

Range of Checking Accts: First to Last Range of Check Dates: 01/22/21 to 12/31/21
Report Type: All Checks Report Format: Super Condensed Check Type: Computer: Y Manual: Y Dir Deposit: Y

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL		General Account Account Payab			
22138	02/23/21	AC A.C. DAUGHTRY INC.	30.75		4855
22139	02/23/21	ACT04 ACTION DATA SERVICES	1,074.99		4855
22140	02/23/21	AFF02 AFFILIATED TECHNOLOGY	1,247.71		4855
22141	02/23/21	AIR03 AIR GROUP	2,581.72		4855
22142	02/23/21	ALL04 ALLIED OIL COMPANY	3,632.98		4855
22143	02/23/21	ATL01 ATLANTIC SALT INC.	37,072.99		4855
22144	02/23/21	AUT05 THE AUTO PARTS SOURCE	583.51		4855
22145	02/23/21	BOR BOROUGH OF BUTLER	44,884.14		4855
22146	02/23/21	BOR01 BOROUGH OF BUTLER ELECTRIC	7,369.62		4855
22147	02/23/21	BUZ01 THE BUZAK LAW GROUP, LLC.	4,320.00		4855
22148	02/23/21	CIN05 CINTAS CORPORATION #111	590.86		4855
22149	02/23/21	CIT05 CIT FINANCE LLC	591.50		4855
22150	02/23/21	CLI01 CLIFFSIDE BODY CORP.	237.10		4855
22151	02/23/21	COO03 COOPERATIVE COMMUNICATIONS INC	1,610.49		4855
22152	02/23/21	COU02 COUNTY OF MORRIS	60.00		4855
22153	02/23/21	CRO04 DAVID CROUTHAMEL	112.00		4855
22154	02/23/21	DAR01 DARMOFALSKI ENGINEERING ASSOC.	2,850.00		4855
22155	02/23/21	DEB03 DE BLOCK ENVIRONMENTAL SERVICE	9,468.28		4855
22156	02/23/21	DOR06 DORSEY & SEMRAU, LLC	1,222.00		4855
22157	02/23/21	ECO05 JAMES ECONOMOU	600.64		4855
22158	02/23/21	EVE02 EVERBRIDGE, INC.	1,803.00		4855
22159	02/23/21	EXT01 EXTRA SPACE STORAGE	750.00		4855
22160	02/23/21	FDR01 FDR NORTH LLP	482.18		4855
22161	02/23/21	FRA13 FRANK SEMERARO CONSTRUCTION,CO	7,652.76		4855
22162	02/23/21	GAK01 LAURA GAKOS	281.00		4855
22163	02/23/21	GEN03 GENERAL CODE PUBLISHERS CORP.	170.00		4855
22164	02/23/21	GRA01 GRAINGER INC.	433.95		4855
22165	02/23/21	GRE12 GREENPRO MATERIALS	1,005.40		4855
22166	02/23/21	GSB01 GLATFELTER SPECIALTY BENEFITS	642.00		4855
22167	02/23/21	HAW03 HAWTHORNE CHEVROLET	1,049.97		4855
22168	02/23/21	HOM02 HOME DEPOT CREDIT SERVICE	0.00	02/23/21 VOID	0
22169	02/23/21	HOM02 HOME DEPOT CREDIT SERVICE	1,133.91		4855
22170	02/23/21	HOR04 HORIZON OFFICE EQUIPMENT	255.00		4855
22171	02/23/21	IUE01 KAREN IUELE	94.69		4855
22172	02/23/21	JCP01 JCP&L	6.62		4855
22173	02/23/21	JER03 JERSEY PAPER PLUS	71.00		4855
22174	02/23/21	JER05 JERSEY HAULING LLC	450.00		4855
22175	02/23/21	JIM01 JIMMY THE SHOE DOCTOR	1,864.71		4855
22176	02/23/21	KIM01 BRIAN KIMBLE	180.00		4855
22177	02/23/21	KIN08 KINNELON VOLUNTEER FIRE CO.	7,000.00		4855
22178	02/23/21	KIN09 KINNELON BOARD OF EDUCATION	3,261,710.92		4855
22179	02/23/21	LAK02 LAKELAND BANK EQUIP FINANCE	6,027.75		4855
22180	02/23/21	LAK10 LAKESIDE BAGELS & DELI	884.97		4855
22181	02/23/21	LAK13 LAKELAND AUTO PARTS	502.40		4855
22182	02/23/21	LAW07 LAWSOFT INC.	695.00		4855
22183	02/23/21	LEW02 CYNTHIA LEWIS	150.00		4855
22184	02/23/21	LOE01 LOEFFEL'S WASTE OIL SERVICE	150.00		4855
22185	02/23/21	LUD01 DONALD B LUDWIG	780.00		4855
22186	02/23/21	MAC06 JOSHUA D MACKOFF, LLC	2,750.00		4855

