
BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY

WASHINGTON BOROUGH COUNCIL MINUTES

DATE: August 20, 2024

The regular meeting of the Borough Council of Washington, Warren County, New Jersey was held in councils chambers at 7:00 P.M.

Roll Call: Brown(*attended via speaker*), Cox, France, Gorshkov, Infinito Musick and Conry.

Also Present: Erik Peterson Attorney
Borough Manager, Brian Bond
Laurie A. Courter, Borough Clerk

Mayor Conry led everyone in the flag salute and a moment of silence.

Mayor Conry read the following statement into record:

The requirements of the Open Public Meetings Law, P.L. 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Express-Times (Warren County Edition and Star Ledger) and posted on the Boroughs website stating the time, place and purpose of the meeting as required by law

PUBLIC COMMENT

Motion made by Cox and seconded by Gorshkov to open the public hearing, all were in favor.

Mel Thiel, Executive Director of the BID, gave the following report:

- A new business had a ribbon cutting this past Sunday Third Stage Vintage Consignment on Belvidere Avenue. Lulus Salon and Spa where abilities used to be had a soft opening on Saturday grand opening and ribbon cutting will be n September 7th and Cressling Dance Studio will have their grand opening.
- Main Barber across from LuLus they just opened their spot-will do all three ribbon cuttings in one day.
- Festival in the Borough update: vendor spaces sold out and there is a waiting list currently with four vendors.

- Gorshkov asked when the Townwide Yard sales will be, Mel replied that it will be held September 28th , which is always the following Saturday after the festival. Mel added that if anyone wants a space at the Farmers Market for the yard sales to let her know to have a table to set up to sell.

Hearing no further public comment, motion made by Cox and seconded by Gorshkov to close the public portion, all were in favor.

MINUTES

Motion to approve the following minutes made by Cox and seconded by Gorshkov , all were in favor.

June 18, 2024

July 16, 2024

Executive: July 16, 2024

REPORTS

Committee Reports

Shade Tree: France reported on the Shade Tree meeting that was held where they went over budget items. There are some requests for new trees to be planted and also quite a bit of work to be done there. There was a resignation on the board. They discussed the storm damage that occurred in June.

Recreation: Infinito reported that the WBYA soccer program kicked off for the first time in years , they are bringing soccer back to borough. In early spring, parents came to the meeting to bring up the about the association that the wouldn't take borough kids, so therefore the WBYA formed soccer for the kids. Its been hard work with WBYA and restructuring their board but everything is set to go, sign ups have blown away expectations. There have been 100 sign ups' starting the season with three pre k teams and two teams at every age level. Very exciting.

Sewer-Infinito reported that progress is being made to make sure the sewer plant is being maintained properly and following the contract.

VOUCHERS-Approval of Claims

Motion made by Cox and seconded by Gorshkov to approve the vouchers and claims.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

NEW BUSINESS

Computer Replacement Report-Manager Bond discussed the report that was distributed to all of council. Included in the report is installing security for doors and new cameras for the pool and municipal building. The computers are mid-level business computers. I7 Intel core. Not super-fast nor super slow. Higher security than a normal home computer. Bond reported that we do have sensitive data on them and encryption levels are higher. We don't want to have any issues with notifying everyone about info being leaked to a terrorist group. Gorshkov at this time stated she had information on research she did regarding the report and did a comparison of the computers for much less. Manager Bond was instructed to get more info on a graphics card with lower capabilities than the one he quoted.

Borough Owned Properties-Possible Sales-Manager Bond stated he provided all the information that was available and provided aerial photos, assess value acreage, and zoning. Discussions ensued regarding the township property located at 375 Route 57West. Bond stated that he would like to have the opportunity to speak with the Township to see if they are interested in the lot. Lengthy discussions ensued on ideas of what to do with the lot instead of giving it back to the township. Cox suggested keeping it a natural habitat. Cox asked to see if we could work something out instead of giving it away. Further discussions ensued regarding selling the property or the option of keeping it and having a bird sanctuary on it. Manager Bond continued on discussing each property on the list giving the history of each property and its value. Manager Bond recommended talking to an auction company to auction the properties. Mayor Conry discussed 44 Taylor Street property and recommends donating it to Habitat for Humanity.

Motion

Motion made by Cox and seconded by Infinito to authorize the manager to get appraisal of all the properties, all were in favor,

Ordinance Review (two versions) Moment of Silence-Agenda

Discussions ensued with comments on the two versions presented.

Motion made by Infinito to approve on first reading Ordinance 2024-17 (Infinito version), motion seconded by Brown.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 5 Nays: 2 (Gorshkov and France)

Motion passes.

ORDINANCE 2024-17

AN ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE BOROUGH OF WASHINGTON, ENTITLED THE COUNCIL

WHEREAS, the Mayor and Council deem it appropriate to begin each meeting with a recital of the Pledge of Allegiance and moment of silence,

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Washington, County of Warren, that the Code of the Borough of Washington be amended as follows:

Section 1. Chapter 3 of the Code of the Borough of Washington, entitled “The Council,” is hereby amended as follows (deletions noted in strikethrough thus and additions noted in bold italic thus):

§ 3-12 Order of business and agenda.

A. The business of the Council at its meetings shall be taken up for the consideration of Council and disposed of in the following order:

- (1) A quorum roll call.
- (2) Pledge of Allegiance.
- (3) Moment of silence.
- (4) Approval of previous minutes.
- (5) Communications.
- (6) Public hearings.
- (7) Reports of staff, boards, committees.
- (8) Approval of claims.
- (9) Old business.
- (10) New business.
- (11) Council remarks and discussions.
- (12) Meeting recap.
- (13) Adjournment.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. This Ordinance shall take effect upon final passage and publication according to law.

