

BOROUGH OF HIGHLAND PARK  
REGULAR MEETING  
MAY 4, 2021 – 7:00 PM

The Borough is using the telephone meeting format in an effort to mitigate the chance of exposure to COVID-19, as a part of the Borough's ongoing effort to slow the rate of transmission and avoid overwhelming our treatment centers.

The public is invited to attend and participate by way of a call-in number and password:

Dial-in: 1-929-205-6099

Webinar ID: 917 5801 8409

By Computer, Smart Phone or Tablet:

Web Link: <https://zoom.us/j/91758018409>

MISSION STATEMENT OF THE BOROUGH OF HIGHLAND PARK:

The Mission of the Highland Park Borough Council is to establish a government based upon the principles of good government: ethics, efficiency and the effective provision of services.

The Borough Council is committed to creating a thriving community, which is sustainable economically, environmentally and socially.

The Borough Council is further committed to creating a community which values its unique and diverse populations and encourages direct public participation in the governing process.

**AGENDA**

\* Denotes Consent Agenda Posted Items. Ordinarily, consent agenda items, pursuant to Ordinance No. 920, are not read nor debated unless there is a request by a member of Council or the public. Furthermore, unless requested by a member of Council for a separate vote, all consent agenda items, as per Council's Rules of Order, Article IV, shall be considered in the form of one **MOTION**.

1. Call to Order and Open Public Meetings Statement.
2. Pledge of Allegiance.
3. Roll Call.
4. Agenda Questions by Council Members.
5. Honors and Awards.
  - 5.a Proclamation - Mental Health Awareness.
6. Approval of Minutes.

- 6.a **MOTION** to approve minutes of the Regular/Work Session Meetings held April 6, 2021, as distributed.

**ROLL CALL VOTE**

- 7. Council Reports.
- 8. Borough Administrator’s Report.
- 9. Borough Attorney’s Report.
- 10. Mayor’s Report.
- 11. Public Participation.  
*(21 minutes total; 3 minutes each speaker limited to items on this Agenda, including Work Session).*
- 12. Ordinances Requiring a Second Reading.

- 12.a Clerk reports advertising CAP Rate Exception Ordinance for consideration of passage on final reading by title.
  - a. MOTION to take up ordinance on final reading by title.
  - b. Public Hearing.
  - c. 5-21-115 Resolution to adopt/reject and advertise ordinance on final reading by title.

**MOTION adopt/reject** **ROLL CALL VOTE**

- 13. Resolutions Requiring a Separate Reading.
  - 13.a 5-21-116 Resolution to Authorize Self-Examination of Municipal Budget in accordance with N.J.S.A. 40A:4-78b and N.J.A.C. 5:30-7.  
  
**MOTION adopt/reject** **ROLL CALL VOTE**

- 14. Ordinances Requiring a Second Reading.
  - 14.a Clerk reports advertising Public Hearing on the 2021 Budget.
    - a. **MOTION** to open public hearing.
    - b. Public Hearing.
    - c. **MOTION** to close public hearing.

15. Resolutions Requiring a Separate Reading.

- 15.a 5-21- 117 Resolution to adopt 2021 Municipal Budget and Water & Sewer Budget on final reading by title.

**MOTION adopt/reject**

**ROLL CALL VOTE**

16. Ordinances Requiring a First Reading.

- 16.a Clerk reports introduction of Stormwater Management Ordinance for consideration of passage on first reading by title.

a. **MOTION** to adopt/reject and advertise ordinance on first reading by title.  
(Resolution No. 5-21-118)

**ROLL CALL VOTE**

17. Consent Agenda Items - Resolutions.

**ROLL CALL VOTE**

- 17.a \*5-21-119 Resolution Authorizing Continuation of Temporary Street Closures to Support Restaurants and Businesses During COVID-19 Health Emergency.

- 17.b \*5-21-120 Resolution to Amend Annual Salary Resolution.

- 17.c \*5-21-121 Resolution to Approve Taxi Operators.

- 17.d \*5-21-122 Resolution to Approve Taxi Owners.

- 17.e \*5-21-123 Resolution to Amend Annual Fee Resolution - Summer Camp Program.

- 17.f \*5-21-124 Resolution to Approve Emergency Repairs for DPW Truck #10.

- 17.g \*5-21-125 Resolution to Approve Wrecker Licenses.

- 17.h \*5-21-126 Resolution to Authorize Emergency Repairs for Police Vehicle #8.

- 17.i \*5-21-127 Resolution to Apply for 2021 Recycling Enhancement Grant from Middlesex County.

- 17.j \*5-21-128 Resolution to Purchase Asset Essentials Software for Public Works Work Order System.

- 17.k \*5-21-129 Resolution to Authorize Memorandum of Understanding Among New Jersey Board of Public Utilities and the Borough of Highland Park for Phase II

TCDER Microgrid Incentive Program.

17.l

\*5-21-130 Resolution to Apply for 2021 Body-Worn Camera Grant Program from the Department of Law and Public Safety in the Office of the Attorney General.

17.m

\*5-21-131 Resolution to Upgrade HPTV Broadcasting Server for Cable Access Programming.

17.n

\*5-21-132 Resolution Amending Resolution 3-21-97 (Tree Bid).

17.o

\*5-21-133 Resolution to Authorize a Five (5) Year Contract with Axon Enterprises, Inc. for Body Cameras and Services Under State Contract #17-Fleet-00738.

17.p

\*5-21-134 Resolution Authorizing the Application for a Grant for the Renovation of the Highland Park Public Library Pursuant to the New Jersey Library Construction Bond Act.

17.q

\*5-21-135 Resolution to Approve Bills List.

18. Resolutions Requiring a Separate Reading.

18.a

5-21-136 Resolution to Introduce 2021 Main Street Highland Park Budget and approve on first reading and schedule public hearing date.

**MOTION adopt/reject**

**ROLL CALL VOTE**

19. Appointments.

Human Relations Commission

Greg McClendon  
Austin Morreale  
Rev. Antoinette Moss

Recreation Advisory Committee

Dov Fine

**MOTION TO CONFIRM**

**ROLL CALL VOTE**

20. Second Public Participation.

*(3 minutes per speaker on any items; subject to 9PM conclusion prior to Work Session)*

21. Recess (5 minutes).

22. Work Session Items: No formal action to be taken.

- 22.a a. Cannabis (ES).
- b. Covid-19 Guidelines (TJ).

23. Goals.

24. Executive Session (if necessary).

25. MOTION to adjourn.

26. **Next Scheduled Meeting: June 1, 2021**

**WHEREAS**, the U.S. Surgeon General's Report on Mental Health has concluded that mental health is essential component of overall health and well-being; and

**WHEREAS**, for more than 50 years, Mental Health America has proclaimed May as "Mental Health Awareness Month", to raise awareness about mental health, combat the social stigma & discrimination associated with mental illness that often prevents people from seeking help, promote a message of hope and recovery, and celebrate consumer strength and resilience; and

**WHEREAS**, people with mental illness & addiction recover if given the necessary supports & services in the community, yet many avoid seeking help due stigma and the fear of discrimination; and

**WHEREAS**, Middlesex County recognizes the stigma associated with mental illness & addiction and acknowledges that many people may remain unserved because of the stigma of seeking help. This month we call attention to this so we can bring mental illness and addiction out of the shadows and encourage treatment and support. We acknowledge that greater public awareness about mental health & addiction recovery can change negative attitudes and behaviors; and

**WHEREAS**, Middlesex County stands with those impacted by behavioral health challenges and pledges to increase awareness and greater understanding of these conditions. We will work to reduce stigma and discrimination, and increase appropriate, accessible supports and services. We will strive to promote a message of hope and the belief that healing and recovery are attainable.

**NOW, THEREFORE**, I, Gayle Brill Mittler, Mayor of the Borough of Highland Park, do hereby proclaim the month of May, 2021 as

**MENTAL HEALTH AWARENESS MONTH**

and call upon all citizens to participate in efforts to increase awareness and better understanding of mental illness & addiction and work towards eliminating stigma in Middlesex County.

Given Under My Hand and Seal of the Borough of Highland Park  
this Fourth Day of May in the Year Two Thousand and Twenty-One.