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
GENERAL		General Account Payab	Continued		
22187	02/23/21	MAT04 MATTHIJSSSEN, INC.	2,675.00		4855
22188	02/23/21	MB03 M&B SEPTIC SERVICE, LLC	975.00		4855
22189	02/23/21	MCI01 MCI EASTERN SECURITY SYSTEMS	165.00		4855
22190	02/23/21	MIC02 MICROSYSTEMS-NJ.COM, L.L.C.	2,220.28		4855
22191	02/23/21	MOR21 MORRIS COUNTY M.U.A.	45,428.14		4855
22192	02/23/21	MOR42 THE LAND CONSERVANCY OF NJ	2,750.00		4855
22193	02/23/21	NES01 NESTLE PURE LIFE DIRECT	135.61		4855
22194	02/23/21	NEW24 NEW JERSEY SHADE TREE FED	95.00		4855
22195	02/23/21	NEW29 NEW JERSEY DOOR WORKS	1,295.00		4855
22196	02/23/21	NJD07 NJ DEPT HEALTH & SENIOR SERV	674.40		4855
22197	02/23/21	NJL02 NJ LOCAL BOARDS HEALTH ASSOC.	95.00		4855
22198	02/23/21	NOR02 NORTH JERSEY MEDIA GROUP	292.75		4855
22199	02/23/21	NOR18 NORTHEAST COMMUNICATIONS, INC.	18,595.45		4855
22200	02/23/21	ONE02 ONE CALL CONCEPTS, INC.	61.49		4855
22201	02/23/21	ORI01 ORIENTAL TRADING COMPANY	44.85		4855
22202	02/23/21	PAG02 P&A ADMINISTRATIVE SERVICES	350.00		4855
22203	02/23/21	PAT04 SEAN PATALITA	149.98		4855
22204	02/23/21	PEQ02 PEQUANNOCK TOWNSHIP	63,296.00		4855
22205	02/23/21	PSE01 P.S.E. & G.	4,624.68		4855
22206	02/23/21	PWA01 PUBLIC WORKS ASSOC. OF N.J.	105.00		4855
22207	02/23/21	RAC02 RACHLES/MICHELE'S OIL CO., INC	1,554.97		4855
22208	02/23/21	RIV06 R.E.R. SUPPLY, LLC	600.00		4855
22209	02/23/21	SAN03 TONY SANCHEZ, LTD	430.60		4855
22210	02/23/21	SCH30 MELANIE SCHUCKERS	82.24		4855
22211	02/23/21	SHA03 THE SHADE TREE DEPARTMENT LLC	580.00		4855
22212	02/23/21	SHO06 DOUGLAS SHORTWAY	711.06		4855
22213	02/23/21	SOULE005 SOULE, FREDRICK	1,012.75		4855
22214	02/23/21	SPE04 JAMES SPELLMON JR.	4,420.00		4855
22215	02/23/21	STA STAPLES ADVANTAGE, DEPT NY	0.00	02/23/21 VOID	0
22216	02/23/21	STA STAPLES ADVANTAGE, DEPT NY	1,000.74		4855
22217	02/23/21	SUB03 SUBURBAN DISPOSAL INC.	62,805.55		4855
22218	02/23/21	UNI22 UNIFIRST-FIRST AID + SAFETY	659.20		4855
22219	02/23/21	VER11 VERIZON WIRELESS - KPD	152.04		4855
22220	02/23/21	VER15 VERIZON CONNECT NWF, INC	528.89		4855
22221	02/23/21	VOZ01 THE VOZZA AGENCY INC	8,939.50		4855
22222	02/23/21	WAS04 WASH HOUNDS	72.00		4855
22223	02/23/21	WEI07 WEINER LAW GROUP LLC	160.00		4855
22224	02/23/21	WHI03 JOHN WHITEHEAD, JR.	298.23		4855

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	85	2	3,647,154.91	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	85	2	3,647,154.91	0.00

PLANNING 2	Columbia Bank			
1819	01/29/21	DAR01 DARMOFALSKI ENGINEERING ASSOC.	1,625.00	4854

Checking Account Totals	Paid	Void	Amount Paid	Amount Void
Checks:	1	0	1,625.00	0.00
Direct Deposit:	0	0	0.00	0.00
Total:	1	0	1,625.00	0.00

Check #	Check Date	Vendor	Amount Paid	Reconciled/Void	Ref Num
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PLANNING 2		Columbia Bank	Continued			
Report Totals			<u>Paid</u>	<u>Void</u>	<u>Amount Paid</u>	<u>Amount Void</u>
		Checks:	86	2	3,648,779.91	0.00
		Direct Deposit:	0	0	0.00	0.00
		Total:	<u>86</u>	<u>2</u>	<u>3,648,779.91</u>	<u>0.00</u>

