

**Regular Meeting
Borough of Eatontown Governing Body
Wednesday, July 24, 2024**

This meeting has been advertised in accordance with the Open Public Meetings Act: A notice of the meeting has been published in the Asbury Park Press, Star Ledger and the Link News, posted on the bulletin board in the lobby of Borough Hall, and posted to the Borough website. Public Comment is welcome at any time.

Mayor Talerico opened the Regular Meeting at 7:03pm, noting the Borough's compliance with the Open Public Meetings Act

1. ROLL CALL

PRESENT: Mayor Anthony Talerico, Jr., Council President Virginia M. East
Councilmembers Danielle M. Jones, Meir Araman, Carl Lawson, Candace M. Faust

ALSO PRESENT: Attorney Bayer, Interim Administrator Lucia, Borough Clerk Martin

LATE ARRIVAL: Councilmember David Gindi (arrived at 7:30pm)

The Flag Salute was led by Eatontown resident Joe Fritsche.

2. APPROVAL OF MINUTES

A. Workshop/Regular Meeting/Closed Session – 7/10/2024

Motion to approve the amended minutes by C/East; seconded by C/Lawson

Voice Vote: AYE - C/East, C/Jones, C/Araman, C/Lawson, C/Faust

ABSENT - C/Gindi

3. COMMUNICATIONS

A. West Long Branch, Notice of Approved Resolution Authorizing Adoption of Reexamination Report

B. Surrey Equities, LLC Flood Hazard Area Environmental Report, Block 2701, Lots 53, 60, 66, 69

C. Surrey Equities, LLC Notice of Public Hearing for Application to NJDEP for Block 2701, Lots 53, 60, 66, 69

D. Monmouth County Commissioners, Declaring 9-11 County Holiday

E. NJ Natural Gas, Notice of Public Hearings, Base Rate Adjustment Request

F. NJ Natural Gas, Annual Compliance Filing

Motion to accept communications A-F by C/Jones; seconded by C/Lawson

Voice Vote: AYE - C/East, C/Jones, C/Araman, C/Lawson, C/Faust

ABSENT - C/Gindi

4. MAYOR'S REPORT - Mayor Talerico

Mayor Talerico reported that the Zoning Officer met with the Borough Attorney to review several ordinances that require updating. Mayor Talerico asked Attorney Bayer if the recommended changes are, in his opinion, in need of updating. Borough Attorney Bayer responded yes.

5. REPORTS OF COMMITTEES

A. EMERGENCY SERVICES - Council President East

Council President East reported on the next meetings of the Fire Committee, the First Aid, and the Historical Society. Council President East then announced the next Historical Society Open House. Council President East thanked Mayor Talerico for everything he does.

B. FINANCE & ORDINANCE - Councilmember Jones

Councilmember Jones provided updates on the Finance and Ordinance Committee Zoom meeting date, the Cannabis Regulatory Commission meeting, the Board of Education meeting, the Cannabis Industry ADHOC Committee Zoom meeting, and the Environmental Commission meeting. Councilmember Jones mentioned the Environmental Commission has questions regarding the Skip the Stuff Ordinance and has updates to the lighting ordinance. Councilmember Jones then mentioned the Library Board of Trustees meeting, the Drug and Alcohol Alliance's SPEAK program's graduation, and the Youth Committee's next meeting.

C. PUBLIC BUILDINGS & TENANTS RIGHTS - Councilmember Gindi

Councilmember Gindi reported on the next Tenants' Rights Meeting.

D. POLICE, PUBLIC LIGHTS & PARKING - Councilmember Araman

Councilmember Araman read the Police Department's June report into the record. Councilmember Araman then thanked the Fire Department from Eatontown and surrounding towns for their help putting out fires. Councilmember Araman then thanked the Department of Public Works and the Borough Administrator for the new street sweeper.

E. PARKS & RECREATION - Councilmember Lawson

Councilmember Lawson reported on the next meeting of the Recreation Advisory Committee meeting.

F. PUBLIC WORKS & INSURANCE - Councilmember Faust

Councilmember Faust reported on the bulk schedule, the ongoing pothole repair work and leaves and brush pickup. Councilmember Faust then mentioned that girl scout groups are in town. Councilmember Faust then reported on the Green Team's tree plague and provided an update on the tree ordinance that the Green Team is working on. Councilmember Faust then reported on the Skip the Stuff Ordinance and a clothing swap. Further reported was the Shade Tree Commissions next meeting date and provided an update regarding the Veterans Mental Health program.

Council President East reported on National Night Out on August 6th at Wolcott Park from 5pm-8pm.

6. ADMINISTRATOR'S REPORT - Interim Administrator Lucia

Interim Administrator Lucia reported on the emergency HVAC work being done at Borough Hall.

7. OLD BUSINESS**A. ORDINANCE ADOPTION**

- 1) **Ordinance 09-2024** - Ordinance Amending Section 89-98 of The Borough Code, Entitled "Stormwater Management And Control" - **Public Hearing/Adoption**

Attorney Bayer read the ordinance by title.

Motion to open the meeting to public comment on the ordinance by C/Jones; seconded by C/Araman

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

Laura Bagwell, Elizabeth Parkway, asked if this ordinance completely replaces the stormwater ordinance that was passed in 2021. Mayor Talerico responded yes. Ms. Bagwell then asked if this ordinance includes redevelopment. Ed Herrman, Borough Engineer, responded. The discussion continued.

Motion to close the meeting to public comment on the ordinance by C/East; seconded by C/Lawson

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

Attorney Bayer read the ordinance by title. Councilmember Jones asked if there are additional concerns that the Environmental Commission has, would an amendment be able to be made. Mayor Talerico responded yes. Mr. Herrman further responded. The discussion continued.

Motion to adopt the ordinance by C/Araman; seconded by C/East

Roll Call: AYE - C/East, C/Jones, C/Araman, C/Lawson, C/Faust

ABSTAIN - C/Gindi

ORDINANCE 09-2024**BOROUGH OF EATONTOWN****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****ORDINANCE AMENDING SECTION 89-98 OF THE BOROUGH CODE, ENTITLED "STORMWATER MANAGEMENT AND CONTROL"**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Eatontown in the County of Monmouth, State of New Jersey that Section 89-98 of the Borough Code, entitled "Stormwater Management and Control," shall be amended as follows:

SECTION 1. Section 89-98 of the Borough Code, entitled "Stormwater Management and Control," shall be deleted in its entirety and shall be replaced with the following:

§89-98 STORMWATER MANAGEMENT AND CONTROL

§89-98.1. Scope and Purpose.**A. Policy Statement**

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below in Section 98.2.

C. Applicability

1. This ordinance shall be applicable to the following major developments:
 - a. Non-residential major developments; and
 - b. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Eatontown.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to July 24, 2024, shall be subject to the stormwater management requirements in effect on July 23, 2024.
4. An application required by ordinance for approval pursuant to C.1 above that has been submitted on or after March 2, 2021, but prior to July 24, 2024, shall be subject to the stormwater management requirements in effect on July 23, 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.