ORDINANCES 1st Reading *Public Hearing will be schedule for September 17, 2024*

Motion made by Cox to approve on first reading Ordinance 2024-16, motion seconded by Gorshkov.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

ORDINANCE 2024-16

AN ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF THE BOROUGH OF WASHINGTON ENTITLED GARBAGE, RUBBISH AND REFUSE

WHEREAS, the Borough of Washington will be relinquishing the duties of collection and disposal of solid waste beginning September 1, 2024 utilizing a New Jersey licensed hauler; and

WHEREAS, these changes necessitate the amendment of Chapter 47 of the Code of the Borough of Washington in order to promulgate rules and regulations for the collection and disposal of solid waste;

NOW THEREFORE BE IT RESOLVED, by the Council of the Borough of Washington, County of Warren, State of New Jersey, that Chapter 47 be repealed and replaced in its entirety by the following ordinance: **§ 47-1 Short title.**

This chapter shall be known as the "Rubbish and Recycling Ordinance of Washington Borough."

§ 47-2 Definitions.

For purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

ALUMINUM CANS

All aluminum containers used for soda, beer and other beverages or food cans.

ANTIFREEZE

All automotive engine coolant consisting of a mixture of ethylene glycol and water or propylene glycol and water.

ASPHALT ROOFING MATERIAL

Shingles and tar paper made of asphalt and used for roofing.

AUTOMOTIVE BATTERIES

Wet-cell lead-acid batteries from automobiles, trucks, motorcycles, tractors and lawn mowers.

BIMETAL CONTAINERS

Empty food or beverage containers consisting of steel and aluminum. Unlined bimetal cans are recyclable.

BOROUGH

Borough of Washington

BULK ITEM TYPE 13

Bulk items shall be one piece or section of furniture or one appliance that will not fit into a mobile refuse cart. Any appliances containing freon shall have freon removed in accordance with all applicable state and federal laws with appropriate tag attached prior to being picked up. Bulk items shall not include auto parts, lead acid batteries, televisions, monitors or recyclable materials of any kind or a container of any kind with components of solid waste inside. Size of a Bulk item may be limited by the Borough's contracted hauler.

COMMINGLED RECYCLABLES

Glass bottles and jars, aluminum cans, bimetal cans, tin cans and plastic bottles.

COMMERCIAL AND INDUSTRIAL WASTES

The by-products of building contractors or demolition contractors engaged in the business of the repair and construction of homes or other buildings or structures; by-products or waste or any manufacturing plant; all items traded in as merchandise from commercial retailers and repair services; automobiles and vehicles or parts thereof.

COMMERCIAL ESTABLISHMENT

Any establishment engaged in nonmanufacturing or nonprocessing business, including but not limited to stores, markets, office buildings, restaurants, shopping centers and theaters.

COMMERCIAL USE

An activity involving the sale of goods or services carried out for profit.

CORRUGATED PAPER/CARDBOARD

Cardboard of the type used to make boxes and cartons, with two outer layers and a waffle inner layer, and brown-paper (kraft) paper bags.

DEMOLITION and CONSTRUCTION WASTE

All building materials, lumber , bricks, concrete, tree stumps, asphalt, pallets and land-clearing debris resulting from construction, remodeling, repair and demolition operations on structures and pavements.

DESIGNATED RECYCLABLE MATERIALS

Those materials designated within the current Warren County District Solid Waste Management Plan to be source-separated for the purpose of recycling. These materials include:

Designated Traditional Materials	Designated Nontraditional Materials
Aluminum cans	Antifreeze
Computer paper	Asphalt and concrete pavement, concrete bricks
Glass bottles and jars — three colors (clear, green and brown)	Automotive batteries (lead-acid)
Corrugated cardboard	Carpet
High-grade office paper — white	Computers
Magazines and mixed paper	Florescent tubes
Newsprint	Laser and inkjet cartridges
Plastic bottles: PETE - clear and green (Type 1); HDPE - clear and colored (Type 2)	Household batteries as identified in the County Plan
Steel cans/tin cans/bimetal cans unlined	Latex paint
	Leaves and yard waste (brush, tree parts)
	Nontreated wood
	Oil filters
	Propane tanks
	Scrap metals (including junked autos)
	Source-separated metal

	Stumps
	Textiles/clothing
	Tires
	Used motor oil
	White goods (large appliances)

DISPOSE or DISPOSAL

The incineration, deposition, injection, dumping, spilling, leaking or placing of solid waste into or on the land or water in a manner that the solid waste or a constituent of the solid waste enters the environment, is emitted into the air or is discharged to the waters of the State of New Jersey.

DOMESTIC WASTE or HOUSEHOLD REFUSE

Waste, comprised of garbage and rubbish, which normally originates in the residential uses and is not construction, demolition, institutional, industrial or hazardous waste.

ELECTRONIC WASTE

A computer central processing unit and associated hardware, including keyboards, modems, printers, scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than four inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

GARBAGE

All refuse, entrails and waste of animals and fish and all vegetable matter which has been or was intended to be used as food; all clam, oyster, crab and lobster shells; and all other material so specified by the State of New Jersey.

GLASS CONTAINER

All bottles and jars made from silica or sand, soda ash and limestone, the product being transparent or semitransparent, with or without color, excluding, however, blue and flat glass, window glass, mirror glass, plate glass, crystal, stemware and light bulbs.

HAULER or PRIVATE COLLECTOR

Any person, firm, co-partnership, association or corporation who or which has been licensed as required by law to collect, transport and dispose of solid waste as herein prescribed.

HAZARDOUS WASTE

Any hazardous substance, pollutant or contaminant as defined in Section 101(14) and (330) of the Comprehensive Environmental Response and Compensation and Liability Act

(CERCLA), 42 U.S.C.A. Section 9601 (14) and (33) or 40 C.F.R. Part 302; any hazardous substance, hazardous waste or solid waste, as those terms are defined in applicable state or local law; any substances containing petroleum as that term is defined in Section 9001(8) or 40 C.F.R. 280.1; or any other substance for which any governmental entity requires special handling in its collection, storage, treatment or disposal. These wastes cannot be disposed of in the Borough's municipal solid waste collection service. Any product which is labeled warning, caution, poisonous, toxic, flammable, corrosive, reactive or explosive should be considered hazardous. In addition to the aforementioned hazardous waste, shall also include paints, stains and finishes, oil based solvents, herbicides and pesticides.