Totals by Year-Fund and Description						
	Fund	Budget Total	Revenue Total	G/L Total	Total	
CURRENT FUND	0-01	141,565.47	0.00	0.00	141,565.47	
WATER FUND	0-05	39,753.11	0.00	0.00	39,753.11	
SEWER FUND	0-07	<u>20,916.64</u>	<u>0.00</u>	<u>0.00</u>	<u>20,916.64</u>	
	Year Total:	202,235.22	0.00	0.00	202,235.22	
CURRENT FUND	1-01	3,432,969.22	0.00	0.00	3,432,969.22	
WATER FUND	1-05	3,376.90	0.00	0.00	3,376.90	
SEWER FUND	1-07	<u>359.69</u>	<u>0.00</u>	<u>0.00</u>	<u>359.69</u>	
	Year Total:	3,436,705.81	0.00	0.00	3,436,705.81	
	C-04	1,850.00	0.00	0.00	1,850.00	
DOG TAX	D-13	674.40	0.00	0.00	674.40	
RECREATION SPECIAL	R-16	22.00	0.00	0.00	22.00	
	V-27	5,500.00	0.00	0.00	5,500.00	
RECYCLE FUND	Y-21	167.48	0.00	0.00	167.48	
	Total of All Funds:	<u>3,647,154.91</u>	<u>0.00</u>	<u>0.00</u>	<u>3,647,154.91</u>	

Project Description	Project No.	Project Total
18 HONEYSCKLE 33701137A WJONSN	33701137A	500.00
TMOBILE- GRACEVIEW DR	838	1,125.00
Total of All Projects:		<u>1,625.00</u>

RESOLUTION 02.01.21

AUTHORIZATION FOR MAYOR TO
SIGN LETTER OF AGREEMENT
BETWEEN COUNTY OF MORRIS AND
KINNELON MUNICIPAL ALLIANCE

WHEREAS, the Borough desires to sign Letter of Agreement between County of Morris and the Kinnelon Municipal Alliance for the period October 1, 2020 through June 30, 2021; and

WHEREAS, it is necessary for the Mayor to sign the Letter of Agreement Between the County of Morris and the Borough of Kinnelon for funds issued by the County in the amount not to exceed \$3,896.

NOW, THEREFORE, BE IT RESOLVED the Mayor is hereby authorized to sign the letter of Agreement Between the County of Morris and Kinnelon Municipal Alliance in the amount not to exceed \$3,896.

Dated: 2/18/2021


Karen M. Iuele, Borough Clerk

RESOLUTION 02.02.21

AUTHORIZATION FOR MAYOR TO
SIGN PROPOSAL FOR PROFESSIONAL
ENGINEERING SERVICES
FOR HVAC EQUIPMENT UPGRADE

WHEREAS, the Council of the Borough of Kinnelon Authorize the Mayor of the Borough of Kinnelon to sign agreement with Roxbury Engineering Associates, LLC for Professional Engineering Services Proposal for the Kinnelon Municipal Building and Kinnelon Library for HVAC Equipment Upgrade; and

WHEREAS, the fee breakdown is as follows:

Phase I: Survey and Report Findings: \$6,500 (Six Thousand Five Hundred Dollars).

Perform survey work, document the equipment, prepare load calculations, and provide with report detailing the findings including recommended design approach with order of magnitude cost for construction.

Phase II: MEP Design Based Phase I: \$14,000 (Fourteen Thousand Dollars).

Establish design approach with Township and prepare bid and construction documents.

Phase III: MEP Construction Administration C/A \$5,000 (Five Thousand Dollars) 1. Review and level bids and provide recommendation for award to contractor. \$1,500 (One Thousand Five Hundred Dollars). 2. Provide Construction Administration services including shop drawing and submittal review, address RFI's, review payment requests and complete site visits and prepare punch list upon project completion. \$3,500 (Three Thousand Five Hundred Dollars).

WHEREAS, the cost will not exceed \$25,500.00 for Professional Engineering Services to be performed.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Kinnelon due hereby authorize the Mayor of the Borough of Kinnelon to sign agreement with Roxbury Engineering Associates LLC for Professional Engineering Services Proposal for the Kinnelon Municipal Building and Kinnelon Library for HVAC Equipment Upgrade with a cost not to exceed \$25,000.00.

Dated: February 18, 2021



Karen M. Luele, RMC
Municipal Clerk, Borough of Kinnelon

RESOLUTION 02.03.21

AUTHORIZING HIRING OF A
KINNELON BOROUGH TAX
ASSESSOR, CHRISTOPHER LAUVER

WHEREAS, the Borough of Kinnelon wishes to hire Christopher Lauver as the Kinnelon Borough Tax Assessor;

WHEREAS, with the start salary rate of pay \$35,000.00, with the hire date as of February 1, 2021.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Kinnelon, authorize the hiring of Christopher Lauver, Kinnelon Borough Tax Assessor.

