-370-301	Recreation Other Expenses	\$2,500.00	Add to Temp Budget
1-01-41-700-204	Dept. of Justice – Body Armor Fund	\$1,297.98	Add to Temp Budget
<b>TOTAL</b>		<b>\$8,797.98</b>	

2. That said emergency temporary appropriations will be provided for in the 2021 budget under the appropriate titles.

3. That one certified copy of this resolution will be filed with the Director of Local Government Services.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

13. Resolution No. 2021-77, Approve Tax Court Judgement Payment - 34 Briarwood Road

**WHEREAS** the property owner listed below filed a Petition of Appeal with the Tax Court of New Jersey for the year 2019; and

**WHEREAS**, said appeal was considered and a judgment has been entered that the property below qualifies for a refund for the 2019 property taxes as follows:

<b>Owner</b>	<b>Address</b>	<b>Block</b>	<b>Lot</b>	<b>Refund</b>
Daniel and Kelly Cavise	34 Briarwood Road	25	32.18	\$412.45

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refund.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez  
 Negative: None  
 Abstain: None  
 Absent: Councilman Banahan

14. Resolution No. 2021-78, Approve 1<sup>st</sup> Tax Overpayment Refund - 123 Harvard Road

**WHEREAS**, the Tax Collector, has provided a request for a tax overpayment refund for 1<sup>st</sup> Quarter

2021 due to duplicate payment and advises that the following property owners qualify for a refund as follows:

<u>Owner</u>	<u>Address</u>	<u>Block</u>	<u>Lot</u>	<u>Refund</u>
Lent, Andrew & Goldberg, Staci	123 Harvard Rd	4	25	\$ 6,070.39

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Fair Haven that the Tax Collector and Chief Financial Officer are hereby authorized to pay said refunds in the amounts listed above.

Offered for adoption by Councilwoman Koch, second by Councilwoman Chrisner-Keefe

Affirmative: Councilmembers Chrisner-Keefe, Koch, McCue, Neff and Rodriguez

Negative: None

Abstain: None

Absent: Councilman Banahan

### **Reports of Departments**

#### **January 2021**

-Police Department

-Municipal Court

-Budget Status

Motion to accept the reports as submitted by Councilwoman Koch, second by Councilman McCue with Ayes by all present.

### **GOOD OF THE BOROUGH**

Council President Rodriguez opened the meeting to the public for comments or questions at 7:55 p.m. Councilwoman Chrisner-Keefe complimented Council President Rodriguez on running a good and expedient meeting. Councilwoman Neff thanked him for getting the residents walking in town; he said that the credit goes to the Recreation Committee.

The Borough Clerk congratulated Mayor Lucarelli on becoming a grandfather this past weekend which is why he is not in attendance this evening.

Rebecca Lomba, Allen Street, asked why the DPW plans on the website are not up to date? She asked what the status is and where the building will be? She was advised the building will be in the mid-section of the site (not at the very north end and not the very south end, more east to west). It will be adjacent to the north end of where the building is today. We hope to have updated plans soon to present to the Planning Board and the public.

Elizabeth O'Neill, Third Street, commented on the building process going on and said she and the residents would like as much transparency as possible so there are no surprises. She advised she is in protest of the Recreation Center. Councilman Rodriguez said that the Borough is not making any plans for a recreation facility at the ballfields until the Police Department and DPW are further along. Councilman Rodriguez said that she can contact him for more information and that the Recreation Committee will be involved in the Recreation Facility discussions as well. The Facilities Committee broke up facility projects into five sections: Police Department, DPW, Borough Hall/Library, Bicentennial Hall and Recreation. The Council has decided to move forward with the Police Department and DPW at this time. Councilman Rodriguez said that there will be updates in Constant Contact, Facebook, e-mail blasts and all social media. Councilwoman Koch suggested that Mrs. O'Neill check the agendas of the committee/commissions to find out when these discussions will take place. Mrs. O'Neill said that she has petitions going, but the weather and COVID are hindering circulation. There is also an issue with dog waste and people not cleaning up after their pets; she asked if something can be done. Administrator Casagrande said the Borough does its best through social media to offer advice of curbing your dog. Most of the public cooperates, but a small percentage does not. Mrs. O'Neill asked for signs on Third Street to help with the issue.

Councilman McCue asked if the plans for Police Department and DPW are on the website? The Clerk advised where the plans from October 2020 could be found. Administrator Casagrande said that the draft plans that will be discussed by the Facilities Committee at their March meeting and the Planning Board meeting (when they will be presented) will be posted on the Borough's social media. There was discussion on the Planning Board capital review and who from Council should participate at the meeting. Administrator Casagrande said that there will ultimately be governing body members attending the Planning Board meeting which could lead to quorum issues and she said that it would be up to Attorney Cannon on how to handle or advertise this matter. Councilman Rodriguez asked, "if the Council attends the meeting, but not part of the presentation, would it violate the Open Public Meetings Act"? Attorney Cannon said he did not believe it would be a violation, but we should check with the Planning Board Attorney. He recommended that the Land Use liaisons be the only ones to speak or participate. Councilwoman Chrisner-Keefe asked what the date of the meeting would be; March 16<sup>th</sup>.

There being no further comments or questions, the meeting was closed to the public at 8:10 p.m.

**ADJOURNMENT**

Motion to adjourn moved by Councilwoman Chrisner-Keefe, second by Councilwoman Koch with Ayes by all present.

Time of Adjournment: 8:10 p.m.

Respectfully submitted,

Allyson M. Cinquegrana, RMC/CMR  
Borough Clerk