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Gayle Brill Mittler, Mayor  
The Borough of Highland Park

BOROUGH OF HIGHLAND PARK  
No. 5-21-115

RESOLUTION: Council as a Whole

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Ordinance entitled, "CALENDAR YEAR ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40a:4-45.14)", passed on final reading at this meeting be delivered to the Mayor for her approval, and if approved by her, that the same be recorded in full by the Borough Clerk in a proper book kept for that purpose, and be advertised by publishing the same by title in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published in this municipality, in the manner prescribed by law.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY  
**ORDINANCE NO. 21-2022**  
CALENDAR YEAR ORDINANCE TO EXCEED THE MUNICIPAL  
BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Mayor and Borough Council of the Borough of Highland Park in the County of Middlesex finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Mayor and Borough Council hereby determines that a 3.5% increase in the budget for said year amounting to **\$132,621.79** in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Mayor and Borough Council of the Borough of Highland Park hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Highland Park, in the County of Middlesex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Borough of Highland Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5% amounting to **\$464,176.26** and that the CY 2020 municipal budget for the Borough of Highland Park be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance, upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Introduced and passed on  
first reading by title April 6, 2021

ATTEST:

\_\_\_\_\_  
BOROUGH CLERK



I, Joan Hullings, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 6<sup>th</sup> day of April, 2021.

\_\_\_\_\_  
Joan Hullings, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

ADOPTED: May 4, 2021

APPROVED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago  
Deputy Clerk

\_\_\_\_\_  
Gayle Brill Mittler  
Mayor

BOROUGH OF HIGHLAND PARK  
NO. 5-21-116

RESOLUTION TO AUTHORIZE SELF-EXAMINATION OF MUNICIPAL BUDGET  
IN ACCORDANCE WITH N.J.S.A. 40A:4-78B AND N.J.A.C. 5:30-7

RESOLUTION: Finance Committee

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the *Borough of Highland Park* has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the *Borough of Highland Park* that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				



BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX

RESOLUTION TO ADOPT CY 2021 MUNICIPAL BUDGET

No. 5-21-117

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

- (a) \$13,340,854.01 (Item 2 below) for Municipal Purposes
- (c) \$ 469,275.16 (Item 5 below) for Minimum Library Tax

Recorded Vote  
 (Insert last name)

	(				
	(		Abstained	(	
	(				
Ayes	(		Nays	(	
	(				
	(		Absent	(	

**SUMMARY OF REVENUES**

General Revenues	
1. Surplus Anticipated	\$1,275,000.00
Miscellaneous Revenues Anticipated	2,487,971.55
Receipts from Delinquent Taxes	
2. Amount to be Raised by Taxation for Municipal Purposes	
Municipal Support (Item 6(a), Sheet 11)	13,340,854.01
Minimum Library Tax	<u>469,275.16</u>
<b>Total Revenues</b>	<b><u>\$17,573,100.72</u></b>

**SUMMARY OF APPROPRIATIONS**

5. General Appropriations	
Within "CAPS"	
(a&b) Operations Including Contingent	\$12,377,434.00
(e) Deferred Charges and Statutory Expenditures-Municipal	1,808,944.00
(g) Cash Deficit	
Excluded from "CAPS"	
(a) Operations – Total Operations Excluded from "CAPS"	1,523,681.72
(c) Capital Improvements	100,000.00
(d) Municipal Debt Service	1,549,041.00
(e) Deferred Charges - Municipal	14,000.00
(f) Judgments	
(n) Transferred to Board of Education for use of Local Schools	
(g) Cash Deficit	
(k) For Local District School Purposes	
(m) Reserve for Uncollected Taxes	<u>200,000.00</u>
<b>Total Appropriations</b>	<b><u>\$17,573,100.72</u></b>

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 4<sup>th</sup> day of May, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the CY 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

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Jennifer Santiago, Deputy Clerk

Certified by me this 4<sup>th</sup> day of May, 2021

BOROUGH OF HIGHLAND PARK  
NO. 5-21-118

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, an Ordinance entitled, AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AMENDING CHAPTER 230, ARTICLE XX OF THE "CODE OF THE BOROUGH OF HIGHLAND PARK, 2010 CONCERNING STORMWATER MANAGEMENT, has been introduced and duly passed on first reading;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that this Council meet at the Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, on Tuesday, June 1, 2021, at 7:00 PM, for the purpose of considering said Ordinance on final passage after public hearing thereon.

BE IT FURTHER RESOLVED that said a Notice of Pending Ordinance and Summary of said Ordinance be published once at least one (1) week prior to the time fixed for further consideration of said Ordinance for final passage in the "Home News Tribune", of East Brunswick, New Jersey, a newspaper published in the County of Middlesex and circulating in this municipality, there being no newspaper published daily in this municipality, together with a notice of the introduction thereof and of the time and place when and where said Ordinance will be further considered for final passage as aforesaid.

BE IT FURTHER RESOLVED that a copy of said Ordinance shall be posted on the bulletin board at Borough Hall, 221 South Fifth Avenue, Highland Park, New Jersey, forthwith and that the Borough Clerk have available in her office for the members of the general public of Highland Park copies of said Ordinance for those members of the general public who may request the same.

ADOPTED: May 4, 2021

ATTEST:

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Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

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Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

**Borough of Highland Park  
County of Middlesex  
State of New Jersey  
Ordinance No. 21-**

**AN ORDINANCE OF THE BOROUGH OF HIGHLAND PARK, COUNTY OF MIDDLESEX,  
STATE OF NEW JERSEY AMENDING CHAPTER 230, ARTICLE XX OF THE “CODE OF  
THE BOROUGH OF HIGHLAND PARK, 2010” CONCERNING STORMWATER  
MANAGEMENT.**

**WHEREAS**, the Borough Council of the Borough of Highland Park, a Municipal Corporation of the County of Middlesex, State of New Jersey, finds that the public health, safety and general welfare of the Borough shall be promoted by the revision and amendment of the Borough’s Land Use Ordinance to fully ensure the Borough’s continued ability to comply with the New Jersey Department of Environmental Protection Stormwater Management and Control Standard; and

**WHEREAS**, amendments to the Land Use Ordinance and the adoption of new State Compliant Regulations for Stormwater Management are necessary to meet new regulations adopted by the New Jersey Department of Environmental Protection.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, as follows:

1. Chapter 230, Article XX of the “Code of the Borough of Highland Park, 2010” Sections 176 through 187 are hereby repealed.
2. Chapter 230, Article XX of said Code concerning Stormwater Management is hereby amended and shall read as follows:

**§ 230-176. Scope and purpose.**

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

B. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in **§ 230-177**.

C. Applicability.

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

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

(2) This ordinance shall also be applicable to all major developments undertaken by the Borough of Highland Park.

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

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

**§ 230-177. Definitions.**

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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" means the Department of Environmental Protection.

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with **§ 230-179.F.** of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 230-178. 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.

**§ 230-179. Stormwater Management Requirements for Major Development.**

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with **§ 230-185**.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of **§§ 230-179.P, Q and R**:
- (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
  - (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
  - (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of **§§ 230-179.O, P, Q and R** may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
  - (2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of **§§ 230-179.O, P, Q and R** to the maximum extent practicable;
  - (3) The applicant demonstrates that, in order to meet the requirements of **§§ 230-179.O, P, Q and R**, existing structures currently in use, such as homes and buildings, would need to be condemned; and
  - (4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under **§ 230-179.D.3** above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of **§§ 230-179.O, P, Q and R** that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in **§§ 230-179.O, P, Q and R**. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- [https://njstormwater.org/bmp\\_manual2.htm](https://njstormwater.org/bmp_manual2.htm).
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

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

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

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

<u>Best Management Practice</u>	<u>Stormwater Runoff Quality TSS Removal Rate (percent)</u>	<u>Stormwater Runoff Quantity</u>	<u>Groundwater Recharge</u>	<u>Minimum Separation from Seasonal High Water Table (feet)</u>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes<sup>(b)</sup></u> <u>No<sup>(c)</sup></u>	<u><math>\frac{2^{(b)}}{1^{(c)}}</math></u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter<sup>(b)</sup></u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>

<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond<sup>(d)</sup></u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § **230-179.O.2**;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at § **230-177**;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at § **230-177**.

