

TOWN OF PHILLIPSBURG
TOWN COUNCIL MEETING
TUESDAY, February 02, 2021 AGENDA
via ZOOM
7:00 P.M.

Join Zoom Meeting
<https://us02web.zoom.us/j/86599569009?pwd=M096YStDMzlvblJpNENmV0VrNXJhdz09>

Meeting ID: 865 9956 9009
Passcode: Pburg
One tap mobile
+13017158592,86599569009#,,,,*471759# US (Washington D.C)
+13126266799,86599569009#,,,,*471759# US (Chicago)

Dial by your location.
+1 301 715 8592 US (Washington D.C)
+1 312 626 6799 US (Chicago)
+1 646 876 9923 US (New York)
Meeting ID: 865 9956 9009
Passcode: 471759
Find your local number: <https://us02web.zoom.us/j/kboefXRIda>

1. CALL TO ORDER

2. OPEN PUBLIC MEETING ACT STATEMENT:

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS LAW. THIS MEETING OF FEBRUARY 2021 WAS INCLUDED IN A NOTICE SENT TO NEWSPAPERS OF RECORD AND POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND HAS REMAINED CONTINUOUSLY POSTED AS THE REQUIRED NOTICES UNDER THE STATUTE. IN ADDITION, A COPY OF THIS NOTICE HAS BEEN AVAILABLE TO THE PUBLIC AND IS ON FILE IN THE OFFICE OF THE MUNICIPAL CLERK

3. INVOCATION AND FLAG SALUTE

Council Vice President Fulper

4. ROLL CALL

Council President McVey, Council Vice President Fulper, Councilwoman DeGerolamo, Councilman Piazza, Councilman Wyant

5. APPROVAL OF MINUTES - None currently

6. BILLS LIST -

7. ANNOUNCEMENTS

February 25, 2021 – The State of the Town Address

March 05, 2021 – Ribbon Cutting for Platinum Star Cleaning Service at noon hosted by the Lehigh Valley Chamber of Commerce

Proclamations: Randy S. Piazza Jr. – Life saving efforts

Amanda Bridge-Lance – Addiction and Recovery in the Community

8. OLD BUSINESS

R: 2021-33 TABLED 01-19-2021

A RESOLUTION AUTHORIZING A LEASE AGREEMENT OF TWO 2021 FORD EXPLORER'S POLICE INTERCEPTORS

R: 2021-34 AMEND RESOLUTION – SUBJECT TO C.O.F. PENDING BOND ORDINANCE APPROVAL

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXPENDITURE OF NOT TO EXCEED \$262,000.00 FOR ODOR CONTROL SYSTEM FOR DIGESTER TANKS

R: 2021-37 - TABLED BOTH ODOR CONTROL – MEET WITH BA/ MAYOR 02-01-21

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXPENDITURE OF NOT TO EXCEED \$30,000.00 FOR PROPHYLAXIS ODOR CONTROL

R: 2021-38 TABLED BOTH ODOR CONTROL – MEET WITH BA/ MAYOR 02-01-21

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE EXPENDITURE OF NOT TO EXCEED \$30,000.00 FOR PROPHYLAXIS ODOR CONTROL

9. MAYOR'S AND ADMINISTRATIVE OFFICERS

10. PUBLIC DISCUSSION ON AGENDA ITEMS

11. ORDINANCES — FIRST READING

O: 2021-01 (First Reading 02-02-21)

ORDINANCE AMENDING CHAPTER 625, *ZONING*, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO ADD FLEA MARKET/ANTIQUE MALL AS A PERMITTED USE IN THE I-1 ZONE, TO DEFINE FLEA MARKET/ANTIQUE MALL AND TO ADD PARKING STANDARDS FOR SAID USE AND TO DESIGNATE PAWN SHOPS AS A NONPERMITTED USE IN THE I-1 ZONE

O: 2021-02

AN ORDINANCE OF THE TOWN PHILLIPSBURG, WARREN COUNTY, NEW JERSEY AMENDING AND MODIFYING CHAPTER 535, *STORMWATER MANAGEMENT*, OF THE CODE OF THE TOWN OF PHILLIPSBURG

O: 2021 – 03

AN ORDINANCE OF THE CODE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND SUPPLEMENT CHAPTER 67 “VEHICLES AND TRAFFIC” SECTION 19 “SCHEDULE III, TIME-LIMIT PARKING” IN ORDER TO ADD ADDITIONAL SPACES

O: 2021 – 04

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF WARREN STREET, BY AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$880,000 THEREFOR (INCLUDING GRANTS EXPECTED TO BE RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TOTALING \$427,107) AND AUTHORIZING THE ISSUANCE OF \$880,000 BONDS OR NOTES OF THE TOWN TO FINANCE THE COST THEREOF

O: 2021-05

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2019-07 HERETOFORE FINALLY ADOPTED MAY 7, 2019, IN ORDER TO REVISE THE DESCRIPTION OF IMPROVEMENTS

O: 2021-06

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AT THE SEWAGE PLANT OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW JERSEY; APPROPRIATING \$565,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$565,000 BONDS OR NOTES TO FINANCE THE COST THEREOF

O: 2021-07

AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND STATE OF NEW JERSEY AMENDING CHAPTER 441, *POLICE SERVICE COSTS*, OF THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO PROVIDE A PROCEDURE FOR THE IMPOSITION OF LIENS FOR POLICE SERVICE COSTS

O: 2021-08

ORDINANCE PROVIDING FOR AMENDMENT TO CHAPTER 123 OF THE TOWN CODE ENTITLED “SEWER UTILITY”

12. ORDINANCES – SECOND READING - NONE

13. RESOLUTIONS - CONSENT AGENDA **Matters listed on the Consent Agenda Resolution are considered routine and will be enacted by one motion of the Council and one roll call vote. There will be no separate discussion of these items unless a Council member requests an item to be removed for consideration*

R: 2021-44

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, FINDING AND DECLARING AN EMERGENCY FOR PURPOSES OF N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1

R: 2021-45

RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR PROFESSIONAL SERVICES WITH MARK J. ZGODA, AIA FOR ARCHITECTURAL SERVICES