§89-98.2. Definitions:

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

"CAFRA Centers, Cores or Nodes" 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 Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

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

"Department" means the Department of Environmental Protection.

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

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

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

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 Section 98.4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Node" 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.

§89-98.3. Design and Performance Standards for Stormwater Management Measures

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
 1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
 2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
- B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge. The standards do not apply to new major development to the extent that alternative design and performance standards are applicable under a regional stormwater management plan or Water Quality Management Plan adopted in accordance with Department rules.

§89-98.4. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section 98.10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 98.4.P, Q and R:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 98.4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 98.4.O, P, Q and R to the maximum extent practicable;

3. The applicant demonstrates that, in order to meet the requirements of Section 98.4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 98.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 98.4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 98.4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

<https://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.

Table 1

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

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

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

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

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

*(Notes corresponding to annotations ^(b) through ^(d) are found beneath Table 3)***Table 3****BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3**

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

Notes to Tables 1, 2, and 3:

(a) subject to the applicable contributory drainage area limitation specified at Section 98.4.O.2;

(b) designed to infiltrate into the subsoil;

(c) designed with underdrains;

(d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;

(e) designed with a slope of less than two percent;

(f) designed with a slope of equal to or greater than two percent;

(g) manufactured treatment devices that meet the definition of green infrastructure at Section 98.2;

(h) manufactured treatment devices that do not meet the definition of green infrastructure at Section 98.2.

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section 98.4.B. Alternative stormwater management measures may be used to satisfy the requirements at Section 98.4.O only if the measures meet the definition of green infrastructure at Section

98.2. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section 98.2 are subject to the contributory drainage area limitation specified at Section 98.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section 98.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 98.4.D is granted from Section 98.4.O.

- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
 - 1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 - 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have

parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 98.8.C;

- 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 98.7; and
 - 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section 98.2 may be used only under the circumstances described at Section 98.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section 98.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 98.4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 98.4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a

result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the 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 Section 98.4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 98.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section 98.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the 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 Section 98.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 98.4.F. and/or an alternative stormwater management measure approved in accordance with Section 98.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section 98.4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 98.4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 98.4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 98.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 98.4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this

subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 98.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 98.4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 98.5, either:
 - i. 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
 - ii. 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 89-98.5.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:
 - i. 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
 - ii. 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:
 - i. 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.
 - ii. 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 Section 98.4.P, Q and R.
 7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
 8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
 9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
 10. These stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.
- R. Stormwater Runoff Quantity Standards
1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
 2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 98.5, complete one of the following:
 - i. 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 89-98.5.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;
 - ii. 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 pursuant to 89-98.5.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;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10- and 100-year storm events, as defined and determined pursuant to 89-98.5.C and D, respectively, of this ordinance, 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
 - iv. 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.
 6. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§89-98.5. Calculation of Stormwater Runoff and Groundwater Recharge:**A. Stormwater runoff shall be calculated in accordance with the following:****1. The design engineer shall calculate runoff using the following methods:**

- i. 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://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

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

2. For the purpose of calculating 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 "curve number" applies to the NRCS methodology above at Section 89-98.5.A.1. A 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 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; 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

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Monmouth	1.00	1.01	1.02

- 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

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Monmouth	1.19	1.19	1.26

§89-98.6. Sources for Technical Guidance:

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: <https://dep.nj.gov/stormwater/bmp-manual/>.
- 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.
 - Additional maintenance guidance is available on the Department's website at: <https://dep.nj.gov/stormwater/maintenance-guidance/>.
- B. Submissions required for review by the Department should be mailed to: 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.

§89-98.7. Solids and Floatable Materials Control Standards:

- A. Site design features identified under Section 98.4.F above, or alternative designs in accordance with Section 98.4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 98.7.A.2 below.
- 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:
 - 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
 - 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.

- iii. 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:
 - i. 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;
 - ii. 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;
 - iii. 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:

- a. 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
- b. 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).

- iv. 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
- v. 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.

§89-98.8. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 98.8.C.1, 98.8.C.2, and 98.8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. 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
 - iv. 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:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension
 - iii. 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.

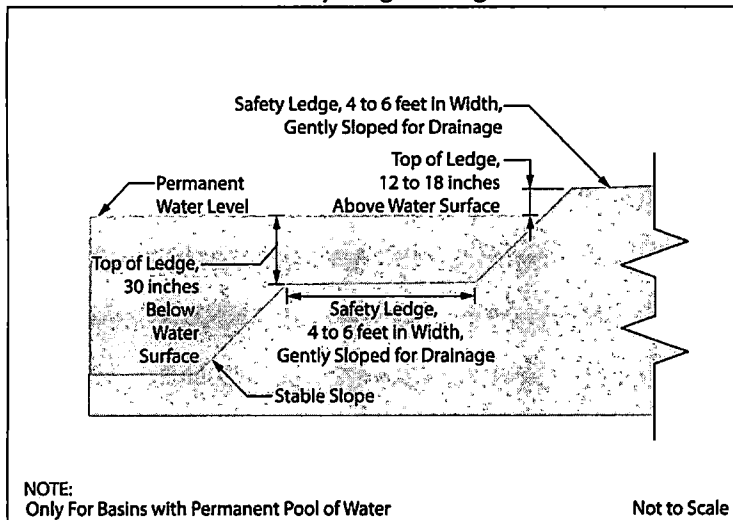
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. 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 VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. 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



§89-98.9. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 98.9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit fifteen copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 98.9.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 Sections 98.3 through 98.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

- i. 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.
 - ii. 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
- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section 98.6 of this ordinance.
 - ii. 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 Section 98.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 98.9.C.1 through 98.9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§89-98.10. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 98.1.C of this ordinance shall comply with the requirements of Section 98.10.B and 98.10.C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and

- telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
 4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
 5. If the party responsible for maintenance identified under Section 98.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 98.10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
 7. The party responsible for maintenance identified under Section 98.10.B.3 above shall perform all of the following requirements:
 - i. 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;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 98.10.B.6 and B.7 above.
 8. The requirements of Section 98.10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.
 9. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property. To facilitate such inspection and maintenance, a drainage easement shall be provided to the municipality for all stormwater management BMPs. The easement shall provide the Borough the right, but not the obligation, to access the BMPs when necessary for inspection and maintenance. In no way do such easements transfer any maintenance responsibilities to the Borough.
- C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§89-98.11. 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 as specified in Section 89-117 of the Land Use Ordinance.

SECTION 2. Repealer.

All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 3. 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.

SECTION 4. Effective Date.

This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

8. PUBLIC COMMENT ON AGENDA ITEMS ONLY

The meeting was open to the public on agenda items.

Miss. Young, Clean Water Action, spoke about Skip The Stuff Ordinance and thanked the Mayor and Council for their work for introducing the ordinance.

The meeting was closed to public comment on agenda items.