HIGH-GRADE OFFICE PAPER

White bond, copier, computer or ledger paper made from wood fibers. Excluded from this category are envelopes, colored paper, carbon paper, magazines, newspapers, cardboard, and glossy papers.

HOMEOWNERS ASSOCIATION

An organization for the governance of a subdivision, planned community or condominium or any form of other group residential ownership which makes and enforces rules for the properties and their residents. An HOA shall be deemed a private community as described herein. HOA shall include property owners' associations.

HOUSEHOLD BATTERIES

Any chargeable or nonchargeable dry-cell batteries.

INDUSTRIAL ESTABLISHMENT

Any establishment engaged in manufacturing or processing, including but not limited to factories, foundries, mills, processing plants, refineries, mines and slaughterhouses.

INSTITUTIONAL ESTABLISHMENT

Any establishment or facility engaged in service, including but not limited to hospitals, nursing homes, orphanages, day-care centers, schools and universities.

LATEX PAINT

Paint with a water base.

MAGAZINE AND MIXED PAPER

All paper periodicals and catalogs and colored paper, envelopes and junk mail, excluding plastic, cardboard, telephone books and carbon paper.

MISCELLANEOUS RECYCLABLE MATERIALS

Includes materials which would otherwise be classified as solid waste, are not otherwise defined in this chapter, and are documented as being recycled. It currently is limited to carpet, propane tanks, laser and inkjet printer cartridges and florescent light tubes.

MOBILE REFUCE CART

Plastic mobile cart provided to residents required to participate in the municipal solid waste

collection service for the collection and storage of domestic waste and shall be 95 gallons.

MULTIFAMILY DWELLING

Any building or structure or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see N.J.S.A. 13:1E-99.13a) and shall include "hotels," "motels" or other "guest houses" serving transient or seasonal guests as those terms are defined under Subsection (j) of Section 3 of the Hotel and Multiple Dwelling Law, P.L. 1967, c. 76 (N.J.S.A. 55:13A-1 et seq.).

MUNICIPAL ESTABLISHMENT

Public facilities operated by the Borough and other governmental and quasi-governmental entities or organizations.

MUNICIPAL SOLID WASTE COLLECTION SERVICE

Residential solid waste collection provided by the Borough of Washington to qualifying properties within the Borough.

MUNICIPAL SOLID WASTE COLLECTION USER FEE

The fee established in order to offset the costs of providing the municipal solid waste collection service, recycling collection and yard waste collection services to residents (as defined in this Chapter) in the Borough of Washington.

MUNICIPAL RECYCLING COORDINATOR

The person or persons appointed by the municipal governing body and who shall be authorized to enforce the provisions of this chapter and any rules and regulations promulgated hereunder.

MUNICIPAL SOLID WASTE (MSW) STREAM

All solid waste generated at residential, commercial and institutional establishments within the boundaries of the municipality of the Borough of Washington which is not bulky waste or construction and demolition debris.

MUNICIPALITYThe Borough of Washington, Warren County, New Jersey.

NEWSPAPERS

Includes a cheap paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, and having printed thereon news and opinions and containing advertisements and other matters of public interest. Magazines, periodicals, newsletters, hard-covered books and catalogs, as well as other paper products of any nature, are not considered newspapers.

NONRECYCLABLE MATERIAL

Materials are not readily recyclable, the following are examples of nonrecyclable materials:

- 1) Nonrecyclable paper/cardboard: wrapping paper that is laminated or contains foreign

materials such as foil-coatings or glitter, photographic film, microwave containers, hardcover books, frozen food boxes, thermal fax paper, carbon paper, blueprints, aluminum foil boxes, binders and pizza boxes.

- 2) Nonrecyclable plastic consumer items: some food storage containers, dishware, vinyl, disposable diapers, toys, Formica™, fiberglass, foam materials, and plastics attached to other materials such as kitchenware or auto parts.
- 3) No recyclable glass: noncontainer glass, plate glass, automotive glass, light bulbs, blue glass and porcelain and ceramic products
- 4) Other waste: ashes, soil, animal feces and carcasses, dirt, furniture, mattresses, and insulation.

OIL FILTERS

A detachable device in a motor vehicle which is part of the lubrication system of an internal combustion engine used to decontaminate oil that contains suspended impurities.

PERSON

Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, federal government or agency, state institution and agency or any other legal entity which is recognized by law as the subject of rights and duties. In any provisions of this article prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors or any person legally responsible for the conduct of that entity.

PLASTIC CONTAINERS

Polyethylene terephthalate containers (PET), high-density polyethylene containers (HDPE), polyvinyl chloride containers (PVC) and polypropylene containers (PP).

PRIVATE COMMUNITY

A residential area with privately owned roads, streets or alleys that is governed by a homeowners association or other similar cost sharing organizations for the maintenance of the privately owned roads, streets or alleys.

PROCESSING

Any technology used for the purpose of reducing the volume or bulk of domestic waste or used to convert part or all of such waste materials for off-site reuse. Processing facilities include but are not limited to transfer facilities, composting facilities and resource-recovery facilities.

PUBLIC NUISANCE

- 1) Annoyance or discomfort to persons beyond the boundaries of that property;
- 2) Interference with the health and/or safety of persons beyond the boundaries of that property or of persons who might reasonably be expected to enter upon or be in that property; and/or

- 3) Disturbance to or interference with the peaceful use of the property of others within the Borough or any case taking into consideration the location of the use or condition and the nature and condition of the surrounding neighborhood.

RECYCLABLE MATERIALS

Those materials which would otherwise become solid waste and which may be collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.

REFUSE or RUBBISH

All solid wastes, exclusive of vegetative wastes and recyclable materials, consisting of both combustibles and non-combustibles, such as paper, wrappings, cardboard, tin cans, rags, glass and other solid waste of a nonvolatile or explosive nature, except commercial and industrial wastes.

