

BOROUGH OF HIGHLAND PARK  
REGULAR MEETING  
MAY 21, 2024 – 7:00 PM

To attend the meeting electronically, please follow the instructions below:

By phone:  
1-929-205-6099  
Webinar: 920 9574 9666

By computer, smartphone or tablet:  
<https://zoom.us/j/92095749666>

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. Honors, Awards and Presentations.
  - Poverty Awareness Week - May 20-26, 2024
5. Approval of Minutes.
  - 5.a **MOTION** to approve minutes as distributed:
    - May 7, 2024 Regular Mtg.

**ROLL CALL VOTE**

6. Council Reports.

7. Borough Administrator's Report.
8. Borough Attorney's Report.
9. Mayor's Report.
10. Public Participation.  
*(21 minutes total; 3 minutes per speaker limited to items on this Agenda. Comments from members of the public attending the meeting in-person will be heard first, followed by members of the public attending the meeting via Zoom.)*
11. Ordinances Requiring a First Reading.
  - 11.a **Ordinance No. 24-2085** An Ordinance to Amend Chapter 230, Article XX of the "Code of the Borough of Highland Park, 2010" Concerning Stormwater Management  
  
**MOTION** to approve/reject Ordinance No. 24-2085, authorize publication as required by law, and set up public hearing for June 18, 2024  
**ROLL CALL VOTE**
12. Resolutions requiring a Separate Reading.
  - 12.a 5-24-149 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**
  - 12.b 5-24-150 Resolution Authorizing Reading of Budget by Title Only.  
**MOTION adopt/reject** **ROLL CALL VOTE**
  - 12.c **MOTION** to open public hearing on 2024 Municipal Budget  
**PUBLIC HEARING ON MUNICIPAL BUDGET**  
**MOTION** to close public hearing on 2024 Municipal Budget
  - 12.d 5-24-151 Resolution to Adopt 2024 Municipal Budget  
**MOTION adopt/reject** **ROLL CALL VOTE**
  - 12.e 5-24-152 Resolution Authorizing Reading of Main Street Highland Park Budget by Title Only  
**MOTION adopt/reject** **ROLL CALL VOTE**
  - 12.f **MOTION** to open public hearing on 2024 Main Street Highland Park Budget  
**PUBLIC HEARING ON MAIN STREET HIGHLAND PARK BUDGET**  
**MOTION** to close public hearing on 2024 Main Street Highland Park Budget
  - 12.g 5-24-153 Resolution to adopt 2024 Main Street Highland Park Budget  
**MOTION adopt/reject** **ROLL CALL VOTE**
13. Consent Agenda Items - Resolutions.

**MOTION to adopt/reject**

**ROLL CALL VOTE**

- 13.a \*5-24-154 Resolution Authorizing Amendment to Contract with Ben Shaffer Recreation for the Installation of Playground Surface and Equipment at the Felton Avenue Tot Lot Under ESCNJ Contract
- 13.b \*5-24-155 Resolution Authorizing Supplemental Engineering Services with CME Associates Related to the NJDOT Permit Application to Create a Pedestrian Plaza on So. 3rd Ave
- 13.c \*5-24-156 Resolution to Amend Annual Salary Resolution
- 13.d \*5-24-157 Chapter 159 - 2024 Neighborhood Preservation Grant
- 13.e \*5-24-158 Resolution Awarding Bid to MAK Group, LLC for the Highland Park Public Library Roof Replacement
- 13.f \*5-24-159 Resolution to Approve Bills List

- 14. Appointments.  
Arts Commission  
Arianna Astuni

Community Emergency Response Team  
Susanne Arney

- 15. Second Public Participation.  
*(3 minutes per speaker on any topic; subject to 9 PM conclusion prior to Work Session. Comments from members of the public attending the meeting in-person will be heard first, followed by members of the public attending the meeting via Zoom.)*

- 16. Recess (5 minutes).

- 17. Executive Session.

- 17.a 5-24-160 Executive Session: Potential Litigation: Middlesex County Joint Insurance Fund (MCMJIF)

**MOTION adopt/reject.**

**ROLL CALL VOTE**

- 18. MOTION to adjourn.

- 19. **Next Scheduled Meeting:** June 18, 2024 @ 7 PM

**ORDINANCE NO. 24-2085  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX, NJ**

**AN ORDINANCE TO AMEND 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 said Code concerning Stormwater Management is hereby amended and shall read as follows, ~~strike through~~ material deleted; underlined material added:

**§ 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.

(3) An application required by ordinance pursuant to 1(b) above that has been submitted prior to June 18, 2024, shall be subject to the stormwater management requirements in effect on June 17, 2024.

(4) An application required by ordinance for approval pursuant to 1(b) above that has been submitted on or after March 2, 2021, but prior to June 18, 2024, shall be subject to the stormwater management requirements in effect on June 17, 2024.

(5) Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

- 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.