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 § **230-181.B**. Alternative stormwater management measures may be used to satisfy the requirements at § **230-179.O** only if the measures meet the definition of green infrastructure at § **230-177**. Alternative stormwater management measures that function in a similar manner to a BMP listed at § **230-179.O.2** are subject to the contributory drainage area limitation specified at § **230-179.O.2** for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any

BMP listed at **§ 230-179.O.2** shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§ 230-179.D** is granted from **§ 230-179.O**.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
- (1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
  - (2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of **§ 230-183.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 **§ 230-183**; 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 **§ 230-177** may be used only under the circumstances described at **§ 230-179.O.4**.
- K. Any application for a new agricultural development that meets the definition of major development at **§ 230-177** shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at **§§ 230-179.O, P, Q and R** and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.



- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§§ 230-179.P, Q and R** shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Middlesex County Office of the County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§§ 230-179.O, P, Q and R** and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to **§ 230-185.B.5**. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to **§ 230-179** 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 Middlesex County Office of the County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

(1) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

(2) To satisfy the groundwater recharge and stormwater runoff quality standards at **§ 230-179.P and Q**, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at **§ 230-179.F**. and/or an alternative stormwater management measure approved in accordance with **§ 230-179.G**. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

(3) To satisfy the stormwater runoff quantity standards at **§ 230-179.R**, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with **§ 230-179.G**.

(4) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with **§ 230-179.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 **§ 230-179.G** may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at **§ 230-179.P, Q and R**.

(5) For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at **§ 230-179.P, Q and R**, unless the project is granted a waiver from strict compliance in accordance with **§ 230-179.D**.

#### P. Groundwater Recharge Standards

(1) This subsection contains the minimum design and performance standards for groundwater recharge as follows:

(2) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at **§ 230-180**, either:

(a) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

(b) Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

(3) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.

(4) The following types of stormwater shall not be recharged:

(a) Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

(b) Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards.

(1) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

(2) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

(a) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

(b) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

(3) The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

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

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

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

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

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

Where

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

(6) Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in **§ 230-179.P, Q and R**.

(7) In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

(8) The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

(9) Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

(10) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

#### R. Stormwater Runoff Quantity Standards.

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

(2) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at **§ 230-180**, complete one of the following:

(a) Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

(b) Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

(c) Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

(d) In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

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

**§ 230-180. Calculation of Stormwater Runoff and Groundwater Recharge.**

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

(1) The design engineer shall calculate runoff using one of the following methods:

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

[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1044171.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf)

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

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

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

(2) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at **§ 230-180.A.1.a.** and the Rational and Modified Rational Methods at **§ 230-180.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.

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

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

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

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

#### **§ 230-181. Sources for Technical Guidance:**

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

[http://www.nj.gov/dep/stormwater/bmp\\_manual2.htm](http://www.nj.gov/dep/stormwater/bmp_manual2.htm).

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

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

[https://www.njstormwater.org/maintenance\\_guidance.htm](https://www.njstormwater.org/maintenance_guidance.htm).

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

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

#### **§ 230-182. Solids and Floatable Materials Control Standards.**

A. Site design features identified under **§ 230-179.F** above, or alternative designs in accordance with **§ 230-179.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 **§ 230-182.A.2** below.

(1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

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

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

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

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

(a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

(b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

(c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

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.

### **§ 230-183. 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 **§ 230-183.C.1**, **§ 230-183.C.2**, and **§ 230-183.C.3** for trash racks, overflow grates, and escape provisions at outlet structures.

C. Requirements for Trash Racks, Overflow Grates and Escape Provisions

(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;



(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

(d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

(a) The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

(b) The overflow grate spacing shall be no less than two inches across the smallest dimension

(c) The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) Stormwater management BMPs shall include escape provisions as follows:

(a) If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to **§ 230-183.C**, a free-standing outlet structure may be exempted from this requirement;

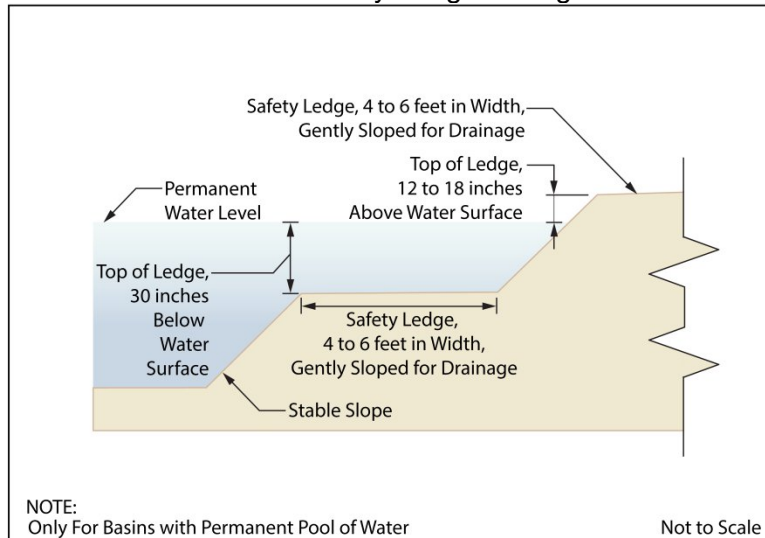
(b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half 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 **§ 230-183.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



**§ 230-184. Requirements for a Site Development Stormwater Plan.**

A. Submission of Site Development Stormwater Plan.

(1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at **§ 230-184.C** below as part of the submission of the application for approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

(3) The applicant shall submit twelve (12) copies of the materials listed in the checklist for site development stormwater plans in accordance with **§ 230-184.C** of this ordinance.

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

C. Submission of Site Development Stormwater Plan.

The following information shall be required:

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

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

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

(4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of **§§ 230-178 - 230-180** are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

(a) Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

(b) Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations.

(a) Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in **§ 230-179** of this ordinance.

(b) When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of **§ 230-185**.

(8) Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in **§ 230-184.C.1** through **§ 230-184.C.6** of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

**§ 230-185. Maintenance and Repair.**

A. Applicability. Projects subject to review as in **§ 230-176.C** of this ordinance shall comply with the requirements of **§ 230-185.B** and **§ 230-185.C**.

B. General Maintenance.

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

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

(3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

(5) If the party responsible for maintenance identified under **§ 230-185.B.3** above is not a public agency, the maintenance plan and any future revisions based on **§ 230-185.B.7** below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The party responsible for maintenance identified under **§ 230-185.B.3** above shall perform all of the following requirements:

(a) maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

(b) evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

(c) retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by **§ 230-185.B.6** and **B.7** above.

(8) The requirements of **§ 230-185.B.3** and **B.4** do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

(9) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Post a two year maintenance guarantee in accordance with N.J.S.A 40:55D-53.

#### **§ 230-186. Penalties.**

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to the penalties provided in Chapter 1, Article III, General Penalty. Each day that a violation persists shall be a separate violation hereof.

#### **§ 230-187. 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.

**§ 230-188. Effective Date.**

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

Introduced on first reading  
by title: May 4, 2021

ADOPTED:

ATTEST:

APPROVED:

\_\_\_\_\_  
Joan Hullings, Borough Clerk

\_\_\_\_\_  
Gayle Brill Mittler, Mayor

BOROUGH OF HIGHLAND PARK  
RESOLUTION NO. 5-21-119

RESOLUTION AUTHORIZING CONTINUATION OF TEMPORARY STREET CLOSURES TO  
SUPPORT RESTAURANTS AND BUSINESSES DURING COVID-19 HEALTH EMERGENCY

RESOLUTION: Economic Development and Planning Committee

WHEREAS, on June 3, 2020, Governor Murphy signed Executive Order No. 150, declaring that effective at 6:00 a.m. on Monday, June 15, 2020, restaurants, cafeterias, dining establishments, and food courts, with or without a liquor license, and bars, referred to as “food or beverage establishments,” are permitted to offer in-person service at outdoor areas; and

WHEREAS, Executive Order No. 150, permits Municipalities to allow food or beverage establishments to expand their footprint to outdoor areas, both within their property and among municipally-governed areas; and

WHEREAS, pursuant to N.J.S.A. 39:4-197.3, a municipality may enact emergency or temporary special traffic regulations by Resolution; and

