



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
MARCH 22, 2021
HELD AS A REMOTE MEETING ON ZOOM**

CALL TO ORDER AND OPEN PUBLIC MEETINGS ACT STATEMENT

This meeting is being held in compliance with Public Law 1975, Chapter 231, Sections 4 and 13, as notice of this meeting has been reported to The Citizen and the Morris County Daily Record and The Star Ledger on January 7, 2021 and posted in the municipal building.

Mayor Menard called the meeting to order at 7:30p.m.

ROLL CALL ATTENDANCE

| Roll Call | <u>Present</u> | <u>Absent</u> | | <u>Present</u> | <u>Absent</u> |
|------------------|-------------------------------------|--------------------------|---------|-------------------------------------|--------------------------|
| Happer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sheikh | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Barnett | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Menard | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | |

FLAG SALUTE

Councilmember Korman led the salute to the flag.

COMMUNITY ANNOUNCEMENTS

Mayor Menard announced that the Borough is working with JCP&L and Whole Foods to develop a solution to the extensive tree clearing by JCP&L at Route 46 and Intervale Road.

EXECUTIVE SESSION

There was no executive session.

SPECIAL PRESENTATIONS

Swearing in of New Police Officers

Acting Borough Clerk Stern administered the oath of office to new Borough Police Officers David Brown and Shawn Torres.

REPORTS OF BOROUGH ESTABLISHED BOARDS, COMMISSIONS AND COMMITTEES

Borough Hall & Public Safety Infrastructure Advisory Committee Q1 2021 Project Update

Borough Manager Stern and Jeff Berei, licensed architect and member of the Public Safety/Borough Hall Infrastructure Advisory Committee, provided an update on the Borough Hall renovation project.

The Council asked questions of Mr. Berei and Borough Manager Stern and they answered them.

BOROUGH COUNCIL DISCUSSION ITEMS

R83-21, Resolution to Read Budget By Title

Vote: March 22, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |



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R84-21, Self Examination of Budget Resolution

Vote: March 22, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Public Hearing & Adoption of the 2021 Municipal Budget

Mayor Menard opened the meeting to the public.

There was no one from the public who wished to comment.

Vote: March 22, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

PUBLIC COMMENT

Mayor Menard opened the meeting to the public.

Dena Muniz – 7 Rainbow Trail, asked a question about remediation at the Citgo gas station.

Mary Joelsson – 6 Scarborough Road, questioned if the Borough’s Memorial Day parade will take place this year.

Joseph McInerney – 12 Littlewood Court, asked questions about the proposed Wawa/hotel project.

Victoria Branchini – 7 Pinewood Lane, asked a question about the proposed Wawa/hotel project.

Briana Ostrosky – 8 Rainbow Trail, asked a question about the proposed hotel project.

Borough Manager Stern, Mayor Menard, Chief Bennett, Councilmember Korman, Councilmember Richter, Councilmember Happer, Councilmember Sheikh, Councilmember Barnett, and Borough Attorney Oostdyk responded to the public’s questions.

ATTORNEY’S REPORT

Mr. Oostdyk had nothing to report.



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
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MANAGER'S REPORT

AT&T Fiber Optic Cable Route

Mr. Stern reported that the cable will be placed on utility poles along Route 46 coming from Denville, then turning down Fox Hill Road and continued on into Parsippany.

Intervale Road Culvert Replacement

Mr. Stern reported that Morris County Engineering has begun preliminary design and engineering work to replace a culvert that runs under Intervale Road in the area of Sherwood Drive. Construction is anticipated to start in the spring/summer of 2022.

Manager Goals 2021

Mr. Stern reported that the following are his goals for 2021: Maintain Borough operations during the pandemic; Continue to move the Borough Hall project forward on schedule and on budget; Maintain continuity of operations during transition to temporary workspace during the Borough Hall renovation; Complete the JIF Personnel Policy Manual; Complete the Borough's 10 Year Capital Plan.

RESOLUTIONS

There were no resolutions.

ORDINANCES TO INTRODUCE

7-21, Authorizing the Salary and/or Wages of the Officers and Employees of the Borough of Mountain Lakes, County of Morris, New Jersey

Introduced: March 22, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

8-21, Amending the Chapters 102 and 111 of the Revised General Ordinances of the Borough of Mountain Lakes to Apply the Protected Tree Removal Permit Requirements to All Properties within the Borough and Amending the Fee for a Tree Removal Permit

Introduced: March 22, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

9-21, Amending the Revised General Ordinances of the Borough of Mountain Lakes and Establishing Solid Waste Recycling Regulations

Ordinance 9-21 was removed from the agenda and not voted on.



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10-21, Bond Ordinance Appropriating \$1,834,237, and Authorizing the Issuance of \$1,544,925 Bonds or Notes of the Borough, For Various Improvements or Purposes Authorized to be Undertaken by the Borough of Mountain Lakes, in the County of Morris, New Jersey

Introduced: March 22, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

ORDINANCES TO ADOPT

2-21, Amending Chapter 202 Entitled "Stormwater Control" of The Revised General Ordinances of the Borough of Mountain Lakes

PUBLIC COMMENT/HEARING

Please state your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

Mayor Menard opened the meeting to the public.

There was no one from the public wishing to speak.

Introduced: February 8, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adopted: March 22, 2021

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

***CONSENT AGENDA ITEMS**

Matters listed as Consent Agenda Items are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item be removed for consideration.



**MEETING MINUTES OF THE COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES
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***RESOLUTIONS**

- a. R85-21, Authorizing the Payment of Bills
- b. R86-21, Authorizing a Professional Services Agreement between the Borough of Mountain Lakes and Matthew J. Giacobbe, Esq. of Cleary Giacobbe Alfieri Jacobs, LLC
- c. R87-21, Authorizing Municipal Employees' Salary
- d. R88-21, Authorizing a Professional Services Agreement between the Borough of Mountain Lakes & Arcari & Iovino, P.C.

***APPROVAL OF MINUTES**

3/8/21 (Regular)

***BOARD, COMMITTEE AND COMMISSION APPOINTMENTS**

***Approval of the Consent Agenda**

| Council member | M | 2nd | Yes | No | Abstain | Absent |
|----------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| Happer | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Korman | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Lane | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Richter | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sheikh | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Barnett | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Menard | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DEPARTMENT REPORTS SUBMITTED FOR FILING (reports are included only if checked)

- Construction Department
- Department of Public Works
- Fire Department
- Health Department
- Police Department
- Recreation Department
- Code Enforcement/Property maintenance report

COUNCIL REPORTS

Economic Development Advisory Committee (EDAC) – Councilmember Richter reported that the committee discussed the following: Zoom meeting procedures, new cannabis legislation, two potential candidates for EDAC membership, and two potential development sites on Route 46.

Affordable Housing – Councilmember Korman reported that the March meeting was cancelled.

Shade Tree Commission – Councilmember Korman reported that the commission discussed Ordinance 8-21 and a property on Intervale Road.

Historic Preservation Committee – Councilmember Korman reported that the committee would like to be better integrated with the Borough's Economic Development Advisory Committee, Zoning Board and Planning Board. The committee is looking into historic preservation grants for Borough properties.



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Planning Board – Mayor Menard reported that the board reviewed Ordinance 2-21 regarding stormwater management and determined the ordinance is in conformance with the Borough's master plan. Councilmember Lane reported that the board continued to hear the Highview application, and that the Hilton Hotel architect provided testimony.

Woodlands Committee – Councilmember Lane reported the committee discussed a potential eagle scout project and the organization of planting saplings.

Environmental Commission – Councilmember Happer reported that the commission discussed water consumption at the proposed Wawa/hotel development and a minor development change to the Borough's stormwater ordinance.

DPW Committee – Councilmember Happer reported that the committee discussed the following: Swing set installation at Island Beach, finalizing boat rack locations, finalizing rain garden location at Island Beach, Borough Christmas Tree health, Boulevard path, pocket park erosion on Pollard Road, Island Beach flagpole replacement, and Borough trash receptacles.

PUBLIC COMMENT

Please state your name and address for the record. Each speaker is limited to one (1) comment of no more than five (5) minutes and no yielding of time to another person.

Mayor Menard opened the meeting to the public.

Cathi Hadjiloucas – 5 Lakewood Drive, asked questions about the proposed Wawa application and Borough water availability.

Ellen Foppes – 29 Rainbow Trail, made a comment regarding Borough water usage.

Victoria Branchini – 7 Pinewood Lane, asked questions about water usage at the proposed Wawa development and Sunrise Assisted Living facility.

Dena Muniz – 7 Rainbow Trail, made a comment about Borough water usage study calculations.

Michael Hadjiloucas – 5 Lakewood Drive, asked a question about Borough water usage.

Councilmember Happer, Councilmember Richter, Councilmember Korman, Borough Attorney Oostdyk and Mayor Menard responded to the public's questions.