9. BILLS & CLAIMS AND BI-WEEKLY PAYROLL

Motion to approve the bills, claims and bi-weekly payroll by C/Jones; seconded by C/Gindi

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

10. NEW BUSINESS**A. ORDINANCE INTRODUCTION (rc)**

- 1) **Ordinance 10-2024** - An Ordinance Amending the Code of the Borough of Eatontown Creating Chapter 242 Entitled "Plastics and Polystyrene Foam" Making the Distribution of Plastic Utensils, Condiment Packets, Napkins, and/or Extra Containers with Take-Out or Delivery Orders by Request Only - *First Reading/Introduction (Public Hearing 8/14/24)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 8/14/24.

Motion to introduce the ordinance by C/Faust; seconded by C/Jones

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

ORDINANCE 10-2024**BOROUGH OF EATONTOWN****COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF EATONTOWN CREATING CHAPTER 242 ENTITLED "PLASTICS AND POLYSTYRENE FOAM" MAKING THE DISTRIBUTION OF PLASTIC UTENSILS, CONDIMENT PACKETS, NAPKINS, AND/OR EXTRA CONTAINERS WITH TAKE-OUT OR DELIVERY ORDERS BY REQUEST ONLY

WHEREAS, the Borough of Eatontown's Council, in cooperation with the Borough's Environmental Commission and Green Team is committed to promoting, creating and supporting sustainability programs in the Borough; and

WHEREAS, the Borough of Eatontown has a cultural commitment to a thriving and healthy community within its boundaries; and

WHEREAS, the Borough is part of the Shrewsbury and Whale Pond Brook watersheds, and includes such waterways as the Parkers Creek Branch, Husky Brook, Wampum Brook, Cranberry Brook and Turtle Mill Brook, all of which eventually flow to the Atlantic Ocean; and

WHEREAS, it is estimated that 40 billion individual single-use plastic utensils are discarded every day in the United States; and

WHEREAS, the Borough recognizes that the providing of particular single-use plastics, including single-use plastic utensils, condiment packets, and napkins upon request will result in ecological, environmental, public health, and economic benefits for the Borough; and

WHEREAS, in accordance with N.J.S.A. 40:48-2, the Borough seeks to prohibit the distribution of plastic utensils, condiment packets, napkins, and containers with take-out and delivery orders, unless requested by a customer; and

WHEREAS, the Borough recognizes that would be a successful method to reduce single-use plastics and save businesses money; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Eatontown, County of Monmouth, State of New Jersey, that the Borough Code is hereby amended to add a new Chapter 242 as follows:

§242-1-Purpose

The purpose of this article is to preserve public health, safety and welfare by reducing the environmental impact of single use plastics for which there does not exist a significant market to the Borough's businesses or residents for recycling.

§242-2-Definitions.

Unless otherwise expressly stated, whenever used in this section, the following terms shall have the meanings set forth below:

ASTM STANDARD

Meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for compostable plastics, as those standards may be amended.

BOROUGH OF EATONTOWN CONTRACTOR

Any person or entity that has a contract with the Borough of Eatontown for work or improvement to be performed, for a franchise, concession, for grant monies, goods and services, or supplies to be purchased at the expense of the Borough, or to be paid out of monies deposited in or under the control of the Borough.

BOROUGH OF EATONTOWN FACILITY

Any building, structure or vehicle owned and operated by the Borough of Eatontown, its agents, agencies, and departments.

BUSINESS ESTABLISHMENT

Any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity, whether for profit or not for profit. This term is inclusive of any store or business which sells or offers goods or merchandise, located or operating within the Borough of Red Bank, including those referenced in "food or grocery establishment" and "food provider."

COMPOSTABLE

All the materials in the product or package, when composted in an industrial or municipal compost operation, will break down, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch) in a safe and timely manner. Compostable food service ware must meet ASTM Standards for composability, and any bioplastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic.

CONDIMENT

Packaged ketchup, mustard, mayonnaise, hot sauce, salt, pepper, or any other herb, spice, seasoning, sauce, or substance that is used to give a special flavor to food.

COVERED FOOD SERVICE BUSINESS

A food service business that does not exclusively provide customers with eco-friendly alternative utensils and condiments, and which, therefore, is not exempt from the provisions of this ordinance

DISPOSABLE FOOD SERVICE WARE

Is interchangeable with "to go" packaging and "food packaging material" and includes, but is not limited to: all containers, clamshells, bowls, plates, trays, cartons, cups, utensils, napkins, condiment packets, straws, stirrers, napkins and other items designed for one-time use associated with prepared foods, including, without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food providers.

ECO-FRIENDLY ALTERNATIVE UTENSILS AND CONDIMENTS

Includes: utensils and condiment packets or packages which are composed of compostable material or another material approved, by the department or the United States Environmental Protection Agency, as an eco-friendly alternative to conventional plastics, regardless of whether such utensils and condiment packages are designed to be discarded, by the consumer, after a single use; utensils and condiment packets or packages which are designed to be used multiple times and are not intended to be discarded after a single use, regardless of whether such utensils and condiment packages are composed of conventional plastics; and any other utensils and condiment packets or packages that are approved, by the department or the United States Environmental Protection Agency, as eco-friendly alternatives to single-use plastic utensils or condiments.

EVENTS PROMOTER

An applicant for any event permit issued by the Borough or any Borough employee(s) responsible for any Borough-organized event.

FOOD OR GROCERY ESTABLISHMENT

All sales outlets, stores, shops, vehicles or other places of business located within the Borough which operate to sell or convey foods, or beverages, which foods or beverages are predominantly contained, wrapped or held in or on packaging. Food establishment shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant, drive-in, convenience store, coffee shop, cafeteria, short-order cafe, delicatessen, luncheonette, grill, sandwich shop, soda fountain, hotel, motel, movie house, theatre, bed-and-breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, take-out prepared food place, industrial feeding establishment, catering kitchen, mobile food preparation unit, commissary, event, grocery store, public food market, produce stand, food stand, or similar place in or at which food or drink is prepared for sale, or for service, on the premises or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served, sold, or provided for the public and any organization, group or individual which provides food as part of its service.

FOOD SERVICE BUSINESS

means and includes a restaurant, café, food truck, vendor station, cafeteria, or any other facility or premises, or section or part thereof, including, but not limited to, a section or part of a grocery store, convenience store, hospital, school, sports arena, entertainment venue, or other similar facility or venue, where meals are prepared and served to customers for immediate consumption thereby on or off the premises, whether on a take-out, eat-in, drive-thru, or delivery basis.

FOOD PROVIDER

Any vendor, business, organization, entity, group or individual, including food establishments, as defined herein, located in the Borough of Eatontown that offers food or beverage to the public.

PERSON

An individual, business, event promoter, trust, firm, joint stock company, Corporation, non-profit, including a government corporation, partnership, or association.

PLASTIC

Any item made predominantly of processed materials, whether derived from petroleum or a biologically-based source, that are mostly thermoplastic or thermosetting polymers, but does not include compliant carry-out bags as defined in this Article.