“Public roadway or railroad” means a pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

“Public transportation entity” means a Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 et seq.), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

“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)~~
- <https://dep.nj.gov/stormwater/bmp-manual/>
- 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.

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

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

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

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 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:

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

(3) To satisfy the stormwater runoff quantity standards at § **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 projected 2-year storm, as defined and determined pursuant to Section V.D. of this ordinance, 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 approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; 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 current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, 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 current and projected 2-, 10- and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, 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)~~

~~<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>~~

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office, 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~~ curve numbers 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~~ curb number" 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 curve number 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~~ has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

(3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 - Urban Hydrology for Small Watersheds* or other methods may be employed.

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

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

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

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

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

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

(1) The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

[https://hdsc.nws.noaa.gov/hdsc/pfds/pfds\\_map\\_cont.html?bkmrk=nj](https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj); and

(2) The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 5: Current Precipitation Adjustment Factors**

<b>County</b>	<b>Current Precipitation Adjustment Factors</b>		
	<b>2-year Design Storm</b>	<b>10-year Design Storm</b>	<b>100-year Design Storm</b>
<u>Atlantic</u>	<u>1.01</u>	<u>1.02</u>	<u>1.03</u>
<u>Bergen</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Burlington</u>	<u>0.99</u>	<u>1.01</u>	<u>1.04</u>
<u>Camden</u>	<u>1.03</u>	<u>1.04</u>	<u>1.05</u>
<u>Cape May</u>	<u>1.03</u>	<u>1.03</u>	<u>1.04</u>
<u>Cumberland</u>	<u>1.03</u>	<u>1.03</u>	<u>1.01</u>
<u>Essex</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Gloucester</u>	<u>1.05</u>	<u>1.06</u>	<u>1.06</u>
<u>Hudson</u>	<u>1.03</u>	<u>1.05</u>	<u>1.09</u>
<u>Hunterdon</u>	<u>1.02</u>	<u>1.05</u>	<u>1.13</u>
<u>Mercer</u>	<u>1.01</u>	<u>1.02</u>	<u>1.04</u>
<u>Middlesex</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Monmouth</u>	<u>1.00</u>	<u>1.01</u>	<u>1.02</u>
<u>Morris</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Ocean</u>	<u>1.00</u>	<u>1.01</u>	<u>1.03</u>
<u>Passaic</u>	<u>1.00</u>	<u>1.02</u>	<u>1.05</u>
<u>Salem</u>	<u>1.02</u>	<u>1.03</u>	<u>1.03</u>
<u>Somerset</u>	<u>1.00</u>	<u>1.03</u>	<u>1.09</u>

<u>Sussex</u>	<u>1.03</u>	<u>1.04</u>	<u>1.07</u>
<u>Union</u>	<u>1.01</u>	<u>1.03</u>	<u>1.06</u>
<u>Warren</u>	<u>1.02</u>	<u>1.07</u>	<u>1.15</u>

D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

**Table 6: Future Precipitation Change Factors**

<u>County</u>	<u>Future Precipitation Change Factors</u>		
	<u>2-year Design Storm</u>	<u>10-year Design Storm</u>	<u>10-year Design Storm</u>
<u>Atlantic</u>	<u>1.22</u>	<u>1.24</u>	<u>1.39</u>
<u>Bergen</u>	<u>1.20</u>	<u>1.23</u>	<u>1.37</u>
<u>Burlington</u>	<u>1.17</u>	<u>1.18</u>	<u>1.32</u>
<u>Camden</u>	<u>1.18</u>	<u>1.22</u>	<u>1.39</u>
<u>Cape May</u>	<u>1.21</u>	<u>1.24</u>	<u>1.32</u>
<u>Cumberland</u>	<u>1.20</u>	<u>1.21</u>	<u>1.39</u>
<u>Essex</u>	<u>1.19</u>	<u>1.22</u>	<u>1.33</u>
<u>Gloucester</u>	<u>1.19</u>	<u>1.23</u>	<u>1.41</u>
<u>Hudson</u>	<u>1.19</u>	<u>1.19</u>	<u>1.23</u>
<u>Hunterdon</u>	<u>1.19</u>	<u>1.23</u>	<u>1.42</u>
<u>Mercer</u>	<u>1.16</u>	<u>1.17</u>	<u>1.36</u>
<u>Middlesex</u>	<u>1.19</u>	<u>1.21</u>	<u>1.33</u>
<u>Monmouth</u>	<u>1.19</u>	<u>1.19</u>	<u>1.26</u>
<u>Morris</u>	<u>1.23</u>	<u>1.28</u>	<u>1.46</u>
<u>Ocean</u>	<u>1.18</u>	<u>1.19</u>	<u>1.24</u>
<u>Passaic</u>	<u>1.21</u>	<u>1.27</u>	<u>1.50</u>
<u>Salem</u>	<u>1.20</u>	<u>1.23</u>	<u>1.32</u>
<u>Somerset</u>	<u>1.19</u>	<u>1.24</u>	<u>1.48</u>
<u>Sussex</u>	<u>1.24</u>	<u>1.29</u>	<u>1.50</u>
<u>Union</u>	<u>1.20</u>	<u>1.23</u>	<u>1.35</u>
<u>Warren</u>	<u>1.20</u>	<u>1.25</u>	<u>1.37</u>

**§ 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).

<https://dep.nj.gov/stormwater/bmp-manual/>

(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)

<https://dep.nj.gov/stormwater/maintenance-guidance/>

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.]

