

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST
REGULAR MEETING AGENDA**

August 26, 2024

7:30 PM

The notice requirements of the Open Public Meetings Act of the State of New Jersey, P.L. 1975, Chapter 231, have been satisfied by the inclusion of the date, time and place of this meeting in the annual schedule of meetings of this Governing Body. Such schedule of meetings is posted at Borough Hall, on the Borough website and was published in the Record and Star Ledger and was filed in the office of the Borough Clerk.

Pledge of Allegiance

Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Roll Call:

Present:

Absent:

Also Present:

Mayor Bernstein asks for a motion to suspend the regular order of business to present Officer Richard Devlin a commendation for distinguished service.

A motion was made by _____ and seconded by _____

Roll Call:

Ordinance (Introduction): (none)

Ordinance Public Hearing (Adoption):

Ordinance No. 1144-24 ORDINANCE AMENDING AND MODIFYING CHAPTER 149 OF THE DEMAREST BOROUGH CODE

Mayor Bernstein asks for a motion to open the public hearing on Ordinance # 1144-2024

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

Ordinance No. 1145-24 ILLICIT CONNECTIONS

Mayor Bernstein asks for a motion to open the public hearing on Ordinance # 1145-2024

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

Ordinance No. 1146-24 ORDINANCE AMENDING AND MODIFYING ARTICLE XII SMALL ANIMALS §189-77 OF THE DEMAREST BOROUGH CODE

Mayor Bernstein asks for a motion to open the public hearing on Ordinance # 1146-2024

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

ORDINANCE 1147 -2024 - AN ORDINANCE AMENDING AND MODIFYING CHAPTER 149 STORMWATER CONTROL OF THE DEMAREST BOROUGH CODE

Mayor Bernstein asks for a motion to open the public hearing on Ordinance # 1147-2024

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

ORDINANCE NO. 1148-24 - AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

Mayor Bernstein asks for a motion to open the public hearing on Ordinance # 1148-2024

A motion was made by _____ and seconded by _____

Roll Call:

Mayor Bernstein asks if anyone wishes to be heard concerning adoption of this ordinance.

Speaker(s):

Mayor Bernstein asks for a motion to close the Public Hearing on this ordinance and that it be adopted with notice of final passage to be published in the Bergen Record.

A motion was made by _____ and seconded by _____

Roll Call:

Consent Agenda

Mayor Bernstein asks if any member would like to have any resolution removed from the consent agenda and voted on separately.

Mayor Bernstein asks if any member would like to abstain from voting on any resolution on the consent agenda.

Mayor Bernstein asks for a motion to accept the consent agenda (with any abstentions noted)

Consent Agenda:

Resolution No. 143-24 Seperation Agreement
Resolution No. 144-24 Authorizing Planning for Affordable Housing
Resolution No. 145-24 Bills List

A motion was made by _____ and seconded by _____

Roll Call:

Minutes for Approval

August 12, 2024 Regular Meeting Minutes

A motion was made by _____ and seconded by _____

Roll Call:

August 12, 2024 Closed Session Minutes

A motion was made by _____ and seconded by _____

Roll Call:

Mayor's Report

Council Committee Reports

Finance & Personnel (Slowikowski)
Ordinance (Fox)
DPW & Recreation (Marks)
Economic Development (Jiang)
Police and OEM (Reiss)
Fire and EMS (Collins)

Reports of Borough Officials

Borough Attorney
Borough Treasurer
Ambulance
Police Chief
Fire Chief

Meeting Open to the Public

Closed Session Resolution 2024-005 (if needed)

Adjournment

BOROUGH OF DEMAREST

COUNTY OF BERGEN

ORDINANCE 1144-2024

**ORDINANCE AMENDING AND MODIFYING CHAPTER 149 OF THE DEMAREST
BOROUGH CODE**

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 149 Stormwater Control, Article II Retrofitting of Storm drains pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

§ 149-13 Purpose.

The purpose of this article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter), to the municipal separate stormwater sewer system(s) operated by the Borough of Demarest so as to protect the environment, public health, safety and welfare, and to prescribe penalties for the failure to comply. Installation of all new storm drain inlets must include a catch basin or other BMP designed for solids collection in areas which drain to surface waters and that do not have any other downstream BMPS prior to the surface water discharge.

§ 149-14 Definitions; word usage.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough or other public body, and is designed and used and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems

that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

STORM DRAIN INLET

The point of entry into the storm sewer system, including an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

~~WATERS OF THE STATE~~

~~The ocean and its estuaries, all springs, streams and bodies of surface water or groundwater, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.~~

§ 149-15 ~~Prohibited conduct~~ Regulated Activities.

A. No person in control of private property (except a residential lot with one single-family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top-coating or chip-sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

A. 1. Already meets the design standard below to control passage of solid and floatable materials;
or

B. 2. Is retrofitted or replaced to meet the standard in § 149-16 below prior to the completion of the project.

B. The below design standard applies to the following types of storm drain inlet retrofit projects unless a more stringent standard is specified by the municipality's Stormwater Control Ordinance:

1. Privately-owned or operated storm drain inlets (e.g., condominium association) must be retrofitted where the storm drains are:

a. In direct contact with any repaving, repairing (excluding individual pothole repair), or resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen); or

b. In direct contact with any reconstruction or alteration of facilities. This does not include single family homes.

C. Grates in pavement or other ground surfaces shall meet either of the following standards:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate standards described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (see www.state.nj.us/transportation/about/publicat/pdf/BikeComp/introtofac.pdf); or

2. A grate where each individual clear space in that grate has an area of no more than seven (7.0) square inches or is not greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

a. Examples of grates subject to this standard include grates in grate inlets; the grate portion (noncurb 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 basin floors used to collect stormwater from the surface into a storm drain or surface water body.

b. For curb-openings inlets, including curb-opening inlets in combination inlets, the clear space in the 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.

§ 149-16 Design standard.

Storm drain inlets identified in § 149-15 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this subsection, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Subsection C of this section.

A. Design engineers shall use either 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:

(1) The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

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

(3) 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 basin floors.

B. Whenever design engineers use a curb-opening inlet, 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 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.

C. This standard does not apply:

(1) Where the Municipal Engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows 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 4 5/8 inches long and 1/2 inch wide (this option does not apply for outfall netting facilities); or

(b) A bar screen having a bar spacing of 0.5 inch.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or

(4) 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.

§ 149-17 Enforcement.

This article shall be enforced by the Police Department of the Borough of Demarest.

§ 149-18 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$1,000 for each storm drain inlet that is not retrofitted to meet the design standard.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the [] Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the [] Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:

Municipal Clerk

Mayor

Introduced: **July 22, 2024**

2nd Reading: _____

Adopted: _____

**BOROUGH OF DEMAREST
COUNTY OF BERGEN**

ORDINANCE 1145 -2024, ILLICIT CONNECTIONS

SECTION I. Purpose:

An ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Demarest to protect the environment, public health, safety, and welfare, and to prescribe penalties for failure to comply.

SECTION II. 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 consistent 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.

A. “Domestic sewage” means waste and wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

B. “Illicit connection” means, any physical or non-physical connection that discharges the following to a municipal separate storm sewer system (unless that discharge is authorized under a NJPDES permit other than the NJPDES permit for discharges from that system):

1. Domestic sewage;
2. Non-contact cooling water, process wastewater, or other industrial waste
(other than stormwater); or
3. Any category of non-stormwater discharges that a permittee for the MS4 identifies as a source or significant contributor of pollutants pursuant to 40 C.F.R. 122.26(d)(2)(iv)(B)(1) or 122.34(b)(3)(iii).
4. Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

C. “Industrial waste” means non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act.

D. “Municipal separate storm sewer system (MS4)” means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches,

manmade channels, or storm drains) that is owned or operated by the Borough of Demarest or other public body, and is designed and used for collecting and conveying stormwater. MS4s do not include combined sewer systems, which are sewer systems that are designed to carry sanitary sewage at all times and to collect and transport stormwater from streets and other sources.

E. "NJPDES permit" means a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A.

F. "Non-contact cooling water" means water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

G. "Person" means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

H. "Process wastewater" means any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

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

SECTION III. Regulated Activities:

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Demarest any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

SECTION V. Enforcement:

This ordinance shall be enforced by the Code Enforcement Officer.

SECTION VI. Violations and Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00.

SECTION VII. Severability:

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

SECTION VIII. Effective Date:

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

Attest:

Approved:

Julie Falkenstern
Acting Municipal Clerk

Brian Bernstein
Mayor

Introduced: **July 22, 2024**

2nd Reading: _____

Adopted: _____

BOROUGH OF DEMAREST

COUNTY OF BERGEN

ORDINANCE 1146 -2024

ORDINANCE AMENDING AND MODIFYING ARTICLE XII SMALL ANIMALS §189-77 OF THE DEMAREST BOROUGH CODE

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend [] pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. (amendments are highlighted, deletions strikethrough).

§189-77 PET WASTE

The following requirements shall apply for the proper disposal of pet solid waste in the Borough of Demarest to protect the environment, public health, safety and welfare.

A. 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 consistent 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.

