

Minutes of the Council Meeting of the Borough of Hillsdale held at 7:30 PM on Tuesday, February 2, 2021

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Due to Covid-19, Council Meetings will be held virtually until further notice. You will not be able to view the meeting on your regular Optimum or Fios Channel.

CALL THE MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

The Mayor led the Pledge of Allegiance.

OPEN PUBLIC MEETING STATEMENT:

This is a meeting of the Hillsdale Borough Council on this 2nd day of February 2021. Notice of the time and place of this meeting has been provided to The Ridgewood News and The Record; a copy was posted on the bulletin board outside of this meeting room and provided to any interested parties.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. Please silence all cell phones. Please wait to be recognized by the Mayor during the Public Hearing and the Public Comment part of the meeting. You will need to state your name and town of residence for the record.

ROLL CALL:

Council Members DeRosa, Escobar, Horvath, Council President Lundy, Pizzella, Trochimiuk, Mayor Ruocco, (Borough Attorney Mark Madio, BA Christopher Tietjen, Borough Clerk Denise Kohan)

APPOINTMENTS/OATH OF OFFICE:

The Council presents the names of the following individuals for appointment to the indicated positions and the specified terms of office.

ACCESS TO ALL COMMITTEE:

Laszlo Horvath – Hillsdale Ambulance Rep

Term Expiring 12/31/21

Motion: Councilmember Escobar Second: Councilmember Horvath

Ayes: Councilmembers DeRosa, Escobar, Council President Lundy, Pizzella, Trochimiuk

Recusals: Councilmember Horvath

PROMOTIONS/PROCLAMATIONS/RECOGNITIONS -

PRESENTATIONS:

[Department of Environmental Protection – Alexander Cleaners Status](#)

- Sonya Ward – H2M
- Curt Schmidt – H2M
- Fred Mumford – DEP
- Kevin Langley – DEP
- Bill Buchanan – DEP
- Mark Herzberg -DEP

Sonya Ward from H2M led the presentation. She noted that the findings dictate that there are readings that show high PCE concentrations in several areas. Some areas go deeper into the soil than in other locations. Several methods were evaluated for remediation. Building demolition, soil removal and post remediation on ground water monitoring will be done in several areas. Monitoring wells will also be installed to continually sample the water to make sure it is improving.

Mayor Ruocco asked what happens if the soil gas sampling to the east show's contamination? Ms. Ward explained that if that was the case they would do testing in the buildings where needed. Mr. Herzberg explained that the DEP will be doing soil and gas investigation later in the year in the right of way areas along Broadway. The results will determine if they need to go into any buildings, which would be done in the fall or winter for best readings.

Councilmember Horvath asked what if any health impacts were associated with the building? It was the belief of the DEP that the systems they had in place to minimize vapors would have kept the office from being a problem. They cannot speak to what the workers at the dry cleaners would have been exposed to prior to that.

Councilmember Pizzella asked if any other covering was going to be put in place to protect the children that play around the site and what will prevent it from becoming an attractive nuisance? He was concerned that under the tarp was a drop off, which Mr. Herzberg explained there was not.

Mr. Herzberg stated that there is an area that is fenced in on two sides because of a significant drop off from the property to the bank property. It was not put in to secure the entire site, or to prevent casual walking on it. The covering was put in place after the demolition of the building to prevent rain water from infiltrating the footprint of the building and to deter people from parking on it. Once construction starts, significant precautions will be taken to secure the site and access to the site. They had no plans to change what is there currently.

Councilmember Pizzella asked for a timeline as this site sits right in the downtown area, and if the DEP would be willing to do something to improve the aesthetics of the area since it will take approximately two years to get it back to usable property.

Mr. Mumford from the DEP stated that he is working on receiving funding and explained that H2M would be staying on the project and setting up the specs which they will use to go out to bid. He also stated that the DEP may be able to provide some site enhancements until the work begins.

Councilmember Trochimiuk asked for more background regarding property ownership, who H2M works for, and who is paying for this. Mr. Herzberg said that the property owners had not changed and that the DEP sometimes uses public funds to do the clean-up and then they would be reimbursed through legal actions or a settlement. H2M works for the DEP performing investigation and clean up designs. Mr. Herzberg noted that the soil and gas investigations along Broadway would be completed prior to when the clean-up takes place, so the major disruption to the area should be limited to one time.

The Borough Administrator asked if the park would also require remediation? Once removal of the source was complete, the rest should return to acceptable levels. The DEP will work on putting together a time line for the Borough in the next few weeks, showing when the different phases will take place.

Mayor Ruocco asked when they could expect to have the milestone assessment? Mr. Mumford thought they could come up with something in a couple weeks. Mr. Mumford then asked if the taxes were current on the property as they have a lien on the property. The Mayor asked the Borough Administrator to look into that and let Mr. Mumford know.

Councilmember DeRosa asked what had caused the problem to begin with. Mr. Buchanan said it was most likely caused by leaking drums of spent material that were stored outside the cleaners prior to being hauled away for hazardous waste disposal. They leaked solvent outside and under the building causing the problem during the time it was a dry cleaner.