R: 2021-46

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING REFUND OF TAX OVER PAYMENT DUE TO TAX APPEALS

R: 2021-47

RESOLUTION AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH JERSEY CENTRAL POWER & LIGHT COMPANY, A NEW JERSEY CORPORATION

R: 2021-48

A RESOLUTION OF TOWN OF PHILLIPSBURG AUTHORIZING THE PURCHASE OF NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

R: 2021-49

A RESOLUTION TO PROVIDE FOR AN ADOPTION OF A TEMPORARY BUDGET FOR DEBT SERVICE FOR THE YEAR 2021 IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL BUDGET ACT

R: 2021-50

RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH NATIONAL CENTER FOR SAFETY INITIATIVES LLC, A DELAWARE LLC, FOR THE PURPOSE OF COMPLETING BACKGROUND CHECKS

R: 2021-51

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF LEXIS NEXIS

R: 2021-52

RESOLUTION AUTHORIZING THE DEPARTMENT OF ADMINISTRATION
TO ISSUE REFUNDS WITHOUT COUNCIL APPROVAL IN THE AMOUNT
OF \$50.00 OR LESS

R: 2021-53

A RESOLUTION APPROVING JUNK DEALER'S LICENSE FOR YEAR 2021

R: 2021-54

RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF
NEW JERSEY, AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF \$13,300.00 TO
AQUATIC FACILITY DESIGN, INC.

R: 2021-55

A RESOLUTION AWARDING PURCHASES UNDER NEW JERSEY STATE CONTRACT

R: 2021-56

A RESOLUTION AWARDING PURCHASES UNDER NEW JERSEY STATE CONTRACT

R: 2021-57

A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN STATE OF
NEW JERSEY CONFIRMING THE APPOINTMENT OF JOHN LEFLER, SR. TO THE
POSITION OF BATTALION CHIEF

R: 2021-58

A RESOLUTION OF THE TOWN OF PHILLIPBURRG, COUNTY OF WARREN, STATE
OF NEW JERSEY APPOINTING VICKIE BRANCH TO THE RECREATION ADVISORY
BOARD

R: 2021-59

A RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE OF
NEW JERSEY RECONSTITUTING THE OPEN SPACE COMMITTEE

14. NEW BUSINESS

15. PUBLIC PETITIONS

16. DISCUSSION

17. COUNCIL OPEN TIME

18. MOTIONS

19. **EXECUTIVE SESSION -** None

20. **ADJOURNMENT**

**Bill List Summary
REGULAR BILL LIST AS OF FEBRUARY 2, 2021**

		<u>Check No</u>
1	Current Fund	2,403,044.06
2	State & Federal Grants	14,838.59
4	Capital Fund	34,464.80
7	Sewage Utility Fund	40,110.66
8	Sewage Capital Fund	0.00
12	Planning Board Trust Fund	28,271.50
12	Bridge Development	2,295.00
13	Dog Trust Fund	0.00
15	Public Defender Trust Fund	0.00
16	Section 8	124.96
17	General Trust Fund	1,910.00
17	Commerce Park Redevelopment	0.00
18	Bernards Township RCA	0.00
20	Agency Fund	354.74
21	Revolving Loan Fund	378.00
Total Regular Bill List as FEBRUARY 2, 2021		2,525,792.31

Section 8 Rent Payments for 2021

16	Section 8 Program	0.00
Total		0.00

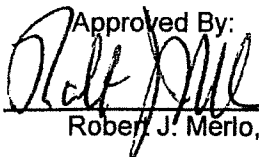
Pre-Paid Bill List as of FEBRUARY 2, 2021

1	Current Fund	7,772.89
2	State & Federal Grants	37,500.00
4	Capital Fund	0.00
7	Sewer Utility Fund	0.00
8	Sewer Utility Capital	0.00
12	Planning Board Trust Fund	0.00
16	Section 8	0.00
17	General Trust Fund	0.00
18	Bernards Township RCA	0.00
20	Agency Fund	0.00
21	Revolving Loan Fund	0.00
Total Pre-Paid Bill List for FEBRUARY 2, 2021		45,272.89

Grand Total All Funds

2,571,065.20

Approved By:


Robert J. Merio, CFO


Todd Tersigni, Mayor

OLD BUSINESS

R: 2021-33

A RESOLUTION AUTHORIZING A LEASE AGREEMENT OF TWO
2021 FORD EXPLORER'S POLICE INTERCEPTORS

WHEREAS, the Town of Phillipsburg has a need to acquire two (2) 2021 Ford Explorer's is in the Town's best interest to acquire this vehicle through Winner Ford, and

WHEREAS, the Town of Phillipsburg's CFO has certified funds available through a Capital Lease, in the amount of \$88,063.90.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, State of New Jersey, and County of Warren is authorizing a lease agreement between Town of Phillipsburg and with Winner Ford, KS State Bank.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their January 19, 2021 meeting.

Victoria L. Kleiner, RMC
Municipal Clerk

R: 2021-36
A RESOLUTION OF THE
TOWN OF PHILLIPSBURG, COUNTY OF WARREN,
STATE OF NEW JERSEY, AMENDING RESOLUTION NO. 2020-198

WHEREAS, the Town of Phillipsburg previously adopted Resolution No. 2020-198 approving a
an award to decrease in the amount of \$100,525.87 from an original award of \$525,100.00 for work
associated with milling and paving for the Heckman Street Phase 3 Road Paving (the “Project”); and

WHEREAS, the total contract price of \$525,100.00 less the deduction of \$100,525.87 results in
a final contract price of \$424,574.13.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg,
County of Warren, State of New Jersey, that Resolution No. 2020-198 shall be amended to change the
final contract price for the Project to \$424,574.13 for the reasons stated above.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the
foregoing is a true copy of a resolution duly adopted by the Town Council at their January 19, 2021
meeting.