REFUSE GENERATING UNIT (RGU)

One or more rooms, including a kitchen (or kitchenette) and sanitary facilities in a dwelling structure, designed as a unit for occupancy by not more than one family for living and sleeping purposes.

SCRAP METALS

Ferrous and nonferrous metals, including junked automobiles.

SOURCE SEPARATION

The process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

SOLID WASTE

Any waste, including but not limited to municipal, residual, institutional, yard waste or hazardous wastes, including solid, liquid, semisolid or contained gaseous material.

SOURCE-SEPARATED RECYCLABLE MATERIALS

Recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

STEEL CANS

All disposal cans made of tin, steel or a combination of ferrous metals, including, but not limited to, containers commonly used for the storage of food products.

STORAGE/CONTAINMENT

The storage/containment of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness or public nuisances. The containment of any waste on a temporary basis in such a manner as not to constitute disposal of such waste. In accordance with all applicable laws, Department rules and regulations.

TEXTILES

Used clothing, bedding materials, curtains and draperies and other items made from cloth or cloth-like fabric.

TIRES

Tires from automobiles, motorcycles, trucks, tractors and bicycles.

TRANSFER STATION

Any supplemental transportation facility used as an adjunct to solid waste collection vehicles.

TRANSPORTATION

The off-site removal of any solid waste at any time after generation.

VEGETATIVE/YARD WASTES

Includes all leaves, grass and hedge clippings, straw, thatch, tree branches not greater than four inches in diameter, plant stems and roots, , shrubbery and other similar material not meant for human consumption.

WASTE OIL

Oil that has never been used or has been compromised and is no longer suitable for its original purpose. This includes Bottom clean-out waste from virgin fuel storage tanks, virgin fuel oil spill cleanups, oil that has contaminated through leaking containers, products such as kerosene and antifreeze, vegetable and animal oil and petroleum distillates used as solvents. **USED OIL**

A petroleum-derived or synthetically derived oil whose physical properties have changed as a result of handling or use, such that the oil cannot be used for its original purpose. Used oil consists primarily of automotive oils (e.g., used motor oil, transmission oil, hydraulic fluids, brake fluid, etc.) and industrial oils (e.g., industrial engine oils, metalworking oils, process oils, industrial grease, etc.).

WHITE GOODS

Appliances, such as washers, dryers, refrigerators, stoves, dishwashers, air conditioners, trash compactors, water softeners and water heaters.

§ 47-3 Establishment of utility; collection; fees.

- A. Establishment of utility. A municipal solid waste utility is hereby established within the Borough of Washington, in the County of Warren, for the collection and disposal of solid waste, to fix the amount and charges for the use therefor and to provide rules and regulations therefor. The municipal solid waste collection and disposal operation.
- B. Garbage and refuse consisting of Type 10 and/or Type 13 municipal wastes, except "commercial and industrial wastes" as defined herein and except in excess of the amounts described/defined in herein, accumulated in the Borough shall be collected, conveyed and disposed of by the Borough or its duly authorized contractor for such purposes (hereinafter collectively referred to as the "collector") in strict compliance with the provisions of this chapter and any other applicable law, rule, regulations, contract or ordinance.

C. Each refuse generating unit, hereinafter "RGU" shall pay to the Borough a quarterly fee to be established not less than annually by resolution of the governing body for removal of "garbage" and "refuse" as defined herein. Any commercial or industrial RGU or any multifamily RGU as defined in section 47-4, shall not be part of the municipal collection service and shall provide proof of service in the form of a current and valid contract with a solid waste hauler holding a current and valid solid waste license issued by the State of New Jersey. Further, the proof of service must indicate garbage and refuse pickup of more than 95 gallons or 1/2 cubic yard of Type 10 municipal waste per week. D. Past due amounts as lien. Garbage fees as provided herein shall be a first lien or charge against the property billed for the services rendered. Any part of the amount due and payable interest shall accrue at a rate of interest equivalent of that established for delinquent garbage fees pursuant to N.J.S.A. 40:48-2.14 Liens levied in accordance with this section shall be enforceable in the manner provided for real property tax liens in Section 5 of Title 54 of the Revised Statutes.

§ 47-4 Properties subject to municipal collection.

A. The cost of collection and disposal of eligible solid waste, including designated recyclable materials, and related support services shall be raised, as herein provided, by billing only residential properties of 4 or fewer dwelling units. To further explain, all property within the Borough shall be subject to municipal collection, with the exception of the following:

- 1) Business properties.
- 2) Commercial properties (e.g., restaurants, stores).
- 3) Industrial properties (e.g., warehouses, factories).
- 4) Residential properties of more than 4 dwelling units.
- 5) Mobile home parks.
- 6) Condominiums of more than 10 dwelling units.
- 7) Mixed-use properties where the predominant use is one of the above-listed uses. (For mixed-use properties, eligibility shall be determined by the Tax Assessor, based in part on the New Jersey Property Classification Codes as assigned in the current year certified Tax List.)
- 8) Vacant lots or vacant lands.
- 9) Any and all other nonresidential properties (e.g., schools, churches).

B. No solid waste shall be collected from the above-listed properties, nor shall any part of the cost of collecting and disposing of solid waste be billed to these properties.

§ 47-5 Collection by producers or owners.

This chapter shall not prohibit the actual producers of refuse or the owners of premises upon which refuse has accumulated from personally collecting, conveying and disposing of such refuse or from contracting with rubbish contractors, provided such producers or owners comply with the provisions of this chapter and with any other applicable law, rule, regulation or ordinance.

§ 47-6 Residential dwelling compliance requirements.

A. Residential dwelling compliance requirements.

- (1) The owners/occupants of single-family and two-family dwellings shall be responsible for compliance with this chapter.
- (2) For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including the designation of a building/complex recycling coordinator who will oversee the recycling system which includes the collection of recyclable materials.
- (3) Delinquent payments and suspended service. At any such time where quarterly payment(s) become(s) past due, collection/pickup will be suspended immediately and without further notice. Owners/occupants of residential dwellings and/or commercial establishments without collection service will be required to remove or otherwise dispose of any and all refuse, rubbish or solid waste from the premises within 72 hours after the receipt of written notice to that effect. In the event the Borough finds it necessary to provide services for the removal or destruction of the solid waste when the owner or tenant refuses or neglects to remove or destroy the solid waste in the manner and within the time required by this chapter §§ 47-4 and 47-5(3), service fees will continue to accrue and past due amounts shall be a first lien or charge against the property billed for the services rendered as set forth in this chapter § 47-3.
- (4) Violations and penalties notices will be directed to the owner, occupant or management in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every six months during their occupancy.