“Owner/Keeper” means any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

“Person” means any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

“Pet” means any domesticated animal kept for companionship.

“Pet solid waste” means feces from any domesticated animal.

“Proper disposal” means placement in a designated waste receptacle, or other suitable container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

B. Regulated Activities: All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

C. Exemptions: Any owner or keeper who requires the use of a disability assistance animal for disabilities such as vision or hearing loss, or other physical disabilities, shall be exempt from the provisions of this section while such animal is being used for that purpose. This exemption is not applicable to pets that are exclusively emotional support animals.

D. Enforcement: This ordinance shall be enforced by the Code Enforcement Officer.

E. Violations and Penalties: Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$1,000.00.

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:

Julie Falkenstern
Acting Municipal Clerk

Brian Bernstein
Mayor

Introduced: **July 22, 2024**

2nd Reading: _____

Adopted: _____

**BOROUGH OF DEMAREST
COUNTY OF BERGEN**

ORDINANCE 1147 -2024

**ORDINANCE AMENDING AND MODIFYING CHAPTER 149 STORMWATER
CONTROL OF THE DEMAREST
BOROUGH CODE**

Section 1. Purpose & Authority. The purpose of this ordinance is to modify and amend Chapter 149 pursuant to N.J.S.A. 40:48-1, and 40:49-2.

Section 2. Amendments. Chapter 149 shall be replaced in its entirety with the following:

Chapter 149 Stormwater Control

Section I. 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 II.

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 Demarest.
3. An application required by ordinance pursuant to C.1 above that has been submitted prior to the effective date of adoption of this ordinance, shall be subject to the stormwater management requirements in effect 1 day prior thereto.
4. An application required by ordinance for approval pursuant to (b)1 above that has been submitted on or after March 2, 2021, but prior to adoption of this Ordinance, shall be subject to the stormwater management requirements in effect 1 day prior thereto.
5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

D. Compatibility with Other Permit and Ordinance Requirements

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

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

Section II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

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

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

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

“Compaction” means the increase in soil bulk density.

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

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

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

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 March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section III. 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.

Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.
- 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 Section IV.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 IV.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 IV.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of Section IV.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 IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of Section IV.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 IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments with the tables in this ordinance the BMP Tables in the Stormwater Management rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

| <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> |
|---|---|-----------------------------------|--|---|
| Cistern | 0 | Yes | No | -- |
| Driv Well ^(a) | 0 | No | Yes | 2 |
| Grass Swale | 50 or less | No | No | $\frac{2^{(e)}}{1^{(f)}}$ |
| Green Roof | 0 | Yes | No | -- |
| Manufactured Treatment Device ^{(a)(e)} | 50 or 80 | No | No | Dependent upon the device |
| Pervious Paving System ^(a) | 80 | Yes | $\frac{\text{Yes}^{(b)}}{\text{No}^{(c)}}$ | $\frac{2^{(b)}}{1^{(c)}}$ |
| Small-Scale Bioretention Basin ^(a) | 80 or 90 | Yes | $\frac{\text{Yes}^{(b)}}{\text{No}^{(c)}}$ | $\frac{2^{(b)}}{1^{(c)}}$ |
| Small-Scale Infiltration Basin ^(a) | 80 | Yes | Yes | 2 |
| Small-Scale Sand Filter | 80 | Yes | Yes | 2 |
| Vegetative Filter Strip | 60-80 | No | No | -- |

| <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> |
|---------------------------------|---|-----------------------------------|--|---|
| Bioretention System | 80 or 90 | Yes | $\frac{\text{Yes}^{(b)}}{\text{No}^{(c)}}$ | $\frac{2^{(b)}}{1^{(c)}}$ |
| Infiltration Basin | 80 | Yes | Yes | 2 |
| Sand Filter ^(b) | 80 | Yes | Yes | 2 |

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

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

| <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> |
|---|---|-----------------------------------|-----------------------------|---|
| Blue Roof | 0 | Yes | No | N/A |
| <u>Extended Detention Device</u> | 40-60 | Yes | No | 1 |
| <u>Manufactured Treatment Device</u> ^(b) | 50 or 80 | No | No | Dependent upon the device |
| Sand Filter ^(c) | 80 | Yes | No | 1 |
| <u>Subsurface Gravel Wetland</u> | 90 | No | No | 1 |
| Wet Pond | 50-90 | Yes | No | N/A |

Notes to Tables 1, 2, and 3:

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

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.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 Section IV.D is granted from Section IV.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 VIII.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 VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.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 IV.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 or Bergen County Registrar of Deeds and Mortgage. 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 IV.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 X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV 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 Bergen County Clerk or the Bergen County Registrar of Deeds and Mortgages. and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.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</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 IV.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 IV.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 IV.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 IV.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.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 IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.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 V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section V.D of this ordinance is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
4. The following types of stormwaters shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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

Table 4 - Water Quality Design Storm Distribution

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

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

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

Where

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

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

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

6. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in Section IV.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. The 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 V, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and

determined in Section V.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

- ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Section V.C and D, respectively, of this ordinance, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;
 - iii. Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Section V.C and D, respectively, of this ordinance, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
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.

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

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

1. The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for*

Small Watersheds (TR-55), dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

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

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

2. For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “curve number” applies to the NRCS methodology above at Section V.A.1. A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

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

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

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

2. The applicant shall utilize the Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site.

Table 5: Current Precipitation Adjustment Factors

| County | Current Precipitation Adjustment Factors | | |
|--------|--|----------------------|-----------------------|
| | 2-year Design Storm | 10-year Design Storm | 100-year Design Storm |
| Bergen | 1.01 | 1.03 | 1.06 |

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

Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

| County | Future Precipitation Change Factors | | |
|--------|-------------------------------------|----------------------|----------------------|
| | 2-year Design Storm | 10-year Design Storm | 10-year Design Storm |
| Bergen | 1.20 | 1.23 | 1.37 |

Section VI. Sources for Technical Guidance:

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

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

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

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

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

Section VII. Solids and Floatable Materials Control Standards:

A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.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 VII.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.

Section VIII. 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 VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - ii. The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - iii. The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and
 - iv. The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

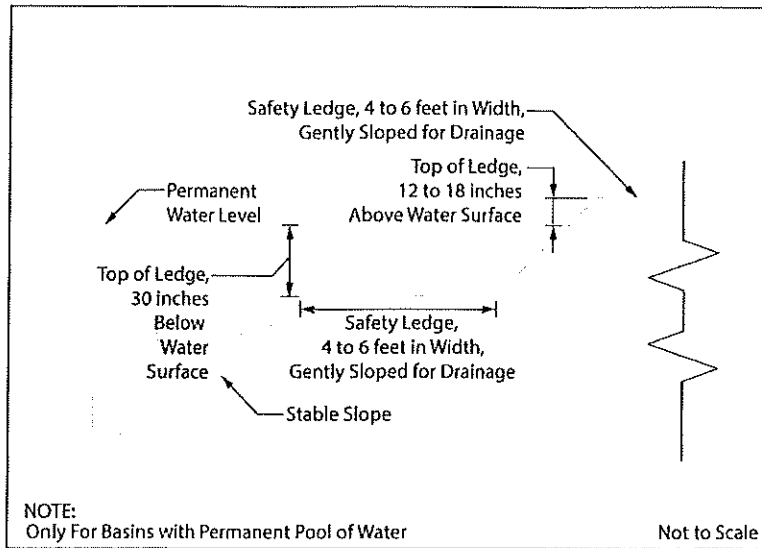
2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension.
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
3. Stormwater management BMPs shall include escape provisions as follows:
 - i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



Section IX. 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 IX.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 [*specify number*] copies of the materials listed in the checklist for site development stormwater plans in accordance with Section IX.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.

Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV 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 X.

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 IX.C.1 through IX.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.

Section X. Maintenance and Repair:

A. Applicability

Projects subject to review as in Section I.C of this ordinance shall comply with the requirements of Section X.B and X.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. The maintenance plan must identify the responsible party for all maintenance. 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. In the event the responsible party fails to comply with all maintenance obligations, the Borough may perform all necessary repairs and/or maintenance and assess the cost of same to the responsible party as part of the property owner's property tax. Nothing contained herein prevents the Borough from pursuing all legal remedies available.
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 X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.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 X.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 X.B.6 and B.7 above.

8. The maintenance plan must include the posting of a two year maintenance bond.

Maintenance and Inspection guidance can be found at the Department's website at:

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

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

Section XI. Penalties:

Any person who shall violate any provision of this code shall, upon conviction, be subject to a fine not to exceed \$1,000 or to imprisonment in the county jail for not more than 90 days or to a period of community service not exceeding 90 days, or all of the above, in the discretion of the Judge imposing the same. Each day's failure to comply with any such provision shall constitute a separate offense.

Section XII. Severability:

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

Section XIII. Effective Date:

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

Section 3. Repealer. All prior ordinances that are inconsistent with this ordinance are repealed. All ordinances are hereby amended to be consistent with this ordinance and all ordinances, including this one, shall be construed consistent with the express purpose of this ordinance.