NEXT STEPS AND PRIORITIES

Mayor Menard reviewed the following next steps and priorities:

| Next Step | Completed by | Completion date |
|---|-----------------|-----------------|
| Memorial Day Parade Status | Mayor | |
| Hotel Residency | Mayor | |
| Water Testing Schedule | Borough Manager | |
| Water Information to Councilmembers Happer & Richter | Borough Manager | |
| Boat Rack Diagrams to DPW Committee | Borough Manager | |
| Ordinance 8-21 Notification to Planning Board Secretary & Residents via Broadcast Email | Borough Manager | |



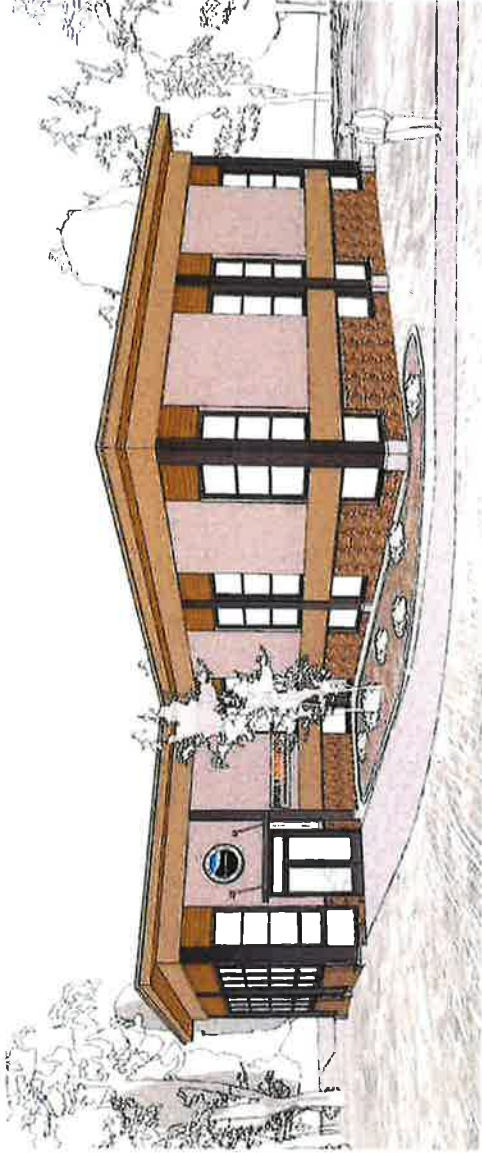
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ADJOURNMENT at 9:52P.M.

Motion made by Councilmember Korman, second by Mayor Menard to adjourn the meeting at 9:52p.m., with all members in favor signifying by "Aye".

Respectfully Submitted

Cara Fox, Deputy Borough Clerk



1Q 2021 Project Update

Borough Hall & Public Safety Infrastructure Advisory Committee

March 22, 2021

Agenda

- Construction Update
- Schedule
- Budget Update
- Borough Hall Administration & Public Safety Operations During Construction
- Updated Exterior Elevations
- HVAC Upgrade

Construction Update

Completed

- ✓ Excavation for Back Addition
- ✓ Footings for Back Addition
- ✓ Foundation Walls for Back Addition
- ✓ Slabs for Back Addition
- ✓ Demolition of Former Council Chambers
- ✓ Demolition of Former Board of Education Space
- ✓ Utility Work under Back Parking Lot
- ✓ Drainage Work under Back Parking Lot

In Progress

- Masonry Block Walls for Back Addition
- Materials Procurement
- Preparation for Borough Hall Administration move to 420 Boulevard

Next Steps

- Borough Hall Administration Move to 420 Boulevard
- On-Going Construction of Back Addition
- On-Going Interior Demolition
- Excavation for Front Addition



Breaking Ground! Excavation for Back Addition



Footings for Back Addition



Foundation Walls for Back Addition



Slabs for Back Addition



Demolition of Former Council Chambers



Demolition of Former Board of Education Space

Schedule: December 2020 – August 2022

Construct Rear Addition: December 2020 – December 2021

Foundations – Above Grade Masonry – Steel Framing/Pour 2nd Floor – Frame & Sheath
Exterior Walls – Roof – Exterior Finishes & Windows – Interior Fit Out

Construct Front Addition: April 2021 – May 2022

Foundations – Above Grade Masonry/Elevator Shaft – Steel Framing/Pour 2nd Floor Deck – Frame & Sheath
Exterior Walls – Elevator Installation – Roof – Exterior Finishes & Windows – Interior Fit Out

Exterior Envelope/Interior Remodel: April 2021 – August 2022

Replace Roof – Exterior Finishes & Windows – First Floor Demo – First Floor Walls – First Floor Ceilings – Finishes –
Fixtures – Second Floor Demo – Second Floor Walls – Second Floor Ceilings – Finishes – Fixtures

Budget Update

Project Expenses through 2.28.21

| Total Budget | Expenses | Encumbered | Balance |
|--------------|-----------|------------|-------------|
| \$4,513,000 | \$293,633 | \$149,971 | \$4,069,396 |

Borough Hall Administration & Public Safety Operations During Construction

Borough Hall Administration

- Relocate to 420 Boulevard
- 1st or 2nd week of April moving date

Public Meetings

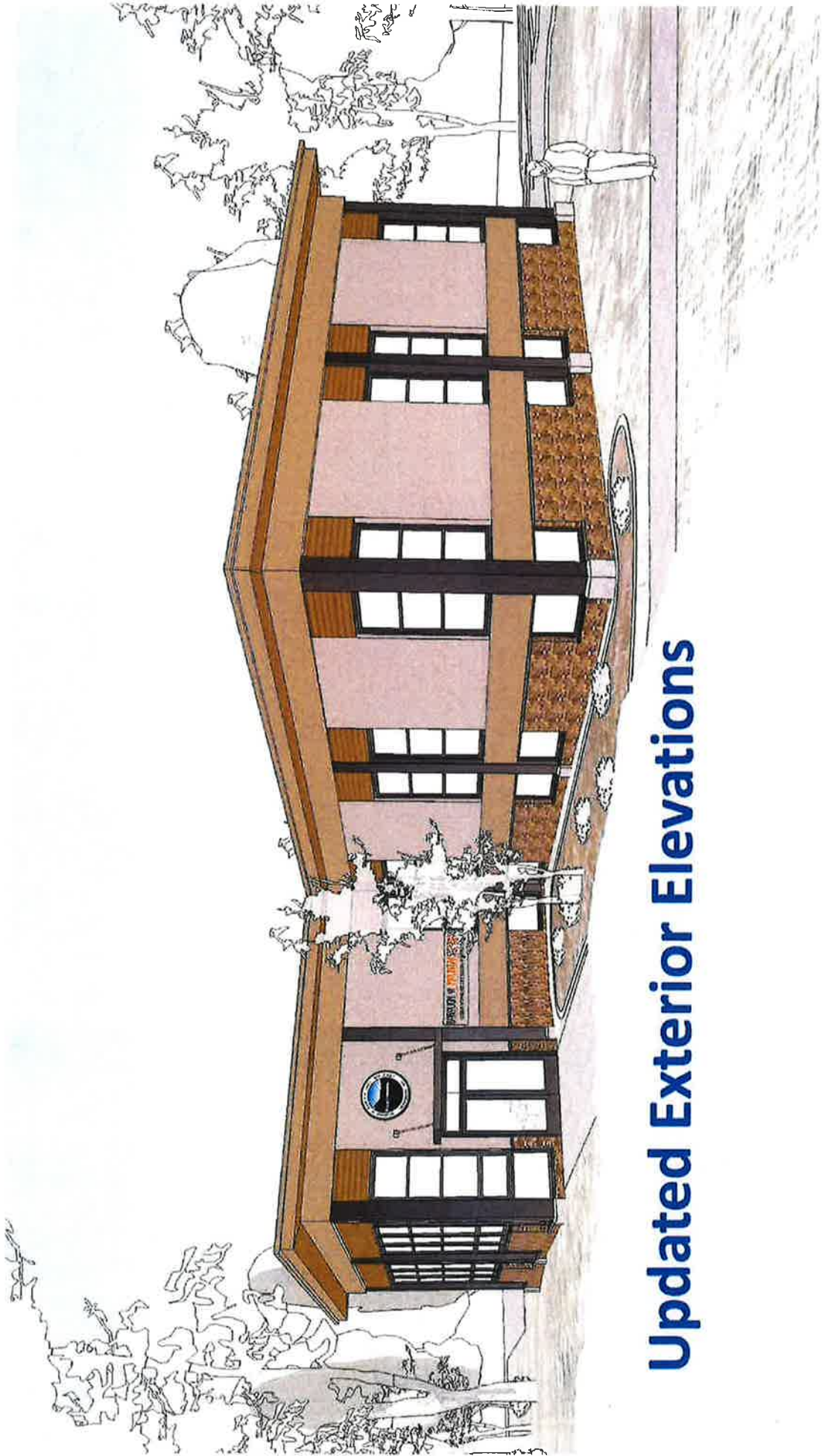
- Continue virtual meetings in the near-term
- Assess alternative locations in preparation for return to in-person meetings

Mountain Lakes Police Department

- Remain on-site in the near-term

ML Volunteer Fire Department

- Remain on-site in the near-term



Updated Exterior Elevations

HVAC Upgrade

In consultation with the project architect and mechanical engineer, the committee recommended modifications to the building's HVAC System design in response to the continuing Covid-19 pandemic:

Roof Top Unit (RTU) "Purge Cycle" (No Additional Upfront Cost):

- One Hour Cycle as Required.

Enhanced MERV 13 Filter Maintenance on RTUs (Additional +/- \$2,000 Annually):

- Upgrade to Monthly vs. Quarterly Maintenance

Heat Pump - Needlepoint Biopolar Ionization (Additional +/- \$2,200 Upfront Cost):

- Two Test Units in Public Spaces

RTUs - Catalytic Air Cleaning System (Additional +/- \$20,000 Upfront Cost):

- Add System to the Three Roof Top Air Handling Units

The Committee recommended approving these upgrades with the understanding that these expenses will be covered by 1) federal COVID aid, 2) project savings, or 3) the additional allocation of funds.

Thank You

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION 83-21

“RESOLUTION TO READ BUDGET BY TITLE”

WHEREAS, N.J.S.A. 40A 4-8 as amended provides that the Budget shall be read in full at the public hearing, or that it may be read by its title only if:

1. At least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget,
 - a. shall be made available for public inspection, and
 - b. shall be made available to each person upon request

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Mountain Lakes that it is hereby declared that the conditions of N.J.S.A. 40A:4-8, as amended set forth in subsections 1(a)and1(b), have been met and therefore the Budget shall be read by title only.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on March 22, 2021.

Cara Fox
Cara Fox, Deputy Borough Clerk

| Name | Motion | Second | Aye | Nay | Absent | Abstain |
|---------|--------|--------|-----|-----|--------|---------|
| Happer | | X | X | | | |
| Korman | | | X | | | |
| Lane | | | X | | | |
| Richter | | | X | | | |
| Sheikh | | | X | | | |
| Barnett | X | | X | | | |
| Menard | | | X | | | |

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on March 22, 2021.