Mr. Statile asked if the state believed there was a disconnect between the Alexander Cleaners site and the Bergen County Co-Op property? Mr. Herzberg said that final evaluation was not done, but they were waiting to see if the septic system had been carefully checked as a possible source. Mr. Statile asked if the remediation would require use of the bank property. Mr. Buchanan stated that the site is small and that bank property may be needed, but that the trucks will follow all proper truck routes for soil removal. The use of large augers will minimize the footprint of the job, but may add to the length of time needed. Mr. Statile asked if there would be an exposure to vapor due to the removal of the soil? Mr. Buchanan noted that because the soil is below the water table and wet the risk of vapor would be minimal if at all. Mr. Statile also asked how long the excavation was anticipated to take, and Mr. Buchanan said it should take between 3 to 6 months. In regards to the size of the machinery needed, it will have a very tall maul in order to get to the depth of 30 feet or better. The material will be pulled up and sent off as hazardous waste and then the holes will be backfilled. There are only a few contractors in the country who do this type of excavation, and they are very proficient at it. While it will be noisy, it will be safely done within the state standards. They will have a work plan, and it will be coordinated with the local police and emergency management.

Councilmember DeRosa asked when the property will be able to be used again. Mr. Mumford said that the long-term groundwater monitoring shouldn't preclude any redevelopment of the area. They already have sent a settlement agreement to the property owners, and are working on getting the financial end cleared up.

Mayor Ruocco stated that if there were any questions from the public that were not covered tonight, the public was free to write them to the Council and they would be conveyed to the DEP for answers at a later date.

APPROVAL OF MINUTES:

- Council Meeting Minutes December 8, 2020
- Council Meeting Minutes December 15, 2020
- Special Council Meeting Minutes December 30, 2020
- Sine Die Council Meeting Minutes January 5, 2021
- Reorganization Council Meeting Minutes January 5, 2021
- Council Meeting Minutes January 12, 2021
- Closed Session Meeting Minutes January 12, 2021

Motion: Council President Lundy Second Councilmember DeRosa
Ayes: Councilmember Escobar, Horvath Council President Lundy, Pizzella*, Trochimiuk, DeRosa
Nays: None
*Recusals: Councilmember Pizzella recused himself from January 12, 2021 open and closed minutes

INITIAL PUBLIC COMMENT (Time limited, limited to topics that are on the agenda only):

Seeing no one, public comment was closed

CORRESPONDENCE:

1. [Email received by the Mayor and Council on January 14, 2021 from PV Core regarding Resident Concerns](#)
2. [Letter received by the Mayor & Council from The Cornerstone requesting permission to close the corner of Washington Avenue & Broadway so that they can erect a tent and operate an outdoor dining area](#)

Motion to receipt and file Councilmember DeRosa Second Council President Lundy
Ayes: Councilmember Horvath, Council President Lundy, Pizzella, Trochimiuk, DeRosa, Escobar
Nays: none

Mayor Ruocco did ask if anyone knew the date that the Cornerstone was looking to put up the tent, and was told March 15, 2021. Councilmember DeRosa noted that we had the tents removed for snow season, and questioned if that was over. Council President Lundy noted that the business owner had indicated to her that the tent he wanted to erect was rated for snow. It was determined that a resolution would be added to the upcoming meeting to reinstate the towns commitment to the business district.

PROFESSIONALS REPORT/MONTHLY DEPARTMENT HEAD REPORTS:

(The following correspondence on file in Borough Clerks Office)

[Hillsdale Police Department](#) – January 2021
[Police Accreditation Letter](#)

Police Chief Francaviglia

Captain Smith thanked the DPW for their work with the snow removal during the recent storm. He reminded everyone to heed the governor when a state of emergency is issued, and stay off the roads. Officers and the DPW

had to assist several stranded motorists, thereby putting themselves in harm's way. He noted that fire hydrants and sidewalks are required to be cleared within 24 hours of the end of the storm. Lastly, he stated that the Chief and he are pleased to announce that they finished the accreditation, and a more formal presentation will take place in March.

The Captain added that residents should continue to report any snow-related emergencies to the police desk.

[Department of Public Works](#) – January 2021

Superintendent William Haffler

Mr. Haffler was not in attendance due to the snow storm, however the mayor commended the DPW on their snow removal efforts noting that all roads were passable, and most very clear. Overall a fantastic job, he complemented the entire DPW

[Borough Engineer Report](#) – January 2021

Borough Engineer, Christopher Statile

Mr. Statile reported that a Field Crew was out surveying Maple Avenue and Beech Street from PSE&G and will work on design plans for their gas main construction. PSE&G are still laying gas lines in the Manor section at this time. They are continuing to place conduit through the industrial area working toward the substation. Both are about 70-75% complete and wiring continues from both Paramus and Dumont to our electrical substation.

The Drainage Bid for Centennial Field is also out to bid at this time.

Mayor Ruocco asked if the work out for bid now would be for naught should more substantial work like artificial or natural turf be done on the field in the future. Mr. Statile explained that the drainage would still be usable even if the field was turfed.

Councilmember Pizzella asked about the tree replacement from PSE&G and was informed that Mr. Statile and Mr. Raymond from the Environmental Commission were meeting with them to discuss what type of trees will be used and where they will be planted. Councilmember Pizzella asked to be included in those talks as it effected the downtown.

Mayor Ruocco mentioned that the three-town trail along the reservoir has gotten attention in the paper due to finger-pointing between Woodcliff Lake, Park Ridge and Suez. He responded to the press that Hillsdale was for the moment not able to take part in the trail reconstruction because our grant had fallen through due to the timing of a federal audit of the State. He asked the Borough Engineer to continue being on the lookout for this year's grant application.