Section 4. Savings and Construction. This ordinance shall be construed consistent with the purpose stated in Section 1 hereof. Any ambiguities in this ordinance shall be construed in accordance with the purpose of this ordinance. If any part of this ordinance is invalidated by a court of competent jurisdiction, the remainder of this ordinance shall be saved to the full extent possible. This ordinance repeals provisions of the Demarest Code only where stated herein; otherwise this ordinance is amendatory and supplementary to existing provision of the Demarest Code.

Section 5. Codification. This ordinance shall be codified as amendments to the chapters set forth herein.

Section 6. Effective Date. This ordinance shall take effect immediately upon approval and publication of notice of adoption as provided by law.

Attest:

Approved:

Municipal Clerk

Mayor

Introduced: August 12, 2024

2nd Reading: _____

Adopted: _____

ORDINANCE NO. 1148-24

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements described in Section 3 of this bond ordinance are hereby respectively authorized to be undertaken by the Borough of Demarest, in the County of Bergen, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3, there are hereby appropriated the respective sums of money therein stated as the appropriation made for each improvement or purpose, such sums amounting in the aggregate to \$3,496,403, including the aggregate sum of \$130,693 as the several down payments for the improvements or purposes required by the Local Bond Law, \$112,840 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2023 Municipal Aid Program for the improvements set forth in Section 3(a) of this ordinance and \$270,109 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2024 Municipal Aid Program for the improvements set forth in Section 3(b) of this ordinance. The down payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the several down payments or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$2,982,761 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (a) Purpose: Madison Avenue Roadway Project 02, including all work and materials necessary therefore or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$467,050 |
| <u>Maximum amount of Bonds or Notes:</u> | \$354,210 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Grant:</u> | \$112,840 |
| <u>Amount of Down Payment:</u> | \$0 |

- (b) Purpose: Road Improvements for Stewart Street and Stelfox Street 02, including all work and materials necessary therefore or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$415,000 |
| <u>Maximum amount of Bonds or Notes:</u> | \$144,891 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Grant:</u> | \$270,109 |
| <u>Amount of Down Payment:</u> | \$0 |

- (c) Purpose: Reconstruction of unimproved roads in the Borough and including all work and materials necessary therefor and incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$500,000 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$475,000 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$25,000 |

- (d) Purpose: Reconstruction and repaving of various roads and properties in the Borough, including Mayforth Terrace (Stelfox to E. Terminus), Broad St (Piermont to E. Terminus), Duck Pond Rd (Deerhill to Municipal Border),

Duck Pond Rd (Deerhill to Cul-de-sac), Pine Terrace (Anderson to W. Terminus), Lauren Pond Ct (County Rd to W. Terminus) and Van Horn St (Madison to N. Terminus) in connection with the Borough's participation in the Riverside Co-Op Road Improvement Program and including all work and materials necessary therefor and incidental thereto

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$362,500 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$344,400 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$18,100 |

- (e) Purpose: GIS mapping for storm sewer system including all work and materials necessary therefor or incidental thereto.

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$76,500 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$72,675 |
| <u>Period or Average Period of Usefulness:</u> | 7 years |
| <u>Amount of Down Payment:</u> | \$3,825 |

- (f) Purpose: Pine Terrace drainage improvements, including all work and materials necessary therefor or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$246,133 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$233,826 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$12,307 |

- (g) Purpose: Acquisition of information technology and telecommunications equipment, including items with a unit cost of less than \$5,000, including, but not limited to, Phone upgrades and security cameras for municipal building, and technology upgrade and computer replacement for Police Department, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$102,000 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$96,900 |
| <u>Period or Average Period of Usefulness:</u> | 5 years |
| <u>Amount of Down Payment:</u> | \$5,100 |

- (h) Purpose: Acquisition of information technology and telecommunications equipment, including items with a unit cost of \$5,000 or greater, including, but not limited to, license plate readers and camera and recording system for the Police Department and thermal imaging camera and mobile data terminals for Fire Company, and including all work and materials necessary therefor or incidental thereto.

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$150,960 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$143,412 |
| <u>Period or Average Period of Usefulness:</u> | 7 years |
| <u>Amount of Down Payment:</u> | \$7,548 |

- (i) Purpose: Acquisition of equipment, including, but not limited to, Leaf Vacuum Machine, Tag-along leaf vacuum, Chipper Box and Chipper for the Department of Public Works and weapons for the Police Department, and including all work and materials necessary therefor or incidental thereto

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$439,620 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$417,639 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$21,981 |

- (j) Purpose: Acquisition of turn out gear for Fire Company and including all work and materials necessary therefor or incidental thereto

| | |
|--|----------|
| <u>Appropriation and Estimated Cost:</u> | \$25,500 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$24,225 |
| <u>Period or Average Period of Usefulness:</u> | 10 years |
| <u>Amount of Down Payment:</u> | \$1,275 |

- (k) Purpose: Acquisition of sport utility vehicles for Chief of Fire Company and for Police Department and including all work and materials necessary therefor or incidental thereto

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$211,140 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$200,583 |
| <u>Period or Average Period of Usefulness:</u> | 5 years |
| <u>Amount of Down Payment:</u> | \$10,557 |

- (l) Purpose: Hydro raking of Duck Pond and including all work and materials necessary therefor or incidental thereto

| | |
|--|-----------|
| <u>Appropriation and Estimated Cost:</u> | \$500,000 |
| <u>Maximum Amount of Bonds or Notes:</u> | \$475,000 |
| <u>Period or Average Period of Usefulness:</u> | 15 years |
| <u>Amount of Down Payment:</u> | \$25,000 |

(m) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(n) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not current expenses. No part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 11.17 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,982,761, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An amount not exceeding \$366,046 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvements or purposes.

Section 7. The Borough hereby declares the intent of the Borough to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes or

improvements described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of the Treasury Regulations.

Section 8. Except for the grants described in Section 9, any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 9. As a portion of the total appropriation of \$3,496,403 made in Section 1 hereof, there is herein appropriated for the improvement or purpose described in Section 3(a) hereof the sum of \$112,840 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2023 Municipal Aid Program and there is herein appropriated for the improvement or purpose described in Section 3(b) hereof the sum of \$270,109 expected to be received from the New Jersey Department of Transportation's Fiscal Year 2024 Municipal Aid Program.

Section 10. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the

Securities and Exchange Commission (the “Rule”) for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Introduced: **August 12, 2024**

Adopted: _____, 2024

Attest:

Julie Falkenstern, Acting Borough Clerk

Approved _____, _____, 2024

Brian Bernstein, Mayor

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Borough of Demarest, in the County of Bergen, State of New Jersey, on _____, 2024. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at its meeting room in the Borough Hall, 118 Serpentine Road, Demarest, New Jersey on _____, 2024 at ___ o'clock _M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

Purposes:

- (a) Madison Avenue Roadway Project 02;
- (b) Road Improvements for Stewart Street and Stelfox Street 02;
- (c) Reconstruction of unimproved roads in the Borough;
- (d) Reconstruction and repaving of various roads and properties in the Borough, including Mayforth Terrace (Stelfox to E. Terminus), Broad St (Piermont to E. Terminus), Duck Pond Rd (Deerhill to Municipal Border), Duck Pond Rd (Deerhill to Cul-de-sac), Pine Terrace (Anderson to W. Terminus), Lauren Pond Ct (County Rd to W. Terminus) and Van Horn St (Madison to N. Terminus) in connection with the Borough's participation in the Riverside Co-Op Road Improvement Program;;
- (e) GIS mapping for storm sewer system
- (f) Pine Terrace drainage improvements;
- (g) Acquisition of information technology and telecommunications equipment, including items with a unit cost of less than \$5,000, including, but not limited to, Phone upgrades and security cameras for municipal building, and technology upgrade and computer replacement for Police Department;
- (h) Acquisition of information technology and telecommunications equipment, including items with a unit cost of \$5,000 or greater, including, but not limited to, license plate readers and camera and recording system for the Police Department and thermal imaging camera and mobile data terminals for Fire Company;
- (i) Acquisition of equipment, including, but not limited to, Leaf Vacuum Machine, Tag-along leaf vacuum, Chipper Box and Chipper for the Department of Public Works and weapons for the Police Department;
- (j) Acquisition of turn out gear for Fire Company;

- (k) Acquisition of sport utility vehicles for Chief of Fire Company and for Police Department;
- (l) Hydro raking of Duck Pond; and including all work and materials necessary therefor or incidental thereto.

| | |
|-------------------------|-------------|
| Appropriation: | \$3,496,403 |
| Bonds/Notes Authorized: | \$2,982,761 |
| Section 20 Costs: | \$366,046 |
| Useful Life: | 11.17 years |

Julie Falkenstern, Acting Borough Clerk

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the governing body of the Borough of Demarest, in the County of Bergen, State of New Jersey, on _____, 2024 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title:

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

Purposes:

- (a) Madison Avenue Roadway Project 02;
- (b) Road Improvements for Stewart Street and Stelfox Street 02;
- (c) Reconstruction of unimproved roads in the Borough;
- (d) Reconstruction and repaving of various roads and properties in the Borough, including Mayforth Terrace (Stelfox to E. Terminus), Broad St (Piermont to E. Terminus), Duck Pond Rd (Deerhill to Municipal Border), Duck Pond Rd (Deerhill to Cul-de-sac), Pine Terrace (Anderson to W. Terminus), Lauren Pond Ct (County Rd to W. Terminus) and Van Horn St (Madison to N. Terminus) in connection with the Borough's participation in the Riverside Co-Op Road Improvement Program;
- (e) GIS mapping for storm sewer system
- (f) Pine Terrace drainage improvements;
- (g) Acquisition of information technology and telecommunications equipment, including items with a unit cost of less than \$5,000, including, but not limited to, Phone upgrades and security cameras for municipal building, and technology upgrade and computer replacement for Police Department;
- (h) Acquisition of information technology and telecommunications equipment, including items with a unit cost of \$5,000 or greater, including, but not limited to, license plate readers and camera and recording system for the Police Department and thermal imaging camera and mobile data terminals for Fire Company;

- (i) Acquisition of equipment, including, but not limited to, Leaf Vacuum Machine, Tag-along leaf vacuum, Chipper Box and Chipper for the Department of Public Works and weapons for the Police Department;
- (j) Acquisition of turn out gear for Fire Company;
- (k) Acquisition of sport utility vehicles for Chief of Fire Company and for Police Department;
- (l) Hydro raking of Duck Pond; and including all work and materials necessary therefor or incidental thereto.