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, 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~~ greater 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;

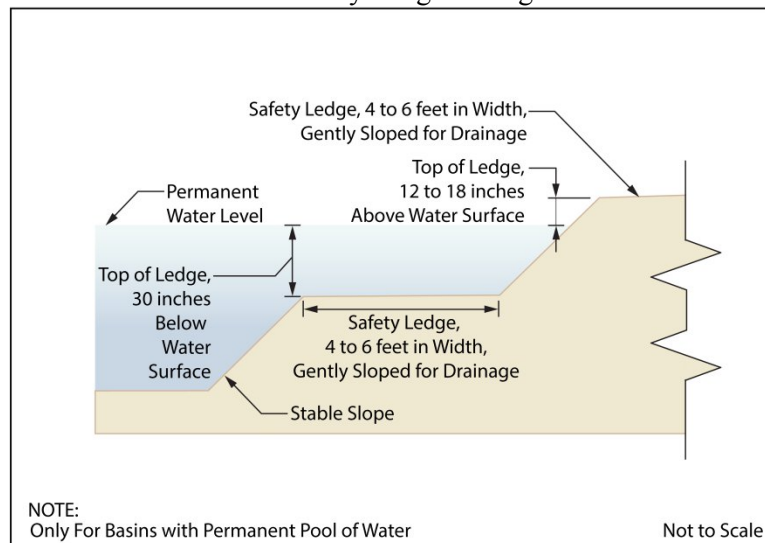
(b) Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half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

<https://dep.nj.gov/stormwater/maintenance-guidance/>.

(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 21, 2024

ADOPTED: June 18, 2024

ATTEST:

APPROVED: June 18, 2024

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

\_\_\_\_\_  
Elsie Foster, Mayor

**RESOLUTION NO. 5-24-149  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**SELF-EXAMINATION OF BUDGET RESOLUTION**

**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 2022 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.

I, Jennifer Santiago, 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 May 21, 2024.

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

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 5-24-150  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**AUTHORIZE READING BUDGET  
BY TITLE ONLY**

**WHEREAS**, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the Budget may be read by title only at the time of the Public Hearing if a Resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the Budget had been made available for public inspection.

**WHEREAS**, these conditions have been met.

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

1. That the Township Council, for the aforementioned reasons, hereby determines that the Budget shall be read by title only.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on May 21, 2024.

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

RECORD OF COUNCIL VOTES

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

**SECTION 2 - UPON ADOPTION FOR YEAR 2024**

**RESOLUTION**

Be it Resolved by the **COUNCIL MEMBERS** 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) \$ 14,424,978.84 (Item 2 below) for municipal purposes, and
- (b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
- (c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in  
Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of  
the following summary of general revenues and appropriations.
- (d) \$ - (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy
- (e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy
- (f) \$ 634,635.20 (Item 5 Below) Minimum Library Tax

**RECORDED VOTE**

(Insert last name)

Ayes

Nays

Abstained

Absent

**SUMMARY OF REVENUES**

1. General Revenues			
Surplus Anticipated	08-100	\$	2,250,000.00
Miscellaneous Revenues Anticipated	13-099	\$	3,038,670.02
Receipts from Delinquent Taxes	15-499	\$	-
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSED (Item 6(a), Sheet 11)	07-190	\$	14,424,978.84
3. AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I</u> SCHOOL DISTRICTS ONLY:			
Item 6, Sheet 42	07-195	\$	-
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$	-
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE I</u> SCHOOL DISTRICTS ONLY			\$ -
4. To Be Added TO THE CERTIFICATE FOR THE AMOUNT TO BE RAISED BY TAXATION FOR <u>SCHOOLS IN TYPE II</u> SCHOOL DISTRICTS ONLY:			
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191		
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX			\$ 634,635.20
<b>Total Revenues</b>			<b>\$ 20,348,284.06</b>



**SUMMARY OF APPROPRIATIONS**

<b>5. GENERAL APPROPRIATIONS:</b>	XXXXXX	XXXXXXXXXXXXXX
<b>Within "CAPS"</b>	XXXXXX	XXXXXXXXXXXXXX
(a & b) Operations Including Contingent	34-201	\$ 13,649,407.20
(e) Deferred Charges and Statutory Expenditures - Municipal	34-209	\$ 2,198,229.00
(g) Cash Deficit	46-885	\$ -
<b>Excluded from "CAPS"</b>	XXXXXX	XXXXXXXXXXXXXX
(a) Operations - Total Operations Excluded from "CAPS"	34-305	\$ 2,326,763.86
(c) Capital Improvements	44-999	\$ 100,000.00
(d) Municipal Debt Service	45-999	\$ 1,779,884.00
(e) Deferred Charges - Municipal	46-999	\$ 94,000.00
(f) Judgments	37-480	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$ -
(g) Cash Deficit	46-885	\$ -
(k) For Local District School Purposes	29-410	\$ -
(m) Reserve for Uncollected Taxes	50-899	\$ 200,000.00
<b>6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)</b>	07-195	
<b>Total Appropriations</b>	34-499	\$ 20,348,284.06