Cara Fox
Cara Fox, Deputy Borough Clerk

| Name | Motion | Second | Aye | Nay | Absent | Abstain |
|---------|--------|--------|-----|-----|--------|---------|
| Happer | X | | X | | | |
| Korman | | | X | | | |
| Lane | | | X | | | |
| Richter | | X | X | | | |
| Sheikh | | | X | | | |
| Barnett | | | X | | | |
| Menard | | | X | | | |

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION 85-21

“RESOLUTION AUTHORIZING THE PAYMENT OF BILLS”

WHEREAS, the Borough Manager has reviewed and approved purchase orders requested by the Department Heads; and

WHEREAS, the Finance Office has certified that funds are available in the proper account; and

WHEREAS, the Borough Treasurer has approved payment, upon certification from the Borough Department Heads that the goods and/or services have been rendered to the Borough.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey, that the current bills, dated **March 22, 2021** and on file and available for public inspection in the Office of the Treasurer and approved by him for payment, be paid.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on March 22, 2021.

Cara Fox
Cara Fox, Deputy Borough Clerk

| Name | Motion | Second | Aye | Nay | Absent | Abstain |
|---------|--------|--------|-----|-----|--------|---------|
| Happer | | | X | | | |
| Korman | | X | X | | | |
| Lane | | | X | | | |
| Richter | X | | X | | | |
| Sheikh | | | X | | | |
| Barnett | | | X | | | |
| Menard | | | X | | | |

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 03/22/2021 For bills from 03/04/2021 to 03/17/2021

| Check# | Vendor | Description | Payment | Check Total |
|--------|--|--|-----------|-------------|
| 18473 | 124 - AC DAUGHTRY, INC. | PO 23160 DPW - CENTRAL STATION MONITORING - 1st | 164.70 | |
| 18474 | 219 - ACCESS | PO 23160 DPW - CENTRAL STATION MONITORING - 1st | 60.00 | 224.70 |
| 18475 | 196 - ALLIED OIL | PO 23224 CUST# 156NFY04790 - MAR 2021 | 61.33 | 61.33 |
| | | PO 23034 DPW - FUEL EXPENSES - UNLEADED - BLANKET | 1,875.42 | |
| 18476 | 3068 - ALLISON RANKIN | PO 23237 DPW - FUEL EXPENSES - UNLEADED - BLANKET | 1,320.90 | 3,196.32 |
| 18477 | 239 - AMERICAN WEAR, INC. | PO 23209 CLEAN COMMUNITIES GRANT - STORMWATER POS | 288.99 | 288.99 |
| 18478 | 189 - ANCHOR ACE HARDWARE | PO 23208 DPW - UNIFORMS | 671.00 | 671.00 |
| | | PO 23076 DPW / WATER DEPT - DEPARTMENT SUPPLIES - | 106.10 | |
| 18479 | 3957 - ATLANTIC COAST FIBERS, LLC | PO 23076 DPW / WATER DEPT - DEPARTMENT SUPPLIES - | 211.09 | 317.19 |
| 18480 | 220 - ATLANTIC SALT, INC. | PO 23256 RECYCLING COSTS - JANUARY 2021 | 24.05 | 24.05 |
| 18481 | 3828 - BOROUGH OF MADISON | PO 23123 STREETS & ROADS - SNOW REMOVAL - MCC | 8,338.59 | 8,338.59 |
| 18482 | 2775 - CAPITOL SUPPLY CONSTRUC PROD, INC | PO 23280 DECEMBER 2020 IT BILLING | 1,021.10 | 1,021.10 |
| 18483 | 2147 - CCTMO LLC | PO 23239 WATER DEPARTMENT - EQUIPMENT & TOOLS | 52.00 | 52.00 |
| 18484 | 4135 - CGP&H, LLC | PO 23197 MAR 2021 - CELL TOWER REIMBURSEMENT CROW | 1,885.00 | 1,885.00 |
| 18485 | 2196 - CHRISTINA WHITAKER | PO 23281 OCTOBER - DECEMBER 2020 - COAH | 2,596.00 | 2,596.00 |
| 18486 | 4150 - CLEARY GIACOBBE ALFIERIE JACOBS, | PO 22962 2021 QUARTERLY HEALTH BENEFITS REIMBURSEM | 517.17 | 517.17 |
| 18487 | 2396 - COUNTY WELDING SUPPLY CO. | PO 23289 FEB. 2021 LABOR ATTORNEY SRVCS. | 1,600.50 | 1,600.50 |
| 18488 | 726 - ECOL SCIENCE, INC. | PO 23036 DPW - EQUIPMENT & TOOLS - BLANKET | 68.00 | 68.00 |
| 18489 | 4042 - ELIFEGUARD, INC. | PO 23229 SUNSET LAKE DAM REHAB - TASK 1-3 | 6,061.00 | 6,061.00 |
| 18490 | 1170 - FERGUSON ENTERPRISES #501 | PO 23162 ISLAND BEACH - IMPROVEMENTS | 2,524.99 | 2,524.99 |
| 18491 | 3993 - FSC LEAK DETECTION | PO 23211 BH RENO: SUPPLIES/PVC PIPE - 2/2021 | 263.78 | 263.78 |
| 18492 | 653 - GANNET NEW JERSEY NEWSPAPERS | PO 23242 EMERGENCY - WATER DEPT LEAK - OVERLOOK | 400.00 | 400.00 |
| | | PO 22973 BOA/PLANNING: 2021 ADVERTISING - ACCT#31 | 90.30 | |
| | | PO 22977 CLERK - 2021 ADVERTISING - BLANKET | 496.55 | |
| 18493 | 4131 - GENERAL RECREATION, INC | PO 23287 CLERK: ADVERTISING - FEB 2021 | 401.18 | 988.03 |
| 18494 | 503 - HERBERT J. COHRS | PO 23065 RECREATION - PLAYGROUND EQUIPMENT | 177.00 | 177.00 |
| 18495 | 911 - HOME DEPOT CREDIT SERVICES | PO 22963 2021 QUARTERLY HEALTH BENEFITS REIMBURSE | 1,159.63 | 1,159.63 |
| 18496 | 984 - INTL. INSTITUTE OF MUNICIPAL CLERKS | PO 22943 DPW - DEPARTMENT SUPPLIES - BLANKET | 398.98 | 398.98 |
| 18497 | 859 - JCP&L | PO 23275 CLERK: 2021 MEMBERSHIP DUES | 175.00 | 175.00 |
| | | PO 23210 ACCT#100 075 505 725 - BILL PRD: 1/22 - | 3.10 | |
| | | PO 23223 ACCT#100 050 702 156 - BILL PRD: 1/27 - | 4.16 | |
| 18498 | 859 - JCP&L | PO 23273 M/A #200 000 054 011/ BILL DATE: FEB 04. | 645.87 | 653.13 |
| | | PO 23274 M/A #200 000 054 011/ BILL DATE: MAR 5, | 998.96 | |
| | | PO 23277 M/A #200 000 053 658 / BILL DATE: MAR 5, | 1,542.56 | |
| 18499 | 859 - JCP&L | PO 23278 MASTER ACCT#200 000 574 000/ BILL DATE: | 57.30 | 2,598.82 |
| | | PO 23279 MAST ACCT# 200 000 021 275 / BILL DATE: | 3,852.60 | |
| | | PO 23291 M/A #200 000 020 764: BILL DATE: MAR 10, | 63.10 | 3,915.70 |
| 18500 | 1074 - JW PIERSON CO. | PO 23159 DPW - DIESEL FUEL - BLANKET | 2,166.24 | 2,166.24 |
| 18501 | 1086 - KENNEDY CULVERT & SUPPLY CO. | PO 23163 BH RENOVATION | 2,649.58 | 2,649.58 |
| 18502 | 1090 - KENVIL POWER MOWER | PO 23238 DPW - EQUIPMENT REPAIRS - BLANKET | 107.00 | 107.00 |
| 18503 | 1182 - LINCOLN NATIONAL LIFE INS. | PO 23175 2020 LOSAP CONTRIBUTIONS/CONTRACT# CR334 | 16,100.00 | 16,100.00 |
| 18504 | 1441 - MAJOR POLICE SUPPLY | PO 23177 POLICE - VEHICLE REPAIR | 265.00 | 265.00 |
| 18505 | 2790 - MC PUBLIC SAFETY TRAINING ACADEMY | PO 22921 POLICE: ACADEMY TRAINING - 2021 BLANKET | 20.00 | 20.00 |
| 18506 | 2308 - MCNERNEY & ASSOCIATES, INC. | PO 23109 LEGAL: TAX APPEAL 35 CRYSTAL RD. | 2,500.00 | 2,500.00 |
| 18507 | 1338 - MGL PRINTING SOLUTIONS, LLC | PO 23191 ADMIN: NON WINDOW ENVELOPES | 206.50 | |
| | | PO 23216 CLERK: MINUTE BOOK/ PAPER | 340.00 | 546.50 |
| 18508 | 1295 - MORRIS CTY MUNICIPAL UTILITIES | PO 23258 SOLID WASTE DISPOSAL - FEBRUARY 2021 | 8,418.42 | 8,418.42 |
| 18509 | 1311 - MORRIS CTY TREASURER | PO 23196 MORRIS COUNTY COMMUNICAITONS DISPATCH SE | 26,497.42 | 26,497.42 |
| 18510 | 4196 - MOUNTAIN LAKES REALTY, LLC | PO 23293 BH: LEASE PAYMENTS FOR TEMP BORO HALL | 5,000.00 | 5,000.00 |
| 18511 | 1394 - MTN. LAKES PUBLIC LIBRARY | PO 23198 APRIL 2021 MTN LAKES PUBLIC LIBRARY AID | 24,834.58 | 24,834.58 |
| 18512 | 1472 - MURPHY MCKEON P.C. | PO 23233 FEBRUARY 2021 LEGAL SERVICES - TAX APPEA | 3,930.00 | |
| | | PO 23234 MARCH 2021 PROFESSIONAL SERVICES - RETAI | 4,166.66 | 8,096.66 |
| 18513 | 1435 - NAZZARENO MOSCARINI | PO 22964 2021 QUARTERLY HEALTH BENEFITS REIMBURSE | 193.27 | 193.27 |
| 18514 | 881 - NCK | PO 22972 ADMIN: 2021 DNS HOSTING / ACCT# GTI - BL | 21.95 | 21.95 |
| 18515 | 1553 - NEW JERSEY NATURAL GAS | PO 23288 DEC 2020 - JAN 2021 SERVICE | 2,671.72 | 2,671.72 |
| 18516 | 3388 - NEW JERSEY REGISTRAR'S ASSOCIATION | PO 22912 2021 MEMBERSHIP RENEWAL FOR CARA FOX | 25.00 | 25.00 |
| 18517 | 1562 - NJLM | PO 23212 FINANCE: PROFESSIONAL DEVELOPMENT - MONI | 75.00 | 75.00 |
| 18518 | 2595 - NORTH JERSEY MUNICIPAL EMPLOYEE | PO 23219 MARCH 2021 DENTAL PREMIUMS - GROUP 1624 | 2,522.00 | 2,522.00 |
| 18519 | 2727 - ONE CALL CONCEPTS, INC. | PO 22991 ACCT# 12-BML / 2020 JAN - DEC BLANKET | 76.86 | 76.86 |
| 18520 | 2968 - OPTIMUM | PO 22929 2021 DPW INTERNET SERVICES ACCT# 07876-6 | 146.18 | 146.18 |
| 18521 | 2968 - OPTIMUM | PO 22930 DPW: 2021 CABLE BOXES ACCT# 07876-41456 | 11.72 | 11.72 |
| 18522 | 3659 - OPTIMUM | PO 23282 MARCH 2021 BORO INTERNET FEES: ACCT# 078 | 140.55 | 140.55 |
| 18523 | 3113 - PHILLIPS PREISS GRYGIEL LEHENY HUGH | PO 23217 JAN 2021 PROFESSIONAL SERVICES - COAH | 320.00 | 320.00 |
| 18524 | 4151 - PITNEY BOWES, INC | PO 23207 ADMIN: POSTAGE INK ORDER# 13886234 | 107.88 | 107.88 |
| 18525 | 4184 - PLANIT NETWORKS | PO 22865 BH: POLICE PHONE IN FRONT VESTIBULE - MA | 250.00 | 250.00 |
| 18526 | 4070 - PREMIER CAR WASH COR | PO 22914 POLICE: CAR WASHES - 2021 BLANKET- ACCT | 108.00 | 108.00 |
| 18527 | 2397 - ROCKAWAY AUTO RESOURCES, LLC | PO 22975 DPW / POLICE - VEHICLE REPAIRS - BLANKET | 375.27 | |
| | | PO 23068 DPW - VEHICLE REPAIRS | 265.40 | |
| | | PO 23122 DPW - VEHICLE REPAIR | 83.10 | |