B. Commercial and Industrial establishments, Private Communities and Multi-family Residential properties compliance requirements.

- (1) All commercial, business or industrial facilities, Private Communities and Multi-family Residential properties shall be required to comply with the provisions of this chapter.
- (2) The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional, industrial property or Private Communities or Multi-family owners or his designee,. All commercial, institutional, industrial, private

communities and Multi-family properties properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.

- (3) Annually, every business, institution or industrial facility, private community and Multi-family property shall report to the Municipal Recycling Coordinator the recycling activities undertaken at its premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service. The forms to be used will be provided by the Municipal Recycling Coordinator.
- (4) All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products and maintain such records as may be prescribed for inspection by any Code Enforcement Officer.

§ 47-7 Supervision by Manager; authority to regulate collection and disposal.

[Amended 1-8-1985 by Ord. No. 24-84]

Garbage and refuse accumulated in the Borough shall be collected, conveyed and disposed of by the collector under the supervision of the Borough Manager. The Mayor and Common Council shall have the authority to make necessary and reasonable rules and regulations concerning the days and times of collections, type and location of waste containers and such other matter pertaining to the collection, conveyance and disposal of refuse and other materials as the Mayor and Council find necessary in the public interest. The Borough Manager shall be responsible for implementing any rules and regulations as adopted.

§ 47-8 Collection carts; preparation of garbage, recyclables and vegetative wastes for collection; separation of recyclable materials.

Garbage, recyclables and refuse shall be prepared for collection in accordance with the provisions hereof.

- A. The Borough or the Boroughs Contracted Solid Waste Hauler shall provide the use of one ninety-five-gallon black garbage cart and one ninety-five-gallon green recycling cart to each RGU. Carts are the property of the Borough and shall remain with the real property to which they are assigned. Upon sale of the real property the cart shall be conveyed with the real property in the same manner as any improvements upon the property. Each RGU existing at the establishment of this chapter shall be issued one garbage cart and one recycling cart at the Borough's expense as will any RGU created after the passage of this chapter. Replacement of any garbage or recycling cart thereafter shall be at the expense of the RGU. The fee for replacement of any garbage or recycling cart shall be established not less than annually by resolution of the governing body.
- B. Excluding "bulk items" as defined herein with properly affixed stickers, all garbage and refuse must be placed and contained within the Borough-issued garbage cart. Non-bulk items placed outside of the Borough-issued garbage cart will not be collected and shall be

subject to enforcement actions as provided herein.

- C. All garbage, before being placed in the container for collection, shall have drained from it all free liquids or must be securely bagged.
- D. All rubbish shall be drained of excessive liquid before being deposited in the container for collection.
- E. All recyclables as defined herein shall be deposited into container provided by the Borough in a manner consistent with single-stream or fully commingled recycling.
- F. Metal, glass, and plastic containers shall be cleaned and have all paper or plastic labels removed.
- G. All glass shall have metal rings and caps removed and must be cleaned.
- H. Any single-stream recyclables in excess of the capacity of the allotted ninety-five-gallon container issued by the Borough shall be placed in heavy-duty plastic or galvanized metal containers provided by the RGU which shall not exceed 32 gallons in capacity and shall not exceed 50 pounds in weight. Single-stream recyclables placed curbside without a container or placed in plastic bags shall not be picked up.
- I. Grass clippings, hedge clippings, leaves, straw, thatch, plant stems and roots and similar material shall be placed in kraft-type bags or heavy-duty plastic or galvanized metal containers provided by the RGU whose overall capacity shall not exceed 32 gallons in capacity and further shall not exceed 50 pounds in weight. All items in this section must be separated from all other garbage, refuse and recyclable materials.
- J. Tree branches not in excess of four inches in diameter and not more than two feet in length may be placed in heavy-duty plastic or galvanized metal containers provided by the RGU whose overall capacity shall not exceed 32 gallons in capacity and further shall not exceed 50 pounds in weight. Alternatively, tree branches not in excess of four inches in diameter and two feet in length may be securely tied with twine consisting of natural fibers only in bundles which shall not exceed 50 pounds in weight.
- K. All white goods shall be considered bulk or Type 13 waste and separated from all other garbage, refuse, recyclable materials and vegetative wastes. Refrigerators and freezers shall have doors or latches removed prior to placement outside of any building. Refrigerators, freezers, air conditioners and dehumidifiers are not eligible for collection unless written documentation of the removal of coolant by a certified refrigeration technician has been prominently affixed to the unit when placed curbside for collection in addition to a bulk waste sticker as described herein.
- L. Batteries of the dry-cell type shall be placed in sealed plastic bags and brought to an authorized drop-off center for disposal and may not be placed out at curbside for collection. Wet-cell automotive batteries must be brought to an authorized recycling center and may not be placed out at curbside for collection.

- M. Loose asphalt roofing material and loose demolition waste, including, but not limited to, broken drywall, plywood, or wallboard, loose insulation, concrete, blacktop, or other masonry rubble, must be brought to an authorized solid waste facility authorized to recycle or process such waste for use, and this waste may not be placed out at curbside for collection. Large intact items, such as fixtures (tubs, toilets, sinks, cabinets, doors, windows, etc.), shall be disposed of as bulk or Type 13 waste with a sticker properly affixed as described herein.
- N. Latex paint may be dried by adding sand or soil to cans such that no liquid remains inside. Completely dried cans of latex paint only may be disposed of as Type 10 waste in the Borough-provided garbage container only.
- O. Scrap metal shall be free from all contamination from nonmetallic sources, such as ceramic material, glass, plastic, cloth or other such material. Small quantities of scrap metal not in excess of 60 pounds in weight and no greater than six feet in height may be placed out at curbside for collection. Junk automobiles or automobile parts, heavy iron, scrap metal from construction or demolition projects and oversize or overweight scrap metal must be brought to a licensed scrap metal dealer or auto salvage facility and may not be placed at curbside for collection.