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body day of \_\_\_\_\_, 2024. 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 2024 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this \_\_\_\_\_ day of \_\_\_\_\_, 2024, \_\_\_\_\_, Clerk

*Signature*

**RESOLUTION NO. 5-24-152  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**AUTHORIZE READING OF MAIN STREET HIGHLAND PARK  
BUDGET BY TITLE ONLY**

**WHEREAS**, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the Budget may be read by title only at the time of the Public Hearing if a Resolution is passed by not less than a majority of the full Governing Body, providing that at least one week prior to the date of hearing a complete copy of the Budget had been made available for public inspection.

**WHEREAS**, these conditions have been met.

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

1. That the Township Council, for the aforementioned reasons, hereby determines that the Main Street Highland Park Budget shall be read by title only.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on May 21, 2024.

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

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 5-24-153  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**RESOLUTION TO ADOPT MSHP 2024 BUDGET**

**WHEREAS**, pursuant to Resolution No. 4-24-124 adopted by the Borough Council of the Borough of Highland Park on April 16, 2024, that approved the Main Street Highland Park Budget for the year 2023; and

**WHEREAS**, said Budget was advertised in the Home News Tribune issue of April 21, 2024 together with a notice of the public hearing on the Budget scheduled for May 21, 2024 at 7:00 PM in Borough Hall, 221 South 5<sup>th</sup> Avenue, Highland Park, NJ; and

**WHEREAS**, said Budget and Notice of Hearing had been posted in the Borough Hall where public notices are customarily posted and was made available to each person requesting the same prior to and during the public hearing; and

**WHEREAS**, notice had been served on all property owners within the Special Improvement District as certified by the Tax Assessor and as shown by the affidavit of the Borough Clerk and a public hearing on the Budget was held on May 21, 2024; and

**WHEREAS**, pursuant to N.J.S.A. 40A:4-8, the said Main Street Highland Park Budget was introduced and adopted by title since, at least one week prior to the date of the hearing and at the hearing, a complete copy of the approved budget was made available for public inspection and was further made available to each person who requested a copy of said budget.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that the 2024 Main Street Highland Park 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

Income		
Municipal Contribution	60,000.00	
Special Assessment (BID)	180,044.00	
Other Revenue (fees, sponsorships, grants)	185,750.00	
<b><u>Total Income</u></b>	<b><u>\$ 425,794.00</u></b>	
Expenses		
Administration and General	233,330.00	
Design (lighting, planters, facade grants)	71,000.00	
Promotions and Economic Revitalization	121,425.00	
<b><u>Total Expense</u></b>	<b><u>\$ 425,755.00</u></b>	
<b><u>Budget Surplus/(Deficit)</u></b>	<b><u>\$ 39.00</u></b>	

**BE IT FURTHER RESOLVED** that certified copies of this resolution shall be forwarded to Main Street Highland Park, the Tax Assessor, the Tax Collector and the Finance Director forthwith.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on May 21, 2024.

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

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 5-24-154  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING AMENDMENT TO CONTRACT WITH BEN SHAFER RECREATION FOR THE INSTALLMENT OF PLAYGROUND SURFACE & EQUIPMENT AT THE FELTON AVENUE TOT LOT UNDER ESCNJ CONTRACT**

**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 using a competitive bidding process by another contracting unit within the state of New Jersey or within any other state; and

**WHEREAS**, by Resolution 5-09-166, adopted May 5, 2009, the Borough of Highland Park entered into an agreement with a local cooperative called Educational Services Commission of New Jersey (ESCNJ) which enters into contracts for a wide variety of goods and services; and

**WHEREAS**, the purpose of entering the contract with ESCNJ 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 Borough Council passed Resolution No. 23-197, authorizing a contract for \$80,000 with Ben Shaffer Recreation to upgrade the play structure and surface at the Felton Avenue Tot Lot under ESCNJ contract 20/21-22; Co-op #65MCESCCPS; and

**WHEREAS**, the Borough desires to purchase a Braille Panel for the play structure; and

**WHEREAS**, funds for this purpose are available in Capital Account No. C-04-55-833-001 and Grant Account No. G-02-41-785-201 in an amount not to exceed \$3,710.00, for a total contract amount not to exceed \$88,710.00, as reflected by the certification of funds by the Finance Director No. 2024-55.