List of Bills - CLAIMS/CLEARING CHECKING ACCOUNT

Meeting Date: 03/22/2021 For bills from 03/04/2021 to 03/17/2021

| Check# | Vendor | Description | Payment | Check Total |
|--------|---|---|-----------|-------------|
| 18528 | 3695 - RT 23 PATIO & MASON CENTER, LLC | PO 23152 DPW/ POLICE - VEHICLE MAINTENANCE | 250.62 | 974.39 |
| 18529 | 2856 - SENSUS USA, INC | PO 23067 ISLAND BEACH / BIRCHWOOD BEACH SWING SET | 253.50 | 253.50 |
| 18530 | 285 - SHAWN BENNETT | PO 23182 WATER DEPARTMENT - EQUIPMENT | 1,949.94 | 1,949.94 |
| | | PO 23247 POLICE: REIMBURSEMENT | 41.25 | |
| | | PO 23269 POLICE: REIMBURSEMENT | 50.00 | 91.25 |
| 18531 | 2774 - STAPLES CONTRACT & COMMERCIAL, LLC | PO 22918 POLICE: OFFICE SUPPLIES - 2021 BLANKET | 211.80 | |
| | | PO 23103 ADMIN: ORDER# | 65.43 | |
| | | PO 23180 MULTI DEPT: ORDER# 7325331904 | 96.05 | 373.28 |
| 18532 | 1916 - STICKEL, KOENIG, SULLIVAN & DRILL, | PO 23226 2021 PROFESSIONAL SERVICES FOR MICHAEL D | 3,500.00 | 3,500.00 |
| 18533 | 1981 - SUBURBAN DISPOSAL, INC | PO 23230 BH RENO: ROLL-OFF CONTAINER | 850.00 | |
| | | PO 23257 SOLID WASTE / RECYCLING COLLECTION - FEB | 36,219.99 | 37,069.99 |
| 18534 | 2108 - THE UPS STORE 4650 | PO 22916 POLICE: POSTAGE - 2021 BLANKET | 10.21 | 10.21 |
| 18535 | 253 - THOMAS BARBATO | PO 22965 2021 QUARTERLY HEALTH BENEFITS REIMBURSE | 622.15 | 622.15 |
| 18536 | 603 - TOWNSHIP OF DENVILLE | PO 23225 2021 SHARED MUNICIPAL COURT SERVICES | 14,629.00 | 14,629.00 |
| 18537 | 1424 - TOWNSHIP OF MONTVILLE | PO 23199 1Q2021 ANIMAL ACTIVITY CHARGE | 2,961.82 | 2,961.82 |
| 18538 | 4191 - TRANSUNION RISK & ALTERNATIVE | PO 23093 POLICE: 2021 SUBSCRIPTION ACCT. ID: 3645 | 100.00 | 100.00 |
| 18539 | 1736 - TWP OF PARSIPPANY - TROY HILLS | PO 23195 MARCH 2021 SEWER MAINTENANCE CHARGES | 39,416.67 | 39,416.67 |
| 18540 | 1062 - UNITED SITE SERVICES | PO 22776 BH:TEMPORARY FENCING /BLANKET | 122.50 | |
| | | PO 23227 MAR - APR 2021 - CUST ID# 140157 | 320.00 | 442.50 |
| 18541 | 2135 - VERIZON WIRELESS | PO 23272 ACCT# 882388054-00001 / FEB 05 - MAR 04 | 782.07 | 782.07 |
| 18542 | 832 - W.W. GRAINGER, INC | PO 22946 STREETS & ROADS - DEPARTMENT SUPPLIES - | 68.96 | 68.96 |
| 18543 | 4177 - WEINER LAW GROUP, LLP | PO 23263 FEB 2021 PROFESSIONAL SERVICES - PB | 35.00 | 35.00 |
| 18544 | 3753 - WINNER FORD OF CHERRY HILL | PO 22773 2021 UTILITY INTERCEPTOR BASE VEHICLE | 33,012.00 | 33,012.00 |
| TOTAL | | | | 280,342.26 |

Summary By Account

| ACCOUNT | DESCRIPTION | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|--|-------------------|------------------|-----------------|-------------------|
| 01-201-20-100-020 | GENERAL ADMIN - OTHER EXPENSE | 433.28 | | | |
| 01-201-20-120-020 | MUNICIPAL CLERK - OTHER EXP'S | 1,499.52 | | | |
| 01-201-20-130-020 | FINANCE - OTHER EXPENSES | 75.00 | | | |
| 01-201-20-140-020 | COMPUTER SERVICES | 174.22 | | | |
| 01-201-20-145-020 | TAX COLLECTOR - OTHER EXPENSES | 22.67 | | | |
| 01-201-20-155-020 | LEGAL SERVICES - OTHER EXPENSE | 12,517.16 | | | |
| 01-201-21-180-020 | PLANNING BOARD - OTHER EXPENSE | 111.54 | | | |
| 01-201-21-185-020 | BD OF ADJUST - OTHER EXPENSES | 3,513.76 | | | |
| 01-201-23-220-020 | GROUP INSURANCE PLANS-EMPLOYEE | 5,014.22 | | | |
| 01-201-25-240-020 | POLICE DEPT - OTHER EXPENSES | 541.26 | | | |
| 01-201-25-250-020 | INTERLOCAL SERVICES: MC DISPATCH - OE | 26,497.42 | | | |
| 01-201-25-251-020 | INTERLOCAL SERVICES: DENVILLE COURT - OE | 14,629.00 | | | |
| 01-201-26-290-020 | STREETS & ROADS - OTHER EXP. | 10,174.50 | | | |
| 01-201-26-305-020 | SOLID WASTE - OTHER EXPENSES | 44,413.64 | | | |
| 01-201-26-306-020 | Recycling Tax | 248.82 | | | |
| 01-201-26-310-020 | BLDG & GROUNDS - MUNIC BLDG | 19.45 | | | |
| 01-201-26-315-020 | VEHICLE REPAIRS & MAINTENANCE | 1,239.39 | | | |
| 01-201-28-370-020 | PARKS & PLAYGROUNDS OTHER EXP. | 177.00 | | | |
| 01-201-28-375-020 | MAINT OF PARKS (BEACHES/LAKES) | 320.00 | | | |
| 01-201-29-390-020 | AID TO PUBLIC LIBRARY | 24,834.58 | | | |
| 01-201-31-435-020 | ELECTRICITY - ALL DEPARTMENTS | 2,441.80 | | | |
| 01-201-31-440-020 | TELECOMMUNICATIONS | 782.07 | | | |
| 01-201-31-447-020 | PETROLEUM PRODUCTS | 5,362.56 | | | |
| 01-203-20-100-020 | (2020) GENERAL ADMIN - OTHER EXPENSE | | 2,596.00 | | |
| 01-203-20-140-020 | (2020) COMPUTER SERVICES | | 553.32 | | |
| 01-203-25-240-020 | (2020) POLICE DEPT - OTHER EXPENSES | | 467.78 | | |
| 01-203-31-435-020 | (2020) ELECTRICITY - ALL DEPARTMENTS | | 815.95 | | |
| 01-203-31-437-020 | (2020) NATURAL GAS | | 2,671.72 | | |
| 01-203-36-476-020 | (2020) LENGTH OF SVS AWARDS (LOSAP) | | 16,100.00 | | |
| 01-260-05-100 | DUE TO CLEARING | | | 0.00 | 180,132.63 |
| 01-290-55-000-005 | DUE TO T-MOBILE - SPRINT FEES | | | 1,885.00 | |
| TOTALS FOR | Current Fund | 155,042.86 | 23,204.77 | 1,885.00 | 180,132.63 |