Appropriation: \$3,496,403

Bonds/Notes Authorized: \$2,982,761

Section 20 Costs: \$366,046

Useful Life: 11.17 years

Julie Falkenstern, Acting Borough Clerk

CLERK'S CERTIFICATE

I, Julie Falkenstern, Acting Borough Clerk of the Borough of Demarest, in the County of Bergen, State of New Jersey, HEREBY CERTIFY as follows that:

1. The attached copy of Ordinance No. _____ of said Borough entitled as set forth below and finally adopted on _____, 2024, has been compared by me with the original thereof officially recorded in the Ordinance Book of the Borough and is a true and correct copy thereof and of the whole of said original Ordinance. The title of said Ordinance is as follows:

AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

2. Said Ordinance was introduced in writing and read and passed on first reading at a regular meeting of the Borough Council of said Borough duly called and held on _____, 2024 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), and was passed on second reading and finally adopted by the recorded affirmative vote of at least two-thirds of all the members of said Borough Council, at a regular meeting thereof duly called and held on _____, 2024 (a true and correct copy of an extract of the minutes of the meeting is attached hereto), following the holding of a public hearing thereon at which all interested persons were given an opportunity to be heard.

3. A Notice of Pending Bond Ordinance and Summary, containing the date of introduction, time and place of further consideration of said Ordinance, was published after first reading, on _____, 2024 (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

4. On _____, 2024, (at least one week before adoption), a Notice of Pending Bond Ordinance and Summary of said Ordinance, or said Ordinance in full was posted on the bulletin board in the Borough Hall of the Borough together with notice of the availability of copies of said Ordinance at the Office of the Clerk, and such copies of said Ordinance were made available to all members of the general public requesting the same.

5. After final passage and approval by the Mayor, or was passage over the Mayor's veto, a Bond Ordinance Statement and Summary, was duly published on _____, 2024 in _____, a newspaper published in the County and circulating in the Borough, and no protest by any person against making the improvement or issuing the indebtedness authorized in said Ordinance, nor any petition requesting that a referendum vote be taken on the action proposed in the Ordinance has been presented to the governing body or to me or filed in my

office nor has any such action or proceeding questioning the validity of such Ordinance has been commenced within 20 days after such publication (a true and correct copy of the affidavit of publication of said Ordinance is attached hereto).

6. Said Ordinance when introduced was complete in the form in which it was finally adopted and remained on file in the Office of the Clerk for public inspection from the date of introduction to the date of final adoption.

7. The Ordinance appropriated a down payment of not less than 5% of the obligations thereby authorized to the purpose, or ratably to the purposes, to be financed pursuant to the Ordinance, and such sum was made available by provision in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

8. The attached copy of a Supplemental Debt Statement has been compared by me with the original Supplemental Debt Statement of said Township, prepared as of _____, 2024, and sworn to by Peter Suh, who was then the Chief Financial Officer of said Township, and filed in the office of said Clerk on _____, 2024, and that the same is a true and complete copy of said original Supplemental Debt Statement.

9. A complete, executed duplicate of the said original Supplemental Debt Statement was duly filed (before final adoption by the Borough Council) in the Office of the Director of the Division of Local Government Services of the State of New Jersey on _____, 2024.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Borough this ____ day of _____, 2024.

(SEAL)

Julie Falkenstern, Acting Borough Clerk

ATTACHMENTS

- A) Ordinance
- B) Extract of minutes of Borough Council meeting at which Ordinance was introduced
- C) Extract of minutes of Borough Council meeting at which Ordinance was finally adopted
- D) Affidavit of Publication of Notice of Pending Bond Ordinance and Summary
- E) Affidavit of Publication of Bond Ordinance Statement and Summary
- F) Supplemental Debt Statement, together with a copy of email transmitting SDS to Division of Local Government Services and email of DLGS confirming receipt of SDS

Resolution of the Demarest Governing Body

Resolution No. 143-24

| Council Member | Motion | Second | Yes | No | Abstain | Absent |
|-----------------------|---------------|---------------|------------|-----------|----------------|---------------|
| Jiang | | | | | | |
| Fox | | | | | | |
| Marks | | | | | | |
| Slowikowski | | | | | | |
| Reiss | | | | | | |
| Collins | | | | | | |

TITLE: A RESOLUTION OF THE BOROUGH OF DEMAREST ACCEPTING THE RESIGNATION OF POLICE OFFICER KIRT GLYNN FROM THE BOROUGH OF DEMAREST POLICE DEPARTMENT AND ADOPTING THE EMPLOYEE SEPARATION AGREEMENT

=====

WHEREAS, the Borough Council is the Governing Body of the Borough of Demarest, and pursuant to *N.J.S.A. 40A:14-118 et seq.*, is responsible for the establishment and regulation of the Borough’s Police Department and its employees; and

WHEREAS, Kirt Glynn has been employed by the Borough Police Department in the position of Police Officer since June 24, 2002; and

WHEREAS, the Governing Body having determined it advisable and in the public interest to accept Kirt Glynn’s resignation effective October 31, 2024, and enter into an Employee Separation Agreement with Kirt Glynn; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Demarest that the Employee Separation Agreement entered into by the Borough and Kirt Glynn, effective immediately, setting forth the terms and conditions of his resignation from the Police Department, is hereby adopted.

APPROVED:

Brian Bernstein, Mayor

CERTIFICATION

I, Michael Greco, Deputy Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on August 26, 2024

Michael Greco, Deputy Borough Clerk

Resolution of the Demarest Governing Body

Resolution No. 144-24

August 26, 2024

| Council Member | Motion | Second | Yes | No | Abstain | Absent |
|-----------------------|---------------|---------------|------------|-----------|----------------|---------------|
| Jiang | | | | | | |
| Fox | | | | | | |
| Marks | | | | | | |
| Slowikowski | | | | | | |
| Reiss | | | | | | |
| Collins | | | | | | |

TITLE: RESOLUTION AUTHORIZING PLANNING SERVICES FOR FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

=====

WHEREAS, the Borough of Demarest has a need for planning services related to Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Borough received a proposal dated July 11, 2024 from Colliers Engineering & Design to provide those services, attached, for the sum of \$32,380.00; and

WHEREAS, the appointment and the contract are exempted from the competitive bidding requirements of the Local Public Contracts Law, (NJSA 40A:11-1 et. Seq.) as "Professional Services", pursuant to NJSA 40A:11-5(1)(a); and

WHEREAS, the vendor is the currently appointed 2024 Borough Planner for the Borough of Demarest and the Mayor and Council awarded said 2024 contract pursuant to the provisions of NJSA 19:44A-20.5; and

NOW THEREFORE, BE IT RESOLVED, by the Borough of Demarest that the Borough Administrator is authorized to execute the agreement to authorize Colliers Engineering

& Design to perform the work described herein not to exceed \$32,380.00 a copy of which is annexed to this Resolution.

APPROVED:

Mayor Brian Bernstein

CERTIFICATION OF CFO

I, Peter Suh, Chief Financial Officer of the Borough of Demarest, do hereby certify the availability of funds for the expenditure referenced herein.

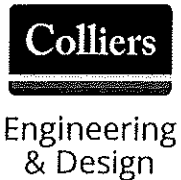
Peter Suh, CFO

CERTIFICATION

I, Michael Greco, Deputy Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on August 26, 2024

Michael Greco, Deputy Borough Clerk

Shelbourne at Hunterdon
53 Frontage Road, Suite 110
Hampton, New Jersey 08827
Main: 877 627 3772



July 11, 2024

VIA EMAIL

Julie Falkenstern, Borough Administrator
Borough of Demarest
118 Serpentine Road
Demarest, NJ 07627

Proposal for Planning Services
Fourth Round Housing Element and Fair Share Plan
Colliers Engineering & Design Project No. DEB-005B

Dear Ms. Falkenstern,

Colliers Engineering & Design is pleased to submit the following proposal for professional planning services to prepare a new Fourth Round Housing Element and Fair Share Plan pursuant to the recently enacted legislation known as P.L. 2004, c.2. It should be noted that the rules outline a new procedural process, which is virgin territory for each and every planner and may require services above and beyond the scope of work outlined herein.