Councilmember Pizzella brought up an email that the engineer had sent out regarding charging stations for battery-powered vehicles in town. Mr. Statile said he could forward the vendor information.

COMMITTEE REPORTS:

Councilmember Pizzella deferred his report until next week.

Councilmember Trochimiuk stated that the Board of Health meeting was tonight, and that while she was in attendance for only a short time due to the Council Meeting, they were discussing the Covid cases declining in New Jersey after the surge following the holidays. They were discussing how difficult it is to get vaccinations. Mayor Ruocco mentioned that approximately 4% of Hillsdale residents have had the virus since March 2020.

Councilmember DeRosa noted that PV is in an in-person hybrid mode, but due to the storm was remote yesterday, today and will be tomorrow. The search for a new full-time principal has resumed. March 1st should start the first- round interviews.

There were several comments by the public at the last meeting regarding test scores dropping especially in science as compared to other regional high schools. Some of the reason for that was that the testing was offered as an opt-out option, and many families chose to opt out. The Board has the Director of Curriculum looking into it. The final choices for the Mascot will be presented soon. On a side note, the rumor that awards or pictures with the old mascot would be removed, is false.

Councilman DeRosa commented that The Ambulance Service is still concerned about the disproportionate number of out of town calls they respond to. It may be time for the municipality to discuss this as well as the Ambulance Corp.

He said that the Recreation Commission meets this Thursday. One of the current members runs senior programs in a neighboring town and is able to leverage those programs for Hillsdale residents.

Looking forward to seeing how the bids for Centennial come in, if there will be money left over from that to do additional things at Centennial.

Council President Lundy asked if the academic climate survey, which showed declining scores in Math were discussed at the Board of Ed meetings. Councilmember DeRosa noted there was concern about the falling scores, and that was given to the Director of Curriculum as well.

Councilmember Escobar reported that for the Police Committee Meeting he would revert back to Captain Smith's report. He deferred the OEM report until next week.

Councilmember Horvath reported that the Historic Preservation Committee met on January 28, 2021. Things that were discussed were the mission statement and how it may be changed or improved. They discussed moving forward on the renovation of the train station. The Borough Administrator and Councilmember Pizzella will be getting back to the Committee after their discussions with NJ transit.

They are also currently looking for new members to help with this year's projects and events.

Council President Lundy deferred her reports until next week.

ORDINANCES:

21-01 (Adoption)

Ordinance of the Borough of Hillsdale, County of Bergen, State of New Jersey to Update §310-107 in Order to Ensure the Use of Green Infrastructure for Major Developments as Required by the NJDEP Within the Borough of Hillsdale

WHEREAS, §310-107 of the Code of the Borough of Hillsdale ("Borough") provides for Stormwater Management within the Borough; and

WHEREAS, the Governing Body desires to change §310-107 to ensure the use of "green infrastructure" for major development as required by the New Jersey Department of Environmental Protection within the Borough are included; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Hillsdale, County of Bergen, State of New Jersey, that §310-107 shall be updated by adding to the Code of the Borough as follows:

310-107 Stormwater Control

310-107.1 Scope and Purpose:

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 310-107.2.

C. Applicability

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

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any

other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

310-107.2 Definitions:

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

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

“County review agency” means an agency designated by the County Board of Chosen Freeholders to review municipal stormwater management plans and implementing ordinance(s). The county review agency may either be:

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

“Department” means the Department of Environmental Protection.

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

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

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

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

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

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

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

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or

threatened species are identified using the Department’s Landscape Project as approved by the Department’s Endangered and Nongame Species Program.

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

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

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

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

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a sub watershed, 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 August 1, 2020; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

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

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

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

“New Jersey Stormwater Best Management Practices (BMP) Manual” or “BMP Manual” means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department’s determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with 310-107.4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

retention basin), or be planted mainly with wetland vegetation (most constructed stormwater wetlands).

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

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

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

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

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

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

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

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

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

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

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

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

310-107.3 Design and Performance Standards for Stormwater Management

Measures

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

310-107.4 Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with 310-107.10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of 310-107.4 .P, Q and R:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section 310-107.4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section 310-107.4.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section 310-107.4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under 310-107.4.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section 310-107.4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 310-107.4.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:
- https://njstormwater.org/bmp_manual2.htm.
- F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

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

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

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

(Notes corresponding to annotations ^(b) through ^(d) are found on Page D-15)

<p align="center">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</p>				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
<u>Blue Roof</u>	<u>0</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Extended Detention Basin</u>	<u>40-60</u>	<u>Yes</u>	<u>No</u>	<u>1</u>

<u>Manufactured Treatment Device^(h)</u>	<u>50 or 80</u>	<u>No</u>	<u>No</u>	<u>Dependent upon the device</u>
<u>Sand Filter^(c)</u>	<u>80</u>	<u>Yes</u>	<u>No</u>	<u>1</u>
<u>Subsurface Gravel Wetland</u>	<u>90</u>	<u>No</u>	<u>No</u>	<u>1</u>
<u>Wet Pond</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at Section 310-107.4.O.2;
- (b) designed to infiltrate into the subsoil;
- (c) designed with underdrains;
- (d) designed to maintain at least a 10-foot wide area of native vegetation along at least 50 percent of the shoreline and to include a stormwater runoff retention component designed to capture stormwater runoff for beneficial reuse, such as irrigation;
- (e) designed with a slope of less than two percent;
- (f) designed with a slope of equal to or greater than two percent;
- (g) manufactured treatment devices that meet the definition of green infrastructure at 310-107.2;
- (h) manufactured treatment devices that do not meet the definition of green infrastructure at 310-107.2.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with 310-107.6.B. Alternative stormwater management measures may be used to satisfy the requirements at 310-107.4.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with 310-107.4.D is granted from Section 310-107.4.O.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater

table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section 310-107.8.C;
 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 310-107.8; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at 310-107.2 may be used only under the circumstances described at Section 310-107.4.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at 310-107.2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections 310-107.4.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include

the development of land for the processing or sale of food and the manufacture of agriculturally related products.

- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 310-107.4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Bergen County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 310-107.4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section 310-107.10.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to 310-107.4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Bergen County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.
- O. Green Infrastructure Standards
 - 1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

2. To satisfy the groundwater recharge and stormwater runoff quality standards at 310-107.4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section 310-107.4.F. and/or an alternative stormwater management measure approved in accordance with Section 310-107.4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at Section 310-107.4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with Section 310-107.4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section 310-107.4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with Section 310-107.4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section 310-107.4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section 310-107.4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section 310-107.4.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section 310-107.5, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - 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.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

- i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
 - ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.
3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.
4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

R = total TSS Percent Load Removal from application of both BMPs, and

A = the TSS Percent Removal Rate applicable to the first BMP

B = the TSS Percent Removal Rate applicable to the second BMP.

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section 310-107.4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section 310-107.5, complete one of the following:

- i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 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.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

310-107.5 Calculation of Stormwater Runoff and Groundwater Recharge:

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

1. The design engineer shall calculate runoff using 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>

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section 310-107.5.A.1.i and the Rational and Modified Rational Methods at Section 310-107.5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of

stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

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

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

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

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

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

310-107.6 Sources for Technical Guidance:

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

http://www.nj.gov/dep/stormwater/bmp_manual2.htm.

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.
2. Additional maintenance guidance is available on the Department’s website at:

https://www.njstormwater.org/maintenance_guidance.htm.

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

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

310-107.7 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section 310-107.4.F above, or alternative designs in accordance with Section 310-107.4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section 310-107.7.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:
 - i. 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
 - ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;
 - iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment

device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

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

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

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

310-107.8 Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section 310-107.8.C.1, 310-107.8.C.2, and 310-107.8.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

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

1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

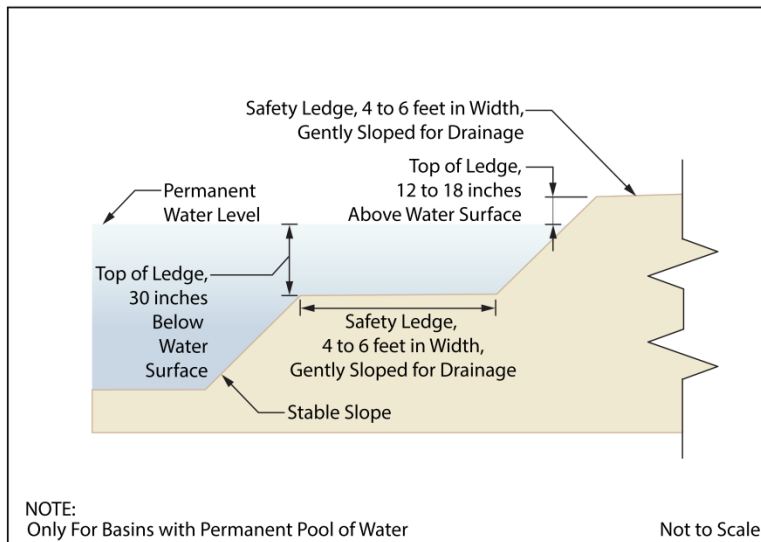
- iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
1. 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.
 2. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to 310-107.8.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

A variance or exemption from the safety standards for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



310-107.9 Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at Section 310-107.9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit copies of the materials listed in the checklist for site development stormwater plans in accordance with Section 310-107.9.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of 310-107.3 through 310-107.5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
- ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in 310-107.4 of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section 310-107.10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in Section 310-107.9.C.1 through 310-107.9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

310-107.10 Maintenance and Repair:

A. Applicability

Projects subject to review as in Section 310-107.1.C of this ordinance shall comply with the requirements of Section 310-107.10.B and 310-107.10.C.

B. General Maintenance

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

2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under Section 310-107.10.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section 310-107.10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under Section 310-107.10.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section 310-107.10.B.6 and B.7 above.
8. The requirements of Section 310-107.10.B.3 and B.4 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another

governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. The posting of a two year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 may be required for all stormwater management facilities dedicated and accepted by the municipality.

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

10. Maintenance and inspection guidance can be found on the Department's website at: https://www.njstormwater.org/maintenance_guidance.htm.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

310-107.11 Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any

building, structure or land in violation of this ordinance shall be subject to the following penalties:

Any person who violates this section or fails to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall upon conviction thereof in the Municipal Court be fined not less than five hundred (\$500.00) dollars, nor more than one thousand (\$1,000.00) dollars or imprisoned for not more than ninety (90) days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case.

Nothing herein contained shall prevent the Borough of Hillsdale from taking such other lawful action as is necessary to prevent or remedy any violation.

310-107.12 Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

310-107.13 Effective Date:

The Mayor asked for a motion to open public hearing on Ordinance 21-01 Councilmember DeRosa motioned, Second by Council President Lundy

Ayes: Council President Lundy, Pizzella, Trochimiuk, DeRosa, Councilmember Escobar, Horvath

Nays: none

The Mayor opened the meeting to the public.