WHEREAS, the Borough of Highland Park desires to continue with the temporary change of the existing two-way traffic pattern along No. Fourth Avenue between Route NJ 27 (Raritan Avenue) and Denison Street to a one-way street in the southward direction only, to accommodate outdoor dining by local businesses; and

WHEREAS, the Borough of Highland Park desires to continue with the temporary closure of a portion of So. Third Ave to all traffic for more than forty-eight (48) continuous hours between Route NJ 27 (Raritan Avenue) and Magnolia Street, to accommodate outdoor dining by local businesses; and

WHEREAS, during the temporary closure of So. Third Ave, the detour routes shall be along the municipal roadways of So. Second and So. Fourth Avenues; and

WHEREAS, the temporary change of No. Fourth Ave to a one-way street, and the temporary closure of So. Third Ave will impact the state highway of Route NJ 27 (Raritan Avenue); and

WHEREAS, pursuant to N.J.S.A. 39:4-8a, any municipal regulation which places any impact on a state highway or temporarily closes a street for more than forty-eight (48) continuous hours, shall require the approval of the Commissioner of Transportation; and

WHEREAS, the New Jersey Department of Transportation agrees to continue with the revised work order for the traffic signal along Route NJ 27 (Raritan Avenue) at the intersection of Third Avenue to match the proposed for the temporary closure of So. Third Avenue.

NOW, THEREFORE IT BE RESOLVED by the Borough of Highland Park Council, Middlesex County, State of New Jersey, the following temporary traffic regulations shall continue to be in effect from June 1, 2021 to August 30, 2021 as follows:

**In the Borough of Highland Park:**

**One-Way Street(s) (TEMPORARY)**

The following described streets or parts of streets are hereby designated as One-Way Streets in the direction indicated. Parking on these streets will be permitted on the sides as indicated below:

<u>Name of Street</u>	<u>Direction</u>	<u>Limits</u>	<u>Parking Permitted</u>
No. Fourth Ave	South	Rt 27 to Denison Ave	Yes

**Street Closure(s) (TEMPORARY)**

<u>Name of Street</u>	<u>Limits</u>
So. Third Ave	Rt 27 to Magnolia St (only half of the block is closed)

BE IT FURTHER RESOLVED that this Resolution shall take effect upon approval of the Commissioner of Transportation as provided by law.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
No. 5-21-120

RESOLUTION AUTHORIZING AMENDMENT TO ANNUAL SALARY RESOLUTION

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 5, 2021 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an annual basis, there have been the following changes, to wit:

- SHETAL OZA, Policy Assistant to the Mayor, at an annual salary of \$15,600.00, effective May 1, 2021.
- JACKLYN VASQUEZ, Payroll & Benefits Coordinator, at an annual salary of \$58,000.00, effective May 1, 2021.
- JANET MOLINA, Principal Clerk Typist, at an annual salary of \$44,640.00 effective May 1, 2021.

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Clerk be and is hereby authorized and directed to notify the Borough Finance Director that since the adoption of a resolution on January 7, 2020 showing the names of the officers and employees of the Borough of Highland Park whose salaries are on an hourly basis, there have been the following changes, to wit:

- DELANEY MCAVOY, Mechanic, at an hourly rate of \$29.26, effective May 1, 2021.
- SEBASTIAN GONZALEZ, Part-time Public Safety Telecommunicator, at an hourly rate of \$22.01, effective May 1, 2021.
- PAUL MEYERS, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- ANGERYCA CONCEPCION, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- ZEN HORIKE, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- DORIAN COLE, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- ABIE RUSS-FISHBANE, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- ALAM AREEBAH, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- ROIE CEDERBAUM, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- ABEN ROJAS, Seasonal Recreation, at an hourly rate of \$12.00, effective April 16, 2021.
- JETZAREL GONZALEZ, Library Associate, Youth Services Department, at an hourly rate of \$24.26, effective May 15, 2021.
- MELAINA SQUICCIARINI, Library Associate, Youth Services Department, at an hourly rate of \$24.26, effective May 15, 2021.

BE IT FURTHER RESOLVED that the Finance Director be and is hereby directed to make the necessary changes in the payroll records of the Finance Department in accordance with the changes established by this resolution.

ADOPTED: May 4, 2021  
ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				



BOROUGH OF HIGHLAND PARK  
NO. 5-21-121

RESOLUTION AUTHORIZING ISSUANCE OF TAXI OPERATOR LICENSES FOR THE  
PURPOSE OF OPERATING TAXI CABS IN THE BOROUGH OF HIGHLAND PARK

RESOLUTION: Public Safety Committee

WHEREAS, Richard Buck Jr., Lawrence Dick, James Thomas, Michael McGlynn and Larry Sale have filed with the Clerk of this Borough an application for a License to operate taxicabs under the provisions of the Ordinance providing for such Licenses for the year 2021; and

WHEREAS, the Chief of Police and/or his designee has investigated said applicant and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that said applicants are qualified and that public necessity and convenience would be served by the issuance of said Licenses.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue an Operator Licenses to the aforesaid applicants.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-122

RESOLUTION AUTHORIZING ISSUANCE OF TAXI OWNER LICENSES FOR THE PURPOSE  
OF OWNING A TAXI CAB IN THE BOROUGH OF HIGHLAND PARK

RESOLUTION: Public Safety Committee

WHEREAS, Lawrence Dick has filed with the Clerk of this Borough an application for an Owners License to operate taxicabs in this Borough under the provisions of the Ordinance providing for such licenses for the year 2021; and

WHEREAS, the Chief of Police and/or his designee has investigated said applicant sand has reported favorably upon said application;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determined that said applicants are qualified and that public necessity and convenience would be served by the issuance of such License.

BE IT FURTHER RESOLVED that the Borough Clerk shall be and is hereby authorized and directed to issue an Owner License to the aforesaid applicant.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-123

RESOLUTION TO AMEND ANNUAL FEE RESOLUTION – RECREATION PROGRAMS

RESOLUTION: Recreation and Arts Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Section 3. of Resolution 1-21-13, adopted by the Borough Council on January 5, 2021, shall be supplemented by adding the following fees for programs conducted by the Recreation Department:

<u>PROGRAM</u>	<u>PARTICIPANT FEE</u>
Summer Camp	\$225.00 Resident

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Finance Department and the Recreation Program Coordinator forthwith.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-124

RESOLUTION TO AUTHORIZE EMERGENCY REPAIRS FOR DPW TRUCK #10

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Highland Park Department of Public Works has a need to make repairs to DPW Vehicle #10 as it is no longer operational, as more fully described on the attached Purchase Order; and

WHEREAS, the expenses related to the repair of this DPW truck affects the health, safety and welfare of the Borough that requires the immediate response, the need for which was not reasonably foreseen; and

WHEREAS, due to the emergent nature of the repair, it was necessary to have the vehicle towed and repaired to address the situation; and

WHEREAS, N.J.S.A. 40A:11-6 provides that public bidding and quotes is not necessary in an emergency situation; and

WHEREAS, Cambria Companies, PO Box 51061, Newark, NJ 07101-5161 was contracted to provide the repair service in the amount of \$20,825.00; and

WHEREAS, funds for this purpose are available in Account No. 1-01-26-315-232 in the amount of \$20,825.00, as reflected by the certification of funds by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Superintendent of Public Works is hereby authorized and directed to arrange for said repairs from Cambria Companies, PO Box 51061, Newark, NJ 07101-5161, at a total price of \$20,825.00; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Superintendent of Public Works & Public Utilities and the Chief Financial Officer, forthwith.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

VERIFIED AND ENCUMBERED AS TO: AVAILABILITY OF FUNDS \$20,825.00 ACCOUNT NO. 1-01-26-315-232 P.O. NO. _____ BY:  FINANCE DIRECTOR
---

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
No. 5-21-125

RESOLUTION TO APPROVE WRECKER LICENSES

RESOLUTION: Public Safety Committee

WHEREAS, Majestic Towing & Transport, Inc., Car Guys Auto Repair, LLC, and Coppa's Service Center & Towing, Inc. have filed with the Clerk of this Borough for a Wrecker/Towing License to operate heavy duty wreckers in this Borough under the provisions of the Ordinance providing for such licenses; and

WHEREAS, the Chief of Police has investigated said applicant and has reported favorably upon said applications;

NOW, THEREFORE, BE IT RESOLVED that this Council hereby determines that said applicants are qualified and that public necessity and convenience would be served by the issuance of such Licenses.