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

1. The Borough of Highland Park is hereby authorized to amend the contract with Ben Shaffer Recreation, PO Box 844, Lake Hopatcong, NJ 07849, by an additional \$3,710.00; the total amount of the contract is not to exceed \$88,710.00.
2. Certified copies of this resolution be forwarded to the Borough Administrator, Director of Code Enforcement, and the Chief Financial Officer.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on May 21, 2024.

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

RECORD OF COUNCIL VOTES

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



Ben Shaffer Recreation  
 P.O. Box 844  
 Lake Hopatcong NJ 07849 US

# Proposal

**TERMS**                      **REP**                      **DATE**                      **Proposal #**  
 Net 30                      Greg Powell                      4/22/2024                      4483

**BILL TO**  
 Highland Park Borough  
 Accts. Payable Dept.  
 221 S 5th Ave  
 Highland Park NJ 08904

**SHIP TO**

**CONTACT**  
 Teri Jover



As requested, we are pleased to quote the following using Bid #: ESCNJ 20/21-22; Co-op #65MCECCPS:

ITEM# / DESCRIPTION	VENDOR	QTY	RATE	AMOUNT
PROJECT Braille Panel	BCI Burke Company, LLC	1.00	\$2,266.00	\$2,266.00
DISCOUNT	BSR	1.00	(\$67.98)	(\$67.98)
INSTALL Standard installation of above items to manufacturer's specification	BSR	1.00	\$1,099.01	\$1,099.01
FREIGHT	BSR	1.00	\$412.34	\$412.34

**Highland Park - Braille Panel** **\$3,709.37**

The above items are priced in accordance with Bid #: ESCNJ 20/21-22; Co-op #65MCECCPS. Freight quotes are honored for 30 days & may need to be updated before order placement.

Approximate Material delivery time is 6-8 weeks after receipt of order. If installation is included that time frame shall be TBD. When placing your order, kindly advise whom the trucker should notify to schedule delivery. The trucker will make one contact and that person must inform any other parties to coordinate delivery.

Please make your Purchase Order payable to "Ben Shaffer Recreation Inc." Prices do not include installation unless otherwise specified above.

Playground Equipment must be installed over a resilient surface. Standard colors and finish are quoted unless noted. Final count is the responsibility of the contractor/purchaser. Note that assembly/installation is NOT provided. Sales Tax will be added if applicable



Ben Shaffer Recreation  
P.O. Box 844  
Lake Hopatcong NJ 07849 US

# Proposal

TERMS	REP	DATE	Proposal #
Net 30	Greg Powell	4/22/2024	4483

Greg Powell

856.425.2370

greg@benshaffer.com

SBE Certified Recreation Consultant

If you agree to the terms set forth in this proposal, please fill out name, signature, and date to confirm approval:

Estimate Approved By \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

P.O. Number \_\_\_\_\_

Trucker Contact \_\_\_\_\_ Trucker Phone \_\_\_\_\_

Ship To Address \_\_\_\_\_

\_\_\_\_\_

## Conditions of Installation

RE: \_\_\_\_\_

Installations of equipment are subject to the following conditions and/or exclusions. Unless otherwise specifically included in the accompanying quote, Ben Shaffer Recreation and its contracted installers are not responsible for the following. If non-included services are needed, additional charges will apply and be billed at the contract cost:

- Unforeseen obstructions (such as in sub-surface) resulting in delayed installation or additional removal fees (rock, pipes, old building or site debris, hidden borders, oversized footings or other items that may be discovered during the excavation and removal process)
- Accepting delivery and/or checking materials
- Storage/security of materials at jobsite
- Relocation or transport of materials to jobsite
- Site preparation (grading, drainage, etc.)
- Finish work to site area (borders, protective surfacing)
- Removal/ Disposal of existing equipment
- Off-site disposal of shipping materials (cardboard, crating, etc.). Shipping materials will be neatly stacked on site, or placed in an on-site dumpster provided by site owner/manager.
- Equipment not included as part of original project number
- Any permits or clearance by utility companies and/or local building departments if applicable • Site security for rubber safety surface installation provided by others.
- If there are no on-site provisions for disposition of excavated footing materials (i.e. soil, blacktop, rocks, etc.)

**NOTE:** You should contact your utility companies directly to clear the area for all utilities prior to ordering equipment. Any necessary changes in equipment or layout can then be done prior to start of construction. You must indicate that the mark-out is for survey only. Customer is responsible for locating any privately owned utilities. We cannot be responsible for any damage to water, gas or other utilities as a result of owner's failure to clear underground plans.

If finish work is being done by installer (borders, protective surfacing), direct access for delivery trucks must be provided.

If site is to be graded or leveled, this must be coordinated and approved by installer to ensure adequate anchorage for structure.

The owner shall hold Ben Shaffer Recreation harmless in the event of injury due to lack of, or insufficient, resilient surface.

Sharp objects (i.e., sports spikes, heeled shoes, etc.) will damage rubber surface and void surface warranties

Ben Shaffer Recreation and its sub-contractors are in no way responsible for any issues associated with product design, manufacturing defect, lack of resilient surfacing or maintenance thereof.