With no one requesting to comment, , the Mayor sought a motion to close the public hearing portion.

Motion to close public hearing on Ordinance 21-01 Councilmember DeRosa motioned, seconded by Councilmember Escobar

Ayes: Councilmember Pizzella, Trochimiuk, DeRosa, Escobar, Horvath, Council President Lundy

Nays: none

Mayor asked for a motion to adopt Ordinance No. 21-01 Councilmember DeRosa motioned, Seconded by Council President Lundy

Discussion: Councilmember Trochimiuk asked who wrote this ordinance? The Borough Administrator responded that it was compiled by the Borough Engineer, but is a template from the New Jersey Department of Environmental Protection, and it or equivalent language is required by statute to be adopted no later than March 3rd.

Councilmember Pizzella asked if anything needed to be done regarding the redevelopment plans compliance with this ordinance, and he was told no.

The roll call vote was taken:

Ayes: Councilmember Trochimiuk, DeRosa, Escobar, Horvath, Council President Lundy, Pizzella

Nays: none

Mayor declared this ordinance is adopted and the Borough Clerk is authorized to advertise the same according to law.

RESOLUTIONS:(Consent Agenda): R21044 through R21055:

[R21044](#) Resolution Authorizing the Borough of Hillsdale Police Department to Participate in the Defense Logistics Agency, Law Enforcement Support Office, 1033 Program to Enable the Hillsdale Police Department to Request and Acquire Excess Department of Defense Equipment

WHEREAS, The United States Congress authorized the Defense Logistics Agency (DLA) Law Enforcement Support Office (LESO) 1033 to make use of excess Department of Defense personal property by making that personal property available to municipal, county and State law enforcement agencies (LEAs); and

WHEREAS, DLA, rules mandate that all equipment acquired through the 1033 Program remains under control of the requesting LEA; and

WHEREAS, participation in the 1033 Program allows municipal and County LEAs to obtain property they might not otherwise be able to afford in order to enhance community preparedness, response and resiliency; and

WHEREAS, although property is provided through the 1033 Program at no cost to the municipal and county LEA's, these entities are responsible for the costs associated with delivery, maintenance, fueling and upkeep of the property, and for the specialized training on any acquired property.

WHEREAS, N.J.S.A. 40A:5-30.2 requires that the governing body of the municipality or county approve, by a majority of the full membership, both the enrollment in, and the acquisition of any property thru the 1033 Program.

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale that the Hillsdale Police Department is hereby authorized to enroll in the 1033 Program for no more than a one-year period, with authorization to participate beginning January 2021 and terminating in December 31, 2021

NOW THEREFORE IT BE FURTHER RESOLVED, that the Hillsdale Police Department is hereby authorized to acquire items of non-controlled property designated "DEMIL-A", which may include office supplies, office furniture, computers, electronic equipment, generators, field packs, non-military vehicles, clothing, traffic and transit signal systems, exercise equipment, farming and moving equipment, storage devices and containers, tools, medical and first aid equipment and supplies, beds and sleeping mats, wet and cold weather equipment and supplies, respirators, binocular, and any other supplies or equipment of non-military nature identified by the LEA, if it shall become available in the period of time for which this resolution authorizes, based on the needs of the Hillsdale Police Department without restriction.

BE IT FURTHER RESOLVED, that the Hillsdale Police Department is hereby authorized to acquire the following "DEMIL B through Q" Property, if it shall become available in the period of time for which this resolution authorizes.

BE IT FURTHER RESOLVED, that the "DEMIL B through Q" controlled 3-page property list in its entirety is hereby approved and hereto attached to this resolution.

BE IT FURTHER RESOLVED, that the Hillsdale Police Department shall develop and implement a full training plan and policy for the maintenance and use of the acquired property.

BE IT FURTHER RESOLVED that the Hillsdale Police Department shall provide a quarterly accounting of all property obtained thru the 1033 Program which shall be available to the public upon request.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately and shall be valid to authorize requests to acquire "DEMIL A" Property and "DEMIL through Q" property that may be made available through the 1033 Program during the period of time which this resolution authorizes; with Program participation and all property request authorizations beginning in January 1, 2021 and terminating on December 31, 2021

[R21045](#) Resolution Recommending the Hiring of Full-Time Police Dispatcher – Brandon Boyle

WHEREAS, there exists a vacancy in the Hillsdale Police Department for a full-time police dispatcher; and,

WHEREAS, the Borough has gone through the process of applications and interviews to employ the services of a police dispatcher and,

WHEREAS, the Chief of Police has recommended the hiring of a full-time police dispatcher for the Hillsdale Borough Police Department.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the recommendation of Chief Robert Francaviglia to employ Brandon Boyle as a Full-time Police Dispatcher with the Hillsdale Police Department is accepted and Brandon Boyle is hereby appointed as a Full-time Police Dispatcher with the Hillsdale Police Department, at an hourly salary of \$18.04/hour, effective February 5, 2021.