POINT OF SALE

The location where a retail establishment relinquishes legal possession of purchased goods to a customer, regardless of where or how payment for such goods are made.

PREPARED FOOD

Food or beverages which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the Borough. Prepared food does not include raw, butchered meats, fish and/ or poultry sold from a butcher case or similar food establishment.

RECYCLABLE

Any material that is accepted by the Borough recycling program or the Monmouth County recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. This also means any approved alternative products which are accepted by the County's recycling centers.

RETAIL ESTABLISHMENT

Any store or commercial establishment that sells products, perishable or otherwise, directly to customers. Retail establishments include, but are not limited to, drug stores, pharmacies, supermarkets, grocery stores, convenience stores, restaurants, fast food establishments, clothing stores and hardware stores.

SINGLE-USE UTENSILS OR CONDIMENTS

Utensils or condiment packets or packages which are composed of conventional plastics and are designed to be discarded, by the consumer, after a single use.

UTENSIL

An instrument, including, but not limited to, a knife, fork, or spoon, which is commonly used by humans to eat meals served thereto by a food service business.

§242-3 Plastic utensils, condiment packets, napkins, and containers prohibited; conditions.

- A. The provision of plastic utensils, condiment packets, napkins, and extra containers to take-out or delivery customers is prohibited, unless requested by the customer. Online ordering and delivery apps shall be set to a default to not provide plastic utensils, condiment packets, napkins, and/or extra containers unless the customer selects an option to request said items. Delivery and courier services shall not provide said items unless requested by the customer

§242-4 Exemptions.

- A. Any product purchased, prepared or packaged outside the Borough of Eatontown and sold in or delivered into the Borough are exempt from the provisions of this chapter.
- B. These restrictions shall not apply to self-service stations within any food provider's premises or within any food or grocery establishment.

§242-5 Enforcement; violations and penalties.

- A. The Code Enforcement Officer shall have primary responsibility for enforcement of this section. The Code Enforcement Officer is authorized to take any and all other actions reasonable and necessary to enforce this section, including, but not limited to, investigating violations, issuing fines and entering the premises of any business establishment during business hours.
- B. If a Code Enforcement Officer determines that a violation of this section has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential penalties that will apply for future violations.
- C. Any business establishment that violates or fails to comply with any provisions of this section after a written warning notice has been issued for that violation shall be subject to a civil penalty that shall not exceed \$250 for a first violation; \$500 for a second violation within any twelve-month period; and \$1,500 for each additional violation within any twelve-month period. Every 30 days that a violation continues will constitute a separate offense.
- D. Violation of this chapter is hereby declared to be a public nuisance, which may be abated by the Borough by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Borough may take action to recover the costs of the nuisance abatement.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Eatontown that any ordinances or portions thereof which are inconsistent, in whole or in part, with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Eatontown that if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED by the Mayor and Council of the Borough of Eatontown that this Ordinance shall take effect on January 1, 2025.

2) Ordinance 11-2024 - Ordinance of the Borough of Eatontown Amending Chapter 150 "Fees", Article I "Community Center", Chapter 150-1 "Fee Ranges Established" - *First Reading/Introduction (Public Hearing 8/14/24)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 8/14/24.

Councilmember Jones asked about the Letter B cross out in the Ordinance. Attorney Bayer explained.

Motion to introduce the ordinance by C/Faust; seconded by C/Gindi

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

ORDINANCE 11-2024**BOROUGH OF EATONTOWN****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****AN ORDINANCE OF THE BOROUGH OF EATONTOWN AMENDING CHAPTER 150 "FEES", ARTICLE I "COMMUNITY CENTER", CHAPTER 150-1" FEE RANGES ESTABLISHED",**

WHEREAS, the Recreation Director has recommended the elimination of certain recreation programs and fee increases to various programs in order to cover the increased costs of such programs; and

WHEREAS, the Borough Council believes it is in the best interest of its residents to ensure that its recreational programs are financially sound.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey that it hereby amends Chapter 150 "Fees", Article I "Community Center, Section 150-1, "Fees Range Established" as follows:

(additions are underlined deletions are ~~stricken~~):

Section 150-1

Fee ranges, as hereinafter set forth, are established:

- A.
[No change]
- B.
~~Preschool (registration): \$50.~~
- C. B.
[No change]
- D. C.
Summer camp (per week session): ~~\$165~~ \$185.
- E. D.
~~Three day preschool for residents (per month): \$220~~ Enrichment Program Fee: \$12.50 per child/per hour.
- F.
~~Five day preschool for residents (per month) \$330.~~
- G.
~~Three day preschool program for nonresidents (per month): \$240.~~
- H.
~~Five day preschool program for nonresidents (per month): \$360.~~
- I. E.
[No change].
- J. F.
~~Aftercare: \$6 per hour. Before/Aftercare: \$7 per child/per hour.~~

BE IT FURTHER ORDAINED, that

- A. All other Ordinances or provisions of the Code of the Borough of Eatontown or parts thereof, which are inconsistent with any provisions in this Ordinance, are hereby repealed to the extent of such conflict or inconsistency.
- B. If any provision or portion of this Chapter is held to be unconstitutional, preempted by Federal or State Law or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this chapter shall not be invalidated.
- C. This Ordinance shall take effect upon its passage and publication as required by law except for Sections 150-1 (C) and (F) which shall become effective on January 1, 2025.

- 3) **Ordinance 12-2024** - Bond Ordinance Providing for Various Capital Improvements and the Acquisition of Various Capital Equipment, Appropriating \$4,585,674 Therefor and Authorizing the Issuance of \$3,238,550 in Bonds and Notes To Finance a Portion of the Costs Thereof, Authorized in and by the Borough of Eatontown, in the County of Monmouth, New Jersey - *First Reading/Introduction (Public Hearing 8/14/24)*

Attorney Bayer read the ordinance by title. The public hearing will be held on 8/14/24. Councilmember Jones asked about the crosswalk by Memorial School. Mayor Talerico responded. Councilmember Araman asked if this ordinance includes the modernizing of the Building Department. Interim Administrator Lucia responded yes.