Victoria L. Kleiner,
Municipal Clerk

R: 2021-38

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING THE EXPENDITURE OF NOT TO
EXCEED \$30,000.00 FOR PROPHYLAXIS ODOR
CONTROL**

WHEREAS, Natural Systems Utility has submitted a proposal dated September 25, 2020 in the amount NOT TO EXCEED \$30,000.00 for prophylaxis odor control related to the Town's Wastewater Treatment Plant (the "Project"); and

WHEREAS, the Town Council desires to approve the proposal and authorize the Project in an amount NOT TO EXCEED \$30,000.00; and

WHEREAS, sufficient funds are available as evidenced by the attached certification of funds.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Town Council hereby approves the proposal dated September 25, 2020 in an amount not to exceed \$30,000.00.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their January 19, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

O: 2021-01

ORDINANCE AMENDING CHAPTER 625, ZONING, OF THE CODE OF THE TOWN OF PHILLIPSBURG TO ADD FLEA MARKET/ANTIQUE MALL AS A PERMITTED USE IN THE I-1 ZONE, TO DEFINE FLEA MARKET/ANTIQUE MALL AND TO ADD PARKING STANDARDS FOR SAID USE AND TO DESIGNATE PAWN SHOPS AS A NONPERMITTED USE IN THE I-1 ZONE

BE IT ORDAINED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey as follows:

Section 1.

Chapter 625, *Zoning*, Article XV, *I-1 Industrial Light Zone*, Section 71, *Permitted Principal Uses* is amended by adding a new subsection (G) Flea Market/Antique Mall

Chapter 625, *Zoning*, Article II, *Definitions*, Section 3, *Construction; definitions* is amended by adding the following definition:

FLEA MARKET / ANTIQUE MALL

A location at which permanent buildings or structures with enclosed walls, framed roofs and structural footings and foundations are rented or otherwise made temporarily available to two or more persons and at which the persons offer tangible personal property and antique items for sale.

Chapter 625, *Zoning*, Article VII, *Parking, Loading and Driveways*, Section 32, *Parking Space Requirements*, is amended by adding the following:

Section 625-32 Parking Space Requirements.

B.(1), Non-Residential Uses

USE

NUMBER OF SPACES

Flea Market / Antique Mall

1 for each employee at peak shift plus 1
for each 250 square feet of vendor stalls;
1 for each 200 square feet of all others

Chapter 625, *Zoning*, Article XV, *I-1 Industrial Light Zone*, Section 73, *Nonpermitted Uses*, is amended by adding Pawn Shops as a specified nonpermitted use.

Section 2. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to remedy the inconsistency.

Section 3. In the event any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall only apply to that section, paragraph,

subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

Section 4. This ordinance shall take effect immediately upon its final passage and publication as provided by law.

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER, RMC
Municipal Clerk

TODD TERSIGNI
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their February 02, 2021 meeting.

VICTORIA L. KLEINER, RMC

O: 2021-02

**AN ORDINANCE OF THE TOWN PHILLIPSBURG, WARREN COUNTY,
NEW JERSEY AMENDING AND MODIFYING CHAPTER 535,
STORMWATER MANAGEMENT, OF THE CODE OF THE TOWN OF
PHILLIPSBURG**

WHEREAS, the Town of Phillipsburg (the “Town”) regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

WHEREAS, on March 2, 2020, the New Jersey Department of Environmental Protection (“NJDEP” or the “Department”) adopted amended stormwater management rules at N.J.A.C. 7:8-1, et seq. (the “Amended Rules”), which require municipalities to revise their stormwater control ordinances in accordance with the Amended Rules.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, Warren County, New Jersey, as follows:

SECTION 1. Chapter 535, Stormwater Management, of the Town Code of the Town of Phillipsburg is hereby repealed and replaced, in its entirety, as follows:

A. Scope and Purpose.

1. Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
2. Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section II.
3. Applicability.
 - a. This ordinance shall be applicable to the following major developments:
 - i. Non-residential major developments; and

- ii. Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.

- b. This ordinance shall also be applicable to all major developments undertaken by the Town of Phillipsburg.

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

B. 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.

“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 Township, 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 New Jersey 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.

"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 Sections 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 Township, in accordance with Section D(6) of this Ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

"Pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, refuse, oil, grease, sewage sludge, munitions, chemical wastes, biological materials, medical wastes, radioactive substance (except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. §§ 2011 *et seq.*)), thermal waste, wrecked or discarded equipment,

rock, sand, cellar dirt, industrial, municipal, agricultural, and construction waste or runoff, or other residue discharged directly or indirectly to the land, ground waters or surface waters of the State, or to a domestic treatment works. "Pollutant" includes both hazardous and nonhazardous pollutants.

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

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

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

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

1. The total area of motor vehicle surface that is currently receiving water;
2. A net increase in motor vehicle surface; and/or
3. 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.

“Town” means the Town of Phillipsburg, Warren County, New Jersey, including all of its officials, officers, committees, boards, professionals, attorneys, engineers and assigns.

“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.

C. Design and Performance Standards for Stormwater Management Measures.

1. 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:
 - a. 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.
 - b. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.
2. 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.

D. Stormwater Management Requirements for Major Development.

1. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section J, below.
2. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
3. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of this Section D, subsections 16, 17 and 18:
 - a. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - b. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - c. 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.

4. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of this Section D, subsections 15, 16, 17 and 18 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:
 - a. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - b. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of this Section D, subsections 15, 16, 17 and 18 to the maximum extent practicable;
 - c. The applicant demonstrates that, in order to meet the requirements of this Section, subsections 15, 16, 17 and 18, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - d. 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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of this Section D, subsections 15, 16, 17 and 18 that were not achievable onsite.
5. 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 this Section D, subsections 15, 16, 17 and 18. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://njstormwater.org/bmp_manual2.htm.
6. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

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

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

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

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

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

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table
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 IV.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 II;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at Section II.

7. 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 Township. 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 D(2), above. Alternative stormwater management measures may be used to satisfy the requirements at Section D(15) only if the measures meet the definition of green infrastructure at Section B. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section D(15)(b) are subject to the contributory drainage area limitation specified at Section D(15)(b) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section D(15)(b) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section D(4) is granted from Section D(15).
8. 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.
9. Design standards for stormwater management measures are as follows:

- a. 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);
 - b. 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 VIII.C;
 - c. 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;
 - d. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 - e. 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.
10. 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 II may be used only under the circumstances described at Section D(15)(d).
11. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at this Section D, subsections 15, 16, 17 and 18, 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.
12. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at this Section D, subsections 16, 17 and 18 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.