§ 47-9 Preparation of Bulk Type 13 waste; disposal of waste generated outside Borough.

- A. "Bulk or Type 13 waste" is defined herein as large items of waste material, such as appliances, mattresses, children's toys and furniture or other single items which, due to their size, cannot be placed inside the ninety-five-gallon garbage container provided by the Borough.
- B. Bulk or Type 13 waste items shall be placed adjacent to the ninety-five-gallon garbage container issued by the Borough with a "Bulk Waste Sticker" as defined herein affixed to said item and prominently displayed facing out toward the curb in full view of the collection personnel.
- C. Bulk waste stickers shall be issued by the Borough for a fee to be established by resolution not less than annually by resolution of the governing body. Each bulk waste sticker shall be valid for one item and shall be valid on any day designated as a bulk waste collection day by the Borough. Bulk waste stickers shall not expire and shall not be refundable.
- D. Bulk or Type 13 waste shall not be permitted to be containerized or grouped in a manner so as to allow for the disposal of multiple items with one bulk waste sticker.
- E. No person shall bring garbage, litter, refuse, rubbish or other waste into the Borough of Washington for the purpose of disposing of the same in the Borough of Washington, nor shall any person place garbage, litter, refuse, rubbish or other waste generated outside of the Borough of Washington in any public waste receptacle of the Borough of Washington or in any private receptacle subject to collection and disposal by the Borough of Washington or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit

small amounts of garbage, trash, rubbish or litter generated locally or in the course of travel, such as newspaper, food, retail beverage and food containers and wrappings, and other similar items, in public waste receptacles.

§ 47-10 Accumulation in proper containers; unlawful deposit.

- A. No person shall place any garbage or industrial wastes in any street, alley or other public place or upon any private property, whether owned by such person or not, except in proper containers for collection; neither shall any person throw or deposit any garbage, refuse or industrial waste in any stream or storm drain.
- B. Any accumulation of refuse on any premises, except in the manner herein provided, is hereby declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after the effective date of this chapter shall be deemed a violation of this chapter.
- C. No person shall cast, place, sweep or deposit any grass clippings, brush, sod or other refuse in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place within the Borough hereafter.
- D. No person shall bring garbage, litter, refuse, rubbish or other waste into the Borough of Washington for the purpose of disposing of the same in the Borough of Washington, nor shall any person place garbage, litter, refuse, rubbish or other waste generated outside of the Borough of Washington in any public waste receptacle of the Borough of Washington or in any private receptacle subject to collection and disposal by the Borough of Washington or its duly authorized contractor for such purposes, except that it shall not be illegal to deposit small amounts of garbage, trash, rubbish or litter generated locally or in the course of travel, such as newspaper, food, retail beverage and food containers and wrappings, and other similar items, in public waste receptacles.
- E. No person shall deposit household or commercial garbage in the public waste receptacles of the Borough of Washington, except as otherwise provided by law.
- F. No person who has his or her garbage, litter, refuse, rubbish or other waste collected by the Borough of Washington shall accept for disposal garbage, litter, refuse, rubbish or other waste generated outside the Borough for the purpose of having it collected and/or disposed of by the Borough of Washington or its duly authorized contractor.

§ 47-11 Limitation on amounts per household.

- A. The Borough shall collect and dispose of not more than one ninety-five-gallon container of Type 10 waste, per RGU, per week.
- B. Each RGU shall be permitted to dispose of an unlimited amount of "Type 13 or bulky waste" as defined herein per designated collection day, provided that the Type 13 waste has bulk waste stickers properly affixed thereon.
- C. Type 13 or bulky waste stickers shall not be utilized to dispose of Type 10 or regular municipal waste in excess of the ninety-five gallons allotted per week.

§ 47-12 Placement of containers for collection.

Each RGU desiring to have garbage, refuse, recyclable materials and/or vegetative wastes collected by the Borough or its agents shall prepare the same for collection as prescribed herein at the roadside no earlier than 6:00 p.m. the night before or prior to 5:00 a.m. on the day designated for the collection area. All containers must be placed at the roadside not later than 6:00 a.m. on the day of collection. Containers may not be left at the roadside after collection. The owner or occupier of the premises is responsible to make sure containers are accessible for collection purposes and that the containers are properly stored away from the roadside when not placed for collection. All Mobile Refuse Carts shall be placed wheels out.

§ 47-13 Disposition of other materials.

- A. Highly flammable, corrosive or explosive materials shall not be placed in containers for collection but shall be disposed of by the owner at the expense of the owner or possessor thereof.
- B. The Manager is hereby authorized and directed to promulgate rules and regulations for the disposal of household furnishings and waste material not included within the definition of "refuse," where such waste material originates within Washington Borough. Any person desiring to dispose of such waste shall do so in strict accordance with such rules and regulations and in accordance with the statutes of New Jersey.
- C. The actual producers of refuse or the owners of premises upon which refuse is accumulated who desire personally to collect and dispose of such refuse, persons who desire to dispose of waste material not included in the definition of "refuse," and collectors of refuse from outside of the Borough who desire to haul over the streets of the Borough shall use a watertight vehicle provided with a tight cover and so operated as to prevent offensive odors escaping therefrom and refuse or waste material from being blown, dropped or spilled therefrom.

§ 47-14 Certain items responsibility of producer or owner.

Disposal of items, such as and similar to automobiles, vehicles, parts of vehicles, tires, building materials, sod, soil, concrete, large tree limbs, tree stumps, tree trunks, commercial and industrial wastes shall be the responsibility of the producers or owners thereof.

§ 47-15 Frequency of collections.