Motion to introduce the ordinance by C/Araman; seconded by C/Lawson

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH

BOND ORDINANCE NO. 12-2024

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS CAPITAL EQUIPMENT, APPROPRIATING \$4,585,674 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,238,550 BONDS AND

NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF EATONTOWN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Eatontown, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$4,585,674, said sum being inclusive of all appropriations heretofore made therefor, including grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) in the amount of \$366,674, grant funds expected to be received from the Monmouth County Municipal Open Space Grant (MCOSG) Program in the aggregate amount of \$251,000, grant funds expected to be received from the New Jersey Department of Community Affairs (NJCA) in the aggregate amount of \$350,000, grant funds expected to be received from the New Jersey Department of Environmental Protection (NJDEP) in the amount of \$209,000, and the sum of \$170,450 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$3,238,550, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of (i) various road improvements, including, but not limited to, Industrial Way West Phase V; Parker Road Storm Drainage Pipe Replacement Phase II; repaving; and miscellaneous drainage and sinkhole repairs; (ii) acquisition of various vehicles and equipment, including, but not limited to, computers/laptops; scanning equipment; a municipal vehicle for the Planning/Zoning Department; a sport utility vehicle (SUV) for the Community Center/Preschool and Senior Department; a mini paver box, mini track loader and welder/generator/compressor for the Department of Public Works (DPW); radios, traffic barriers and emergency lights for the Office of Emergency Management (OEM); turnout gear, thermal imaging cameras, replacement self-contained breathing apparatus (SCBA) bottles, and a new fire hose for the Fire Department; and suction units for the First Aid Squad; (iii) improvements and equipment acquisitions for the Police Department, including, but not limited to, computers/laptops; concrete work for the Impound Yard Building; and painting/upfitting of two (2) Law Enforcement Support Office (LESO) vehicles; (iv) various improvements to Borough buildings, including, but not limited to, an elevator upgrade for Borough Hall; repairs to the maintenance shop located at 17 West Street; boiler/condenser replacement for Borough Hall; a handicap lift for the Council Room; and architectural plans for Borough Hall; (v) various improvements to 80 Acres Park; (vi) various improvements to Gurbisz Park; (vii) stormwater system mapping; (viii) digitization of human resources files; (ix) Firehouse Slabs and Floor Repairs Phase II; (x) Wampum Greenway Phase III; and (xi) stormwater improvements at Wampum Lake Park, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$3,238,550, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$4,585,674, which is equal to the amount of the appropriation herein made therefor, including (i) \$366,674 grant funds expected to be received from the NJDOT for said improvements to Industrial Way West, (ii) \$100,000 grant funds expected to be received from the MCOSG Program for said improvements to Gurbisz Park, (iii) \$151,000 grant funds expected to be received from the MCOSG Program for said improvements to 80 Acres Park, (iv) \$100,000 grant funds expected to be received from the NJCA for said police equipment, (v) \$250,000 grant funds expected to be received from the NJCA for said improvements to Wampum Greenway, and (vi) \$209,000 grant funds expected to be received from the NJDEP for said stormwater improvements at Wampum Lake Park. The excess of the appropriation of \$4,585,674 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$170,450 down payment for said purposes, and the total said grant funds expected to be received by the Borough in the amount of \$1,176,674.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at

such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is 14.86 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$3,238,550 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$841,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mayor Talerico asked the council and public to stand for a moment of silence for Jackie Strasser.

B. CONSENT AGENDA RESOLUTIONS

(All matters listed hereunder are considered to be routine in nature and will be enacted in one motion. Any person may request an item be removed for separate consideration).

- 1) **Resolution 151-2024** - Auth. Application & Execution of Contract for Grant from NJ DCA, Together One Community PH4
- 2) **Resolution 152-2024** - Confirming & Auth. Emergency Repair of Borough's HVAC System (A. D. Winston Svcs., Inc)
- 3) **Resolution 153-2024** - Appointments to Alliance for Prevention of Alcohol and Drug Abuse

Motion to approve Consent Items 1-3 (Resolutions 151-153) as a group by C/Gindi; seconded by C/Faust

Roll Call: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

RESOLUTION 151-2024**BOROUGH OF EATONTOWN****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****AUTHORIZING THE APPLICATION AND EXECUTION OF CONTRACT FOR GRANT FROM NJ DEPARTMENT OF COMMUNITY AFFAIRS**

WHEREAS, the Borough of Eatontown desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$15,000 to continue to expand a community based enhanced special events program that provides opportunities for ALL residents and provides opportunities for individuals with disabilities. T.O.C. Together One Community Phase 4.

BE IT THEREFORE RESOLVED,

- 1) That the Borough of Eatontown does hereby authorize the application for such a grant and,
- 2) Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Eatontown and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith

RESOLUTION 152-2024**BOROUGH OF EATONTOWN****COUNTY OF MONMOUTH, STATE OF NEW JERSEY****A RESOLUTION CONFIRMING AND AUTHORIZING THE EMERGENCY REPAIR OF THE BOROUGH'S HVAC SYSTEM AT BOROUGH HALL BY A.D. WINSTON SERVICE, INC.**

WHEREAS, the Borough's heating and air conditioning units servicing Borough Hall is in severe disrepair thereby rendering Borough Hall extremely uncomfortable for its employees to work in, the public to access, and making it extremely difficult for the Borough to conduct public meetings of the Borough Council and the various Boards under the jurisdiction of Eatontown; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-6 authorizes a municipality to purchase goods or services without public bidding notwithstanding the contract price exceeds the bid threshold, when an emergency affecting the public health safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Borough has a Qualified Purchasing Agent and may purchase goods and services up to \$44,000.00 without public bidding so long as it obtains two competitive quotations and otherwise meets the requirements of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, the Borough Administrator notified the Purchasing Agent of the need for an emergency repair of the Borough's two HVAC units servicing Borough Hall given that it is Summer, there has been an ongoing heat wave, and the working conditions within Borough Hall and the public's ability to use Borough Hall have become intolerable; and

WHEREAS, the Borough obtained a proposal from A. D. Winston Service, Inc. of Ridgefield Park, New Jersey dated July 12, 2024 to immediately repair the Borough's HVAC system in the amount of \$39,158.00 which includes the removal of two tandem compressors from two air conditioning units; provide and install two new compressors of equal capacity provided by Trane company; provide and replace compressor contactors, and otherwise start up and charge the HVAC system with new refrigerant (the "HVAC Service Repair"); and

WHEREAS, the Borough QPA having decided it was not necessary to obtain a second competitive price after having been notified of the need for the emergency procurement of the HVAC Service Repair by the Borough Administrator pursuant to N.J.S.A. 40A:11-6 and after being advised there were sufficient funds to pay for the HVAC Service Repair by the CFO; and

WHEREAS, the Borough Council believes it is in the best interest of its residents and employees to confirm and approve the Borough's purchase of the HVAC Service Repair System for the public's health, safety and welfare.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Borough Council of the Borough of Eatontown, in the County of Monmouth and State of New Jersey that it hereby reconfirms and authorizes the award of a Purchase Order to A.D. Winston Service, Inc. of Ridgefield Park, New Jersey in conformance with its proposal to the Borough dated July 12, 2024 for

the HVAC System Repair in an amount not to exceed \$39,158.00

1. A. D. Winston Service, Inc.
2. William P. Lucia, Interim Administrator
3. Dean Amodea, CFO

RESOLUTION 153-2024

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

CONFIRMING APPOINTMENTS TO THE EATONTOWN ALLIANCE FOR THE PREVENTION OF ALCOHOL AND DRUG ABUSE

BE IT RESOLVED that the following appointments to the EATONTOWN ALLIANCE FOR THE PREVENTION OF DRUG AND ALCOHOL ABUSE, as made by the Mayor, are hereby confirmed, for the one-year term beginning 7/1/2024 and ending 6/30/2025:

ASBURY PARK PRESS	MEDIA
ROBERT GUILIANO	MEMBER - ALLIANCE COORDINATOR
DANIELLE M. JONES	MEMBER - GOVERNING BODY - COUNCIL LIAISON
DENA AMODEA	MEMBER - FINANCE OFFICER
WILLIAM LUCIA III	MEMBER- POLICE CHIEF- CHAIRPERSON
JANICE M. GRASSO	COUNTY OR MUNICIPAL YOUTH SERVICES COMMISSION
JOHN GUGLIUZZA	JUVENILE OFFICER
MICHAEL SULLIVAN	COMMUNITY SERVICE OFFICER (JUVENILE CONFERENCE COMMITTEE)
WILLIAM LUCIA III	MEMBER - ADMINISTRATOR -CHAIRPERSON
NELSON ORTIZ	MEMBER - PRESIDENT SCHOOL BOARD
SCOTT T. MC CUE	MEMBER - SUPERINTENDENT OF SCHOOLS
KATHY SUCHODOLSKI	MEMBER - BOARD OF HEALTH
DARLENE MILLER	MEMBER - LOCAL CIVIC ASSOCIATION
PREVENTION FIRST	MEMBER - TREATMENT ORGANIZATIONS
ANTHONY TALERICO, JR.	MEMBER - GOVERNING BODY - MAYOR
MAGGIE GIOVANNI	MEMBER - CONCERNED CITIZEN

C. CONSENT AGENDA MOTIONS

1) Approval of Mobile Home Park Annual License, Woodlawn

Motion to accept Consent Agenda Motion 1 by C/Gindi; seconded by C/Jones

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

11. REMARKS OF COUNCIL AND CITIZENS

Councilmember Jones explained she made an excel spreadsheet and asked the council to fill out the committee meetings and upcoming events for next year. Councilmember Jones then commented on Student Government Day and the Veterans Outreach Program.

The meeting was open to the public.

Richard Neale, Eatontown, thanked God, the Mayor and Council for the resolution of support, then mentioned a few recommendations regarding updating the cannabis ordinance. Councilmember Gindi asked Mr. Neale about his suggestions. Mayor Talerico further clarified. Mr. Neale responded. The discussion continued between Mr. Neale and the Mayor and Council.

Laura Sanchez, Coastal Sober Living, thanked the council for not shutting down their business. Attorney Bayer reviewed the current conditions that are yet to be met for a full resolution of approval. Mayor Talerico asked Ms. Sanchez for an update. Ms. Sanchez provided an update. The discussion continued between Ms. Sanchez, Mayor Talerico and the Borough Council. The consensus of the council is to take action at the August 14th council meeting.

Attorney Bayer mentioned the sober living facility at 11 Park Avenue has met all the conditions and recommends issuing the license.

There being no further comments, the meeting was closed to the public.

12. CLOSED SESSSION

A. Resolution 154-2024

- 1) Contract Negotiations – Home Depot Consumer Shopping Center

Mayor Talerico noted the Council would not act on the items in Closed Session.

Attorney Bayer read the resolution into the record.

RESOLUTION 154-2024

AUTHORIZING EXECUTIVE SESSION UNDER THE OPEN PUBLIC MEETINGS ACT FOR THE MAYOR AND COUNCIL OF THE BOROUGH OF EATONTOWN

WHEREAS, pursuant to the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., a municipality may exclude the public from a meeting of the Municipal Council where the Council intends to discuss certain matters for which privacy is needed in order to protect the public interest or certain enumerated private interests; and

WHEREAS, it is necessary for the Mayor and Council of the Borough of Eatontown to discuss in session not open to the public certain matters that are required by law to be confidential, more specifically: 1) Contract Negotiations – Home Depot Consumer Shopping Center

WHEREAS, it is anticipated that the minutes from the deliberations conducted in closed session may be disclosed to the public upon the determination that the public interest will no longer be served by such confidentiality.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council of the Borough of Eatontown do hereby authorize the above-referenced executive session to be held closed to the public, on July 24, 2024.

Motion to enter into closed session by C/Gindi; seconded C/Jones

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust

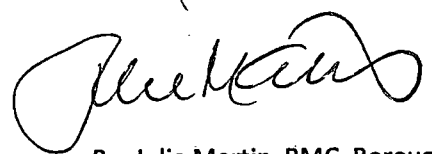
Council entered Closed Session at 8:18pm

Council returned from Closed Session at 8:30pm

13. ADJOURNMENT – 8:30pm

Motion to adjourn by C/Gindi; seconded by C/Jones

Voice Vote: AYE - C/East, C/Jones, C/Gindi, C/Araman, C/Lawson, C/Faust



By: Julie Martin, RMC, Borough Clerk

Exhibits are on file in the Borough Clerk's Office, according to the NJ State Records Retention Schedule established by NJSA 47:3-15 et seq and approved by the State Records Committee. Audio is available on the Borough website.

Approval 08/14/2024

July 23, 2024
11:15 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 1

P.O. Type: All

Range: First to Last

Format: Condensed

Vendors: All

Include Non-Budgeted: Y

Rcvd Batch Id Range: First to Last

Open: N Paid: N Void: N
Rcvd: Y Held: Y Aprv: N
Bid: Y State: Y Other: Y Exempt: Y

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
8X8IN005	8X8 INC	24-01577	07/16/24	BORO MONTHLY PHONE USAGE	Open	2,983.48	0.00		
ACTIO005	ACTION UNIFORM CO, LLC	24-01425	06/24/24	Firearms Uniform	Open	200.00	0.00		
ADAMS005	BUCHAN & PALO, LLC	24-01541	07/11/24	PUBLIC DEFENDER	Open	1,500.00	0.00		
ALMET005	ALMETEK INDUSTRIES INC	24-01016	04/25/24	HYDRANT LOCATOR MARKERS	Open	2,008.95	0.00		
AMAZ001	AMAZON.COM SERVICES, INC	24-01051	05/02/24	AMERICAN FLAGS FOR MEMORIAL	Open	51.99	0.00		
		24-01435	06/25/24	Specilite 50ft Garden Hose	Open	341.90	0.00		
		24-01450	06/26/24	File Cabinets	Open	205.78	0.00		
						599.67			
AMERIO01	AMERIFLEX BUSINESS SOLUTIONS	24-00406	02/08/24	2024 FSA ADMIN/COBRA FEES	Open	115.00	0.00		B
APP002	GANNETT NJ NEWSPAPERS	24-01020	04/29/24	Legal Advertisements	Open	30.80	0.00		B
ARNONE01	JOAN ARNONE	24-00281	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
		24-00331	01/30/24	2024 SHBP REIMBURSEMENT RETIREE	Open	1,539.89	0.00		B
						2,063.99			
ASB002	ASBURY PARK PRESS	24-01530	07/10/24	PB 7.1.2024 Cancellation	Open	45.56	0.00		
ASCAP001	ASCAP	24-01302	06/06/24	2024 ASCAP LICENSE EATONTOWN	Open	439.83	0.00		
ASFI001	ATLANTIC SECURITY & FIRE, INC.	24-00038	01/08/24		Open	96.20	0.00		B
		24-01447	06/26/24		Open	531.00	0.00		B
						627.20			
ATTM003	AT&T MOBILE 287306454309	24-01645	07/22/24	POLICE/BORO CELL PHONE USAGE	Open	2,706.95	0.00		
AKL001	LEON AVAKIAN, INC	24-01434	06/25/24	Fresh Dispensary Escrow #1636	Open	495.00	0.00		