This proposal is divided into three sections as follows:

- Section I – Scope of Services
- Section II – Schedule of Fees
- Section III – Client Authorization

Section I – Scope of Services

The following scope of work is proposed:

Task 1.0 – Evaluation of DCA Obligation

Under the new legislation, DCA has been tasked with preparing a report on the calculations of regional need and municipal obligations for the Fourth Round prospective need and rehabilitation obligation. This report is supposed to be issued by October 20, 2024. Once the report is released, we will evaluate the report for a maximum of eight (8) hours (data inputs, regional allocation, etc.). This task assumes one (1) meeting with the affordable housing subcommittee to discuss the DCA report and our findings.

Task 2.0 – Housing Element & Fair Share Plan

The Fair Housing Act (C.52:27D-310) has been modified to read as follows:

10. A municipality's housing element shall be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing, and shall contain at least:

a. An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low- and moderate-income households and substandard housing capable of being rehabilitated, and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;

b. A projection of the municipality's housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;

c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;

d. An analysis of the existing and probable future employment characteristics of the municipality;

e. A determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L. , c. (C.) (pending before the Legislature as this bill);

f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low- and moderate-income housing, including a consideration of lands of developers who have expressed a commitment to provide low- and moderate-income housing;

g. An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20) ;

h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and

i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

The Housing Element will include the required sections as described above with tables and charts as necessary. However, it should be noted that the new State Development and Redevelopment Plan has not yet been released. Once it is published, our office will evaluate it (a maximum of four (4) hours) for inclusion, as appropriate, into the Housing Plan.

The Fair Share Plan will include the following components:

1. Description of the Borough's four-part obligation – Rehabilitation, Prior Round, Third Round, and Fourth Round. This will include a discussion of the findings of the Vacant Land Adjustment assessment.
2. Description of the required micro requirements.
3. Description of the existing mechanisms and credits intended to satisfy/address the Borough's four-part obligation, supplemented with tables as needed.
4. Description of the proposed mechanisms to meet any outstanding obligation, supplemented with tables and maps as needed.
 - a. Pursuant to the new legislation this section will also need to address any sites that were not built in the prior rounds and demonstrate how said sites continue to present a realistic opportunity, which may include proposing changes to the zoning.
5. Draft implementation schedule that sets forth a timetable for units to be built and occupied.

Our office will work with the affordable housing sub-committee regarding proposed mechanisms. It is anticipated that this task will require two (2) to three (3) meetings with the sub-committee.

In addition to the above Fair Share Plan components, the new legislation requires municipalities that receive a vacant land adjustment of their Fourth Round obligation to identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25% of the Fourth Round obligation that has been adjusted. The municipality must adopt realistic zoning that allows for such adjusted obligation or demonstrate why the municipality is unable to do so. The rules fail to provide any guidance or parameters regarding this analysis. It is unclear if DCA or the Affordable Housing Dispute Resolution Program will issue guidance on this topic. Due to the lack of available information and guidance, this task has eight (8) hours allocated to conduct this analysis.

Task 3.0 – Spending Plan

The Borough's Court-approved Spending Plan will need to be updated with the latest trust fund balance and expenditures. The Plan must also comport with any proposed expenditures outlined in the Housing Element & Fair Share Plan.

N.J.A.C. 5:93-5.1(c) states, "if a municipality intends to collect development fees, it shall prepare a plan to spend development fees". The rules require the following components:

1. A projection of revenues anticipated from imposing fees on development, based on historic development activity;
2. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
3. A description of the anticipated use of all development fees;
4. A schedule for the creation or rehabilitation of housing units;
5. If the municipality envisions being responsible for public sector or non-profit construction of housing, a pro-forma statement of the anticipated costs and revenues associated with the development; and
6. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan.

A Spending Plan will be drafted based on the rules above and circulated to the affordable housing sub-committee.

Task 4.0 – Meetings and Meeting Preparation

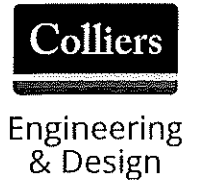
Colliers Engineering & Design will attend a maximum of four (4) meetings under this task. These meetings may be with the affordable housing sub-committee, the Planning Board hearing to present the Housing Element & Fair Share Plan, or Council meetings to inform the public of the process, obligation, mechanisms, etc. This task also includes preparation for each of the meetings.

Task 5.0 – Coordination

As the process outlined in P.L. 2004, c.2 is new, it is expected that there will be coordination between this office and the Affordable Housing Attorney and Business Administrator to ensure the Borough is on target to meet the deadlines established in the legislation. This task envisions fifteen (15) hours of coordination.

Task 6.0 – Additional Services

The Borough should note that the drafting of ordinances, manuals, marketing plans, master plan reexamination reports, land use element amendments, and notices is specifically excluded from the scope of work above. If the Borough requests the drafting of these documents, they will be completed on an hourly basis under this task. Additional services may be required beyond the scope outlined herein. Meetings beyond those outlined in the tasks above and any other services above and beyond those described in Tasks 1.0 through 5.0 will be billed hourly.



Section II – Schedule of Fees

Colliers Engineering & Design's work shall be invoiced on an hourly basis in accordance with the rates set forth in the Schedule of Hourly Rates that is included in the professional services agreement between the Borough and Colliers Engineering & Design at the time the work is performed. The maximum upset fee for each task is shown on the following page:

| Task Name | Fee |
|--|--------------|
| Task 1.0 – Evaluation of DCA Obligation | \$ 2,405.00 |
| Task 2.0 – Housing Element & Fair Share Plan | \$ 18,250.00 |
| Task 3.0 – Spending Plan | \$ 2,325.00 |
| Task 4.0 – Meetings and Meeting Preparation | \$ 6,550.00 |
| Task 5.0 – Coordination | \$ 2,850.00 |
| Task 6.0 – Additional Services | Hourly |

All work shall be invoiced in accordance with the terms and provisions of the agreement between the Borough and Colliers Engineering & Design for professional services.

Colliers Engineering & Design will commence work upon receipt of either a resolution approving the proposal or a copy of the executed client authorization in Section III.

We want to thank the Borough for providing the opportunity to perform this most important work. If you have any questions or require clarification regarding the scope of work, please do not hesitate to call our office.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

Handwritten signature of Darlene A. Green in black ink.

Darlene A. Green, PP, AICP
Borough Planner

Handwritten signature of Daniel Bloch in black ink.

Daniel Bloch, PP, AICP, EADA
Regional Discipline Leader | Planning



Engineering
& Design

Section III – Client Contract Authorization

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title

Resolution of the Demarest Governing Body

Resolution No. 145-24

August 26, 2024

| Council Member | Motion | Second | Yes | No | Abstain | Absent |
|-----------------------|---------------|---------------|------------|-----------|----------------|---------------|
| Jiang | | | | | | |
| Fox | | | | | | |
| Marks | | | | | | |
| Slowikowski | | | | | | |
| Reiss | | | | | | |
| Collins | | | | | | |

TITLE: PAYMENT OF BILLS

=====

BE IT RESOLVED, by the Mayor and Council of the Borough of Demarest that the following bills in the sum of \$362,466.91 on bill list dated August 22, 2024 have been approved and authorized for payment and the that the Mayor, Borough Clerk and Borough Treasurer are hereby authorized to issue warrants in payment of same.

APPROVED:

Mayor Brian Bernstein

CERTIFICATION

I, Michael Greco, Deputy Borough Clerk, of the Borough of Demarest, in the County of Bergen and the State of New Jersey do hereby certify that the foregoing Resolution is a true copy of the original resolution duly passed and adopted by the Governing Body at the meeting on August 26, 2024

Michael Greco, Deputy Borough Clerk

P.O. Type: All
 Range: First
 Format: Condensed
 Vendors: All
 Rcvd Batch Id Range: First to Last

Include Project Line Items: Yes
 to Last
 Received Date Range: 08/12/24 to 12/31/24
 Include Non-Budgeted: Y