CERTIFICATION

I, Karen M. Iuele, Municipal Clerk, do hereby certify this to be a true copy of a resolution duly adopted at the regular meeting of the Kinnelon Mayor and Council held on February 18, 2021.

Dated: February 18, 2021



Karen M. Iuele, Municipal Clerk

RESOLUTION # 02.04.21

WHEREAS, Fredrick Soule has provided the required documentation to the Tax Assessor that he qualifies as a 100% Fully Disabled Veteran beginning in the year 2020; and

WHEREAS, Mr. Soule acquired the property on November 11, 2020 and the exempt status should begin on that date per the Tax Assessor.

BE IT RESOLVED, By the Mayor and Council of the Borough of Kinnelon, that a warrant be drawn to Fredrick Soule in the amount of \$1,012.75 for refund of prorated 2020 property taxes on Block 45601 Lot 136 known as 4 Cabot Ln.

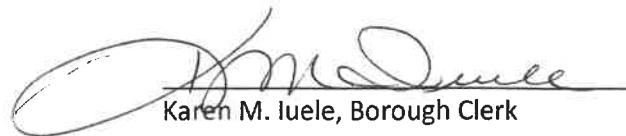
ROLL CALL: W. Yago
R. Roy
S. Mabey

V. Russo
R. Charlie
P. Kortewski

February 18, 2021
Judith O'Brien, CTC
Tax Collector
Borough of Kinnelon

I, Karen M. Iuele, Borough Clerk, Borough of Kinnelon, hereby certify this resolution to be a true copy of the resolution which was duly passed at the regular meeting of the Borough of Kinnelon Mayor and Council February 18, 2021.

Date: 2/18/21


Karen M. Iuele, Borough Clerk

EXTRACT from the minutes of a regular meeting of the Borough Council of the Borough of Kinnelon, in the County of Morris, New Jersey, held at the Municipal Building, 130 Kinnelon Road, Kinnelon, New Jersey, on February 18, 2021, at 8:00 o'clock P.M.

PRESENT: W. Yago V. Russo
R. Roy R. Charlies
S. Mabey P. Lonkerwale

ABSENT: None

R. Roy introduced and moved the adoption of the following resolution and V. Russo seconded the motion:

RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$3,030,850 BOND ANTICIPATION NOTES OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY.

BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KINNELON, IN THE COUNTY OF MORRIS, NEW JERSEY, AS FOLLOWS:

Section 1. Pursuant to a bond ordinance of the Borough of Kinnelon, in the County of Morris (the "Borough") entitled: "Bond ordinance appropriating \$1,467,850, and authorizing the issuance of \$1,393,850 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Kinnelon, in the County of Morris, New Jersey", finally adopted on July 18, 2013 (#01-13), bond anticipation notes of the Borough in a principal amount not exceeding \$1,000,350 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 2. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance appropriating \$1,955,000, and authorizing the issuance of \$1,737,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Kinnelon, in the County of Morris, New Jersey", finally adopted on September 18, 2014 (#02-14), bond anticipation notes of the Borough in a principal amount not exceeding \$1,272,500 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 3. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance providing for the acquisition of a new firefighting vehicle by the Borough of Kinnelon, in the County of Morris, New Jersey, appropriating \$500,000 therefor and authorizing the issuance of \$475,000 bonds or notes of the Borough for financing such appropriation", finally adopted on February 21, 2019 (#03-19), bond anticipation notes of the Borough in a principal amount not exceeding \$325,000 shall be issued purpose for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 4. Pursuant to a bond ordinance of the Borough entitled: "Bond ordinance providing for the improvement of Kiel Avenue in and by the Borough of Kinnelon, in the County of Morris, New Jersey, appropriating \$950,000 therefor and authorizing the issuance of \$433,000 bonds or notes of the Borough for financing such appropriation", finally adopted on June 26, 2019 (#07-19), bond anticipation notes of the Borough in a principal amount not exceeding \$433,000 shall be issued purpose for the purpose of temporarily financing the

improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Section 5. All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (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 and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 at not less than par 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. 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 hereunder 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.

Section 6. Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough’s faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 7. The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

Section 8. All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

Section 9. This resolution shall take effect immediately.

Upon motion of R. Roy, seconded by V. Russo,

the foregoing resolution was adopted by the following vote:

AYES: W. Yago, S. Mabey, R. Charles
R. Roy, V. Russo, J. Korkowski
NOES:
None

CLERK'S CERTIFICATE

I, **KAREN M. IUELE**, Borough Clerk of the Borough of Kinnelon, in the County of Morris, New Jersey, **HEREBY CERTIFY** that the foregoing annexed extract from the minutes of a meeting of the Borough Council of said Borough, duly called and held on February 18, 2021, has been compared by me with the original minutes as officially recorded in my office in the Minute Book of said Borough, and is a true, complete and correct copy thereof and of the whole of said original minutes so far as the same relate to the subject matters referred to in said extract.