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue Heavy Duty Wrecker/Towing Licenses to the aforesaid applicants.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-126

RESOLUTION TO AUTHORIZE EMERGENCY REPAIRS FOR POLICE VEHICLE #8

RESOLUTION: Public Safety Committee

WHEREAS, the Highland Park Police Department has a need to make repairs to Police Vehicle #8 as it is no longer operations, as more fully described on the attached Purchase Order; and

WHEREAS, the expenses related to the repair of this Police vehicle affects the health, safety and welfare of the Borough that requires the immediate response, the need for which was not reasonably foreseen; and

WHEREAS, due to the emergent nature of the repair, it was necessary to the have vehicle towed and repaired to address the situation; and

WHEREAS, N.J.S.A. 40A:11-6 provides that public bidding and quotes is not necessary in an emergency situation; and

WHEREAS, Car Care Collision, 126 Raritan Avenue, Highland Park, NJ 08904 was contracted to provide the repair service in the amount of \$9,943.84; and

WHEREAS, funds for this purpose are available in Account No. 1-01-26-315-232 in the amount of \$9,943.84, as reflected by the certification of funds by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Police Department is hereby authorized and directed to arrange for said repairs from Car Care Collision, 126 Raritan Avenue, Highland Park, NJ 08904, at a total price of \$9,943.84; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the Police Department and the Chief Financial Officer, forthwith.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

VERIFIED AND ENCUMBERED AS TO:  
AVAILABILITY OF FUNDS \$9,943.84  
ACCOUNT NO. 1-01-26-315-232  
P.O. NO. \_\_\_\_\_  
BY:  
  
FINANCE DIRECTOR

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-127

RESOLUTION TO APPLY FOR 2021 RECYCLING ENHANCEMENT  
GRANT FROM MIDDLESEX COUNTY

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, the Department of Public Works seeks to install security cameras at its drop-off location to prevent illegal dumping; and

WHEREAS, the Middlesex County Department of Public Safety and Health's Division of Solid Waste Management has funds available for this purpose as part of its 2021 Recycling Enhancement Grant program; and

WHEREAS, the Department of Public Works wishes to apply for this grant in an amount not to exceed \$5,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are hereby authorized and directed to execute and submit, on behalf of the Department of Public Works, the grant application to Middlesex County, a copy of which is attached to the original of this resolution.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-128

RESOLUTION TO PURCHASE ASSET ESSENTIALS SOFTWARE  
FOR PUBLIC WORKS WORK ORDER SYSTEM

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, N.J.S.A. 52:34-6.2 authorizes contracting units, including the Borough of Highland Park, to make purchases and contract for services through the use of nationally recognized and accepted cooperative purchasing agreements that have been developed utilizing a competitive bidding process by another contracting units within the State of New Jersey or within any other state; and

WHEREAS, by Resolution 10-18-262, adopted October 9, 2018, the Borough of Highland Park entered into an agreement with a national cooperative called Sourcewell; and

WHEREAS, Sourcewell enters into contracts for a wide variety of goods and services; and

WHEREAS, the purpose of entering the contract with Sourcewell was to obtain better prices than the Borough would be able to obtain individually, and to save the Borough the expense of bidding; and

WHEREAS, the Superintendent of the Department of Public Works has done research and recommends that the Borough purchase the following program from the following vendor through Contract with Sourcewell:

<b>Item Description</b>	<b>Vendor</b>	<b>Amount</b>	<b>Contract No.</b>
Asset Essentials (Work Order Software)	Dude Solutions	\$11,982.17	090320-SDI

WHEREAS, funds for this purpose are available in Account No. 1-01-20-140-218 in the amount of \$11,982.17 as reflected by the Certification of Funds by the Finance Department, shown below; and

BE IT FURTHER RESOLVED, that the Borough of Highland Park be and is hereby authorized to execute and the Borough Clerk to witness any Contract with the above referenced vendor for the items and the amounts listed above.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

VERIFIED AND ENCUMBERED AS TO: AVAILABILITY OF FUNDS \$11,982.17 ACCOUNT NO. 1-01-20-140-218 P.O. NO. _____ BY: _____  FINANCE DIRECTOR
---



I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

---

Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				



**PREPARED FOR**

Borough Of Highland Park

Emma Missey  
Assistant to the Borough Administrator  
221 South 5Th Avenue  
Highland Park, NJ 08904

**PREPARED BY**

Dude Solutions  
11000 Regency Parkway, Suite 400  
Cary, NC 27518

**PUBLISHED ON**

March 19, 2021



Pricing based on - Population 13,833

<b>Subscription</b>	
Asset Essentials Professional	10,367.17 USD
- Facilities/Physical Plant Module	0.00 USD
- Streets/Signs/Sidewalks Module	0.00 USD
- Fleet Module	0.00 USD
Dude Analytics	0.00 USD
Asset Essentials Inventory	0.00 USD
<b>Subscription Term:</b> 12 months	<b>Subtotal:</b> 10,367.17 USD
<b>Implementation &amp; Services</b>	
Asset Essentials Standard Implementation	1,615.00 USD
	<b>Subtotal:</b> 1,615.00 USD
<b>Total Initial Investment</b>	<b>11,982.17 USD</b>

BOROUGH OF HIGHLAND PARK  
NO. 5-21-129

RESOLUTION TO AUTHORIZE MEMORANDUM OF UNDERSTANDING AMONG  
NEW JERSEY BOARD OF PUBLIC UTILITIES AND THE BOROUGH OF HIGHLAND  
PARK FOR PHASE II TC DER MICROGRID INCENTIVE PROGRAM

RESOLUTION: Public Works and Public Utilities Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor is hereby authorized and directed to execute the Memorandum of Understanding between the Borough of Highland Park and the New Jersey State Board of Public Utilities, attached to the original of this resolution.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

1 **MEMORANDUM OF UNDERSTANDING**  
2 BETWEEN AND AMONG  
3 THE NEW JERSEY BOARD OF PUBLIC UTILITIES,  
4 AND  
5 BOROUGH OF HIGHLAND PARK  
6  
7

8 **THIS MEMORANDUM OF UNDERSTANDING** (“MOU”), is made this \_\_\_\_ day of  
9 \_\_\_\_\_, 2021, by and between **BOROUGH OF HIGHLAND PARK** (“Recipient”)  
10 **and The NEW JERSEY BOARD OF PUBLIC UTILITIES** (“BPU” in general or  
11 “Board” when referring to Board of Commissioners) (collectively the “Parties”) setting  
12 forth the roles and responsibilities of the Parties in connection with the Phase II TCDER  
13 Microgrid Incentive Program (“Program”).<sup>1</sup>

14 **WHEREAS**, the BPU is charged with the authority to ensure that safe, adequate,  
15 and proper utility services are provided at reasonable, non-discriminatory rates to all members of  
16 the public who desire such services and to develop and regulate a competitive, economically cost  
17 effective energy policy that promotes responsible growth and clean renewable energy sources  
18 while maintaining a high quality of life in New Jersey; and

19 **WHEREAS**, as set forth in N.J.S.A. 48:2-13, BPU is responsible for regulatory  
20 oversight of all necessary services for transmission and distribution of electricity and natural gas,  
21 including but not limited to safety, reliability, metering, meter reading and billing; and

22 **WHEREAS**, the 2015 New Jersey Energy Master Plan Update (“EMP Update”)  
23 established a new overarching goal to "Improve Energy Infrastructure Resiliency and Emergency  
24 Preparedness and Response" in response to several extreme weather events that left many people  
25 and businesses without power for extended periods of time. Policy recommendations in the EMP  
26 Update were to “[i]ncrease the use of microgrid technologies and applications for DER to improve

---

<sup>1</sup> Acronyms related to this program are referred to herein are as follows: Town Center (TC); Distributed Energy Resource (DER).