[R21046](#) Resolution Authorizing the Retention of Special Counsel for Waste Management Issues

WHEREAS, the Borough of Hillsdale awarded a contract to Chasen Lamparello Mallo & Cappuzzo, PC on January 5, 2021 for the Professional Position of Borough Prosecutor; and

WHEREAS, Reginald Jenkins, Jr. of Chasen Lamparello Mallo & Cappuzzo, PC was the Special Counsel for the Borough of Hillsdale for hearings, meetings, court appearances and all necessary related legal services but has since changed firms; and

WHEREAS, the Borough of Hillsdale would like to retain Reginald Jenkins, Jr. for hearings, meetings, court appearances and all necessary related legal services under his new firm; and

NOW, THEREFORE, BE IT RESOLVED that Reginald Jenkins, Jr. of the firm McCusker, Anselmi, Rosen & Carvelli, P.C. located at 210 Park Avenue, Suite 301, Florham Park, NJ 07932 be retained as the Special Counsel for Waste Management Issues for the Borough of Hillsdale for the hearings, meetings, court appearances and all necessary related legal services effective January 1, 2021, up through the Borough Reorganization Meeting in 2022.

BE IT FURTHER RESOLVED that a copy of this Resolution be incorporated into the minutes of this meeting and be forwarded to the Department of Finance and/or the Clerk of the Borough of Hillsdale.

[R21047](#) Resolution Authorizing the Service Agreement for Certified Recycling Professional (CRP) to Prepare the Annual Recycling Tonnage Report

WHEREAS, it is required to submit a mandated Annual Recycling Tonnage Report as required by the New Jersey Recycling Enhancement Act (“REA”) P.L. 2008, Chapter 6; and

WHEREAS, such report is to be submitted via email to the New Jersey Department of Environmental Protection (“NJDEP”) on or before April 30th of each year; and

WHEREAS, the Borough of Hillsdale is desirous of entering into a Service Agreement for retaining and providing CRP services of the Authority for signing and submitting of said Annual Recycling Tonnage Report; and

WHEREAS, the Borough shall retain the services of the Authority for a CRP that will be responsible for signing and submitting of said report to the NJDEP on or before April 30, 2021;

WHEREAS, the Borough designates the Superintendent of Public Works as the preparer of the report.

NOW, THEREFORE, BE IT RESOLVED that the term of this Service Agreement shall be for a term of one (1) year commencing January 1, 2021.

BE IT FURTHER RESOLVED that the Mayor is authorized to enter into such agreement with the Bergen County Utility Authority for such services.

[R21048](#) Resolution Approving a Mutual Agreement Between the Borough of Hillsdale Fire Department and the Borough of Oradell Fire Department

WHEREAS, the Fire Departments of the Boroughs of Hillsdale and Oradell, in the County of Bergen and the State of New Jersey, have mutually established a Cover-up and Assistance Program for better fire protection in the two communities; and

WHEREAS, the Borough of Hillsdale wishes to continue to participate in said program;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Hillsdale that this mutual agreement between the Fire Departments of the Borough of Hillsdale and the Borough of Oradell by hereby approved, details of which are in in the possession of the respective Fire Chiefs; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Mayor and Council of the Borough of Oradell and to the Fire Department.

[R21049](#) Resolution Authorizing the Mayor to Approve and Sign the Collective Bargaining Agreement on Behalf of the Borough of Hillsdale and with the United Public Service Employees Union (UPSEU)

WHEREAS, the Collective Bargaining Agreement between the Borough of Hillsdale (“Hillsdale”) and UPSEU/Hillsdale White Collar Unit (the “Union”) expired on December 31, 2018; and

WHEREAS, Hillsdale and the Union have engaged in ongoing negotiations to discuss and agree upon the terms and conditions of a successor Agreement for the term January 1, 2019 through December 31, 2022; and

WHEREAS, Hillsdale wishes to memorialize its approval of the terms and provisions of the successor Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hillsdale that the Agreement as between the Borough of Hillsdale and UPSEU/Hillsdale White Collar Unit, for the term January 1, 2019 through December 31, 2022, be and hereby is **APPROVED**; and

BE IT FURTHER RESOLVED that the Mayor, the Borough Clerk, the Borough CFO and the Borough Labor Attorney are authorized to take all appropriate actions so as to implement this Resolution.

[R21050](#) Resolution Appointing Peter McGee as Temporary Chief Municipal Finance Officer

WHEREAS, there will be a vacancy in the position of Chief Municipal Finance Officer for the Borough of Hillsdale as of February 8, 2021; and

WHEREAS, the Borough of Hillsdale wishes to appoint Peter McGee as Temporary Chief Municipal Finance Officer effective on such date; and

WHEREAS, Peter McGee wishes to accept such appointment on the terms recited in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey, Peter McGee be and hereby is appointed as Temporary Chief Municipal Finance Officer of the Borough of Hillsdale on the following terms:

1. The term of appointment shall commence on February 8, 2021 and, pursuant to N.J.S.A. 40A:9-140.13, shall be for a period not to exceed one year commencing on such date.
2. Mr. McGee shall perform the duties of Chief Municipal Finance Officer during the term of appointment.
3. Compensation for the foregoing period for the duties of Temporary Chief Municipal Finance Officer shall be in the amount of \$80,000 per annum, prorated for the period of appointment, payable on a payroll basis, less standard deductions.
4. Mr. McGee shall receive such benefits, including health and dental insurance, as are provided to other full-time employees of the Borough.

BE IT RESOLVED that the Mayor, the Borough Clerk, the Borough Attorney and the Borough Labor Attorney are authorized to take any and all necessary and appropriate actions to effectuate the terms of this Resolution.