I **FURTHER CERTIFY** that the original of each resolution referred to in said extract was after its adoption and in due form and time submitted by me for approval to the Mayor of said Borough, who thereafter duly approved the same and, on February 18, 2021, affixed his signature thereto in token of such approval.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this 18th day of February, 2021.

(SEAL)



Karen M. Iuele
Borough Clerk

RESOLUTION 02.01.21

RESOLUTION TO CANCEL OUTSTANDING
CHECK'S ON THE MAGISTRATE'S ACCOUNT

WHEREAS, the following checks issued from the Magistrate's Account have been outstanding for more than one year and are now stale-dated and be Escheated to the Borough of Kinnelon; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Kinnelon that the following outstanding checks issued from the Magistrate's Account be cancelled and Escheated to the Borough of Kinnelon.

Magistrate's Account

<u>Date</u>	<u>Check Number</u>	<u>Amount</u>
7/22/2021	563	\$10.00

Dated: 02/18/2021


Karen M. Iuele, RMC
Borough Clerk

RESOLUTION 02.08.21

AUTHORIZING SOIL DISTURBANCE PERMIT
471 Laurel Lane-BLOCK 11907 LOT 104

WHEREAS, the Mayor and Council of the Borough of Kinnelon approves the Soil Disturbance Permit for 471 Laurel Lane, Block 11907 Lot 104; and

WHEREAS, Gene Rotonda has met all the requirements and approvals with Darmofalski Engineering Associates, Inc.; and

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve the Soil Disturbance, 471 Laurel Lane, Kinnelon NJ.

Dated: February 18, 2021



Karen M. Iuele, RMC
Borough Clerk

RESOLUTION 02.09.21

**2020 APPROPRIATION
RESERVE BUDGET
TRANSFERS**

WHEREAS, there appears to be insufficient funds in the following reserve accounts (excepting the appropriation for Contingent Expenses or Deferred Charges) to meet the demand thereon for the balance of the reserve year.

NOW, THEREFORE, BE IT RESOLVED, not less than two-third of all the members thereof affirmatively concurring that in accordance with the provisions of R.S. 40A:4-58, part of the surplus in the accounts heretofore mentioned be and the same hereby transferred to the account being insufficient to meet the reserve year demands; and

BE IT FURTHER RESOLVED, that the Treasurer be hereby authorized and directed to make the following transfers:

Current Fund

TO:

Legals O/E (0-01-20-155-020)	\$ 4,500.00
Tri-Boro First Aid Squad (0-01-32-465-020)	\$ 900.00
Total:	\$ 5,400.00

FROM:

POLICE S&W (0-01-25-240-001)	\$ 5,400.00
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Dated February 18, 2021

Karen M. Iuele. Borough Clerk

RESOLUTION 02.10.21

AUTHORIZING SOIL DISTURBANCE PERMIT
19 REAGAN WAY-BLOCK 22601 LOT 110

WHEREAS, the Mayor and Council of the Borough of Kinnelon approves the Soil Disturbance Permit for 19 Reagan Way, Block 22601 Lot 110; and

WHEREAS, Courtney Kuebel has met all the requirements and approvals Darmofalski Engineering Associates, Inc.; and

NOW, THEREFOR, BE IT RESOLVED, that the Mayor and Council of the Borough of Kinnelon does hereby approve the Soil Disturbance, 19 Regan Way, Kinnelon NJ.

Dated: February 18, 2021

A handwritten signature in black ink, appearing to read 'K. M. Luele', written over a horizontal line.

Karen M. Luele, RMC
Borough Clerk

**ORDINANCE NO. 01-21 AN ORDINANCE AMENDING CHAPTER 172,
STORMWATER CONTROL, OF THE CODE OF THE
BOROUGH OF KINNELON**

WHEREAS, the Municipal Land Use Law of the State of New Jersey, N.J.S.A. 40:55D-1, et seq. (“MLUL”), grants to municipalities the power to adopt a zoning ordinance relating to the nature and extent of the uses of lands, buildings and structures thereon; and

WHEREAS, the Borough of Kinnelon adopted Chapter 172, Stormwater Control, of the Code of the Borough of Kinnelon to reduce the adverse impacts of stormwater runoff resulting from certain development and construction projects; and

WHEREAS, due to recent changes to the Stormwater Rule (N.J.A.C. 7:8 *et seq.*), it is necessary to revise the Borough’s Stormwater Control Ordinance to remain in compliance with permit requirements; and

WHEREAS, the Borough desires to amend Chapter 172, Stormwater Control, of the Code of the Borough of Kinnelon, to incorporate the revisions required as the result of the recent changes to the Stormwater Rule.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. Chapter 172, Stormwater Control, of the Code of the Borough of Kinnelon is hereby deleted in its entirety and replaced by the following:

Chapter 172 Stormwater Control

Article I Scope and Purpose:

§172-1 Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and

low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

§172-2 Purpose

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

§172-3 Applicability

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

§172-4 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.