13. Any stormwater management measure authorized under the Town 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 Borough 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 this Section D, subsections 15, 16, 17 and 18, 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 J(2)(v), below. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Town. 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 Town is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the Town within 180 calendar days of the authorization granted by the Town.
14. A stormwater management measure approved under the Town stormwater management plan or Ordinance may be altered or replaced with the approval of the Town, if the Town determines that the proposed alteration or replacement meets the design and performance standards pursuant to this Section D 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 Town 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 Section D(13), above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the Town in accordance with Section D(13), above.
15. Green Infrastructure Standards.
 - a. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
 - b. To satisfy the groundwater recharge and stormwater runoff quality standards at Sections D(16) and D(17), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section D(6). and/or an alternative stormwater management measure approved in accordance with Section D(7). The following

green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

- c. To satisfy the stormwater runoff quantity standards at Section D(18), 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 D(7).
- d. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section D(4) 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 D(7) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at this Section D, subsections 16, 17 and 18.
- e. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at this Section D, subsections 16, 17 and 18 unless the project is granted a waiver from strict compliance in accordance with Section D(4).

16. Groundwater Recharge Standards.

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

- b. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section E, 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 2-year storm is infiltrated.
- c. This groundwater recharge requirement does not apply to projects subject to Section 16(d), below.
- d. 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 or landfill closure plan 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.

17. Stormwater Runoff Quality Standards.

- a. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff

quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

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

- v. 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.

- vi. 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 this Section D, subsections 16, 17 and 18.
- vii. 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.
- viii. 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.
- ix. 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.
- x. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

18. Stormwater Runoff Design and Performance Standards.

- a. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- b. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - 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 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - 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.
- c. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

E. Calculation of Stormwater Runoff and Groundwater Recharge.

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

- a. The design engineer shall calculate runoff using one of 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://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf or at United States Department of Agriculture Natural Resources Conservation Service, 220 Davison Avenue, Somerset, New Jersey 08873; or
 - ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
 - iii. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section E(1) and the Rational and Modified Rational Methods at Section E(1)(a). A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- iv. 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.
 - v. 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.
 - vi. 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 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/gsrreport/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.

F. Sources for Technical Guidance.

1. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at: http://www.nj.gov/dep/stormwater/bmp_manual2.htm.
2. 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.
3. Additional maintenance guidance is available on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.
4. Submissions required for review by the Department should be mailed to: The Division of Water Quality, New Jersey Department of Environmental Protection, Mail Code 401-02B, PO Box 420, Trenton, New Jersey 08625-0420.

G. Solids and Floatable Materials Control Standards.

1. Site design features identified under Section D(6), above, or alternative designs in accordance with Section D(7), 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 G(4), below.
2. Design engineers shall use one of the following grades whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - a. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
 - b. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

3. 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.
4. The standard in A.1. above does not apply:
 - a. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - b. Where the Township agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - c. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent

delivery of all solid and floatable materials that could not pass through one of the following:

- i. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
- ii. A bar screen having a bar spacing of 0.5 inches.

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

- d. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- e. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

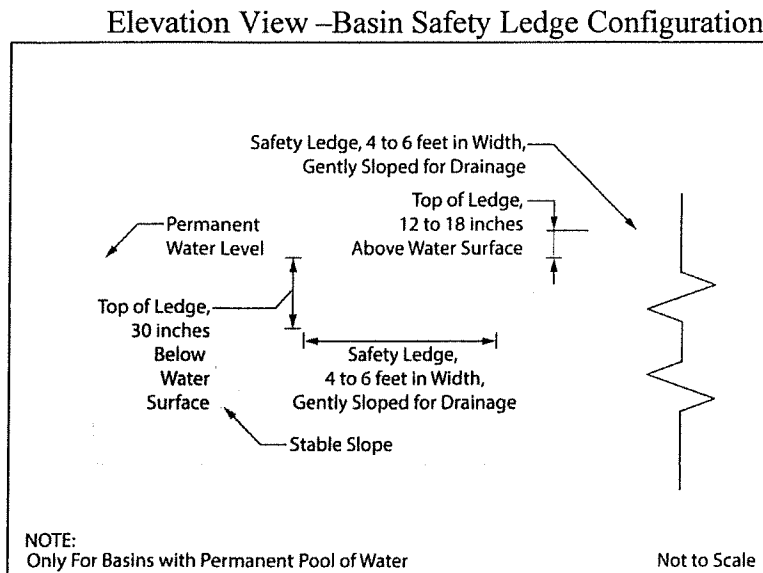
H. Safety Standards for Stormwater Management Basins.

1. 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.
2. 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 H(3)(a), (b) and (c), below, for trash racks, overflow grates, and escape provisions at outlet structures.
3. Requirements for Trash Racks, Overflow Grates and Escape Provisions:
 - a. 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.
- b. 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 less 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.
- c. 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 Township pursuant to Section H(3), 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.

4. 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 Township that the variance or exemption will not constitute a threat to public safety.

5. Safety Ledge Illustration



I. Requirements for a Site Development Stormwater Plan.

1. Submission of Site Development Stormwater Plan. Whenever an applicant seeks Town 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 I(3), below, as part of the submission of the application for approval. The applicant shall demonstrate that the project meets the standards set forth in this Ordinance.
2. Site Development Stormwater Plan Approval. The applicant's Site Development project shall be reviewed as a part of the review process by the Town Land Use Board, which shall consult the Town'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.
3. Submission of Site Development Stormwater Plan. The following information shall be required:
 - a. Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters,

wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

- b. Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- c. Project Description and Site Plans. A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- d. Land Use Planning and Source Control Plan. The plan shall provide a demonstration of how the goals and standards of Sections C through E, above, are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.
- e. Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:
 - 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.
- f. Calculations:
 - i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section D 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.
- g. Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of Section J, below.
- h. Waiver from Submission Requirements. The Town Land Use Board reviewing an application under this Ordinance may, in consultation with the Borough's review engineer, waive submission of any of the requirements in Section I(3)(a) through (f) of this Ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

J. Maintenance and Repair.

1. Applicability. Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section J(2) and (3), below.
2. General Maintenance. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
 - a. 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.
 - b. 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.
 - c. 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.

- d. If the party responsible for maintenance identified under Section J(2)(c), above, is not a public agency, the maintenance plan and any future revisions based on Section J(2)(g), below, shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
 - e. 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.
 - f. The party responsible for maintenance identified under Section J(2)(c), 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 X.B.6 and B.7 above.
 - g. The requirements of Section J(2)(c) and (d), above, do not apply to stormwater management facilities that are dedicated to and accepted by the Town or another governmental agency, subject to all applicable stormwater general permit conditions, as issued by the Department.
3. 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 Town 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 Town engineer or his designee. The Town, 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 Town 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.