Summary By Account

| ACCOUNT | DESCRIPTION | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|---|------------------|--------------|------------------|------------------|
| 02-200-40-700-340 | Clean Communities Grant | | | 288.99 | |
| 02-260-05-100 | DUE TO CLEARING | | | 0.00 | 288.99 |
| TOTALS FOR | FEDERAL AND STATE GRANTS | 0.00 | 0.00 | 288.99 | 288.99 |
| 04-215-55-982-000 | 2016 CAPITAL ORDINANCE 06-16 | | | 2,778.49 | |
| 04-215-55-985-000 | 2019 CAPITAL ORDINANCE 2-19 | | | 6,061.00 | |
| 04-215-55-989-000 | 2020 CAPITAL ORD. 8-20 BORO HALL RENOV. | | | 9,135.86 | |
| 04-260-05-100 | DUE TO CLEARING | | | 0.00 | 17,975.35 |
| TOTALS FOR | General Capital | 0.00 | 0.00 | 17,975.35 | 17,975.35 |
| 05-201-55-520-520 | Water Operating - Other Expenses | 6,445.50 | | | |
| 05-203-55-520-520 | (2020) Water Operating - Other Expenses | | 52.00 | | |
| 05-260-05-100 | DUE TO CLEARING | | | 0.00 | 6,497.50 |
| TOTALS FOR | Water Operating | 6,445.50 | 52.00 | 0.00 | 6,497.50 |
| 07-201-55-520-520 | Sewer Operating - Other Expenses | 39,473.97 | | | |
| 07-260-05-100 | DUE TO CLEARING | | | 0.00 | 39,473.97 |
| TOTALS FOR | Sewer Operating | 39,473.97 | 0.00 | 0.00 | 39,473.97 |
| 13-260-05-100 | DUE TO CLEARING | | | 0.00 | 2,961.82 |
| 13-286-56-000-000 | RESERVE - ANIMAL LICENSE FUND | | | 2,961.82 | |
| TOTALS FOR | Animal Trust | 0.00 | 0.00 | 2,961.82 | 2,961.82 |
| 19-260-05-100 | DUE TO CLEARING | | | 0.00 | 33,012.00 |
| 19-300-60-000-005 | RESERVE FOR POLICE VEHICLE | | | 33,012.00 | |
| TOTALS FOR | Police Outside Detail Trust | 0.00 | 0.00 | 33,012.00 | 33,012.00 |

| | |
|---|-------------------|
| Total to be paid from Fund 01 Current Fund | 180,132.63 |
| Total to be paid from Fund 02 FEDERAL AND STATE GRANTS | 288.99 |
| Total to be paid from Fund 04 General Capital | 17,975.35 |
| Total to be paid from Fund 05 Water Operating | 6,497.50 |
| Total to be paid from Fund 07 Sewer Operating | 39,473.97 |
| Total to be paid from Fund 13 Animal Trust | 2,961.82 |
| Total to be paid from Fund 19 Police Outside Detail Trust | 33,012.00 |
| | 280,342.26 |

List of Bills - (1210101001001) PAYROLL AGENCY-CASH-PROVIDENT BANK

Payroll Agency Account

Meeting Date: 03/22/2021 For bills from 03/04/2021 to 03/17/2021

| Check# | Vendor | Description | Payment | Check Total |
|--------|--------------------------------------|------------------------------|---------|-------------|
| 5032 | 1392 - MTN. LAKES POLICE ASSOCIATION | PO 23286 2021- PBA UNON DUES | 740.00 | 740.00 |
| | TOTAL | | | 740.00 |

Summary By Account

| ACCOUNT | DESCRIPTION | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|------------------------------------|-------------|--------------|---------------|---------------|
| 12-101-01-001-001 | PAYROLL AGENCY-CASH-PROVIDENT BANK | | | 0.00 | 740.00 |
| 12-200-00-000-800 | POLICE UNION DUES | | | 740.00 | |
| TOTALS FOR | Payroll Agency Account | 0.00 | 0.00 | 740.00 | 740.00 |

Total to be paid from Fund 12 Payroll Agency Account 740.00
740.00

Checks Previously Disbursed

| | | | | |
|------|---------------------|--|--------------|-----------|
| 5031 | STATE OF NEW JERSEY | PO# 23232 PERS LOCATION # 20670 RETRO PAYROL | 72.73 | 3/11/2021 |
| | | | <u>72.73</u> | |

| Totals by fund | Previous Checks/Voids | Current Payments | Total |
|--------------------------------|-----------------------|------------------|----------------------|
| Fund QUALITY CUSTOM HOMES | 72.73 | | 72.73 |
| Fund 12 Payroll Agency Account | 72.73 | 740.00 | 812.73 |
| BILLS LIST TOTALS | 145.46 | 740.00 | <u>885.46</u> |

**List of Bills - (1710101001002) Escrow - Developers - Checking
Developer's Escrow**

Meeting Date: 03/22/2021 For bills from 03/03/2021 to 03/17/2021

| Check# | Vendor | Description | Payment | Check Total |
|--------|--------------------------------|---|----------|-------------|
| 5223 | 4157 - BRIGHT VIEW ENGINEERING | PO 23265 FEBRUARY 2021 PROFESSIONAL SERVICES - ES | 1,151.25 | 1,151.25 |
| 5224 | 4169 - BURGIS ASSOCIATES, INC. | PO 23267 JANUARY 2021 PROFESSIONAL SERVICES - ESC | 1,190.00 | 1,190.00 |
| 5225 | 4170 - DEWBERRY ENGINEERS, INC | PO 23270 JANUARY 2021 PROFESSIONAL SERVICES - ESC | 960.00 | 960.00 |
| 5226 | 4177 - WEINER LAW GROUP, LLP | PO 23266 FEBRUARY 2021 PROFESSIONAL SERVICES - ES | 845.00 | 845.00 |
| TOTAL | | | | 4,146.25 |

Summary By Account

| ACCOUNT | DESCRIPTION | CURRENT YR | APPROP. YEAR | NON-BUDGETARY | CREDIT |
|-------------------|--------------------------------|-------------|--------------|-----------------|-----------------|
| 17-101-01-001-002 | Escrow - Developers - Checking | | | 0.00 | 4,146.25 |
| 17-500-00-091-319 | HIGHVIEW HOMES LLC | | | 4,146.25 | |
| TOTALS FOR | Developer's Escrow | 0.00 | 0.00 | 4,146.25 | 4,146.25 |

Total to be paid from Fund 17 Developer's Escrow

4,146.25

4,146.25

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION 86-21

“RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF MOUNTAIN LAKES AND MATTHEW J. GIACOBBE, ESQ. OF CLEARY GIACOBBE ALFIERI JACOBS, LLC”

WHEREAS, there exists the need for professional legal services (Labor Attorney) for the Borough of Mountain Lakes; and

WHEREAS, Matthew J. Giacobbe, Esq. has submitted a proposal indicating that legal services will be provided for the annual fee of \$165.00 per hour for all attorneys and \$90.00 per hour for all law clerks and paralegals; and

WHEREAS, the maximum amount of the contract is \$10,000.00; and

WHEREAS, the Township's Chief Financial Officer has certified that funds are available for this purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, County of Morris, State of New Jersey:

- Section 1.** The Borough Manager and Deputy Borough Clerk are hereby authorized and directed to execute an agreement with Matthew J. Giacobbe, Esq. for professional legal services (Labor Attorney) for the Borough of Mountain Lakes as set forth in a proposal, attached hereto, which shall be billed at \$165.00 per hour for all attorneys and \$90.00 per hour for all law clerks and paralegals.
- Section 2.** This contract is awarded as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.
- Section 3.** The term of this agreement shall be for one year, from January 1, 2021 through December 31, 2021.
- Section 4.** A notice of this action shall be printed once in the legal newspaper of the Borough of Mountain Lakes.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on March 22, 2021.

Cara Fox
Cara Fox, Deputy Borough Clerk

| Name | Motion | Second | Aye | Nay | Absent | Abstain |
|---------|--------|--------|-----|-----|--------|---------|
| Happer | | | | | | |
| Korman | | | | | | |
| Lane | | | | | | |
| Richter | | | | | | |
| Sheikh | | | | | | |
| Barnett | | | | | | |
| Menard | | | | | | |

CERTIFICATION OF THE AVAILABILITY OF FUNDS

01-201-20-155-020 Legal Services \$10,000.00



Monica Goscicki, CFO

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION 87-21

“RESOLUTION AUTHORIZING 2020 MUNICIPAL EMPLOYEES’ SALARY”

WHEREAS, the Borough Council adopted Ordinance #5-18 setting the salary ranges for various Borough positions; and

WHEREAS, the Borough Council of the Borough of Mountain Lakes desires to set the specific salaries for full-time and permanent part-time non-contract Borough employees for the year 2020.

NOW, THEREFORE, BE IT RESOLVED, that the following salaries are effective July 1, 2020, and are to be pro-rated where specific dates are indicated.

BE IT FURTHER RESOLVED that the Borough Manager is authorized to set the salary level according to the salary ranges in Ordinance #5-18 for all non-permanent part-time and seasonal employees.

| <i>TITLE</i> | <i>3-1-20</i> | <i>7-1-20</i> | <i>\$ CHANGE</i> |
|--|----------------------|----------------------|-------------------------|
| Operation Manager / Assistant DPW Director | \$70,000 | \$72,000 | \$2000 |

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on March 22, 2021.