Open: N
 Rcvd: Y
 Bid: Y

Paid: Y
 Held: N
 State: Y

Void: N
 Aprv: N
 Other: Y
 Exempt: Y

| Vendor # | Name | PO # | PO Date | Description | Status | Amount | Void Amount | Contract | PO Type |
|----------|--------------------------------|----------|----------|--------------------------------|--------|------------------|-------------|----------|---------|
| AMAZ005 | AMAZON CAPITAL SERVICES | 24-01038 | 08/15/24 | borough supplies | Open | 554.81 | 0.00 | | |
| ARIST005 | ARISTA TROPHIES & AWARDS | 24-00921 | 07/23/24 | Accountability Tags | Open | 1,030.00 | 0.00 | | |
| ATLAN015 | ATLANTIC TOMORROW'S OFFICE | 24-01104 | 08/21/24 | COPIER CLICKS PD | Open | 290.19 | 0.00 | | |
| BERNA010 | BERN & ASSOCIATES LLC | 24-01027 | 08/13/24 | general legal svcs prof svcs | Open | 2,457.93 | 0.00 | | |
| | | 24-01103 | 08/21/24 | PROF SERVICES | Open | 1,135.00 | 0.00 | | |
| | | | | | | <u>3,592.93</u> | | | |
| BOROU005 | BOROUGH OF CRESSKILL | 24-01106 | 08/21/24 | 2023 Sewer Connection Fees | Open | 16,444.40 | 0.00 | | |
| | | 24-01107 | 08/21/24 | 2023 AHA Sewer Fees&Admin | Open | 3,666.58 | 0.00 | | |
| | | | | | | <u>20,110.98</u> | | | |
| BOROU075 | BOROUGH OF HAWORTH | 24-01032 | 08/14/24 | haworth pd road clean up | Open | 657.76 | 0.00 | | |
| CASES005 | CASES BY SOURCE INC | 24-01095 | 08/20/24 | shipping for inv94379 | Open | 16.73 | 0.00 | | |
| CHASA005 | CHASAN, LAMPARELLO, MALLON & C | 24-01116 | 08/22/24 | I#233980 Serv to 07/31/2024 | Open | 1,365.00 | 0.00 | | |
| CHATH005 | CHATHAM IRRIGATION | 24-01019 | 08/12/24 | repair irrigation system -park | Open | 223.00 | 0.00 | | |
| COLLI010 | COLLIERS ENGINEERING & DESIGN | 24-01064 | 08/19/24 | DEB0062 STRM WATER MAPPING DM | Open | 19,100.00 | 0.00 | | |
| | | 24-01065 | 08/19/24 | DEB0047 PINE TERRACE DRAIN IMP | Open | 9,667.50 | 0.00 | | |
| | | 24-01066 | 08/19/24 | DEB041 DPW COMPOST FACILITY | Open | 1,012.50 | 0.00 | | |
| | | 24-01067 | 08/19/24 | DEB0058 MUNI MS4 TIER A PERMIT | Open | 900.00 | 0.00 | | |
| | | 24-01068 | 08/19/24 | DEB0063 2024 GENERAL ENGINEER | Open | 3,818.75 | 0.00 | | |
| | | 24-01069 | 08/19/24 | DEB0064 24 RIVERSIDE COOP BORO | Open | 8,073.75 | 0.00 | | |
| | | 24-01070 | 08/19/24 | DEB0059 NEED OF REDEVELOPMENT | Open | 561.25 | 0.00 | | |
| | | 24-01071 | 08/19/24 | DEB0065 VACANT LAND ANALYSIS | Open | 3,975.00 | 0.00 | | |
| | | 24-01072 | 08/19/24 | DEB005A HEFSP AND VACANT LAND | Open | 734.50 | 0.00 | | |
| | | 24-01073 | 08/19/24 | DEP106 FRICK ESTATES/WOODLANDS | Open | 2,303.75 | 0.00 | | |
| | | 24-01074 | 08/19/24 | DEP106 FRICK ESTATES/WOODLANDS | Open | 2,560.00 | 0.00 | | |
| | | 24-01075 | 08/19/24 | DEP0171A 127 HARDENBURGH AVE | Open | 462.50 | 0.00 | | |
| | | 24-01076 | 08/19/24 | DEZ0040 63 CENTRAL AVE | Open | 407.50 | 0.00 | | |
| | | 24-01077 | 08/19/24 | DEZ0041 12 IRENE COURT | Open | 352.50 | 0.00 | | |
| | | 24-01078 | 08/19/24 | DEZ0042 62 CENTRAL AVE | Open | 655.00 | 0.00 | | |

| Vendor # | Name | PO # | PO Date | Description | Status | Amount | Void Amount | Contract | PO Type |
|----------|-------------------------------|----------|----------|--------------------------------|-----------|-----------|-------------|----------|---------|
| COLLI010 | COLLIERS ENGINEERING & DESIGN | | | | Continued | | | | |
| | | 24-01079 | 08/19/24 | DEP0171 127-129 HARDENBURGH | Open | 518.75 | 0.00 | | |
| | | 24-01098 | 08/21/24 | DEZ0021A 605 PIERMONT ROAD | Open | 306.25 | 0.00 | | |
| | | | | | | 55,409.50 | | | |
| COVIN005 | COVINO & SONS CONSTRUCTION CO | | | | | | | | |
| | | 24-01031 | 08/14/24 | DEB0047 PINE TERRACE DRAIN IMP | Open | 23,030.00 | 0.00 | | |
| CROSM005 | CROSMAN, SUSAN | | | | | | | | |
| | | 24-00994 | 08/08/24 | health reimbursement august | Open | 872.65 | 0.00 | | |
| DEUNI005 | D & E UNIFORMS | | | | | | | | |
| | | 24-01041 | 08/15/24 | I#58054 Uniforms 3 Members | Open | 240.00 | 0.00 | | |
| DELTA005 | DELTA DENTAL OF NJ INC | | | | | | | | |
| | | 24-01034 | 08/15/24 | I#PM00000001059662 Sept 2024 | Open | 3,993.68 | 0.00 | | |
| DEMAR005 | DEMAREST AMBULANCE CORP. | | | | | | | | |
| | | 24-01040 | 08/15/24 | 3 EMT Textbooks for Members | Open | 750.00 | 0.00 | | |
| DEMAR080 | DEMAREST DELI | | | | | | | | |
| | | 24-01057 | 08/19/24 | borough groceries | Open | 46.40 | 0.00 | | |
| DURIE010 | DURIE LAWN MOWER & EQUIPMENT, | | | | | | | | |
| | | 24-01049 | 08/15/24 | mower parts | Open | 165.85 | 0.00 | | |
| ESSIN005 | ESS, INC / PINNACLE WIRELESS | | | | | | | | |
| | | 24-00938 | 07/24/24 | digital police scanner | Open | 963.30 | 0.00 | | |
| EXTEL005 | EXTEL COMMUNICATIONS, INC. | | | | | | | | |
| | | 24-01113 | 08/21/24 | changed ext# 118/119 names pd | Open | 210.00 | 0.00 | | |
| FASTP005 | FAST PRINT | | | | | | | | |
| | | 24-01093 | 08/20/24 | BUSINESS CARDS | Open | 660.00 | 0.00 | | |
| FOVE005 | FOVEONICS | | | | | | | | |
| | | 24-01013 | 08/08/24 | 2023/2024 document sync | Open | 4,800.00 | 0.00 | | |
| FREMG005 | FREMGEN'S POWER EQUIPMENT | | | | | | | | |
| | | 24-01048 | 08/15/24 | mower & chainsaw parts | Open | 310.50 | 0.00 | | |
| GLEND010 | GLENDANGEL-HICKEY | | | | | | | | |
| | | 24-01017 | 08/12/24 | COURT COVERAGE 8-8-24 | Open | 75.00 | 0.00 | | |
| HARTM005 | HARTMAN EXCAVATING, LLC | | | | | | | | |
| | | 24-01052 | 08/15/24 | wood chips | Open | 600.00 | 0.00 | | |
| INTER040 | INTERSTATE WASTE SERVICES | | | | | | | | |
| | | 24-01030 | 08/13/24 | I#9909796 July 2024 | Open | 49,951.26 | 0.00 | | |
| JBLOC005 | J & B LOCK & ALARM INC | | | | | | | | |
| | | 24-01108 | 08/21/24 | MONITORING FOR FIRE ALARM | Open | 720.00 | 0.00 | | |