4. Nothing in this subsection shall preclude the Town from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

K. 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 set forth in the Town's General Penalty Ordinance, Section XXXXX of the Town Code of Ordinances, and each day that the building, structure or land is permitted to remain in violation of this Ordinance shall be considered a separate and distinct offense. The Municipal Court shall have jurisdiction to enforce and collect any such penalty imposed in a summary manner and in accordance with the Penalty Enforcement Law, N.J.S.A. 2A:58-1, *et seq.*

SECTION 2. All actions of the Town taken prior to the date of adoption hereof contemplated by this Ordinance are hereby ratified and approved.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Town of Phillipsburg heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their February 02, 2021 meeting.

VICTORIA L. KLEINER, RMC

O: 2021 - 03

**AN ORDINANCE OF THE CODE OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY TO AMEND, REVISE AND
SUPPLEMENT CHAPTER 67 “VEHICLES AND TRAFFIC” SECTION 19
“SCHEDULE III, TIME-LIMIT PARKING” IN ORDER TO ADD ADDITIONAL
SPACES**

WHEREAS, the Town of Phillipsburg is currently suffering from a lack of available short term parking spaces along its street; and

WHEREAS, the Town Council is seeking resolutions to make more short term on street parking spaces available to the community; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Phillipsburg, in the County of Warren and State of New Jersey, that the Code of the Town of Phillipsburg is hereby amended as follows:

Section 1:

The following section is hereby added:

Chapter 67, *Vehicles and Traffic*, Section 19, *Schedule III, Time-Limit Parking*, of the Code of the Town of Phillipsburg is hereby amended to read as follows:

§67-19 Schedule III, Time-Limit Parking

Name of Street	Sides	Time Limit; Hours/Days	Location
South Main St.	Northeasterly	10 minutes; 8:00 am to 6:00 pm (except Sundays and holidays)	Beginning 265 feet from the north easterly curbline of Pleasant Avenue to a point 47 feet northeasterly encompassing 2 parking spots; therefrom which the termination point is also 235 feet along the north easterly curbline from the Union Square intersection.
South Main St.	Northerly	10 minutes; 8:00 am to 6:00 pm (except Sundays and holidays)	Beginning 240 feet from the northerly curbline of Hudson Street to a point 40 feet northerly encompassing 2 parking spots; therefrom which the termination point is also 32 feet along the northerly curbline from the Market Street intersection

Section 2:

All other sections and subsections shall remain unchanged.

Section 3:

Severability The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4:

Repealer Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5:

Effective Date This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER, RMC
Municipal Clerk

TODD M. TERSIGINI
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their February 02, 2021 meeting.

VICTORIA L. KLEINER,
Municipal Clerk

O: 2021 - 04

**BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF WARREN STREET, BY
AND IN THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW
JERSEY; APPROPRIATING \$880,000 THEREFOR (INCLUDING GRANTS EXPECTED TO BE
RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION TOTALING
\$427,107) AND AUTHORIZING THE ISSUANCE OF \$880,000 BONDS OR NOTES OF THE
TOWN TO FINANCE THE COST THEREOF**

O: 2021-05
BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2019-07 HERETOFORE
FINALLY ADOPTED MAY 7, 2019, IN ORDER TO REVISE THE DESCRIPTION OF
IMPROVEMENTS

O: 2021-06

**BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS AT THE SEWAGE PLANT
OF THE TOWN OF PHILLIPSBURG, IN THE COUNTY OF WARREN, STATE OF NEW
JERSEY; APPROPRIATING \$565,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
\$565,000 BONDS OR NOTES TO FINANCE THE COST THEREOF**

O: 2021-07

**AN ORDINANCE OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN AND
STATE OF NEW JERSEY AMENDING CHAPTER 441, *POLICE SERVICE COSTS*, OF
THE CODE OF THE TOWN OF PHILLIPSBURG IN ORDER TO PROVIDE A
PROCEDURE FOR THE IMPOSITION OF LIENS FOR POLICE SERVICE COSTS**

WHEREAS, Chapter 441 of the Code of the Town of Phillipsburg imputes liability to the owners of real property situated within the Town for police service costs incurred by the Town in responding to complaints at the property which affect the public good; and

WHEREAS, pursuant to Chapter 441, the chapter is intended to address chronic police calls arising from public disturbances and nuisances recurring in the same location, including, but in no way limited to, excessively loud music or parties, public alcohol consumption, late night noise, chronic dog barking, etc.; and

WHEREAS, it has come to the attention of the Town that Chapter 441 lacks specificity regarding the process for determining whether the property qualifies as an offending property and that therefore the owner should be held liable; and

WHEREAS, it is the purpose and intent of this ordinance to establish clearly the criteria and process for determining whether a violation of Chapter 441 has occurred.

NOW THEREFORE BE IT ORDAINED AS FOLLOWS:

Section 1.

Chapter 441, *Police Service Costs*, Section 3, *Payment for Police Services*, is deleted and replaced as follows:

§441-3 *Payment for Police Services*

Every owner and/or property manager within the Town shall pay to the Chief Financial Officer of the Town of Phillipsburg, for deposit into the general fund, police service costs as defined in § 441-2, Police service costs, for each response by the Phillipsburg Police Department to maintain order and public peace and/or to restrain unlawful conduct thereon and/or to stop public disturbances at such private property for each response by the Police Department in excess of three calls in any 12 month period, each of which results in a summons being issued by the Police Department; provided, however, that police services in connection with crimes against residents and/or property by persons not residing or by persons who are not invited guests or otherwise lawful occupants of the private property shall not be considered "responses" for purposes of this chapter.

Chapter 441, *Police Service Costs*, Section 4, *Notice to owner or property manager*, is deleted and replaced as follows:

§441-4 *Notice to owner or property manager, procedure for hearing*

The Chief of Police or other duly authorized agent of the Town shall notify the owner and/or property manager that a response has been made to such property to maintain order or public peace or to stop a public disturbance. Such notice shall be given by regular mail to the last known address of such owner and/or property manager.