27 the grid's resilience and reliability in the event of a major storm”; and to work with the United  
28 States Department of Energy (“USDOE”), the utilities, local and state governments and other  
29 strategic partners to identify, design and implement TCDER Microgrids.<sup>2</sup>

30 **WHEREAS**, the BPU is chair of the Energy Master Plan Committee and was  
31 responsible for the preparation, adoption and revisions of the 2019 New Jersey Energy Master Plan  
32 (“2019 EMP”) regarding the production, distribution, and conservation of energy in this State; and

33 **WHEREAS**, the 2019 EMP states that electric and gas utilities must “continue to  
34 deliver reliable, resilient, and affordable service, while also realizing New Jersey’s goals of 100%  
35 clean energy and an 80% reduction in greenhouse gas emissions relative to 2006 levels by 2050.”<sup>3</sup>  
36 The 2019 EMP goes on to state that in order to achieve these goals, grid modernization is essential,  
37 including the development of microgrids. Further, the 2019 EMP states that the adoption of  
38 alternative resources such as microgrids will allow utilities “to defer, reduce or eliminate otherwise  
39 necessary investments or upgrades.”<sup>4</sup> The 2019 EMP provides that the BPU will direct the electric  
40 public utilities to develop Integrated Distribution Plans, which may include microgrids; and

41 **WHEREAS**, the Board has allocated funds to support the Program; and

42 **WHEREAS**, BPU Staff has, under the direction and approval of the Board, issued  
43 the Program with an approved budget of \$4 million for incentives; and

44 **WHEREAS**, after thorough review and evaluation by BPU Staff, the Board  
45 approved eight applicants for funding under the Program on March 3, 2021 (“March 2021 Board  
46 Order”); and

47 **WHEREAS**, the Board directed Staff to disburse the incentive funds to each  
48 Recipient as an awardee under the Program and create an MOU for each Recipient to reflect the

---

<sup>2</sup> New Jersey 2015 Energy Master Plan Update at 52.

<sup>3</sup> New Jersey 2019 Energy Master Plan at 173.

<sup>4</sup> Id. at 179.

49 directives of the March 2021 Board Order. The Board also authorized Staff to execute the resulting  
50 MOUs with each Recipient; and

51 **WHEREAS**, the Recipients who are Parties to this MOU freely and voluntarily, in  
52 full consideration of the costs and benefits incident hereto, submitted an application to participate  
53 in the Program; and

54 **WHEREAS**, the Board, by virtue of proper procedure, and execution of this MOU,  
55 has determined that the Recipient's application is approved and incentive funds will be awarded  
56 to the Recipient, pursuant to the terms included herein; and

57 **NOW THEREFORE**, in consideration of the promises and mutual  
58 representations, warranties, and covenants herein contained, the receipt and sufficiency of which  
59 are hereby acknowledged, the Parties hereby agree as follows:

60 **I. INCORPORATION**

61 All of the above recitals, the entirety of the Program Application (attached hereto as  
62 Appendix 1), and the entirety of the Recipient's submitted application and supplemental information  
63 (attached hereto as Appendix 2) are hereby incorporated by reference into this MOU as if set forth  
64 at length herein.

65 **II. SCOPE OF THE AGREEMENT**

66  
67 This MOU applies only to the design of a TCDER Microgrid as set forth in the Recipient's  
68 application submitted to the Board and attached hereto. Conformance to the terms of this MOU  
69 and timely completion of the design of a TCDER Microgrid does not guarantee the Recipient's  
70 future participation in any other related programs. Furthermore, the terms and conditions included  
71 herein represent the entire scope of this agreement and supersede all former representations  
72 whether written or verbally communicated.

73 **III. DUTIES OF THE PARTIES**

74           A.     The Recipient will submit a TCDER Microgrid Design to the BPU in accordance  
75 with the terms and conditions of this MOU and incorporated documents.

76           B.     The Recipient is solely responsible for fully complying with the terms and  
77 conditions of this MOU, the above-referenced incorporated documents, and any and all duly  
78 executed subsequent agreements between the Parties.

79           C.     Effective upon execution of this MOU, the BPU agrees to firmly set aside and  
80 segregate a total incentive Budget of \$196,450 (“Total Incentive Budget”), to cover costs to be  
81 incurred by the Recipient to administer and complete the TCDER Microgrid Design in accordance  
82 with this MOU and incorporated documents.

83           D.     Upon execution of this MOU, the BPU agrees to transfer 75% of the Total Incentive  
84 Budget to the Recipient (“Initial Incentive Funds”). The Initial Incentive Funds shall be placed in  
85 a dedicated account and any interest which accrues should be reflected and reported in the  
86 Recipient’s 90-day progress report to Board Staff (see Section III.E). All interest accrued in the  
87 Initial Incentive Funds dedicated account shall be deducted from the remaining 25% of the Total  
88 Incentive Budget.

89           E.     Every 90 days beginning from the execution of this MOU, the Recipient shall submit a  
90 report to the Bureau Chief of New Technology in the BPU’s Clean Energy Division in which  
91 progress of the TCDER II Microgrid Design is noted along with the corresponding funding spent  
92 for that time period and the interest accrued from the dedicated account holding the Initial  
93 Incentive Funds (see Section III.D).

94           F.     The remaining 25% of the Total Incentive Budget, minus any interest accrued from the  
95 Initial Incentive Funds dedicated account as outlined in Section III.D, will be retained by the BPU  
96 until the Recipient’s completion of the design and review of the design by Board Staff. The design  
97 review conducted by Board Staff shall be limited to: 1) verification that the project designed is



98 substantially similar to the project described in the Program application, and 2) verification that  
99 the level of design is at least the level of design described in the Program application. In the event  
100 that Staff finds that one or both of these conditions is not met, Staff shall inform the Recipient of  
101 the deficiencies and allow the Recipient to correct the deficiency within 60 days of receiving  
102 Staff's notice. If the deficiency is not corrected by that time, the remaining 25% of the award will  
103 not be released to the Recipient.

104 G. The BPU and the Recipient expressly agree and acknowledge that the undistributed  
105 25% of the Total Incentive Budget is held in trust by BPU, and shall remain exclusively committed  
106 to the funding of the Recipient's TCDER Microgrid Design until Board Staff completes its review  
107 to release the 25%, minus any interest accrued from the Initial Incentive Funds dedicated account  
108 as outlined in Section III.D, and provides the required verification as set forth in Section III.F and  
109 either: (a) the Total Incentive Budget is entirely exhausted; or (b) the Recipient's TCDER  
110 Microgrid Design is completed (whether through completion or by termination short of  
111 completion) and all monetary obligations of the Recipient, up to the amount of the total incentive  
112 award \$196,450 incurred regarding the TCDER Microgrid Design, are paid and/or discharged in  
113 full.

114 H. Any unused portion of the Total Incentive Budget shall be returned to the Program's  
115 general budget in a timely manner determined by Board Staff if the TCDER Microgrid Design  
116 does not require the Total Incentive Budget or, for whatever reason, the TCDER Microgrid Design  
117 does not move forward, is cancelled, is materially changed or otherwise indefinitely delayed. Any  
118 expenses in excess of the incentive amount shall be paid in full by the Recipient in order to  
119 complete the TCDER Microgrid Design in accordance with the terms of this MOU.

120 I. The Total Incentive Budget may not be diverted to pay for any work conducted  
121 prior to the date of execution of this MOU. Furthermore, the Total Incentive Budget must only be  
122 used in furtherance of the completion of the TCDER Microgrid Design specifically.

123 J. The Recipient shall procure the services necessary to complete the TCDER  
124 Microgrid Design in compliance with N.J.S.A. 52:32-2, N.J.S.A. 52:34-9.1, et seq., and N.J.S.A.  
125 52:35-1, et seq., and any and all applicable State and local procurement laws, rules, and procedures.

126 K. The BPU reserves the right to withhold or deny incentive funding if the BPU or  
127 BPU Staff determines that disbursing funds would be unlawful or otherwise inappropriate.

128 L. All requisitions, pay applications, and invoices submitted for costs or expenses  
129 associated with the TCDER Microgrid Design shall be subject to review and approval by the  
130 Recipient according to its standard procedures.