I have read, understood, and agree to the above conditions.

Signed: \_\_\_\_\_ Print Name: \_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_

Please sign/save and email to [sales@benshaffer.com](mailto:sales@benshaffer.com); or print and fax to 973-663-4615.

**RESOLUTION NO. 5-24-155  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING SUPPLEMENTAL ENGINEERING SERVICES WITH  
CME ASSOCIATES RELATED TO THE NJDOT PERMIT APPLICATION TO  
CREATE A PEDESTRIAN PLAZA ON SO. 3RD AVE**

**WHEREAS**, by Resolution No. 6-22-155 and 10-23-235, adopted on June 14, 2022 and October 24, 2023, respectively, the Borough Council authorized an agreement with CME Associates for engineering services related to the NJDOT Permit Application to create a pedestrian plaza on a portion of So. 3<sup>rd</sup> Avenue at Raritan Avenue; and

**WHEREAS**, there is a need for additional engineering services related to the NJDOT Permit Application for Permanent Closure of So. 3<sup>rd</sup> Avenue as described in the proposal from CME Associates dated May 15, 2024, attached to this Resolution; and

**WHEREAS**, such services are professional services as defined in the Local Public Contracts Law, *N.J.S.A. 40A:11-1 et seq.*; and

**WHEREAS**, CME Associates, Parlin, NJ, is a firm of licensed engineers of the state of New Jersey with extensive experience in providing these services; and

**WHEREAS**, the Mayor and Council desire to provide for the method of compensation of said consulting engineer; and

**WHEREAS**, funds for this purpose are available in Capital Account No. C-04-55-821-001 in an amount not to exceed \$15,000.00 without further Council Authorization, as reflected by the Certification of Funds Available by Chief Financial Officer Certification No. 2024-56.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, that:

1. The Borough Administrator is authorized and directed to execute on behalf of the Borough the additional Engineering Services related to the NJDOT Permit Application for Permanent Closure of So. 3rd Avenue as described in the attached proposal from CME Associates with CME Associates, 3141 Bordentown Avenue, Parlin, NJ 08859.
2. Notice of this contract be published as required by law and that a copy of executed Agreement be placed on file in the office of the Borough Clerk.

I, Jennifer Santiago, 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 May 21, 2024.

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

RECORD OF COUNCIL VOTES

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



2024

AGREEMENT FOR PROFESSIONAL SERVICES

**THIS AGREEMENT**, entered into this 21<sup>st</sup> day of May 2024, by and between the **BOROUGH OF HIGHLAND PARK**, a municipal corporation of the State of New Jersey, having its principal offices located at 221 South 5<sup>th</sup> Avenue, Highland Park, New Jersey 08904 (hereinafter referred to as "**BOROUGH**") and Bruce Koch, P.E. P.P, CME, CME Associates, 3141 Bordentown Avenue, Parlin, New Jersey 08859 (hereinafter referred to as "**COMPANY**").

**WITNESSETH:**

WHEREAS, the **BOROUGH** requires additional professional services in connection with Engineering Services related to the NJDOT permit application to create a pedestrian Plaza on South 3<sup>rd</sup> Avenue; and

WHEREAS, the **BOROUGH** has adopted a Resolution authorizing the award of a Contract for said professional services to the **COMPANY** without competitive bidding as permitted by *N.J.S.A. 40A:11-1, et seq.*

NOW, THEREFORE, IT IS AGREED between the **BOROUGH** and the **COMPANY**, as follows:

1. Effective May 21, 2024, the **COMPANY** shall render professional services for the **BOROUGH** as required by the **BOROUGH**.
2. The **BOROUGH** agrees to compensate the **COMPANY** as set forth on the proposal dated May 15, 2024, for an additional amount not to exceed \$15,000.00 unless amended by further action of the **BOROUGH** for the above mentioned services.
3. The **BOROUGH** agrees to pay the **COMPANY** for any actual disbursements and out of pocket expenses incurred in carrying out its duties.

4. The **COMPANY** shall submit monthly billing to the **BOROUGH** for said services, if any, on vouchers as required by the **BOROUGH**. The **BOROUGH** agrees to process and pay said vouchers in the same manner as other municipal vouchers. The **BOROUGH** requires billing for professional services to be done to the nearest 1/4 hour.

5. The parties hereto hereby incorporate by reference herein the Affirmative Action Addendum attached hereto and made a part hereof as *Exhibit A*.

6. The **COMPANY** agrees to file its New Jersey Business Registration Certificate with the **BOROUGH's** Chief Financial Officer.

7. The **COMPANY** agrees to adhere to and comply with the provisions of the New Jersey Local Unit Pay-to-Play Act, *N.J.S.A. 19:44A-20.1*, and will require completion of all necessary Pay-to-Play forms, including the Campaign Contributions Affidavit and the Certification Regarding Political Contributions, pursuant to *N.J.S.A. 19:44A-20.8* and *N.J.S.A. 19:44A-20.26*, respectively.