Article II Definitions

§172-5 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 County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

- A. A county planning agency or
- B. 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.

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.

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.

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:

- A. Treating stormwater runoff through infiltration into subsoil;

- B. Treating stormwater runoff through filtration by vegetation or soil; or
- C. 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 – 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 – The Borough of Kinnelon.

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 §172-7.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 – an individual, corporation, company, partnership, firm, association, the Borough of Kinnelon, 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 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 – 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.

Article III General Standards

§172-6 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.

Article IV Stormwater Management Requirements for Major Development

§172-7 General Requirements

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Article IX.

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 §172-9, §172-10, and §172-11:

- (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 §172-8, §172-9, §172-10, and §172-11 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 §172-8, §172-9, §172-10, and §172-11 to the maximum extent practicable;
- (3) The applicant demonstrates that, in order to meet the requirements of §172-8, §172-9, §172-10, and §172-11, 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 §172-7.D.(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §172-8, §172-9, §172-10, and §172-11 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 §172-8, §172-9, §172-10, and §172-11. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm

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

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

(Notes corresponding to annotations ^(a) through ^(g) are found 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)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at §172-8.B;
- (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 §172-5;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at §172-5.

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 §172-14.B. Alternative stormwater management measures may be used to satisfy the requirements at §172-8 only if the measures meet the definition of green infrastructure at §172-5. Alternative stormwater management measures that function in a similar manner to a BMP listed at §172-8.B are subject to the contributory drainage area limitation specified at §172-8.B 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 §172-8.B 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 §172-7.D is granted from §172-8.

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 §172-16.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 §172-16; 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 §172-5 may be used only under the circumstances described at §172-8.D.

K. Any application for a new agricultural development that meets the definition of major development at §172-5 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §172-8, §172-9, §172-10, and §172-11 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 §172-9, §172-10, and §172-11 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 §172-8, §172-9, §172-10, and §172-11 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 §172-21.E. 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 Article IV of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the 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.

§172-8 Green Infrastructure Standards

A. 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.

B. To satisfy the groundwater recharge and stormwater runoff quality standards at §172-9 and §172-10, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §172-7.F. and/or an alternative stormwater management measure approved in accordance with §172-7.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

C. To satisfy the stormwater runoff quantity standards at §172-11, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §172-7.G.

D. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §172-7.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 §172-7.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §172-9, §172-10 and §172-11.

E. 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 §172-9, §172-10 and §172-11, unless the project is granted a waiver from strict compliance in accordance with §172-7.D.

§172-9 Groundwater Recharge Standards

A. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

B. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Article V, either:

- (1) 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
- (2) 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.

C. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to D. below.

D. The following types of stormwater shall not be recharged:

- (1) 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

(2) 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.

§172-10 Stormwater Runoff Quality Standards

A. 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.

B. 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:

(1) 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.

(2) 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.

C. 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 B. 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.

D. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm

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

E. 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.

F. 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 §172-9, §172-10, and §172-11.

G. 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.

H. 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.

I. 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.

J. These 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.

§172-11 Stormwater Runoff Quantity Standards

A. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

B. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Article V, complete one of the following:

- (1) 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;
- (2) 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;
- (3) 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.

C. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Article V Calculation of Stormwater Runoff and Groundwater Recharge

§172-12 Stormwater Runoff Calculation

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 §172-12.A.(1)(a) and the Rational and Modified Rational Methods at §172-12.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 have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
- (3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
- (4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the *NRCS*

Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

§172-13 Groundwater Recharge Calculation

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

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

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

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

Article VI Sources for Technical Guidance

§172-14 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.

Article VII Stormwater Management Measure Standards

§172-15 Solids and Floatable Materials Control Standards:

A. Site design features identified under §172-7.F above, or alternative designs in accordance with §172-7.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 §172-15.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.