Cara Fox, Deputy Borough Clerk

| Name | Motion | Second | Aye | Nay | Absent | Abstain |
|-------------|---------------|---------------|------------|------------|---------------|----------------|
| Happer | | | X | | | |
| Korman | | X | X | | | |
| Lane | | | X | | | |
| Richter | X | | X | | | |
| Sheikh | | | X | | | |
| Barnett | | | X | | | |
| Menard | | | X | | | |

CERTIFICATION OF THE AVAILABILITY OF FUNDS

04-215-55-984-013 2018 Capital Ord. 4-18 Various Improvements

A handwritten signature in cursive script, appearing to read "Monica Goscicki".

Monica Goscicki, CFO

**BOROUGH OF MOUNTAIN LAKES
COUNTY OF MORRIS, NJ**

RESOLUTION 88-21

**“RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE BOROUGH OF
MOUNTAIN LAKES AND ARCARI & IOVINO,PC.”**

WHEREAS, there exists the need for the Borough of Mountain Lakes to obtain additional architectural services in connection with the Borough Hall renovation project; and

WHEREAS, it is agreed that Iovino & Arcari, PC will provide additional architectural services (Building Exterior Façade Study) for the Borough Hall renovation project; and

WHEREAS, the maximum amount of the contract is \$5,000.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris, and State of New Jersey, as follows:

1. The Borough Manager and Deputy Borough Clerk are hereby authorized and directed to execute the agreement attached hereto with Arcari & Iovino, PC for architectural services in connection with the Borough Hall renovation project in an amount not to exceed \$5,000.00.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the contract is for a service performed by a person(s) authorized by law to practice a recognized profession that is regulated by law.
3. A notice of this action shall be printed once in the legal newspaper of the Borough of Mountain Lakes.

XX

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Borough Council of Mountain Lakes, New Jersey, at a meeting held on March 22, 2021.



Cara Fox, Deputy Borough Clerk

| Name | Motion | Second | Aye | Nay | Absent | Abstain |
|---------|--------|--------|-----|-----|--------|---------|
| Happer | | | X | | | |
| Korman | | X | X | | | |
| Lane | | | X | | | |
| Richter | X | | X | | | |
| Sheikh | | | X | | | |
| Barnett | | | X | | | |
| Menard | | | X | | | |

**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

ORDINANCE 7-21

"ORDINANCE AUTHORIZING THE SALARY AND/OR WAGES OF THE OFFICERS AND EMPLOYEES OF THE
BOROUGH OF MOUNTAIN LAKES, COUNTY OF MORRIS, NEW JERSEY"

BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. That the respective salary/wage range, to be paid to the full and part-time professionals, full and part-time department heads and their full or part-time deputies are as follows:

| Position | Minimum | Maximum |
|--|----------------|----------------|
| Borough Manager | \$100,000 | \$155,000 |
| Borough Clerk/Registrar | \$10,000 | \$100,000 |
| Deputy Borough Clerk | \$2,500 | \$80,000 |
| Chief Financial Officer | \$10,000 | \$132,000 |
| Chief of Police | \$90,000 | \$170,000 |
| Director of Public Works | \$90,000 | \$125,000 |
| Tax Collector | \$30,000 | \$70,000 |
| Deputy Borough Treasurer | \$30,000 | \$55,000 |
| Accounts Payable/Finance Assistant | \$30,000 | \$55,000 |
| Qualified Purchasing Agent | \$1,000 | \$10,000 |
| Executive Assistant to Borough Mgr. and/or Borough Clerk | \$20,000 | \$60,000 |
| Recreation Director | \$10,000 | \$35,000 |
| Construction Official | \$10,000 | \$49,000 |
| Construction Code Assistant/Borough Hall Receptionist | \$40,000 | \$45,000 |

Section 2. That the respective salary/wage range, to be paid to the full-time employees of the Police Department be as follows:

| Position | Minimum | Maximum |
|--|----------------|----------------|
| Patrolman | | Per contract |
| Sergeant | | Per contract |
| Lieutenant | | Per contract |
| Detective Stipend | \$500 | \$1,500 |
| Administrative Assistant/Records Clerk | \$20,000 | \$57,500 |

All Police Department employees with the exception of the Chief, Special Police, School Crossing Guards, Police Department Administrative Assistant/Records Clerk and Police Matrons are subject to a contract pursuant to Chapter 303 of the Laws of 1968. To the extent that the terms, conditions, and benefits of their employment as set forth in the contract are different from those set forth in this Ordinance, the contract supersedes and takes precedence over the conflicting Ordinance provisions. A copy of the contract is available for public inspection at the office of the Borough Clerk. The terms and conditions of the contract shall remain in effect for the life of the contract. All terms and conditions of the current contract shall remain in force until a successor agreement has been approved by the Governing Body.

Section 3. That the respective salary/wage range, to be paid to the **full-time employees of the Department of Public Works** shall be as follows:

| Position | Minimum | Maximum |
|---|----------------|----------------|
| Operations Manager/Assistant DPW Director | \$55,000 | \$90,000 |
| Foreman | \$50,000 | \$82,500 |
| Crew Chief | \$40,000 | \$70,000 |
| Carpenter/Mason | \$30,000 | \$72,500 |
| Equipment Operator | \$25,000 | \$75,000 |
| Senior Public Utility Serviceperson | \$30,000 | \$85,000 |
| Junior Public Utility Serviceperson | \$25,000 | \$55,000 |
| Public Utility Serviceperson | \$25,000 | \$45,500 |
| Driver/Laborer | \$25,000 | \$75,000 |
| Mechanic | \$25,000 | \$69,000 |
| Administrative Assistant to DPW Director | \$20,000 | \$58,500 |

Section 4. That the respective salary/wage range, to be paid to the **part-time employees** shall be as follows:

| Position | Minimum | Maximum |
|--|-------------------------|------------------|
| General Administrative – Floater | Prevailing Minimum Wage | \$30.00 per hour |
| Receptionist | \$12,000 | \$30,000 |
| Administrative Assistant – Land Use Boards | Prevailing Minimum Wage | \$30.00 per hour |
| Secretary, Board of Health | \$3,000 | \$5,500 |
| Water and Sewer Utility Clerk | \$2,500 | \$22,500 |
| Tax Assessor | \$10,000 | \$30,000 |
| Sub-Code Officials/Construction Office | \$5,000 | \$30,000 |
| Zoning Officer | \$5,000 | \$16,000 |
| Zoning Inspector | \$5,000 | \$10,000 |
| Code Enforcement Official | \$3,000 | \$16,000 |
| Property Maintenance Officer | \$5,000 | \$40,000 |
| Fire Official | \$3,000 | \$12,000 |
| Fire Safety Officer | \$3,000 | \$6,000 |
| Fire Department Administrative Officer | \$3,000 | \$8,000 |
| Police Matron | Prevailing Minimum Wage | \$38.00 per hour |
| School Crossing Guards | Prevailing Minimum Wage | \$30.00 per hour |
| Police Specials | Prevailing Minimum Wage | \$30.00 per hour |
| Permanent/Seasonal Part-Time, Dept. Public Works | Prevailing Minimum Wage | \$30.00 per hour |
| Office of Emergency Management Coordinator | \$1,000 | \$3,000 |
| Deputy Office of Emergency Management Coordinator | \$500 | \$2,500 |
| Custodian | Prevailing Minimum Wage | \$25.00 per hour |
| Recycling Attendant | Prevailing Minimum Wage | \$20.00 per hour |
| Seasonal Part-Time Employees | Minimum | Maximum |
| Recreation Camp Directors/Assistant Directors, Various | \$3,000 | \$12,000 |

| | | |
|------------------------------------|-------------------------|------------------|
| Recreation Camp Counselor | Prevailing Minimum Wage | \$20.00 per hour |
| Recreation Coach | \$1,000 | \$ 6,000 |
| Recreation Referee/Official/Umpire | Prevailing Minimum Wage | \$50.00 per hour |
| Park Ranger | Prevailing Minimum Wage | \$30.00 per hour |
| Beach Director/Assistant Director | \$2,500 | \$20,000 |
| Lifeguard | Prevailing Minimum Wage | \$25.00 per hour |

Section 5. The Borough Manager is authorized to prepare an annual salary resolution for consideration and approval by the Borough Council that shall set the salary/wage for all full-time and permanent part-time employees of the Borough. The Borough Manager is authorized to set the hourly rate according to the salary range for all seasonal employees and to notify the Borough Council of such action.

Section 6. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 7. All Ordinances or parts of Ordinances, which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law. The salaries indicated within the range are those that will be in effect retroactive to January 1, 2021 and upon final passage of this ordinance.

 Cara Fox, Deputy Borough Clerk

Introduced: 3/22/21

Adopted:

| Name | Motion | Second | Aye | Nay | Absent | Abstain | Motion | Second | Aye | Nay | Absent | Abstain |
|---------|--------|--------|-----|-----|--------|---------|--------|--------|-----|-----|--------|---------|
| Happer | | | X | | | | | | | | | |
| Korman | | | X | | | | | | | | | |
| Lane | | | X | | | | | | | | | |
| Richter | | | X | | | | | | | | | |
| Sheikh | | | X | | | | | | | | | |
| Barnett | X | | X | | | | | | | | | |
| Menard | | X | X | | | | | | | | | |

**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

ORDINANCE 8-21

**ORDINANCE AMENDING THE CHAPTERS 102 AND 111 OF THE
REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN
LAKES TO APPLY THE PROTECTED TREE REMOVAL PERMIT
REQUIREMENTS TO ALL PROPERTIES WITHIN THE BOROUGH AND
AMENDING THE FEE FOR A TREE REMOVAL PERMIT**

BE IT ORDAINED by the Borough Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 102, Section 102-36, entitled “Protected Trees Within Setback Area of Residential Lots”, of the Revised General Ordinance of the Borough of Mountain Lakes shall be re-titled “Protected Trees within Setback Area”, and subsection A (1) shall be amended to read, in its entirety, as follows:

A. Regulations.

(1) Tree removal permit required. No person shall remove a protected tree, which does not include dead trees, in the setback area of any lot without first obtaining a tree removal permit. A tree removal permit shall not be required for removal of a protected tree if the work to be done is in accordance with an approved setback tree management plan and the related permits required by Subsection A(2) herein. The tree removal permit shall be automatically approved, with no requirement for neighbor notification, if no more than 50%, up to a maximum of three of the protected trees, which does not include dead trees, in the setback area have been or will be removed in a twelve-month period.