IN WITNESS WHEREOF, the parties hereunto set their hands and seals the date first above written.

**ATTEST:**

**BOROUGH OF HIGHLAND PARK**

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

By: \_\_\_\_\_  
Elsie Foster, Mayor

**WITNESS:**

**CME ASSOCIATES**

\_\_\_\_\_

By: \_\_\_\_\_  
Bruce Koch, P.E., P.P., CME



## **GENERAL ENGINEERING AUTHORIZATION FOR PROFESSIONAL SERVICES**

**OWNER:** Borough of Highland Park

**PROJECT:** Resolution of NJDOT Comments for the Permanent Closure of South 3<sup>rd</sup> Avenue at Raritan Avenue (NJ Route 27)

**CME FILE NO.:** 115.HP00547.P01

**DATE OF REQUEST:** May 15, 2024

As you are aware, during the COVID-19 pandemic the Borough had a temporary closure of South 3<sup>rd</sup> Avenue between NJ Route 27 (Raritan Avenue) and the driveway at 15 South Third Avenue (Yellow Brick Road daycare) in place. Further, the Borough has been pursuing a permanent closure of this portion of the roadway which impacts access to NJ Route 27. The permanent closure required an application to be filed with the NJDOT to obtain a Street Intersection Permit from the NJDOT's Major Access Permits Bureau. The NJDOT has provided additional comments dated March 1, 2024 relative to the Permit Application which are beyond our original authorizations. This RFA will address the unforeseen supplemental work required to respond and resubmit this application to the NJDOT.

It should be noted that our original authorization included addressing one (1) round of review comments from the NJDOT which has been exceeded and ongoing coordination efforts have been necessary to keep the application process moving forward as the NJDOT continues to provide additional unanticipated comments from their subject matter experts for our review and resolution.

The supplemental tasks required for this project based on our review of the latest comments received from the NJDOT on March 1, 2024 include the following:

- A meeting was held with the NJDOT, their subject matter experts, and the NJDOT community liaison on March 14, 2024 via Teams and we continue to follow up with additional communications to the specific subject matter experts to clarify exactly what the NJDOT Subject Matter Experts will require to address their third round of comments.
- Preparation of an Updated Lighting Analysis which includes pole locations, orientation of each arm, length of arms, lighting level values to the hundredths place, light loss factors for the newly installed light fixtures, analysis area of stop line to stop line on the three legs and extension to the crosswalk on the proposed South 3<sup>rd</sup> Avenue closure approach, with the submission of the visual software files at the Intersection of NJ Route 27 and N. 3<sup>rd</sup> Ave./S. 3<sup>rd</sup> Ave. as per NJDOT Comment Letter dated March 1, 2024;



Ms. Teri Jover, Borough Administrator and Redevelopment Director  
Borough of Highland Park  
Re: Resolution of NJDOT Comments for the Permanent Closure of South 3<sup>rd</sup> Avenue  
at Raritan Avenue (NJ Route 27)

May 15, 2024  
Our File No. 115.HP00547.P01

Page 2

- **Updating the Electrical Plans and the Maintenance and Protection of Traffic Plans as per the latest NJDOT Comment Letter dated March 1, 2024, including formatting changes and radar upgrades in accordance with the current NJDOT CADD sample plans;**
- **Preparation of a third-round comment Response Letter to the NJDOT**
- **Resolution of the latest NJDOT comments received within 90 - 120 days of the issuance of the letter as allowed by the NJDOT;**
- **Resubmit comment response package to the NJDOT.**

**It should be noted that this FRA assumes that there will be no additional rounds of comments received from the NJDOT:**

**We respectfully request authorization for these services so that we may proceed with the performance of the above tasks.**

**Estimate of Engineering Services:     \$14,980.00**

**Approved:**

\_\_\_\_\_  
**Borough of Highland Park**

\_\_\_\_\_  
**Date**

*James C Watson*  
\_\_\_\_\_  
**CME Associates**

*5/15/2024*  
\_\_\_\_\_  
**Date**

**RESOLUTION NO. 5-24-156**

**BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING AMENDMENT TO ANNUAL SALARY RESOLUTION**

**BE IT RESOLVED** by the Borough Council of the Borough of Highland Park that the annual Salary Resolution No. 1-24-12, which was adopted on January 2, 2024, showing the names, titles and salaries of the officers and employees of the Borough of Highland Park, is amended as follows:

- Eli Nagel, Seasonal Recreational Assistant, \$16.00 Hourly, Effective 06/01/2024
- Samantha Conroy, Seasonal Head Counselor, \$17.00 Hourly, Effective 06/01/24
- Michael Brzozowski, Seasonal Sports Camp Counselor, \$16.00 Hourly, Effective 06/01/24
- Matthew Brzozowski, Seasonal Sports Camp Counselor, \$16.50 Hourly, Effective 06/01/24
- Michael Cedarbaum, Seasonal Head Counselor, \$17.50 Hourly, Effective 06/01/24
- Nora Atwater, Seasonal Camp Counselor, \$16.50 Hourly, Effective 06/01/24
- Kate Schwartz, Seasonal Camp Counselor, \$16.50 Hourly, Effective 06/01/24
- Afia Asamoah, Seasonal Head Counselor, \$17.00 Hourly, Effective 06/01/24

**BE IT FURTHER RESOLVED** that the Chief Financial Officer 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.

I, Jennifer Santiago, Borough Clerk of the Borough of Highland Park, New Jersey, do hereby certify the foregoing to be a true copy of a Resolution adopted by the Highland Park Borough Council at a meeting held on May 21, 2024.