Upon the issuance of a fourth summons in any 12 month period, the Chief of Police or other duly authorized agent of the Town shall notify the Business Administrator that the conditions precedent for the payment of police service costs have been satisfied. The notification shall include a cost of the police service costs as calculated in accordance with Chapter for the preceding 12 month period.

Upon receiving said notification, the Business Administrator shall notify the Council President and the Town Attorney that the conditions precedent for the payment of police service costs have been satisfied and the Town Attorney shall serve notice to the property owner or property manager that the Town intends to invoice the owner/property manager for police service costs. The notice shall be sent by certified mail or overnight delivery and shall advise the owner/property manager that the Town Council will provide the owner/property manager with an opportunity to be heard at a regularly scheduled Council meeting.

At the hearing before the Council, the owner/property manager shall be given an opportunity to be heard and present defenses as to why the Town should not invoice for police services. At the conclusion of the hearing, the Town Council shall, by way of motion clearly articulating its rationale and finding, vote to either invoice the owner/property manager or to forego same.

Section 2:

All other sections and subsections shall remain unchanged.

Section 3:

Severability The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 4:

Repealer Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 5:

Effective Date This Ordinance shall take effect upon final passage and publication as provided by law.

ATTEST

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER, RMC
Municipal Clerk

TODD M. TERSIGINI
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their February 02, 2021 meeting.

VICTORIA L. KLEINER,
Municipal Clerk

O: 2021-08

**ORDINANCE PROVIDING FOR AMENDMENT TO CHAPTER
123 OF THE TOWN CODE ENTITLED "SEWER UTILITY"**

BE IT ORDAINED by the Council of the Town of Phillipsburg, that Chapter 123 of the Town Code, entitled "Sewer Utility," shall be amended as follows:

Section 1

Section 123.5, "Sewer user charges," shall be deleted in its entirety and in its place and stead shall be:

- A. Sewer fees are based upon actual measured readings obtained from Water Company presently servicing the Phillipsburg area. Quarterly bills will be calculated based on the readings obtained from the Water Company. Should a reading be deemed inaccurate or rejected due to interruption of service, meter replacement or faulty reading, the bill issued will be based on a calculation using an average of the past usage not to exceed twelve months. In addition, there shall be a flat rate per quarter in addition to the usage per gallon charge as set forth below.
- B. Fees are based upon actual water usage as measured by Aqua New Jersey Water Company. Charges shall be applied as follows:

Year 2021:

- 1. Residential, including multiple family, flat fee per quarter, per household (\$15.00)
- 2. Residential per gallon usage charge (\$0.0061)
- 3. Commercial/Apartments/Schools/Churches flat fee charge, per quarter (\$20.00)
- 4. Commercial/Apartments/Schools/Churches per gallon usage charge (\$0.0074)
- 5. Business Commercial flat fee charge, per quarter (\$40.00)
- 6. Business Commercial per gallon usage charge (\$0.0074)
- 7. Industrial flat fee charge, per quarter (\$50.00)
- 8. Industrial per gallon usage charge (\$0.0074)

Sending districts per gallon charge based on flow (\$0.0054)

- C. The following Sewer User Charges shall be applied when subject property has unmetered water consumption:

Residential

Flat fee quarterly charge

17 billing units

Multi-Family Residential

Flat fee quarterly charge

17 billing units x number of families

Business/Commercial/Industrial

Flat fee quarterly charge

34 billing units

Commercial/Multi-Family Residential

Flat fee quarterly charge

17 billing units or 34 billing units
based upon usage

A billing unit is hereby defined as 1,000 gallons of water measurement.

Section 2 - Severability

The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3 - Repealer

Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4 - Effective Date

This Ordinance shall take effect as required by law.

ATTEST:

TOWN OF PHILLIPSBURG

VICTORIA L. KLEINER,
Municipal Clerk

TODD M. TERSIGINI
Mayor

DATED:

CERTIFICATION

I, Victoria L. Kleiner, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Town Council at their February 02, 2021 meeting.

VICTORIA L. KLEINER,
Municipal Clerk

R: 2021-44

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
FINDING AND DECLARING AN EMERGENCY FOR
PURPOSES OF N.J.S.A. 40A:11-6 AND N.J.A.C. 5:34-6.1**

WHEREAS, N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6.1 permit contracting of services without public advertising for bids and bidding therefore, notwithstanding that the contract price will exceed the bid threshold, when an emergency affecting the public health, safety or welfare requires the immediate delivery or performance of services; and

WHEREAS, an emergency has arisen which affects the health, safety and welfare of the citizens of the Town of Phillipsburg to wit, a sewer blockage between 159-161 Morris Street which had the potential to cause a collapse of a sewer pipe; and

WHEREAS, in the opinion of the Town's professionals and Mayor, it was necessary to immediately provide for the sewer repair in order to ensure that the sewer system is back in service; and

WHEREAS, KDP Developers, Inc. was contracted to perform the work, it being the lowest responsible quote; and

WHEREAS, KDP performed the work for the amount of \$3,508.25; and

WHEREAS, sufficient funding is available as evidenced by the attached Certification of Funds.

NOW THEREFORE IT BE RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Town Council declares an emergency to exist as detailed above for which emergency services are needed and authorizes the payment therefore in excess of the bid threshold to KDP Developers, Inc. for a cost of \$3,508.25.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

**RESOLUTION AUTHORIZING AWARD OF A CONTRACT FOR
PROFESSIONAL SERVICES WITH MARK J. ZGODA, AIA FOR
ARCHITECTURAL SERVICES**

WHEREAS, the Town of Phillipsburg has a need to obtain architectural services in connection with updating the plans to renovate and upgrade the pool house/concession stand/registration building within the Town; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), a contract for such services may be awarded without competitive bidding by reason that such services constitute "professional services" which are services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship; and

WHEREAS, Mark J. Zgoda, AIA submitted a proposal dated January 13, 2021, to provide the aforementioned services; and

WHEREAS, the value of these services will be a flat cost of \$2,200 for the architect to provide the following: Schematic Design Phase and Construction Drawing Phase; and

WHEREAS, funding is available as evidenced by the attached Certification of Funds; and

WHEREAS, the Town Council finds it to be in the best interest of the Town of Phillipsburg to authorize said work, which is not subject to public bidding.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the Mayor and Municipal Clerk are authorized to enter into a Contract with Mark J. Zgoda, AIA as described therein, subject to the certification of funds, **NOT TO EXCEED** \$2,200.00 without further authorization from the Council.