- A. Curbside collection of Type 10 waste in all areas of the Borough shall be conducted once per week.
- B. Curbside collection of Type 13 waste in all areas of the Borough shall be conducted once per week coinciding with curbside collection of Type 10 waste. Type 10 waste shall not be collected at any other time.
- C. Curbside collection of single-stream recyclables in all areas of the Borough shall be conducted once per week.
- D. Curbside collection of grass, leaves, branches, brush and other vegetative waste in all areas of the Borough shall be conducted once per week seasonally with the exact dates of

collection to be determined annually by the Borough Manager in consultation with the Borough Council and Department of Public Works Supervisor.

- E. The Borough of Washington shall publish, at least annually, a comprehensive schedule and regulation set for all recycling, garbage and bulk trash collections within the Borough.

§ 47-16 Mandatory source separation; exemption from source-separation requirements.

- A. Mandatory source separation. It shall be mandatory for all persons who are owners, tenants or occupants of residential and nonresidential premises, which shall include, but not be limited to, retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Borough of Washington, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants or occupants of such premises. Designated recyclable materials shall be taken to an authorized recycling center or, for recyclable materials for which curbside pickup is provided, placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Washington.
- B. Exemptions. Pursuant to N.J.S.A. 13:1E-99.16(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source-separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source-separate from the municipal solid waste stream the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this section, a commercial or institutional generator of solid waste shall file an application for exemption with the Municipal Recycling Coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials; and a certification that the designated recyclable materials will be recycled and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the Municipal Recycling Coordinator of the total number of tons collected and recycled for each designated material.

§ 47-17 Prohibition of the collection of waste mixed with recyclable materials; collection by unauthorized parties prohibited.

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with or contains visible signs of designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected waste for proper disposal or recycling. Allowing such unseparated solid waste

and recyclables to accumulate will be considered a violation of this chapter and the local sanitary code.

- C. Once placed in the location identified by this chapter or any rules or regulations promulgated pursuant to this chapter, no person, other than those authorized by the municipality, shall tamper with, collect, remove or otherwise handle designated recyclable materials. Each such instance of tampering, collection, removal or handling of designated recyclable materials in violation hereof shall constitute a separate and distinct violation of this chapter.

§ 47-18 New developments of multifamily residential units or commercial, institutional or industrial properties.

- A. Any application to the Planning Board of the Borough of Washington for subdivision or site plan approval for the construction of multifamily dwellings of three or more units, single-family developments of 50 or more units, or any commercial, institutional or industrial development for the utilization of 1,000 square feet or more of land must include a recycling plan. This plan must contain, at

a minimum, the following:

- (1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development.
 - (2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the Municipal Recycling Coordinator.
 - (3) Provisions shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the Municipal Engineer.
- B. Prior to the issuance of a certificate of occupancy by the Borough of Washington, the owner of any new multifamily housing or commercial, institutional or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.

§ 47-19 Enforcement.

The Recycling Coordinator, the Zoning Officer, the Building Inspector, the Housing Officer, or other code enforcement officer, the Police Department serving the Borough of Washington, and the Warren County Department of Health are hereby individually and severally empowered to enforce the provisions of this chapter. An inspection may consist of sorting through containers and opening of solid waste bags to detect, by sound or sight, the presence of any recyclable material or any material otherwise prohibited for disposal by this chapter, or in a manner prohibited by this chapter.

§ 47-20 Violations and penalties.

- A. Any person, corporation, occupant or entity that violates or fails to comply with any of the provisions of this chapter shall, upon conviction, be punished for each offense by a fine not to exceed \$2,000, by imprisonment for a term not to exceed 90 days in the county jail, or by a period of community service not exceeding 90 days.
- B. Notwithstanding the provisions of Subsection A, any person who violates § 47-9D of the Code of the Borough of Washington shall, upon conviction, be punished for each such offense by a minimum fine of \$100 and a maximum fine of \$5,000.

Motion made by Cox to approve on first reading the following Ordinances 2024-18,19,20,21 and 22, motion seconded by Gorshkov.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

ORDINANCE NO. 2024-18

AMENDING AND SUPPLEMENTING CHAPTER 55 “LITTERING” OF THE CODE OF THE BOROUGH OF WASHINGTON

ORDINANCE NO. 2024-19

ESTABLISHING CHAPTER 56 “PRIVATELY OWNED SALT STORAGE” OF THE CODE OF THE BOROUGH OF WASHINGTON

ORDINANCE NO. 2024-20

AMENDING AND SUPPLEMENTING CHAPTER 57 “STORMWATER CONTROL” OF THE CODE OF THE BOROUGH OF WASHINGTON

ORDINANCE NO. 2024-21

AMENDING AND SUPPLEMENTING CHAPTER 59 “NUISANCES, PUBLIC HEALTH” OF THE CODE OF THE BOROUGH OF WASHINGTON

ORDINANCE NO. 2024-22

ESTABLISHING CHAPTER 83A “TREE REMOVAL - REPLACEMENT” OF THE CODE OF THE BOROUGH OF WASHINGTON

ORDINANCE 2nd Readings

Motion made by Cox and seconded by Musick to open the public hearing for Ordinance 2024-13.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

Hearing no public comment, motion made by Cox and seconded by Music to close the public hearing, all were in favor.

Motion made by Cox and seconded by Musick to adopt Ordinance 2024-13.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays:0

Motion passes.