---

Jennifer Santiago, Borough Clerk

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 5-24-157  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION  
2024 NEIGHBORHOOD PRESERVATION GRANT**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an item of appropriation for equal amount.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Borough Council of the Borough of Highland Park, County of Middlesex, State of New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2024 budget in the sum of \$125,000.00, which is now available from the 2024 Neighborhood Preservation Grant, and

**BE IT FURTHER RESOLVED** that the like sum of \$125,000.00 is hereby appropriated under the caption of 2024 Neighborhood Preservation Grant.

I, Jennifer Santiago, 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 May 21, 2024.

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

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 5-24-158  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**RESOLUTION AWARDING BID TO MAK GROUP, LLC. FOR THE HIGHLAND PARK  
PUBLIC LIBRARY ROOF REPLACEMENT**

**WHEREAS**, the Borough of Highland Park (hereinafter referred to as “Borough”) authorized the solicitation of bids for replacing the roof for the Highland Park Public Library (hereinafter referred to as the “Project”); and

**WHEREAS**, four (4) bids were received for the Project, which were opened on March 19, 2024 at 11:00 a.m. as follows:

<b>Company</b>	<b>Total Bid Amount</b>
Sky General Construction	\$182,000.00
Frank Cyrwus, Inc.	\$278,210.00
Mak Group, LLC	\$368,758.00
Northeast Roof Maintenance	\$484,900.00

**WHEREAS**, the bid submitted by Sky General Construction was insufficient as the Bidder’s Qualification Form, Plan and Estimate Questionnaire, List of Subcontractors and the Non-Collusion Affidavit was not notarized; and

**WHEREAS**, the Borough Engineer reviewed the bid submitted by Sky General Construction and found their bid amount to be disproportionately lower in comparison to the estimate and thus inadequate to perform the Project; and

**WHEREAS**, on April 2, 2024, the Borough Council awarded the contract to Frank Cyrwus, Inc for an amount not to exceed \$278,210.00 as the next lowest responsible bidder; and

**WHEREAS**, Frank Cyrwus, Inc. informed the Borough that it would not be able to be bonded for this project; and

**WHEREAS**, since Frank Cyrwus, Inc. cannot be bonded for this project, the Borough must reject their bid; and

**WHEREAS**, the Borough Attorney reviewed the third lowest bidder, Mak Group, LLC’s bid package for the Project and recommends awarding a contract in an amount not to exceed Three Hundred and Sixty-Eight Thousand Seven Hundred and Fifty Eight Dollars (\$368,758.00); and

**WHEREAS**, funds for this purpose are available in the 2024 Temporary Budget, Capital Fund Account No. C-04-55-835-001, in an amount not to exceed \$368,758.00, and will be provided for in the 2024 Municipal Budget as adopted, as reflected by the certification of funds by the Chief Financial Officer no. 2024-57.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Highland Park being the governing body thereof, that Highland Park Library Roof Replacement contract be awarded to Mak Group, LLC 82 Midland Avenue, Suite D, Saddle Brook, New Jersey 07663 for an amount not to exceed Three Hundred and Sixty-Eight Thousand Seven Hundred and Fifty Eight Dollars (\$368,758.00).

**BE IT FURTHER RESOLVED**, that the Mayor be and is hereby authorized to execute and the Borough Clerk to witness a contract with Mak Group, LLC, for an amount not to exceed \$368,758.00.

I, Jennifer Santiago, 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 May 21, 2024.

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

RECORD OF COUNCIL VOTES

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



**RESOLUTION NO. 5-24-159  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST**

**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.

1. The bills approved for payment at this meeting, Bills List 5/21/2024 can be found in the Bills List Journal Book No. 44.

I, Jennifer Santiago, 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 May 21, 2024.

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

RECORD OF COUNCIL VOTES

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

**RESOLUTION NO. 5-24-160  
BOROUGH OF HIGHLAND PARK  
COUNTY OF MIDDLESEX**

**RESOLUTION AUTHORIZING APPROVAL OF BILLS LIST**

**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.

1. The bills approved for payment at this meeting, Bills List 5/21/2024 can be found in the Bills List Journal Book No. 44.

I, Jennifer Santiago, 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 May 21, 2024.

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

RECORD OF COUNCIL VOTES

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