[R21051](#) Resolution Authorizing Not to Exceed Limitations for Christopher Statile, P.A. for the Downtown Bus and Rail Alternatives Access Improvements

WHEREAS, the Borough of Hillsdale applied for an NJDOT Transportation Alternatives Program (TAP) Grant for Downtown Bus & Rail Alternative Access Improvements via Resolution 18183, and

WHEREAS, the Borough was successful in receiving a \$1.3 million NJDOT TAP grant for said improvements which includes Patterson Street and Hillsdale Avenue, and

WHEREAS, Borough Engineer Christopher P. Statile, P.E. has proposed a fee for the preparation of contract plans and specifications for the improvements to Patterson Street and Hillsdale Avenue in conformance with the State grant provisions, and

WHEREAS, the Borough has received in escrowed contributions for such improvements, and

WHEREAS, the Chief Financial Officer has certified the availability of funds,

NOW THEREFORE BE IT RESOLVED, by the Borough of Hillsdale that not to exceed limitations are hereby approved and established in the amount of \$110,000 for the engineering firm of Christopher P. Statile, P.A. to undertake the contract documents for the design of such improvements.

[R21052](#) Resolution Extending Appointment of Christopher Tietjen as Temporary Chief Municipal Finance Officer

WHEREAS, N.J.S.A. 40A:9-140.1 et seq requires each municipality to appoint a Chief Municipal Finance Officer; and

WHEREAS, there currently exists a vacancy in the position of Chief Municipal Finance Officer for the Borough of Hillsdale (“Hillsdale”); and

WHEREAS, N.J.S.A. 40A:9-140.13(f) permits the temporary appointment of a Chief Municipal Finance Officer who does not hold a municipal finance officer certificate for a period not to exceed one year; and

WHEREAS, Hillsdale previously appointed Christopher J. Tietjen, who does not hold a municipal finance officer certificate, as its Temporary Chief Municipal Finance Officer effective as of December 16, 2020; and

WHEREAS, such term of appointment expired on January 31, 2021; and

WHEREAS, Hillsdale wishes to memorialize its extension of such term from February 1, 2021 through February 7, 2021; and

WHEREAS, Christopher J. Tietjen wishes to accept such extension on the terms recited in this Resolution;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Hillsdale, County of Bergen, State of New Jersey that the term of Christopher J. Tietjen as Temporary Chief Municipal Finance Officer of the Borough of Hillsdale be and hereby is extended from February 1, 2021 through February 7, 2021.

BE IT RESOLVED that the Mayor, the Borough Clerk, the Borough Attorney and the Borough Labor Attorney are authorized to take any and all necessary and appropriate actions to effectuate the terms of this Resolution.

[R21053](#) Resolution Confirming the Awarding of a Bonus to an Employee Who's Service went Above and Beyond Expectations During the Covid 19 Pandemic – Marguerite Deppert, Board of Health

WHEREAS, Pursuant to the Salary Ordinance, Section Three, If an employee performed a unique assignment of exceptional value to the Borough requiring significant time and effort in addition to his/her usual responsibilities, the Borough Council may grant a bonus not to exceed \$5,000 to this employee; and

WHEREAS, during the COVID19 pandemic Marguerite Deppert, whose position title is Board of Health Nurse, which job entails that proper health standards are maintained within the Borough; far surpassed expectations of his/her position in that he/she worked an extraordinary number of hours without additional compensation, took on numerous tasks not necessarily required of them, aided in maintaining public safety during an uncertain time, and coordinated with various local, state, and federal agencies; and

WHEREAS the Governing Body desires to confirm the award of a \$1,000.00 bonus to this employee, in recognition of their extraordinary efforts during this crisis.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby confirms the award of a \$1,000.00 bonus to Marguerite Deppert and authorizes all appropriate Borough professionals to take any and all steps necessary to effectuate same.

[R21054](#) Resolution Confirming the Awarding of a Bonus to an Employee Who's Service went Above and Beyond Expectations During the Covid 19 Pandemic – William Franklin – Office of Emergency Management

WHEREAS, Pursuant to the Salary Ordinance, Section Three, if an employee performed a unique assignment of exceptional value to the Borough requiring significant time and effort in addition to his/her usual responsibilities, the Borough Council may grant a bonus not to exceed \$5,000 to this employee; and

WHEREAS, during the COVID19 pandemic William Franklin, whose position title is Director – Office of Emergency Management, whose job holds the responsibility of comprehensive planning for and responding to and recovering from all manners of disasters, whether man-made or natural within the Borough; far surpassed expectations of his/her position in that he/she worked an extraordinary number of hours without additional compensation, took on numerous tasks not necessarily required of them, aided in maintaining public safety during an uncertain time, and coordinated with various local, state, and federal agencies; and

WHEREAS the Governing Body desires to confirm the award of a \$1,000.00 bonus to this employee, in recognition of their extraordinary efforts during this crisis.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby confirms the award of a \$1,000.00 bonus to William Franklin and authorizes all appropriate Borough professionals to take any and all steps necessary to effectuate same.

[R21055](#) Resolution Confirming the Awarding of a Bonus to an Employee Who's Service went Above and Beyond Expectations During the Covid 19 Pandemic – Jonathan Najarian – Office of Emergency Management.