Section 2. Chapter 102, Section 102-37, entitled “Fees, Violations, and Penalties”, of the Revised General Ordinance of the Borough of Mountain Lakes, subsection A, shall be amended to read as follows:

A. Fees for a tree removal permit shall be as provided for in Chapter 111, Section 111-3.

BOROUGH OF MOUNTAIN LAKES

MORRIS COUNTY, NEW JERSEY

ORDINANCE # 10-21

BOND ORDINANCE APPROPRIATING \$1,834,237, AND AUTHORIZING THE ISSUANCE OF \$1,544,925 BONDS OR NOTES OF THE BOROUGH, FOR VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN BY THE BOROUGH OF MOUNTAIN LAKES, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MOUNTAIN LAKES, IN THE COUNTY OF MORRIS, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), **AS FOLLOWS:**

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized as general improvements to be made or acquired by the Borough of Mountain Lakes, New Jersey. For the said several improvements or purposes stated in said Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriations made for said improvements or purposes, said sum being inclusive of all appropriations heretofore made therefor and amounting in the aggregate to \$1,834,237 including the aggregate sum of \$81,312 as the several down payments for said improvements or purposes required by law and more particularly described in said Section 3 and now available therefor by virtue of provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes and including also, in the case of the improvement or purpose described in paragraph (b) of said Section 3, the sum of \$208,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing and improvement or purpose.

Section 2. For the financing of said improvements or purposes and to meet the part of said \$1,834,237 appropriations not provided for by application hereunder of said down payments and grant, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$1,544,925 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable notes of the Borough in a principal amount not exceeding \$1,544,925 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. The improvements hereby authorized and the several purposes for the financing of which said obligations are to be issued, the appropriation made for and estimated cost of each such purpose, and the estimated maximum amount of bonds or notes to be issued for each such purpose, are respectively as follows:

| <u>IMPROVEMENT OR PURPOSE</u> | <u>APPROPRIATION AND ESTIMATED COST</u> | <u>ESTIMATED MAXIMUM AMOUNT OF BONDS AND NOTES</u> |
|--|---|--|
| (a) Acquisition by purchase and installation as necessary of new and additional equipment, including without limitation, armored plate carriers for use by the Police Department of the Borough, air packs for use by the Fire Department of the Borough, one (1) chipper, two (2) salters and one (1) truck hoe for use by the Department of Public Works of the Borough, and one (1) electronic message board for use in and by the Borough, together with all appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved (useful life: 15 years) | \$332,649 | \$316,000 |
| (b) Improvement of various roads and locations in and by the Borough by the reconstruction and resurfacing thereof to provide roadway pavements at least equal in useful life or durability to a roadway pavement of Class B construction (as such term is used or referred to in Section 40A:2-22 of said Local Bond Law), including without limitation, North Glen Road, Rainbow Trail, Hanover Road, Maple Way, Oak Lane, Bellvale Road, and Vale Drive, together with all curbs, sidewalks, drainage, milling, structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the | | |

office of the Borough Clerk and hereby approved the \$429,051 hereby appropriated therefor being inclusive of the sum of \$208,000 received or expected to be received by the Borough from the New Jersey Department of Transportation as a grant-in-aid of financing said improvement to North Glen Road (useful life: 10 years)

429,051 210,000

(c) Improvement of the storm water drainage system in and by the Borough, including drainage improvements on Lowell Road, together with all equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved (useful life: 40 years)

104,784 99,000

(d) Acquisition by purchase and installation, as necessary, of new and additional vehicular equipment, including retrofitting equipment for installation in police vehicles of the Borough, together with all equipment, appurtenances, attachments and accessories necessary therefor or incidental thereto, all as shown on and in accordance with the specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved (useful life: 5 years)

15,717 13,925

(e) Improvement of municipally-owned properties and locations in and by the Borough, including the acquisition and installation of a traffic light at the intersection of Pocono Road and Boulevard, and engineering costs associated with the improvement of Grundens Pond, together with for all the aforesaid all equipment, structures, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved (useful life: 15 years)

171,395 163,000

(f) Improvement of the water supply and distribution system in and by the Borough, including by the acquisition and installation of new water meters, together with all structures, equipment, site work, work and materials necessary therefor or incidental thereto, all as shown on and in accordance with the plans and specifications therefor on file or to be filed in the office of the Borough Clerk and hereby approved (useful life: 15 years)

780,641 743,000

Totals

\$1,834,237

\$1,544,925

Except as otherwise stated in paragraph (b) above with respect to said \$208,000 grant-in-aid of financing the improvement or purpose described in said paragraph, the excess of the appropriation made for each of the improvements or purposes aforesaid over the estimated maximum amount of

bonds or notes to be issued therefor, as above stated, is the amount of the said down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and each is a property or improvement which the Borough may lawfully acquire or make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said purposes within the limitations of said Local Bond Law and taking into consideration the respective amounts of the said obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 15.83 years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Borough Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Borough as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by \$1,544,925, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) Amounts not exceeding \$175,000 in the aggregate for interest on said obligations, costs of issuing said obligations, engineering costs and other items of expense listed in and permitted under Section 40A:2-20 of said Local Bond Law may be included as part of the costs of said improvements and are included in the foregoing estimate thereof.

Section 5. The funds from time to time received by the Borough on account of the \$208,000 grant referred to in Section 1 of this bond ordinance shall be used for financing the improvement or purpose described in Section 3(b) of this bond ordinance by application thereof either to direct payment of the cost of said improvement or purpose, or to payment or reduction of the authorization of the obligations of the Borough authorized by this bond ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of such costs shall, be held and applied by the Borough as funds applicable only to the payment of obligations of the Borough authorized by this bond ordinance

Section 6. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

**BOROUGH OF MOUNTAIN LAKES
MORRIS COUNTY, NEW JERSEY**

ORDINANCE 2-21

“ORDINANCE AMENDING CHAPTER 202 ENTITLED “STORMWATER CONTROL” OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MOUNTAIN LAKES”

BE IT ORDAINED by the Mayor and Council of the Borough of Mountain Lakes, in the County of Morris and State of New Jersey, as follows:

Section 1. Chapter 202, entitled “Stormwater Control”, of the Revised General Ordinances of the Borough of Mountain Lakes shall be amended to read in its entirety as follows:

Chapter 202 Stormwater Control

§202-1 Scope and Purpose:

A. Policy statement. In filing an application for general development plan, preliminary major subdivision or preliminary major site plan, the applicant shall comply with the following stormwater management requirements:

- (1) 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

- (1) The purpose of this ordinance is to protect the public health, safety and welfare of the citizens of the Borough of Mountain Lakes and the surrounding communities by establishing minimum stormwater management requirements and controls for “major development,” as defined below in §202-2.

C. Applicability

- (1) This ordinance shall be applicable to the following major developments:

- (a) Non-residential major developments; and
- (b) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

(2) This ordinance shall also be applicable to all major developments undertaken by the Borough of Mountain Lakes

D. Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§202-2 Definitions:

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

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

COMPACTION – the increase in soil bulk density.

CONTRIBUTORY DRAINAGE AREA – the area from which stormwater runoff drains to a stormwater management measure, not including the area of the stormwater management measure itself.

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

COUNTY REVIEW AGENCY – an agency designated by the Morris County Board of Commissioners to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be: a county planning agency or; a county water resource association created under N.J.S.A 58:16A-55.5, if the ordinance or resolution delegates authority to approve, conditionally approve, or disapprove municipal stormwater management plans and implementing ordinances.

DEPARTMENT – the Department of Environmental Protection.

DESIGNATED CENTER – a State Development and Redevelopment Plan Center as designated by the State Planning Commission such as urban, regional, town, village, or hamlet.

DESIGN ENGINEER – 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 – the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq. In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act, N.J.S.A 4:1C-1 et seq.

DISTURBANCE – 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 – a geographic area within which stormwater, sediments, or dissolved materials drain to a particular receiving waterbody or to a particular point along a receiving waterbody.

ENVIRONMENTALLY CONSTRAINED AREA – 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 – 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 – 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 – the detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

GREEN INFRASTRUCTURE - a stormwater management measure that manages stormwater close to its source by: treating stormwater runoff through infiltration into subsoil; treating stormwater runoff through filtration by vegetation or soil; or storing stormwater runoff for reuse.

HUC 14 or HYDROLOGIC UNIT CODE 14 – 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 – 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 – 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 – an individual “development,” as well as multiple developments that individually or collectively result in:

- A. The disturbance of one or more acres of land since February 2, 2004;
- B. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
- C. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021 or the effective date of this ordinance, whichever is earlier; or
- D. A combination of B and C 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 A, B, C, or D 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 – 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 - 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 – any city, borough, town, township, or village.

NEW JERSEY STORMWATER BEST MANAGEMENT PRACTICES (BMP) MANUAL or BMP MANUAL – the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with §202-4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

NODE - an area designated by the State Planning Commission concentrating facilities and activities which are not organized in a compact form.

NUTRIENT – a chemical element or compound, such as nitrogen or phosphorus, which is essential to and promotes the development of organisms.

PERSON – any individual, corporation, company, partnership, firm, association, political subdivision of this State and any state, interstate or Federal agency.

POLLUTANT – 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 – the amount of water from precipitation that infiltrates into the ground and is not evapotranspired.

REGULATED IMPERVIOUS SURFACE - any of the following, alone or in combination:

- A. A net increase of impervious surface;
- B. 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);
- C. The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or,
- D. 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 – any of the following, alone or in combination:

- A. A net increase in motor vehicle surface; and/or,
- B. The total 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, where the water quality treatment will be modified or removed.