131 M. This MOU may be terminated in writing duly executed by the Recipient and BPU.  
132 However, in the event of such termination, BPU shall continue to hold in trust the remaining  
133 balance of funds from the Total Incentive Budget which is sufficient to cover the sum total of all  
134 contractual obligations which remain outstanding on the TCDER Microgrid Design.

#### 135 **IV. DESIGNATED REPRESENTATIVES**

136 Written communication between the Parties for the purpose of this MOU as defined above  
137 shall be delivered to the following representatives.

138 New Jersey Board of Public Utilities  
139 Attn: Jim Ferris  
140 Copy: Andrea Hart  
141 44 S. Clinton Ave, Trenton, NJ 08625  
142 Email: Jim.Ferris@bpu.nj.gov

143  
144 Borough of Highland Park  
145 Attn: Mayor Gayle Brill Mittler  
146 221 South Fifth Avenue,  
147 Highland Park, NJ 08904  
148 Email: brillmittlerhp@gmail.com  
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**V. MISCELLANEOUS**

A. No Personal Liability. No official or employee of BPU shall be charged personally by the Recipient, its employees, agents, contractors, or subcontractors with any liability or held liable to the Recipient, its employees, agents, contractors, or subcontractors under any term or provision of this MOU or because of its execution or attempted execution or because of any breach or attempted or alleged breach of this MOU.

No official or employee of the Recipient shall be charged personally by BPU, its employees, agents, contractors, or subcontractors with any liability or held liable to BPU, its employees, agents, contractors, or subcontractors under any term or provision of this MOU or because of its execution or attempted execution or because of any breach or attempted or alleged breach of this MOU.

B. Captions. The captions appearing in this MOU are inserted and included solely for convenience and shall not be considered or given effect in construing this MOU, or its provisions, in connection with the duties, obligations, or liabilities of the Parties or in ascertaining intent, if a question of intent arises. The preambles are incorporated into this paragraph as though set forth in verbatim.

C. Entirety of Agreement. This MOU and its attachments represent the entire and integrated agreement between the Parties and supersedes any and all prior agreements or understandings (whether or not in writing). No modification or termination hereof shall be effective, unless in writing and approved as required by law.

D. Amendments. This MOU may be amended by the written request of any Party and with the consent of the other Party. Any proposed amendment of this MOU shall be submitted by one Party to the other Party at least five (5) business days prior to formal discussion or negotiation

174 of the issue. Any agreed amendment of this MOU shall be set forth in writing and signed by an  
175 authorized representative of each Party in order to become effective.

176 E. No Third-Party Beneficiaries. This MOU does not create in any individual or entity  
177 the status of third-party beneficiary, and this MOU shall not be construed to create such status.  
178 The rights, duties, and obligations contained in this MOU shall operate only between the Parties  
179 and shall inure solely to the benefit of the Parties. The provisions of this MOU are intended only  
180 to assist the Parties in determining and performing their obligations under this MOU. The Parties  
181 intend and expressly agree that only the Parties shall have any legal or equitable right to seek to  
182 enforce this MOU, to seek any remedy arising out of a Party's performance or failure to perform  
183 any term or condition of this MOU, or to bring any action for breach of this MOU.

184 F. No Assignment. This MOU shall not be assignable, but shall bind and inure to the  
185 benefit of the Parties hereto and their respective successors.

186 G. Governing Law. This MOU and the rights and obligations of the Parties shall be  
187 interpreted, construed, and enforced in accordance with the laws of the State of New Jersey.

188 H. Authority. By execution of this MOU, the Parties represent that they are duly  
189 authorized and empowered to enter into this MOU and to perform all duties and responsibilities  
190 established in this MOU.

191 I. Term. This MOU shall be effective as of the date hereinabove written and, unless  
192 terminated sooner as set forth in Section III.M above, shall remain in effect until two years after  
193 the date hereinabove written or the release of the final 25% retained of the Total Incentive Budget,  
194 minus any interest accrued from the Initial Incentive Funds dedicated account as outlined in  
195 Section III.D, or the determination by Board Staff that the retained 25%, or any remaining funds,  
196 will not be released to the Recipient.

197 J. Counterparts. This MOU may be executed in duplicate parts, each of which shall  
198 be an original, but all of which shall together constitute one (1) and the same instrument.

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**[SIGNATURE PAGE FOLLOWS]**

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IN WITNESS WHEREOF, the parties have signed this Memorandum of Understanding the date first written above.

Witness: Borough of Highland Park  
\_\_\_\_\_  
By: \_\_\_\_\_

Dated: \_\_\_\_\_

Witness: New Jersey Board of Public Utilities  
\_\_\_\_\_  
By: \_\_\_\_\_  
Jim Ferris

Dated: \_\_\_\_\_

APPROVED AS TO FORM:

Attorney General, State of New Jersey

By: \_\_\_\_\_

BOROUGH OF HIGHLAND PARK  
NO. 5-21-130

RESOLUTION TO APPLY FOR BODY-WORN CAMERA GRANT PROGRAM  
FROM THE DEPARTMENT OF LAW AND PUBLIC SAFETY IN THE  
OFFICE OF THE ATTORNEY GENERAL

RESOLUTION: Public Safety Committee

WHEREAS, Governor Murphy signed S1163 in November 2020 requiring all police officers to wear body cameras; and

WHEREAS, the Department of Law and Public Safety has grant funds available for the purchase of body cameras, ancillary equipment, and storage; and

WHEREAS, the Police Department wishes to apply for a grant from the Department of Law and Public Safety in order to purchase 30 new body cameras;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Mayor and Borough Clerk are hereby authorized and directed to execute and submit, on behalf of the Police Department, the grant application to the Department of Law and Public Safety, a copy of which is attached to the original of this resolution.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-131

RESOLUTION TO UPGRADE HPTV BROADCASTING SERVER  
FOR CABLE ACCESS PROGRAMMING

RESOLUTION: Finance Committee

WHEREAS, the Borough's current TelVue server for Public Access Channel broadcasting is at end-of-life and can no longer be supported by current software; and

WHEREAS, the Communications Department and HPTV wish to upgrade their existing server and software to meet the needs of the public access channel; and

WHEREAS, three (3) quotes were solicited and were received as follows:

Broadcast Technologies	NO RESPONSE
TelVue Corporation	\$14,426.00
Wowza Media Systems	NO RESPONSE

and

WHEREAS, HPTV has recommended that said services be purchased from TelVue Corporation in Mt. Laurel, NJ based on their quote for same and HPTV's working knowledge of TelVue's server and software system; and

WHEREAS, funds are available for this purpose in Account No. 1-01-20-105-235 as reflected by the certification of funds available by the Chief Financial Officer, shown below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the Borough Administrator is hereby authorized and directed to accept the quote for purchase of server and software from TelVue Corporation, 16000 Horizon Way, Suite 100, Mt. Laurel, NJ 08054 in the amount of \$14,426.00; and

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

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

VERIFIED AND ENCUMBERED AS TO:  
 AVAILABILITY OF FUNDS \$14,426.00  
 ACCOUNT NO. 1-01-20-105-235  
 P.O. NO. \_\_\_\_\_  
 BY: \_\_\_\_\_  
  
 FINANCE DIRECTOR

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				



BOROUGH OF HIGHLAND PARK  
NO. 5-21-132

RESOLUTION AMENDING RESOLUTION NO. 3-21-97 (TREE BID)

RESOLUTION: Public Works and Public Utilities Committee

WHEREAS, pursuant to Resolution No. 3-21-97 adopted by the Borough Council on March 16, 2021, Sunset Creations Inc., Belle Mead, NJ was awarded the 2021 Tree Planting Bid; and

WHEREAS, a Blanket Purchase Order was generated, Purchase Order No. 21-00386, in the amount of \$15,610.00; and

WHEREAS, it is necessary to increase the Blanket Purchase Order by \$24,965.00 to accurately reflect the total project costs; and

WHEREAS, funds for this additional increase are available in the amount of \$24,965.00 in Account No. T-12-56-500-001, as reflected by the certification of funds by the Chief Financial Officer, show below;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Highland Park that Purchase Order No. 21-00386 be increased from \$15,610.00 to \$40,575.00.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer and the Shade Tree Advisory Committee.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, DEPUTY CLERK