July 23, 2024
11:15 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 2

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
BBBA001	BROWN & BROWN BENEFITS ADV.								
		24-01533	07/10/24	August 2024 Consulting Fee	Open	1,500.00	0.00		
BLA001	JUDITH CLAUSS BLAIR								
		24-00284	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
BOE001	EATONTOWN BOARD OF EDUCATION								
		24-01598	07/17/24	TAX LEVY AUGUST 2024	Open	1,599,989.00	0.00		
CHAS001	ARTHUR F. CHASEY, JR.								
		24-00289	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
CKC001	CAROL K. CHASEY								
		24-00288	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B
COM006	COMCAST BUSINESS								
		24-01578	07/16/24	BORO MONTHLY INTERNET SERVICE	Open	1,559.90	0.00		
COMC004	COMCAST								
		24-01579	07/16/24	LIBRARY INTERNET SERVICES	Open	96.90	0.00		
		24-01647	07/22/24	PUBLIC WORKS ONLINE SERVICES	Open	330.84	0.00		
						427.74			
DELAG01	DE LAGE LANDEN FINANCIAL INC								
		24-01633	07/19/24	MAILROOM COPIER LEASE ACCOUNT	Open	146.85	0.00		
		24-01634	07/19/24	COMM CTR COPIER LEASE ACCOUNT	Open	146.85	0.00		
						293.70			
DELTA001	DELTA DENTAL								
		24-01556	07/16/24	AUGUST BILL GRP 9419-00005E	Open	2,194.80	0.00		
		24-01558	07/16/24	AUG GRP 9419-00010E	Open	4,569.16	0.00		
		24-01559	07/16/24	AUG GRP 9419-00006E	Open	543.10	0.00		
		24-01560	07/16/24	AUG GRP 9419-00002E	Open	2,055.71	0.00		
		24-01561	07/16/24	AUG GRP 9419-00001E	Open	3,146.36	0.00		
						12,509.13			
DENA001	DENA AMODEA								
		24-01502	07/08/24	EYEGLASS REIMBURSEMENT	Open	360.00	0.00		
DILW001	DILWORTH PAXSON								
		24-01443	06/25/24	PROFESSIONAL SERVICES RENDERED	Open	360.00	0.00		
FAY002	JOHN FAY								
		24-01566	07/16/24	RETIREE REIMBURSEMENT 2024	Open	906.25	0.00		
FMERA001	FMERA								
		24-01576	07/16/24	FORT STREET LIGHT SERVICE	Open	382.20	0.00		
FOO001	SAKER SHOPPRITES, INC.								
		24-01295	06/06/24	JULY BIRTHDAY LUNCH	Open	97.81	0.00		
		24-01386	06/18/24	Week 1 - Camp Supplies	Open	231.67	0.00		

July 23, 2024
11:15 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 3

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
PO0001	SAKER SHOPRITES, INC.			Continued					
		24-01393	06/18/24	SESSION I SUMMER SNACKS	Open	148.02	0.00		
						477.50			
FWWEB005	F.W. WEBB COMPANY								
		24-00502	02/22/24		Open	42.02	0.00		B
GEN001	GENERAL CODE PUBLISHERS CORP.								
		24-01127	05/13/24	CLERK SUPP TEXT PAGES MANUALS	Open	216.00	0.00		
GENAC001	BOROUGH OF EATONTOWN GENERAL A								
		24-01448	06/26/24	PAY PERIOD 7-5-24 O/S DETAIL	Open	7,584.00	0.00		
GRAM001	BUSINESS INFORMATION SYS CORP								
		24-01487	07/03/24	Liberty Recording System	Open	1,540.00	0.00		
HEYERGRU	HEYER GRUEL & ASSOCIATES, PA								
		24-01317	06/10/24	76 Broad Escrow #1640	Open	288.75	0.00		
IBPC001	IMPERIAL BAG & PAPER CO LLC								
		23-02083	08/30/23	ITEM #12HDQW	Open	723.04	0.00		
IIAFI005	IIA FIRE DEPARTMENT TESTING								
		24-01396	06/18/24	FIRE DEPT APPARATUS MAINT YRLY	Open	1,808.57	0.00		
IP001	IMPRINT SHOP LLC								
		24-01178	05/17/24	LAT STYLE #6991	Open	392.61	0.00		
INSE001	INSECTROPOLIS								
		24-01483	07/02/24	BUGS ON THE GO OUTREACH PRGM	Open	370.00	0.00		
JENK001	JENKINSON'S GROUP SALES								
		24-01181	05/17/24	GENERAL AQUARIUM TOUR 8/8/24	Open	249.00	0.00		
JERS001	JCP&L								
		24-01574	07/16/24	BORO MONTHLY ELECTRIC USAGE	Open	806.02	0.00		
		24-01597	07/17/24	BORO TRAFFIC SIGNAL USAGE	Open	390.99	0.00		
		24-01646	07/22/24	BORO MONTHLY ELECTRIC USAGE	Open	21,908.20	0.00		
						23,105.21			
KEPWE005	KEPWEL SPRING WATER CO, INC								
		24-00046	01/08/24		Open	38.50	0.00		B
LAW001	LAW ENFORCEMENT SYSTEMS, INC								
		24-01325	06/11/24	Miscellaneous Property Tags	Open	150.00	0.00		
LUCI001	WILLIAM LUCIA								
		24-01532	07/10/24	July Zoom Reimbursement	Open	234.47	0.00		
BA001	BARBARA MCAULIFFE								
		24-00302	01/26/24	2024 MEDICARE REIMBURSEMENT	Open	524.10	0.00		B