BE IT FURTHER RESOLVED that the Clerk is hereby authorized and directed to cause a notice to be published in the manner provided by law setting forth the nature, duration, service and amount of the Contract and that the resolution and Contract are on file in the Office of the Clerk and are available for public inspection.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on February 02, 2021.

Victoria L. Kleiner, Municipal Clerk

R: 2021-46

**RESOLUTION OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY,
AUTHORIZING REFUND OF TAX OVER PAYMENT DUE
TO TAX APPEALS**

WHEREAS, the Tax Office of the Town of Phillipsburg has certified that the following is a refund overpayment and,

WHEREAS, said payment was due to a tax overpayment refund due to tax appeals,

ACCT	YEAR	BLOCK	LOT	NAME	AMOUNT
72083	2020	608	08	Irco Comm. Federal Credit Union	\$ 34,191.28

NOW, THEREFORE, BE IT RESOLVED that the Council of the Town of Phillipsburg, County of Warren, that the following list received tax payments.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on February 02,2021.

Victoria L. Kleiner, RMC

**RESOLUTION AUTHORIZING THE EXECUTION OF A
LICENSE AGREEMENT WITH JERSEY CENTRAL
POWER & LIGHT COMPANY, A NEW JERSEY
CORPORATION**

WHEREAS, JERSEY CENTRAL POWER & LIGHT COMPANY ("JCP&L") is the owner of premises located at 400 Stockton Street, Block 1701, Lot 2, in the Town of Phillipsburg; and

WHEREAS, JCP&L has granted the Town of Phillipsburg the right to use a portion of the premises at 400 Stockton Street as a ballfield with improvements including fencing, back-stop and spectator seating; and

WHEREAS, the parties have agreed to a one (1) year License Agreement in the form attached hereto; and

WHEREAS, the Town is desirous of entering into this Agreement with JCP&L in accordance with the terms and conditions set forth in the License Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the execution of a license agreement with JCP&L is hereby authorized for the purposes set forth therein.

BE IT FURTHER RESOLVED that the Council of the Town of Phillipsburg hereby authorizes the Mayor and Municipal Clerk to execute any and all necessary documents in order to effectuate same.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

A RESOLUTION OF TOWN OF PHILLIPSBURG AUTHORIZING THE PURCHASE OF NATURAL GAS SUPPLY SERVICES FOR PUBLIC USE ON AN ONLINE AUCTION WEBSITE

WHEREAS, Town of Phillipsburg has determined to move forward with the EMEX Reverse Auction in order to procure natural gas for Town of Phillipsburg; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) (the "Act") authorizes the purchase of natural gas supply service for public use through the use of an online auction service; and

WHEREAS, Town of Phillipsburg will utilize the online auction services of EMEX, LLC, an approved vendor pursuant to the Act, waiver number EMEX LLC-1, located at www.energymarketexchange.com; and

WHEREAS, EMEX, LLC is compensated for all services rendered through the participating supplier that a contract is awarded to; and

WHEREAS, the auction will be conducted pursuant to the Act; and

WHEREAS, if the auction achieves a price of \$0.475/therm or less for a 12 month term, a price of \$0.48/therm or less for an 18 month term, a price of \$0.49/therm or less for a 24 month term, a price of \$0.49/therm or less for a 36 month term; Town of Phillipsburg may award a contract to the winning supplier for the selected term.

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Phillipsburg and the Mayor is hereby authorized to execute on behalf of the Town of Phillipsburg any natural gas contract proffered by the participating supplier that submits the winning bid in the EMEX Reverse Auction if the auction achieves a price of \$0.475/therm or less for a 12 month term, a price of \$0.48/therm or less for an 18 month term, a price of \$0.49/therm or less for a 24 month term, a price of \$0.49/therm or less for a 36 month term; Town of Phillipsburg may award a contract to the winning supplier for the selected term.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk of the Town of Phillipsburg, County of Warren and State of New Jersey do hereby certify the foregoing to be true and correct copy of a Resolution adopted by Council at a meeting held on February 02,2021.

Victoria L. Kleiner, RMC

R: 2021-49

A RESOLUTION TO PROVIDE FOR AN ADOPTION OF A
TEMPORARY BUDGET FOR DEBT SERVICE FOR THE YEAR 2021
IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL
BUDGET ACT

BE IT RESOLVED by the Council of the Town of Phillipsburg that:

WHEREAS, Section 40A:4-19 of the Local Budget Law requires that (whereas any contracts, commitments or payments are made prior to the adoption of the budget for the year 2021) temporary appropriations should be made for the purpose and amount required in the manner and time provided, and

WHEREAS, the date of this resolution is within the first thirty (30) days of January 2021, and

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the following appropriations be made for debt service and that a certified copy of this resolution be submitted to the Chief Financial Officer for his records.

DEBT SERVICE

Payment on Town Bond Anticipation Notes And Capital Notes	- 0 -
Interest on Town BONDS	\$ 86,000.00
Green Trust Loan Program: Loan Repayment for Principal & Interest	\$ 8,000.00
Capital Lease Obligations	<u>\$ 30,000.00</u>

Total Municipal Debt Service – Excluded from “Caps” \$ 124,000.00

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner, RMC

R: 2021-50

**RESOLUTION AUTHORIZING THE EXECUTION OF AN
AGREEMENT WITH NATIONAL CENTER FOR SAFETY
INITIATIVES LLC, A DELAWARE LLC, FOR THE
PURPOSE OF COMPLETING BACKGROUND CHECKS**

WHEREAS, NATIONAL CENTER FOR SAFETY INITIATIVES LLC, ("NCSI") provides background checks to verify that an individual is who they claim to be, and this provides an opportunity to check and confirm the validity of someone's criminal record, education, employment history, and other activities from their past; and

WHEREAS, NCSI has provided an Agreement to provide said services on behalf of the Town; and

WHEREAS, the parties have agreed to a one (1) year Agreement, with an automatic one (1) year renewal, unless cancelled by either party, in the form attached hereto; and

WHEREAS, the fees for such services are as follows:

PRICE PER INVESTIGATION: \$18.50 (Invoiced Monthly for investigations performed)

- No startup, maintenance, or system fees; and

WHEREAS, sufficient funding is available as evidenced by the attached Certification of Funds; and

WHEREAS, the Town is desirous of entering into this Agreement with NCSI in accordance with the terms and conditions set forth in the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the execution of the Agreement with NCSI is hereby authorized for the purposes set forth therein.