VERIFIED AND ENCUMBERED AS TO:  
AVAILABILITY OF FUNDS \$24,965.00  
ACCOUNT NO. T-12-56-500-001  
P.O. NO. \_\_\_\_\_  
BY:  
  
FINANCE DIRECTOR

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-133

RESOLUTION TO AUTHORIZE A FIVE (5) YEAR CONTRACT WITH AXON ENTERPRISES, INC. FOR BODY CAMERAS AND SERVICES UNDER STATE CONTRACT #17-FLEET-00738

RESOLUTION: Public Safety Committee

WHEREAS, N.J.S.A 40A:14-118.3 has been enacted by the New Jersey Legislature to require the use of body worn cameras by uniformed police officers in the State of New Jersey; and

WHEREAS, the Highland Park Police Department began requiring body worn cameras for sworn officers in 2016 after entering into an agreement with Axon Enterprises, Inc.; and

WHEREAS, the Highland Park Police Department has a need for upgraded body worn cameras and services of the operation and use of same; and

WHEREAS, Axon Enterprises, Inc. is a state approved vendor for said equipment and services under State Contract #17-FLEET-00738; and

WHEREAS, Axon Enterprises, Inc. has submitted a proposal to the Borough of Highland Park for a five (5) year contract in the total amount of \$87,778.00 for upgraded body worn cameras and services for the operation and use of same by the Highland Park Police Department; and

WHEREAS, public bids are not required when the purchase is under state contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, the New Jersey Public Contracts Law provides for certain exceptions to the 24 month contract award period, including N.J.S.A 40A:11-15[5] which allows for data processing service, for any term of not more than seven years, and N.J.S.A 40A:11-15[7] which allows for leasing of equipment, for a period not to exceed five years.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Highland Park, Middlesex County as follows:

1. That the Borough Council of the Borough of Highland Park does hereby approve and authorize a five (5) year contract with Axon Enterprises, Inc. for upgraded body worn cameras and services for the operation and use of same per their proposal dated April 14, 2021 in the total amount of \$87,778.00.
2. That the Mayor, Borough Administrator and Chief of Police be hereby authorized to execute the proposal from Axon Enterprises, Inc. dated April 14, 2021.

ADOPTED: May 4, 2021

ATTEST:

---

Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-134

RESOLUTION AUTHORIZING THE APPLICATION FOR A GRANT FOR THE  
RENOVATION OF THE HIGHLAND PARK PUBLIC LIBRARY PURSUANT  
TO THE NEW JERSEY LIBRARY CONSTRUCTION BOND ACT

RESOLUTION: Council as a Whole

WHEREAS, on November 7, 2017, New Jersey voters approved the New Jersey Library Construction Bond Act (the "Bond Act") which authorizes the issuance of \$125 million in State General Obligation Bonds ("Bonds") to provide grants for the construction, reconstruction, development, extension, improvement and furnishing of public libraries in the State of New Jersey; and

WHEREAS, the purpose of the Bond Act is to improve New Jersey's public library facilities in order to ensure the well-being and success of New Jersey residents and for public libraries to best serve the residents of their communities now and into the future, modern, efficient, and technologically-current buildings with flexible space are necessary; and

WHEREAS, the Bond Act requires that proceeds from the Bonds can fund no more than fifty percent (50%) of the costs of the Project and the remaining fifty percent (50%) shall be supported by the appropriate local governing entity in the area served by the public library; and

WHEREAS, on March 24, 2020 the Borough Council of the Borough of Highland Park determined that the Highland Park Public Library was in need of renovations and approved Resolution No. 3-20-113 in support of a grant application to the first round of Bond Act grant funding; and

WHEREAS, the Mayor and Council of the Borough of Highland Park have determined that it continues to be in the best interest of its residents and the community to prepare and submit a grant application in the amount of \$944,929.00 in accordance with the Bond Act to fund a portion of the costs of renovations of the Highland Park Public Library on a matching basis; and

WHEREAS, the Mayor and Council of the Borough of Highland Park have also determined that in the event that the Borough of Highland Park and the Highland Park Public Library are awarded the Grant, the Borough and Library shall take the necessary action to authorize sufficient matching funds for the Project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Highland Park, County of Middlesex as follows:

- 1) The preparation and submission of a grant application in the amount of \$944,929.00 to the State of New Jersey pursuant to the New Jersey Library Construction Bond Act on behalf of the Borough of Highland Park is hereby authorized.
- 2) The Mayor and/or Borough Clerk are hereby authorized to execute the grant application, and any other supporting documents, including but not limited to Exhibit B.
- 3) This Resolution shall take effect immediately.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

**8.3 Exhibit B**

**RESOLUTION II**

Resolution to Apply for Funds: Two copies of this resolution must be included in the completed application. Each of the municipality and the library/nonprofit agency/association library must certify that they are authorizing their governing bodies to submit this grant application. This resolution may be executed in counterparts, each of which shall be an original and all of which together shall be one instrument.

The \_\_\_\_\_ and the \_\_\_\_\_  
Municipality Library/Nonprofit Agency

hereby certify that permission has been granted to apply for the project entitled the New Jersey Library Construction Bond Act, in the amount of: \$\_\_\_\_\_.

The filing of this application was authorized at the official meeting of the governing body of the Municipality/Library/Nonprofit Agency held on: \_\_\_\_\_.

**For the Municipality:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Certification Signature

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

**For the Library/Non-Profit Agency:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Certification Signature

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Typed Name and Title

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

BOROUGH OF HIGHLAND PARK  
NO. 5-21-135

RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST

RESOLUTION: Finance Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that all claims presented prior to this meeting as shown on a detailed list prepared by the Borough Treasurer, and which have been submitted and approved in accordance with Highland Park Ordinance No. 1004, shall be and the same are hereby approved; and

BE IT FURTHER RESOLVED that the Borough Clerk shall include in the minutes of this meeting a statement as to all such claims approved as shown in a Bills List Journal in accordance with said Ordinance.

The bills approved for payment at this meeting, Bills List 5/4/2021 can be found in the Bills List Journal Book No. 41.

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May, 2021.

\_\_\_\_\_  
Jennifer Santiago, Deputy Clerk

RECORD OF COUNCIL VOTES

Council Member	Ayes	Nays	Abstain	Absent
Canavera				
Foster				
George				
Hale				
Hersh				
Kim-Chohan				

BOROUGH OF HIGHLAND PARK  
NO. 5-21-136

RESOLUTION TO INTRODUCE 2021 MAIN STREET HIGHLAND PARK BUDGET

RESOLUTION: Economic Development and Planning Committee

BE IT RESOLVED by the Borough Council of the Borough of Highland Park that the following statements of revenues and appropriations shall constitute the Main Street Highland Park Budget for the year 2021;

BE IT FURTHER RESOLVED that said Budget be published in the Home News Tribune, Asbury Park, NJ, in the issue of May 7, 2021.

The Governing Body of the Borough of Highland Park does hereby approve the following as the Main Street Highland Park Budget for the year 2021:

<u>Income</u>	
Government Grants	35,000.00
Special Assessment (BID)	166,474.00
Fees/Sponsorships	22,070.00
Reserves	<u>56,000.00</u>
Total Income	\$ 279,544.00
<u>Expense</u>	
Administration and General	\$ 190,979.65
Program Expense	<u>88,550.00</u>
Total Expense	\$ 279,529.65
<u>Budget Surplus/(Deficit)</u>	\$ 14.35

Notice is hereby given that the Main Street Highland Park Budget and Resolution was approved by the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, on May 4, 2021.

A hearing on the Main Street Highland Park/Business Improvement District Budget will be held at the next Council Meeting, which, due to the COVID-19 pandemic will be taking place virtually on **June 1, 2021 at 7:00 o'clock PM** at which time and place objections to said Budget and Resolution for the year 2020 may be presented.

ROLL CALL: Ayes:  
Nays:  
Absent:  
Abstain:

Introduced and approved on first reading May 4, 2021.

ATTEST:

---

Jennifer Santiago, Deputy Clerk

I, Jennifer Santiago, Deputy Clerk of the Borough of Highland Park, New Jersey, do hereby certify the above to be a true copy of a resolution adopted by the Borough Council of said Borough on the 4<sup>th</sup> day of May 2021.

---

Jennifer Santiago, Deputy Clerk