July 23, 2024
11:15 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 4

Vendor #	Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
MGL001	MGL PRINTING SOLUTIONS								
		24-01525	07/09/24	CHECK STOCK A/P BLUE	open	873.00	0.00		
MRH001	MONMOUTH REGIONAL H.S. BD. OF								
		24-01599	07/17/24	TAX LEVY AUGUST 2024	open	997,360.92	0.00		
NAU001	KAREN SIANO								
		24-00309	01/26/24	2024 MEDICARE REIMBURSEMENT	open	524.10	0.00		B
NJAWC001	NEW JERSEY AMERICAN WATER								
		24-01568	07/16/24	BORO MONTHLY WATER USAGE	open	3,864.34	0.00		
		24-01643	07/22/24	BORO MONTHLY WATER USAGE	open	1,983.57	0.00		
						5,847.91			
NJB001	VERIZON								
		24-01505	07/08/24	REFUND DUPLICATE CHECK-PHONE	open	995.73	0.00		
		24-01507	07/08/24	BORO MAIN ACCOUNT CLOSED FINAL	open	332.54	0.00		
		24-01575	07/16/24	BORO MUSEUM PHONE SERVICE	open	87.71	0.00		
						1,415.98			
NJDL003	NJ DEPT OF LABOR & WORKFORCE D								
		24-01641	07/22/24	NJ UNEMPLOYMENT COMPENSATION	open	2,727.75	0.00		
PAMEL015	PAMELA KRUEGER								
		23-02799	11/14/23	EATONTOWN DAY REFUND	open	25.00	0.00		
PASHSTEI	PASHMAN STEIN WALDER HAYDEN								
		24-01455	06/27/24	MAY 2024-GENERAL	open	9,292.50	0.00		
		24-01456	06/27/24	MAY 2024-RETAINER	open	1,541.66	0.00		
		24-01457	06/27/24	MAY 2024-TAX APPEALS	open	1,462.50	0.00		
						12,296.66			
PCR001	P.C. RICHARD & SON								
		24-01531	07/10/24	ROID Grant Laptop	open	799.99	0.00		
POWER001	POWER HOUSE SIGN WORKS								
		24-01401	06/19/24	FIRE DEPT LABELS FOR RADIOS	open	80.00	0.00		
QUAD01	QUADIENT LEASE								
		24-01582	07/16/24	BORO MAIL MACHINE LEASE	open	501.75	0.00		
RHEL005	R. HELFRICH & SON CHARTER BUS								
		24-01442	06/25/24	Camp Bus Trip 7.18.24	open	1,000.00	0.00		
ROBER020	ROBERT ROSCH								
		24-01510	07/08/24	MEDICARE REIMBURSEMENT 2024	open	1,392.80	0.00		B
		24-01511	07/08/24	MEDICARE REIMBURSEMENT 2024	open	174.10	0.00		
						1,566.90			
RUTG099	RUTGERS CONTINUING STUDIES GOV								
		24-01589	07/17/24	MC REVIEW CLASS REGISTRATION	open	653.00	0.00		

July 23, 2024
11:15 AM

BOROUGH OF EATONTOWN
Bill List By Vendor Id

Page No: 5

Vendor # .Name	PO #	PO Date	Description	Status	Amount	Void Amount	Contract	PO Type
SCH001 T&M ASSOCIATES								
	23-02180	09/13/23	FIREHOUSE DRIVEWAY REHABILITAT	Open	408.00	0.00		B
	24-00812	04/01/24	STORMWATER GIS REQUIRED MAPPIN	Open	510.00	0.00		B
	24-01192	05/20/24	Fresh Dispensary Escrow #1636	Open	2,102.53	0.00		
					3,020.53			
SEA001 SEABOARD FIRE & SAFETY EQUIPME								
	24-00389	02/07/24		Open	153.00	0.00		B
SIC003 STANDARD INSURANCE COMPANY INC								
	24-01534	07/10/24	MAY PREMIUM POLICY # 148613	Open	2,903.74	0.00		
	24-01535	07/10/24		Open	2,903.74	0.00		
	24-01536	07/10/24	JULY PREMIUM POLICY # 148613	Open	2,903.74	0.00		
	24-01537	07/10/24	MAY PREMIUM POLICY 631694	Open	463.32	0.00		
	24-01538	07/10/24	JUNE PREMIUM POLICY 631694	Open	463.32	0.00		
	24-01539	07/10/24	JULY PREMIUM POLICY 631694	Open	463.32	0.00		
					10,101.18			
SNAPO005 SNAPOLOGY OF MONMOUTH COUNTY								
	24-01436	06/25/24	Snapology Summer Camp 7.11.24	Open	750.00	0.00		
SPAHR01 RYAN SPAHR								
	23-02446	10/11/23	2023 Boot Reimbursement	Open	100.00	0.00		
RGE005 TARGETED TECHNOLOGIES LLC								
	24-01136	05/14/24	Support for Laptop	Open	168.00	0.00		
	24-01426	06/24/24	Opitplex 3080 1 year Warranty	Open	85.00	0.00		
	24-01580	07/16/24	POLICE MONTHLY IT SERVICE	Open	4,186.00	0.00		
	24-01581	07/16/24	BORO MONTHLY IT SERVICES	Open	7,858.00	0.00		
					12,297.00			
TCLAY001 THOMAS CLAYTON								
	24-01591	07/17/24	2024 RETIREE REIMBURSEMENT	Open	961.20	0.00		
TRANE005 TRANE U.S., INC								
	24-00484	02/20/24		Open	345.00	0.00		B
TRIAN005 TRIANGLE COMMUNICATIONS LLC								
	24-01228	05/23/24	OEM SPARE LIGHTHEADS	Open	631.95	0.00		
USPS002 US POSTAL SERVICE								
	24-01635	07/19/24	BORO POSTAGE METER REPLENISH	Open	3,000.00	0.00		
VBF001 VERIZON BUSINESS FIOS								
	24-01648	07/22/24	FIREHOUSE FIOS SERVICES	Open	420.22	0.00		
VERIZ005 VERIZON - ALBANY								
	24-01644	07/22/24	BORO FIBEROPTIC SERVICES	Open	826.72	0.00		
RR001 PATRICIA VERRONE								
	24-00547	02/26/24	MEDICARE INSURANCE REIMBURSE	Open	524.10	0.00		B

Vendor #	Name					
PO #	PO Date	Description	Status	Amount	Void Amount	Contract PO Type
WIRE005		WIRELESS COMMUN & ELECTRONIC				
24-00635	03/07/24	FLEX ANTENNA - EFD RADIOS	Open	499.56	0.00	
WWG010		W.W. GRAINGER, INC.				
24-00910	04/12/24		Open	293.44	0.00	B
24-01175	05/17/24		Open	494.64	0.00	
				788.08		
Total Purchase Orders:	102	Total P.O. Line Items:	0	Total List Amount:	2,731,511.92	Total Void Amount: 0.00

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND:	3-01	823.04	0.00	823.04	0.00	0.00	823.04
CURRENT FUND:	4-01	2,714,971.37	0.00	2,714,971.37	995.73	0.00	2,715,967.10
GENERAL CAPITAL F	C-04	408.00	0.00	408.00	0.00	0.00	408.00
GRANT FUND	G-02	1,309.99	0.00	1,309.99	0.00	0.00	1,309.99
	T-15	10,117.51	0.00	10,117.51	0.00	0.00	10,117.51
	T-17	2,886.28	0.00	2,886.28	0.00	0.00	2,886.28
Year Total:		13,003.79	0.00	13,003.79	0.00	0.00	13,003.79
Total of All Funds:		2,730,516.19	0.00	2,730,516.19	995.73	0.00	2,731,511.92