§172-16 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 §172-16.C.(1), (2) and (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:

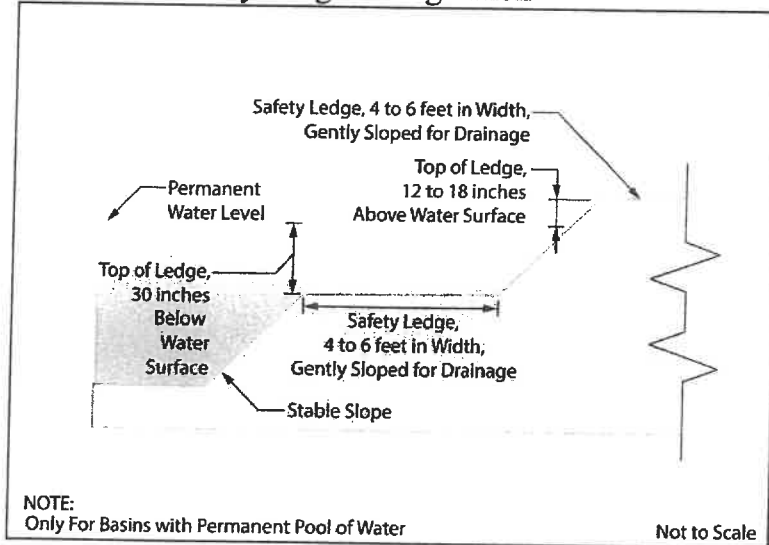
- (a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to §172-16.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 §172-16.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



Article VIII Requirements for a Site Development Stormwater Plan:

§172-17 Submission of Site Development Stormwater Plan

A. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §172-19 below as part of the submission of the application for approval.

B. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

C. The applicant shall submit four copies of the materials listed in the checklist for site development stormwater plans in accordance with §172-19 of this ordinance.

§172-18 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.

§172-19 Submission of Site Development Stormwater Plan

The following information shall be required:

- A. **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.
- B. **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.
- C. **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.
- D. **Land Use Planning and Source Control Plan.** This plan shall provide a demonstration of how the goals and standards of Articles III through V are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- E. **Stormwater Management Facilities Map.** The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - (1) 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.

(2) 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.

F. Calculations

(1) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Article IV of this ordinance.

(2) 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.

G. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Article IX.

H. 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 §172-19.A. through §172-19.F. 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.

Article IX Maintenance and Repair:

§172-20 Applicability

Projects subject to review as in §172-3 of this ordinance shall comply with the requirements of §172-21 and §172-22.

§172-21 General Maintenance

A. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

B. 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.

C. 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.

D. 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.

E. If the party responsible for maintenance identified under §172-21.C. above is not a public agency, the maintenance plan and any future revisions based on §172-21.G. below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

F. 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.

G. The party responsible for maintenance identified under §172-21.C. above shall perform all of the following requirements:

- (1) 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;
- (2) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
- (3) 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 §172-21.F. and §172-21.G. above.
- (4) Beginning on January 31, 2019, persons responsible for maintenance under §172-21.B. 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.

H. The requirements of §172-21.C. and §172-21.D. 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.

I. 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.

§172-22 Performance or Maintenance Guarantee

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

Article X Penalties

§172-23 Penalty

Any person who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this chapter shall, upon conviction thereof by any court authorized by law to hear and determine the matter, be liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than 90 days, or both, as such court in its discretion may impose.

§172-24 Separate Violations

Each day during or on which a violation occurs or continues shall be deemed a separate offense.

Article XI Severability

§172-25 Severability

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding

of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Article XII Effective Date

§172-26 When effective

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

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

SECTION THREE. This Ordinance may be renumbered for codification purposes.

SECTION FOUR. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, RMC, Borough Clerk

James J. Freda, Mayor

February 18, 2021

There was no other desire to discuss this ordinance, and the Mayor asked the Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call: William Yago, Yes; V. Russo, Yes;
R. Roy, Yes; R. Charlies, Yes;
S. Mabey, Yes; J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on February 18, 2021 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on March 18, 2021 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Borough Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman R. Roy offered a motion to publish the foregoing resolution. This was second by Councilman V. Russo.

Roll Call: William Yago, Yes; V. Russo, Yes;
R. Roy, Yes; R. Charlies, Yes;
S. Mabey, Yes; J. Lorkowski, Yes.

Ordinance 02-2021

**AN ORDINANCE AMENDING AND RPEPLACING SECTION 56-1,
ESATABLISHMENT: MEMBERS, OF ARTICLE 1, ORGANIZATION
AND OPERATION, OF CHAPTER 56, POLICE DEPARTMENT, OF
THE CODE OF THE BOROUGH OF KINNELON**

Councilman R. Roy introduced the following ordinance and moved the same be read by title and passed on first reading. This was seconded by Councilman V. Russo.

The Mayor read the following notice and ordinance in full and stated that the notice has been published as required by law, a copy was posted on the Municipal Building Bulletin Board, and additional copies were made available to the public.