| Vendor # | Name | PO # | PO Date | Description | Status | Amount | Void Amount | Contract | PO Type |
|----------|-------------------------------|----------|----------|-------------------------------|--------|-----------------|-------------|----------|---------|
| JAMES065 | JAMES BERLAMINO JR | 24-01099 | 08/21/24 | FOOD REIMBURSEMENT HURRICANE | Open | 89.00 | 0.00 | | |
| JESCO005 | JESCO INC | 24-01023 | 08/13/24 | joystick code | Open | 2,622.31 | 0.00 | | |
| | | 24-01024 | 08/13/24 | stop light fix | Open | 1,219.83 | 0.00 | | |
| | | 24-01025 | 08/13/24 | low power | Open | 1,325.33 | 0.00 | | |
| | | 24-01026 | 08/13/24 | oil, fuel filter/element | Open | 737.28 | 0.00 | | |
| | | 24-01028 | 08/13/24 | backhoe water pump | Open | 614.24 | 0.00 | | |
| | | | | | | <u>6,518.99</u> | | | |
| KYLEM005 | KYLE MCMANUS ASSOCIATES LLC | 24-01081 | 08/19/24 | special master svcs | Open | 62.50 | 0.00 | | |
| LAWOF015 | LAW OFFICES OF MARK D. MADAIO | 24-01060 | 08/19/24 | meeting attendance 7-16-24 | Open | 250.00 | 0.00 | | |
| | | 24-01061 | 08/19/24 | 62 central ave legal escrow | Open | 250.00 | 0.00 | | |
| | | 24-01101 | 08/21/24 | RRF PROPERTIES 12 IRENE COURT | Open | 875.00 | 0.00 | | |
| | | 24-01102 | 08/21/24 | GREICHIE 62 CENTRAL AVE | Open | 650.00 | 0.00 | | |
| | | | | | | <u>2,025.00</u> | | | |
| LERCH005 | LERCH VINCI & HIGGINS | 24-01058 | 08/19/24 | ordinance/rating info | Open | 300.00 | 0.00 | | |
| | | 24-01059 | 08/19/24 | edmunds posting, review UFB | Open | 410.00 | 0.00 | | |
| | | | | | | <u>710.00</u> | | | |
| MCLOU005 | MCLOUGHLIN, JOHN | 24-01080 | 08/19/24 | Anti Virus Protection | Open | 99.99 | 0.00 | | |
| NJSHB005 | NJSHBP | 24-01022 | 08/13/24 | june health charge | Open | 75,714.63 | 0.00 | | |
| PANAL005 | PANALUNA DESIGN GROUP, LLC | 24-01055 | 08/19/24 | US NYLON FLAG | Open | 41.99 | 0.00 | | |
| PATRO005 | PATROL PC | 24-01094 | 08/20/24 | tahoe upgrades | Open | 4,172.31 | 0.00 | | |
| PIAZZ005 | PIAZZA & ASSOCIATES, INC. | 24-01021 | 08/13/24 | 2024 august consulting fee | Open | 200.00 | 0.00 | | |
| POWER020 | POWER TRAIN, INC. | 24-01050 | 08/15/24 | parts for pd car repair | Open | 765.00 | 0.00 | | |
| PRECA005 | PRECAST CONCRETE SALES | 24-01042 | 08/15/24 | grate only - imported | Open | 375.00 | 0.00 | | |
| PRECIO15 | PRECISION MOWER & EQUIPMENT | 24-01051 | 08/15/24 | supplies | Open | 250.00 | 0.00 | | |
| PUBLI005 | PUBLIC SERVICE GAS & ELECTRIC | 24-01047 | 08/15/24 | V#M00D02 Serv 06/18-07/17/24 | Open | 165.27 | 0.00 | | |

| Vendor # | Name | PO # | PO Date | Description | Status | Amount | Void Amount | Contract | PO Type |
|----------|--------------------------------|----------|----------|--------------------------------|--------|------------------|-------------|----------|---------|
| PYRAM005 | PYRAMID IMPRINTS | 24-01111 | 08/21/24 | staff shirts summer rec | Open | 178.50 | 0.00 | | |
| ROCKL005 | ROCKLAND ELECTRIC CO. | 24-01036 | 08/15/24 | A#36498-04000-9 Wakelee Tennis | Open | 146.22 | 0.00 | | |
| | | 24-01037 | 08/15/24 | A#46060-50000-9 129Hardenburgh | Open | 626.90 | 0.00 | | |
| | | 24-01053 | 08/15/24 | A#08263-54000-0 July 2024 | Open | 13,192.02 | 0.00 | | |
| | | 24-01114 | 08/21/24 | Acct#08263-54000-0 August 2024 | Open | 14,775.61 | 0.00 | | |
| | | | | | | <u>28,740.75</u> | | | |
| RUTGE030 | RUTGERS THE STATE UNIVERSITY | 24-01056 | 08/19/24 | course registration (3) Julie | Open | 1,959.00 | 0.00 | | |
| SPECT005 | SPECTROTEL | 24-01035 | 08/15/24 | I#12440934 Serv 08/08-09/07/24 | Open | 1,913.79 | 0.00 | | |
| STALK005 | STALKER RADAR APPLIED CONCEPTS | 24-00963 | 07/29/24 | PD CAR UPGRADES | Open | 737.00 | 0.00 | | |
| SUNSE005 | SUNSET HAND CAR WASH | 24-01097 | 08/21/24 | pd car wash/detail | Open | 545.00 | 0.00 | | |
| SUPER015 | SUPER QUALITY OIL CO. INC | 24-01029 | 08/13/24 | off road diesel | Open | 1,104.68 | 0.00 | | |
| TRWEN005 | T.R. WENIGER, INC | 24-00031 | 03/06/24 | 62 PINE TERRACE DRAINAGE DITCH | Open | 25,550.00 | 0.00 | | |
| TILCO005 | TILCON NEW YORK INC. | 24-01100 | 08/21/24 | QTY 15.63 UM TON | Open | 247.74 | 0.00 | | |
| TRAFF015 | TRAFFIC SAFETY & EQUIPMENT | 24-01020 | 08/12/24 | stop signs/green channel posts | Open | 1,262.07 | 0.00 | | |
| TRUEG005 | TRUEGREEN COMMERCIAL | 24-01112 | 08/21/24 | lawn svc,vegetation,pesticide | Open | 4,979.64 | 0.00 | | |
| VEOLI005 | VEOLIA (SUEZ) WATER NEW JERSEY | 24-01043 | 08/15/24 | July 2024 water Bill | Open | 701.24 | 0.00 | | |
| | | 24-01044 | 08/15/24 | August 2024 water Bill Part 1 | Open | 19,131.80 | 0.00 | | |
| | | 24-01115 | 08/22/24 | August 2024 water Bill Part#2 | Open | 1,449.03 | 0.00 | | |
| | | | | | | <u>21,282.07</u> | | | |
| VERIZ020 | VERIZON (AMB) | 24-01039 | 08/15/24 | I#9968964293 05/14/24-07/13/24 | Open | 304.08 | 0.00 | | |
| VERIZ040 | VERIZON (E911 2ND LINE) | 24-01109 | 08/21/24 | A#655938805000188 8/10-9/9-24 | Open | 226.10 | 0.00 | | |
| VERIZ010 | VERIZON WIRELESS | 24-01110 | 08/21/24 | I#9971228018 7/11-8/10/24 | Open | 380.12 | 0.00 | | |

| Vendor # | Name | PO # | PO Date | Description | Status | Amount | Void Amount | Contract | PO Type |
|------------------------|-------------------------|----------|------------------------|-------------------------------|--------|--------------------|-------------|--------------------|---------|
| VERIZ025 | VERIZON WIRELESS (FIRE) | 24-01096 | 08/20/24 | Verizon Cell July 11-Aug 10 | Open | 228.26 | 0.00 | | |
| WEINE005 | WEINER LAW GROUP | 24-01063 | 08/19/24 | special counsel AH | Open | 858.00 | 0.00 | | |
| WHALE005 | WHALEN & IVES | 24-01018 | 08/12/24 | INSTALL WALL/FLOOR UNIT ETC | Open | 9,662.00 | 0.00 | | |
| | | 24-01062 | 08/19/24 | loft clogged, pan overflowing | Open | 198.20 | 0.00 | | |
| | | 24-01105 | 08/21/24 | WATER LEAK COPPER DRAIN | Open | 280.69 | 0.00 | | |
| | | | | | | 10,140.89 | | | |
| Total Purchase Orders: | | 91 | Total P.O. Line Items: | | 0 | Total List Amount: | 362,466.91 | Total Void Amount: | 0.00 |

| Totals by Year-Fund Fund Description | Fund | Budget Total | Revenue Total | G/L Total | Total |
|---|------|-------------------|---------------|------------------|-------------------|
| | 4-01 | 252,033.91 | 0.00 | 0.00 | 252,033.91 |
| | 4-04 | 0.00 | 0.00 | 25,550.00 | 25,550.00 |
| | 4-08 | 0.00 | 0.00 | 178.50 | 178.50 |
| | 4-12 | 0.00 | 0.00 | 5,830.00 | 5,830.00 |
| Year Total: | | <u>252,033.91</u> | <u>0.00</u> | <u>31,558.50</u> | <u>283,592.41</u> |
| | C-04 | 69,533.25 | 0.00 | 0.00 | 69,533.25 |
| | T-13 | 9,341.25 | 0.00 | 0.00 | 9,341.25 |
| Total of All Funds: | | <u>330,908.41</u> | <u>0.00</u> | <u>31,558.50</u> | <u>362,466.91</u> |

**MAYOR AND COUNCIL
BOROUGH OF DEMAREST
WORK SESSION Minutes
August 12, 2024**

Mayor Bernstein called the meeting was called to order at 7:32 pm and asked Walker Reiss to lead the assembly in the Pledge of Allegiance.

Present:

Mayor Bernstein, Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Absent: None

Also Present: Julie Falkenstern, Borough Administrator
Mallory Garvin, for the Borough Attorney
Peter Suh, CFO
Nick Chelius, Borough Engineer

Mayor Bernstein asked for a motion to suspend the regular order of business to present Marly Kay of Marly Music a certificate of appreciation for her contributions to Youth Arts & Culture in the Borough.

A motion was made by Councilmember Reiss and seconded by Councilmember Collins

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

Absent: None

Mayor Bernstein invited Marly Kay up to receive a certificate of appreciation.

Mayor Bernstein spoke about Ms. Kay's work with area youth in music education.

Mayor Bernstein: *The study of music is vital to a well-rounded education. You had the vision and talent to create Music with Marly.*

You and your program provide a supportive and rich environment for students of all ages, backgrounds and skill levels to study music and to perform. The students are exposed to learning and performance opportunities that build self-confidence and self-esteem, allows them to be creative and courageous, teaches discipline, collaboration and respect and ignites all areas of their intellectual and cognitive abilities.