WHEREAS, Pursuant to the Salary Ordinance, Section Three, if an employee performed a unique assignment of exceptional value to the Borough requiring significant time and effort in addition to his/her usual responsibilities, the Borough Council may grant a bonus not to exceed \$5,000 to this employee; and

WHEREAS, during the COVID19 pandemic Jonathan Najarian, whose position title is Deputy Director – Office of Emergency Management, whose job holds the responsibility of comprehensive planning for and responding to and recovering from all manners of disasters, whether man-made or natural within the Borough; far surpassed expectations of his/her position in that he/she worked an extraordinary number of hours without additional compensation, took on numerous tasks not necessarily required of them, aided in maintaining public safety during an uncertain time, and coordinated with various local, state, and federal agencies; and

WHEREAS the Governing Body desires to confirm the award of a \$1,000.00 bonus to this employee, in recognition of their extraordinary efforts during this crisis.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale, County of Bergen, State of New Jersey hereby confirms the award of a \$1,000.00 bonus to Jonathan Najarian and authorizes all appropriate Borough professionals to take any and all steps necessary to effectuate same.

Mayor asked for a motion that all resolutions on the consent agenda be adopted. Motion Council President Lundy
Second Councilmember DeRosa

Ayes: Council Members DeRosa, Escobar, Horvath, Council President Lundy, Pizzella, Trochimiuk

Nays: none

PUBLIC COMMENT:

The Mayor announced the second public comment period.

Gia Guzman, Hillsdale spoke about Black History Month and a program that she and several mothers from Hillsdale and River Vale are participating in called the 21 -day challenge; racial equity and social justice challenge. For more information or to participate, go on the YWCA of northern New Jersey website at www.ywcannj.org .

Jonathan DeJoseph, Hillsdale complimented the DPW Superintendent and staff for an excellent job on the snow removal. He questioned if the town was bringing suit against a former employee based on the closed session agenda. The Mayor deferred to the Borough Attorney. Mr. Madio explained that the parties were transposed in error. Mr. DeJoseph also questioned the appointment of a Temporary CFO instead of a four -year term CFO. It was explained that Mr. McGee is in the process of getting his license, and that is why it is temporary.

Not seeing anyone else the Mayor closed the public comment period.

COUNCIL COMMENTARIES:

Councilmember Escobar had no comment at this time.

Council President Lundy had no comment at this time.

Councilmember Trochimiuk had no comment at this time.

Councilmember Pizzella thanked the DPW for their hard work. He also complimented Marguerite Deppert for her hard work and dedication not only to the Board of Health as a nurse, but to access for all as well.

Councilmember Horvath echoed Councilmember Pizzellas comments.

Councilmember DeRosa congratulated his father for his designation as Bergen County Veteran of the week for his work with veterans and the American Legion. He went on to say that his father had been a Local Board of Education member, he taught English as a second language, he delivered for meals on wheels. He is still going strong at almost 90, and he is proud he is his Dad. He thanked the DPW superintendent and his crew for a great job dealing with the storm.

Council President Lundy asked about another recognition she had seen for Lois Kohan from Our Hillsdale that she was not aware of. Councilmember Horvath said that the award is from the Our Hillsdale website, and there will be a recognition award given each month to people in Hillsdale who have stepped up to make Hillsdale a much better place and she is the first one to receive that award. It was given by Councilmember Horvath since he runs the website. The website is a retrospective of Hillsdale, the people and events and things that have been going on since Hillsdale started. It is not affiliated with the Borough, and also the Hillsdale Historic Preservation committee will not have its own website, but utilize the towns website as many other committees do.

Mayor Ruocco reiterated that our DPW did a great job, and thanked them for their efforts. He hopes we don't get another snow storm opportunity for them to rise to the occasion, but knows that they would if a storm occurs.

ADJOURN TO CLOSED SESSION:

[R21056](#) To provide for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12 – *Personnel – Stonybrook, Litigation: Cuffe v Borough of Hillsdale/Potential Litigation- Employment Matter*

WHEREAS, the Borough Council of the Borough of Hillsdale is subject to certain requirements of the Open Public Meetings Act N.J.S.A. 10:4-6 et seq; and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Borough Council of the Borough of Hillsdale to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12(b) and designated below:

- (1) Matters required by law to be confidential.
- ___ (2) Matters where the release of information would impair the right to receive funds.
- ___ (3) Matters involving individual privacy –

(4) Matters relating to collective bargaining -

 (5) Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.

 (6) Matters relating to public safety and property –

 X(7) Matters relating to litigation, negotiations and the attorney-client privilege – *Litigation: Cuffe v. Borough of Hillsdale /Potential Litigation – Employment Matter*

 X(8) Matters relating to the employment relationship – *Personnel – Stonybrook*

 (9)Matters relating to the potential imposition of a penalty.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Hillsdale assembled in public session this date that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Mayor asked for a motion to go into closed session. Motion by Councilmember Pizzella Second Councilmember Escobar

Ayes: Councilmember Escobar, Horvath, Council President Lundy, Pizzella, Trochimiuk, DeRosa
Nays: NONE

RECONVENE REGULAR MEETING:

Motion to reconvene Councilmember DeRosa Second Councilmember Trochimiuk

Ayes: Councilmember Horvath, Council President Lundy, Pizzella, Trochimiuk, DeRosa, Escobar
Nays: none

ADJOURNMENT:

Mayor asked for motion to adjourn. Motion by Councilmember Pizzella, Second Councilmember DeRosa

Ayes: Council President Lundy, Pizzella, Trochimiuk, Councilmember DeRosa, Escobar, Horvath
Nays: None

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE
TUESDAY, FEBRUARY 9, 2021 7:30 PM**

Denise Kohan, Municipal Clerk

APPROVED AS PRESENTED