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ORDINANCE NO. 02-21

AN ORDINANCE AMENDING AND REPLACING SECTION 56-1, ESTABLISHMENT; MEMBERS, OF ARTICLE 1, ORGANIZATION AND OPERATION, OF CHAPTER 56, POLICE DEPARTMENT, OF THE CODE OF THE BOROUGH OF KINNELON

WHEREAS, pursuant to N.J.S.A 40 A:14-118, the governing body of a municipality is empowered to create and establish, as an executive and enforcement function of municipal government, a Police Department; and

WHEREAS, ordinances regulating Police Departments are subject to modification due to changing needs of a municipality and to enhance the efficiency and effectiveness of the operations of a Police Department; and

WHEREAS, the Borough of Kinnelon deems it to be in the best interests of the Borough and the Police Department to amend and replace Section 56-1, Establishment; Members, of Article 1, Organization and Operation, of Chapter 56, Police Department, of the Code of the Borough of Kinnelon regarding the members of the Borough of Kinnelon Police Department.

NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION ONE. Section 56-1, Establishment; Members, of Article 1, Organization and Operation, of Chapter 56, Police Department, of the Code of the Borough of Kinnelon, shall be deleted in its entirety and replaced by the following:

§ 56-1 Establishment; members.

There is hereby established in the Borough of Kinnelon a Police Department, which shall consist of members according to the following schedule:

Title	Maximum number of officers to be employed in the title
Chief of Police	1
Acting Chief of Police (as needed pursuant to §56-7)	1
Lieutenant	2
Patrol Sergeant	4
Detective	1
Patrol Officer	8
Police Matron	4

SECTION TWO. All Ordinances of the Borough of Kinnelon which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

SECTION THREE. If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION FOUR. This Ordinance shall take effect as provided by law.

ATTEST:

BOROUGH OF KINNELON

Karen M. Iuele, Borough Clerk

James J. Freda, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at the regular meeting of the Borough held on _____ and adopted by the Governing Body at a regular meeting of the Borough held on _____.

Karen M. Iuele, Borough Clerk

February 18, 2021

There was no other desire to discuss this ordinance, and the Mayor asked the Borough Clerk to call the roll on the passage thereof, and the vote was as followed.

Roll Call: William Yago, Yes; V. Russo, Yes;
R. Roy, Yes; R. Charlies, Yes;
S. Mabey, Yes; J. Lorkowski, Yes.

WHEREAS, the above ordinance was introduced at this meeting held on February 18, 2021 and read by title, and passed on first reading:

NOW, THEREFORE, BE IT RESOLVED, that at the regular meeting to be held on March 18, 2021 at 8:00 pm, prevailing time, at the Kinnelon Municipal Building, this Council further consider for second reading and final passage the said ordinance.

BE IT FURTHER RESOLVED that the Borough Clerk of this Borough be and she is hereby directed to publish the proper notice thereof.

Councilman R. Roy offered a motion to publish the foregoing resolution. This was second by Councilman V. Russo.

Roll Call: William Yago, Yes; V. Russo, Yes;
R. Roy, Yes; R. Charlies, Yes;
S. Mabey, Yes; J. Lorkowski, Yes.

TAX COLLECTOR'S REPORT:

During the month of January 2021, the Tax Collector's Report indicated we collected \$2,743,609.07 in taxes.

INVESTMENT OFFICER'S REPORT:

There was no report this month.

DISTRICT SCHOOL PAYMENT: \$3,202,880.67

APPOINTMENT:

Upon motion of Councilman V. Russo, and seconded by Councilman S. Mabey, followed by the "yes" roll call vote of all Council Members present, the appointment of Scot Simpter to the Open Space Advisory Committee was approved.

Roll Call: W. Yago, Yes; V. Russo, Yes;
R. Roy, Yes; R. Charles, Yes;
S. Mabey, Yes; J. Lorkowski, Yes.

February 18, 2021

Upon motion of Councilman V. Russo, and seconded by Councilman S. MMabey, followed by the "yes" roll call vote of all Council Members present, the appointment of Tim Lockwood as the Planning Board Liaison for the Board of Adjustment was approved.

Roll Call: W. Yago, Yes; V. Russo, Yes;
 R. Roy, Yes; R. Charles, Yes;
 G. Sisco J. Lorkowski, Yes.

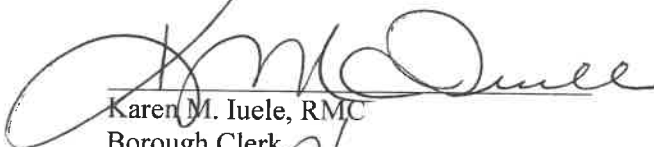
RESIGNATIONS:

Upon motion by Councilman V. Russo and seconded by Councilman R. Roy, followed by the "yes" roll call vote of all Council Members present, George Warren, Open Space Advisory Committee, was accepted with the council's deep regrets.

ADJOURNMENT:

This meeting adjourned at approximately 9:30 p.m. on motion by Councilman R. Roy with the unanimous affirmative voice vote of all present.

Respectfully submitted,



Karen M. Iuele, RMC
Borough Clerk



James J. Freda, Mayor

cc: Mayor Public Works Auditor
 All Councilmen Attorney
 Police Dept. Engineer