BE IT FURTHER RESOLVED that the Council of the Town of Phillipsburg hereby authorizes the Mayor and Municipal Clerk to execute any and all necessary documents in order to effectuate same.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R: 2021-51

**RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PHILLIPSBURG,
COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND
OF LEXIS NEXIS**

BE IT RESOLVED by Town Council of Phillipsburg, County of Warren, State of New Jersey, that the following refund for deposit in the amount of \$5.00 made payable to Lexis Nexis is hereby authorized due to inadvertent cashing of the deposit check by the Town.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R: 2021-52

**RESOLUTION AUTHORIZING THE DEPARTMENT OF
ADMINISTRATION TO ISSUE REFUNDS WITHOUT
COUNCIL APPROVAL IN THE AMOUNT OF \$50.00 OR
LESS**

WHEREAS, the Town of Phillipsburg, through the various departments, often times accepts deposits for reservation of Town facilities; and

WHEREAS, a deposit is often times required at the time of reservation; and

WHEREAS, in the event of a cancellation of the reservation the deposit monies are returned; and

WHEREAS, the Department of Administration has requested the ability to issue, without Council approval, refunds which are \$50.00 or less; and

WHEREAS, Town Council believes that authorizing same would result in the more efficient operations and would benefit the Town residents.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that the refunds which are \$50.00 or less may be issued without additional Council approval if deemed appropriate by the respective department head.

BE IT FURTHER RESOLVED that the Council of the Town of Phillipsburg hereby authorizes the Mayor and Municipal Clerk to execute any and all necessary documents in order to effectuate same.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R: 2021-53

A RESOLUTION APPROVING JUNK DEALER'S
LICENSE FOR YEAR 2021

WHEREAS, an application has been filed by Ray Craft & Sons for the renewal of Junk Dealer's License for premises known as 16 McKeen Street, and

WHEREAS, the annual fee of \$650.00 and the certification verifying property taxes are current have been received,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the application for Ray Craft & Sons for 2021 JUNK DEALER'S LICENSE for the operation of a Junk Yard for 16 McKeen Street is hereby accepted and approved.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner, RMC

**RESOLUTION OF THE TOWN OF PHILLIPSBURG, COUNTY OF WARREN, STATE
OF NEW JERSEY, AUTHORIZING A CHANGE ORDER IN THE AMOUNT OF
\$13,300.00 TO AQUATIC FACILITY DESIGN, INC.**

WHEREAS, the Town of Phillipsburg contracted with Aquatic Facility Design, Inc. to provide professional design services for the renovation of the municipal pool; and

WHEREAS, the total contract and certification of funds was in the amount of \$34,000.00; and

WHEREAS, a change order has been submitted for approval in the amount of \$13,300.00; and

WHEREAS, the Town Council desires to authorize and approve the change order;

WHEREAS, sufficient funds are available as evidenced by the attached certification of funds.

NOW, THEREFORE, BE IT RESOLVED by Town Council of the Town of Phillipsburg, County of Warren, State of New Jersey, that a change order in the amount of \$13,300.00 is hereby approved and funds directed to be paid to Aquatic Facility Design, Inc.

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner
Municipal Clerk

R: 2021-55

**A RESOLUTION AWARDDING PURCHASES
UNDER NEW JERSEY STATE CONTRACT**

WHEREAS, the State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution and contract,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the following purchases under New Jersey State Contract are hereby authorized:

Purchase of Fire Clothing

State Contract #20- FLEET-01124

**New Jersey Fire Equipment Co.
119-131 Route 22 East
Green Brook, NJ 08812**

**Fire Department
Equipment**

Six (6) Cairns # 10162905 ratchet pad and brow pad/liner for #1010 Helmets
Price \$33.77, Each

Total \$202.62

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner, RMC

R: 2021-56

**A RESOLUTION AWARDING PURCHASES
UNDER NEW JERSEY STATE CONTRACT**

WHEREAS, the State of New Jersey adopted legislation which requires all municipalities who purchase under New Jersey State Contract to award said purchases by resolution and contract,

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg that the following purchases under New Jersey State Contract are hereby authorized:

Purchase of Fire Clothing

State Contract #20- FLEET-00819

**New Jersey Fire Equipment Co.
119-131 Route 22 East
Green Brook, NJ 08812**

**Fire Department
Equipment**

5 Year Hydrostatic test of SCBA Air Cylinders, per NFPA/NJPEOSHA & Federal DOT requirements

Price \$28.00, per Cylinder (110 Cylinders)

Total \$3,080.00

CERTIFICATION

I, Victoria L. Kleiner, Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner, RMC

R: 2021-57

**A RESOLUTION OF THE TOWN OF PHILLIPSBURG COUNTY OF WARREN
STATE OF NEW JERSEY CONFIRMING THE APPOINTMENT OF JOHN
LEFLER, SR. TO THE POSITION OF BATTALION CHIEF**

WHEREAS, the Mayor and Fire Chief Hay have recommended the appointment of John Lefler to the position of Battalion Chief for the Town of Phillipsburg; and

WHEREAS, pursuant to Chapter 58-11 of the Code of the Town of Phillipsburg said appointment must be submitted to the Town Council for confirmation; and

WHEREAS, the Town Council believes it to be in the best interest of the Town of Phillipsburg to confirm the appointment of John Lefler to the position of Battalion Chief.

NOW THEREFORE BE IT RESOLVED by the Town Council, Town of Phillipsburg, County of Warren, State of New Jersey that the appointment of John Lefler to the position of Battalion Chief for the Fire Department of the Town of Phillipsburg is confirmed.

BE IT FURTHER RESOLVED that said appointment shall become effective upon the swearing in of John Lefler to said position.

CERTIFICATION

I, Victoria L. Kleiner, Registered Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their February 02, 2021 meeting.

Victoria L. Kleiner
Registered Municipal Clerk