You encourage our kids to explore, create, defy convention, to be confident and to be proud of themselves.

I have seen their performances, their work ethic and dedication that allows them to soar. One of your students, Alex Jacob, is someone I have seen on your performance stage time and again. Alex is one of your success stories, but not the only one. I will let Marly tell you more about his journey in a little bit, but he is a talented individual and musician. He has set a high bar for others students to emulate; he graduated NVD this Spring and is off to Tufts University later this month. Good luck to you, Alex.

Watching you, Alex and the other students, your collective hard work, their unforgettable performances, their collaboration, the friendships among your students, and their shared excitement made it important for me to recognize you publicly for your achievement and selflessness.

Your students are magnificent and will be successful in whatever path they choose, in part, because of the lessons they learned and their experiences through Music with Marly.

On behalf of the Mayor and Council, please accept this Certificate of Appreciation in recognition of your work. Thank you.

Ms. Kay thanked the Mayor and Council and then spoke about her work.

Marly Kay: If I earned a penny every time someone asked me "Why do you work with so many families in Demarest?", I'd probably already have surpassed Elon Musk and become the richest person in the world...while my typical response is something sassy along the lines of "I love Demarest and Demarest loves me"...the truth is, the effect the people of this town have had on both my personal and professional life is much deeper than that.

When I look at Alex and the people in this room, I feel as if I can see my entire adult life flash before my eyes. Your very own councilman, Jonathan Reiss, was the first person to hire me to help with his son's DMS rock band rehearsals outside of school...as I was entering my freshman year of college as Alex is now. Soon after, Stacey Braff gave me my first opportunity to work as a private piano instructor with her son Eli, and encouraged me to help her form his own DMS rock band...leading to my introduction to Alex and his family...leading me to all of you in this room...leading to what has become "Music with Marly", the greatest adventure of my life thus far.

So, before I sing Alex's praises for the final time, I'd like to take a brief moment to thank all of you, for not only encouraging your children to love music, but also for the love and encouragement you have shown me over the past 10 years. As I tell my students, I have learned more from them than they ever will from me, no matter what life has confronted me with, Demarest has always been there...from the bottom of my heart, I thank you.

And now - to turn our attention to the heart and soul of this evening, please put your hands together as he joins me, and only — Alex Jacob

Alex —

I could stand here and rave to your family and friends about all the things they already know. You are intelligent, talented, and passionate...3 qualities that are impressive all on their own. They've seen you play; they've heard you sing...your bandmates are probably a little tired of hearing me rave about those things as well.

Instead, I'd like to share with them the little things that only I get to see, things to me that are more important than all of that, and that make you the truly special, beautiful human being that you are. Look around the room-the parents of this room already know their children look up to you...tonight, I want to show them why.

When your child is unsure of something musically, Alex is there to guide them.

When your child wants to give up, it's Alex's encouragement that keeps them going.

When your child comes to rehearsal feeling down...Alex is there to crack a joke and make them smile.

When your child leaves rehearsal feeling down. Sometimes, because of something I said or did...Alex is there to comfort them.

When your child needs to use the bathroom, get a band aid or a drink of water...Alex is there to help them.

When rehearsal schedule changes are made at the last minute, Alex adjusts his calendar no matter what he has going on.

When he knows I'm going to have a long day...Alex brings me a bar, a spare hair tie (thanks daphne), a bottle of water.

When rehearsals end late at night, Alex stays after to clean up whether he is scheduled to or not, to make sure I am not there alone to walk to my car.

The other question I'm most frequently asked is "What are you going to do without Alex"and the truth is, when I look around this room, I'm not worried at all.

The night before our show back in June, I fell ill, and had to lie down...the entire advanced band rallied together and stayed until midnight to pack up the cars so we could be ready for the performance the next day.

That night proved Alex's leadership has set the standard of what MWM can and should do. Our newest senior staffer, Elilee Ram, has been doing a fantastic job replacing Alex, and I'm excited to see what's next for our future.

So, for the last time—while I know it's usually more fun to boo him—just the once, please give Alex Jacob the round of applause he deserves.

The Council took a brief recess to take pictures with Marly and her students.

Mayor Bernstein then called the meeting back to order.

Resolution No. 1141-24 RESOLUTION REQUESTING APPROVAL FOR AUTHORIZATION OF AN EMERGENCY APPROPRIATION IN ACCORDANCE WITH N.J.S.A. 40A:4-46 AND N.J.S.A. 40A:4-48 – CAPITAL IMPROVEMENT FUND

A motion was made by Council President Slowikowski and seconded by Councilmember Fox to approve the resolution.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

Absent: None

Resolution No. 142-24 CAPITAL BUDGET AMENDMENT

A motion was made by Councilmember Collins and seconded by Council President Slowikowski to approve the resolution.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: None

ORDINANCE (INTRODUCTION):

ORDINANCE 1147 -2024 - AN ORDINANCE AMENDING AND MODIFYING CHAPTER 149 STORMWATER CONTROL OF THE DEMAREST BOROUGH CODE

Councilmember Fox made a motion to introduce on first reading by title Ordinance No. 1147 -24 and it published in the Bergen Record with notice of Public Hearing to be held on August 26, 2024. The motion was seconded by Councilmember Jiang.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: None

ORDINANCE NO. 1148-24 - AN ORDINANCE OF THE BOROUGH OF DEMAREST, IN THE COUNTY OF BERGEN, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE BOROUGH OF DEMAREST AND APPROPRIATING \$3,496,403 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,982,761 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE SAME

Council President Slowikowski made a motion to introduce on first reading by title Ordinance No. 1147 -24 and it published in the Bergen Record with notice of Public Hearing to be held on August 26, 2024. The motion was seconded by Councilmember Collins.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss
Nays: None
Absent: None

Work Session Discussion Items:

Engineer's Report - Nick Chelius reviewed the monthly engineer's report. Including status on paving projects. He reported that Madison Ave. milling and paving is complete and that the roads including in the Riverside Coop project are complete with the exception of Pine Terrace. Pine Terrace is scheduled begin in the next week. In response to a question from Mayor Bernstein, he clarified that Pine Terrace paving project is for the already improved portion of the street only. A proposal for unimproved roads was submitted earlier today for consideration on the next Council agenda. Mr. Chelius also reported that he continues to try and schedule a meeting with the DEP in regard to the CAP for the compost site. He explained the design of Stewart and Stelfox that is ongoing, which includes widening Stelfox and adding laid back Belgian block curb.

Request from Shade Tree Commission – Landmark Tree Designation

The Council discussed the email received from Linda Cetta, Chair of Shade Tree Commission requesting the Council to consider a tree at 21 Eric Pl. be designated as a "Landmark Tree". After

discussing the tree and reviewing the report from Arborist that called the tree an “unusual size for its genus/species”, the Council did not feel they had enough information about the tree to designate it as a “Landmark Tree”. It was noted that the inspection was in response to a tree removal permit from the resident that noted the tree was very large and close to his home. The resident feels his home's safety is at risk and he is willing to mitigate the removal per the ordinance. Councilmember Fox noted that even if the tree was designated as such, the Council could approve the removal, but it would require one more tree in mitigation. The council unanimously decided not to designate the tree and to refer it back to Shade Tree Commission to process the removal permit as per the ordinance.

Consent Agenda

Mayor Bernstein reviewed the consent agenda and noted that no member requested any item be removed from the consent agenda and voted on separately.

Mayor Bernstein also noted that no member would like to abstain from voting on any resolution on the consent agenda.

Consent Agenda:

| | |
|-----------------------|---|
| Resolution No. 136-24 | Approving Payment #1 – DLS Contracting |
| Resolution No. 137-24 | Renewal of Membership in the Bergen County JIF |
| Resolution No. 138-24 | Approving Payment #3 – Covino & Sons |
| Resolution No. 139-24 | Approving Employment Contract – Deputy Police Chief |
| Resolution No. 140-24 | Bills List |

A motion was made by Council President Slowikowski and seconded by Councilmember Reiss to approve the consent agenda.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

Absent: None

Meeting Open to the Public

A motion was made by Councilmember Collins and seconded by Councilmember Fox to approve opening the meeting to the public.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

Absent: None

There being no public wishing to speak, Councilmember Fox made a motion to close the meeting to the public. The motion was seconded by Councilmember Collins and approved by all.

Closed Session Resolution No. 2024-004

A motion was made by Councilmember Collins and seconded by Councilmember Fox to adjourn to closed session for a discussion on potential litigation with no action to be taken.

Ayes: Council President Slowikowski, Councilmember Collins, Councilmember Fox, Councilmember Jiang, Councilmember Marks, Councilmember Reiss

Nays: None

Absent: None

The Council reconvened into open session. There being no more business before the Council, Councilmember Collins made a motion to adjourn. The motion was seconded by Councilmember Fox and approved by all.

The meeting was therefore adjourned at 8:44 pm.

Respectfully submitted,

Julie Falkenstern, Acting Borough Clerk