SEDIMENT – 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 – the lot or lots upon which a major development is to occur or has occurred.

SOIL – all unconsolidated mineral and organic material of any origin.

STATE DEVELOPMENT AND REDEVELOPMENT PLAN METROPOLITAN PLANNING AREA (PA1) – 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 – 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 - 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 – 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 – 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 – water flow on the surface of the ground or in storm sewers, resulting from precipitation.

STORMWATER MANAGEMENT PLANNING AGENCY – a public body authorized by legislation to prepare stormwater management plans.

STORMWATER MANAGEMENT PLANNING AREA – 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.

URBAN COORDINATING COUNCIL EMPOWERMENT NEIGHBORHOOD - means a neighborhood given priority access to State resources through the New Jersey Redevelopment Authority.

URBAN ENTERPRISE ZONES – 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 - previously developed portions of areas:

- A. Delineated on the State Plan Policy Map (SPPM) as the Metropolitan Planning Area (PA1), Designated Centers, Cores or Nodes;
- B. Designated as CAFRA Centers, Cores or Nodes;
- C. Designated as Urban Enterprise Zones; and
- D. Designated as Urban Coordinating Council Empowerment Neighborhoods.

WATER CONTROL STRUCTURE – 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 - 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 – 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.

§202-3. 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 ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§202-4. 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 §202-10.
- 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 §202-4.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 §202-4.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 §202-4.O, P, Q and R to the maximum extent practicable;
 - (3) The applicant demonstrates that, in order to meet the requirements of §202-4.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 4.D.(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §202-4.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 §202-4.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.

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

Table 1
Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff
Quality, and/or Stormwater Runoff Quantity

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

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

Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity
(or for Groundwater Recharge and/or Stormwater Runoff Quality
with a Waiver or Variance from N.J.A.C. 7:8-5.3)

| <u>Best Management Practice</u> | <u>Stormwater Runoff Quality TSS Removal Rate (percent)</u> | <u>Stormwater Runoff Quantity</u> | <u>Groundwater Recharge</u> | <u>Minimum Separation from Seasonal High Water Table (feet)</u> |
|-------------------------------------|---|-----------------------------------|---|---|
| <u>Bioretention System</u> | <u>80 or 90</u> | <u>Yes</u> | <u>Yes^(b)</u> <u>No^(c)</u> | <u>2^(b)</u> <u>1^(c)</u> |
| <u>Infiltration Basin</u> | <u>80</u> | <u>Yes</u> | <u>Yes</u> | <u>2</u> |
| <u>Sand Filter^(b)</u> | <u>80</u> | <u>Yes</u> | <u>Yes</u> | <u>2</u> |
| <u>Standard Constructed Wetland</u> | <u>90</u> | <u>Yes</u> | <u>No</u> | <u>N/A</u> |
| <u>Wet Pond^(d)</u> | <u>50-90</u> | <u>Yes</u> | <u>No</u> | <u>N/A</u> |

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

Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or
Stormwater Runoff Quantity
only with a Waiver or Variance from N.J.A.C. 7:8-5.3

| <u>Best Management Practice</u> | <u>Stormwater Runoff Quality TSS Removal Rate (percent)</u> | <u>Stormwater Runoff Quantity</u> | <u>Groundwater Recharge</u> | <u>Minimum Separation from Seasonal High Water Table (feet)</u> |
|--|---|-----------------------------------|-----------------------------|---|
| <u>Blue Roof</u> | <u>0</u> | <u>Yes</u> | <u>No</u> | <u>N/A</u> |
| <u>Extended Detention Basin</u> | <u>40-60</u> | <u>Yes</u> | <u>No</u> | <u>1</u> |
| <u>Manufactured Treatment Device^(h)</u> | <u>50 or 80</u> | <u>No</u> | <u>No</u> | <u>Dependent upon the device</u> |
| <u>Sand Filter^(c)</u> | <u>80</u> | <u>Yes</u> | <u>No</u> | <u>1</u> |
| <u>Subsurface Gravel Wetland</u> | <u>90</u> | <u>No</u> | <u>No</u> | <u>1</u> |
| <u>Wet Pond</u> | <u>50-90</u> | <u>Yes</u> | <u>No</u> | <u>N/A</u> |

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §202-4.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 §202-2.;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §202-2.

- 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 §202-6.B. Alternative stormwater management measures may be used to satisfy the requirements at §202-4.O only if the measures meet the definition of green infrastructure at §202-2. 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 §202-4.D is granted from §202-4.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 §202-8.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 §202-8; 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 §202-2 may be used only under the circumstances described at §202-4.O.(4).
- K. Any application for a new agricultural development that meets the definition of major development at §202-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §202-4.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 §202-4.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 Morris 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 §202-4.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 §202-10.B.(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to §202-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Morris 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 §202-4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §202-4.F. and/or an alternative stormwater management measure approved in accordance with §202-4 .G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

- (3) To satisfy the stormwater runoff quantity standards at §202-4.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 §202-4.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 §202-4.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 §202-4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §202-4.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 §202-4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §202-4.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 §202-5, 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:
 - (c) 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.
 - (d) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
- (3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with (2) above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
- (4) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

**Table 4 - Water Quality Design Storm
Distribution**

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

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

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

Where

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

- (6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §202-4.P, Q and R.
- (7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
- (8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
- (9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
- (10) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

- (1) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §202-5, 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.

(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.

§202-5 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

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 §202-5.A.(1)(a) and the Rational and Modified Rational Methods at §202-5.A.(1)(b). 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 has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the *NRCS Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
- (5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

§202-6 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.

- (1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented.

Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

(2) Additional maintenance guidance is available on the Department's website at:

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

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

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

§202-7 Solids and Floatable Materials Control Standards:

A. Site design features identified under §202-4.F above, or alternative designs in accordance with §202-4.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 §202-7.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:

- [1] 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
- [2] A bar screen having a bar spacing of 0.5 inches.

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

- (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.

§202-8 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 §202-8.C.(1), 8.C.(2), and 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

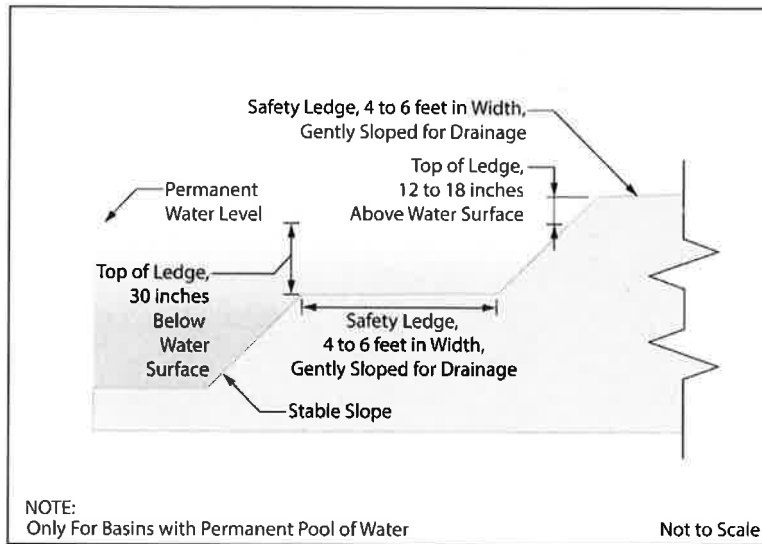
- (d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
- (2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow 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 §202-8.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 §202-8.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



§202-9 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 article, the applicant shall submit all of the required data for the site development stormwater management plan (SDSMP) as specified in Subsection C of this section below as part of the submission of the applicant's application for subdivision or site plan approval. The SDSMP shall be a written report together with maps, diagrams, charts, and data consistent with the purposes, policies and requirements of these provisions which fully indicates the necessary land treatment measures and techniques, including a schedule of implementation and maintenance.
2. The applicant shall demonstrate that the project meets the standards set forth in this article.
3. The applicant shall establish a funding mechanism for maintenance of proposed stormwater control facilities.

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

C. Submission of Site Development Stormwater Plan. The following information shall be required:

- (1) **Topographic Base Map.** The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious

or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

- (2) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (3) Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- (4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §202-3 through §202-5 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 §202-4 of this ordinance.
 - (b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
- (7) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of §202-10.

- (8) Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §202-9.C.(1) through §202-9.C.(6) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§202-10 Maintenance and Repair:

A. Applicability

Projects subject to review as in §202-1.C of this ordinance shall comply with the requirements of §202-10.B and §202-10 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 §202-10.B.(3) above is not a public agency, the maintenance plan and any future revisions based on §202-10.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 §202-10.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 §202-10.B.(6) and §202-10.B.(7) above.
 - (d) Beginning on January 31, 2019, persons responsible for maintenance under Subsection B.(2) above shall make annual submissions to the municipality, by January 31, containing excerpts of the detailed log of all preventative and corrective maintenance that was performed for the calendar year that just ended for all structural stormwater measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance related work orders.
 - (e) The requirements of §202-10.B.(3) and §202-10.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.
 - (f) 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.
 - (g) Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

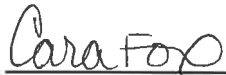
§202-11 Penalties:

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall be subject to one or more of the following penalties: Imprisonment for a term not exceeding 90 days; a fine not exceeding \$2,000; and a period of community service not to exceed 90 days.

Section 2. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 4. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.



Cara Fox, Deputy Borough Clerk

Introduced: February 8, 2021

Adopted: 3/22/21

| Name | Motion | Second | Aye | Nay | Absent | Abstain | Motion | Second | Aye | Nay | Absent | Abstain |
|---------|--------|--------|-----|-----|--------|---------|--------|--------|-----|-----|--------|---------|
| Happer | | | X | | | | | | X | | | |
| Korman | | X | X | | | | | | X | | | |
| Lane | | | X | | | | | X | X | | | |
| Richter | X | | X | | | | | | X | | | |
| Sheikh | | | X | | | | | | X | | | |
| Barnett | | | X | | | | X | | X | | | |
| Menard | | | X | | | | | | X | | | |