ORDINANCE 2024-13

BOROUGH OF WASHINGTON

WARREN COUNTY

**ORDINANCE TO AMEND AND REPLACE CHAPTER 57,
STORMWATER CONTROL, OF THE CODE OF THE BOROUGH
OF WASHINGTON, COUNTY OF WARREN, STATE OF NEW JERSEY**

Replace existing Chapter 57, Stormwater Control in entirety with Chapter 57, Stormwater Control as follows:

§57-1	Scope and Purpose
§57-1.1	Review and Inspection Fees.
§57-2	Definitions
§57-3	Design and Performance Standards for Stormwater Management Measures
§57-4	Stormwater Management Requirements for Major Development
§57-5	Calculation of Stormwater Runoff and Groundwater Recharge
§57.6	Sources of Technical Guidance
§57.7	Solids and Floatable Materials Control Standards
§57.8	Safety Standards for Stormwater Management Basins
§57.9	Requirements for a Site Development Stormwater Plan
§57.10	Maintenance & Repair
§57.11	Penalties
§57.12	Severability
§57.13	Effective Date
§57-1	Scope and Purpose

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in Section 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 [insert name of municipality].
3. An application required by ordinance pursuant to (b)1 above that has been submitted prior to {adoption date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.
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 date of this ordinance}, shall be subject to the stormwater management requirements in effect on {1 day prior to the adoption date of this ordinance}.
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.

§57-1.1 Review and Inspection Fees.

A. Review and inspection fees

(1) Review Fees

(a) When stormwater management plans are required to be prepared and submitted for review and approval under this ordinance, and when such plans are submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq, then no additional and separate review fee shall be required. The costs for professional review of the stormwater management plan will be deducted from the review escrow account established for the development application in accordance with the applicable provisions of the development regulation.

(b) A review fee of \$500 shall be paid to the Borough whenever:

[1] A stormwater management plan is required to be prepared and submitted for review and approval under this ordinance, and such plan is not submitted for review and approval in conjunction with an application for development approval under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

[2] A revised stormwater management plan is submitted for review and approval subsequent to the approval of a development application by the Land Use Board and when revisions to a previously approved stormwater management plan are necessitated by field conditions or other modifications to the development proposal.

(2) Inspection Fees.

(a) When stormwater management improvements are constructed in conjunction with other site improvements associated with an approved major subdivision or site plan, then no additional and separate construction inspection escrow account shall be required.

(b) When stormwater management improvements are constructed in conjunction with a minor subdivision approval, or variance approval for which no site plan was required, then a construction inspection escrow account shall be established with the Borough in the manner as provided in the development regulation and in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

§57-2 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense

include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on the corresponding definitions in the Stormwater Management Rules at N.J.A.C. 7:8-1.2.

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

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

“Carbonate Rock Area” means an area where rock consisting chiefly of calcium and magnesium carbonates such as limestone and dolomite, has been identified.

“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 Board of 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.

“Current Deficit Area” means any United States Geological Survey 14-digit Hydrologic Unit Code subwatershed area that is identified in the Highlands Regional Master Plan as having negative Net Water Availability, meaning that existing consumptive and depletive water uses exceed the capacity of the ground water supply to sustain.

“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.

“Highlands Open Waters” means all springs, wetlands, intermittent and ephemeral streams, perennial streams and bodies of surface water, whether natural or artificial, located wholly or partially within the boundaries of the Highlands Region, but shall not mean swimming pools.

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a subwatershed, which is identified by a 14-digit hydrologic unit boundary designation, delineated within New Jersey by the United States Geological Survey.

“Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.

“Impervious surface – Highlands Preservation Area” means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, and includes porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements. To be considered an impervious surface, the structure, surface or improvement must have the effect of reducing or preventing stormwater absorption.

“Infiltration” is the process by which water seeps into the soil from precipitation.

“Karst” means a distinctive topography that indicates solution of underlying carbonate rocks (such as limestone and dolomite) by surface water or groundwater over time, often producing surface depressions, sinkholes, sinking streams, enlarged bedrock fractures, caves, and underground streams.

“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.
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.”

“Maximum Extent Practicable” means designing stormwater management systems so that all reasonable opportunities for using non-structural stormwater practices are exhausted and a structural BMP is implemented only where absolutely necessary.

“Mitigation” means an action by an applicant providing compensation or offset actions for onsite stormwater management requirements where the applicant has demonstrated the inability or impracticality of strict compliance with the stormwater management requirements set forth in N.J.A.C. 7:8, in an adopted regional stormwater management plan, or in this local ordinance, and has received a waiver from strict compliance from the municipality. Mitigation shall include the implementation of the approved mitigation plan within the same drainage area where the subject project is proposed, or a contribution of funding toward a municipal stormwater control project, or provision for equivalent treatment at an alternate location, or any other equivalent water quality benefit as approved by the municipality.

“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 §57-4.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

"Non-Exempt Project" means any project not eligible for an exemption from the Highlands Water Protection and Planning Act Rules, pursuant to N.J.A.C. 7:38-2.3.

"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.

"Preservation Area" means lands within the Highlands Region that are located in that portion designated by the Highlands Act as the "Preservation Area" (see metes and bounds description at N.J.S.A. 13:20-7b.)

"Prime Ground Water Recharge Area" means lands with the best ground water recharge rates within a HUC14 subwatershed, as indicated by GSR-32 analysis, that provide the top forty percent (40%) of the total recharge volume for the subwatershed.

"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.

"Redevelopment" means land disturbing activity that results in the creation, addition, or

replacement of impervious surface area on an already developed or disturbed site.

Redevelopment includes but is not limited to: the expansion of a building footprint, addition or replacement of a structure, replacement of impervious surface area that is not part of a routine maintenance activity, and land disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

“Regional Master Plan” means the Highlands regional master plan or any revision thereof adopted by the Highlands Water Protection and Planning Council pursuant to N.J.S.A. C.13:20-8.

“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 2, 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.

§57-3 Design and Performance Standards for Stormwater Management Measures.

- A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater

runoff quality treatment as follows:

1. The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

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.

§57-4 Stormwater Management Requirements for Major Development.

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with §57-10.
- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §57-4.P, Q and R:
 1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of §57-4.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
 1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the

- requirements of §57-4.O, P, Q and R to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements of §57-4.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of §57-4.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section 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.

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

G. (Notes corresponding to annotations ^(a) through ^(g) are found on Page D-14)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quantity 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>
<u>Bioretention System</u>	<u>80 or 90</u>	<u>Yes</u>	<u>Yes^(b)</u> <u>No^(c)</u>	<u>2^(b)</u> <u>1^(c)</u>
<u>Infiltration Basin</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Sand Filter^(b)</u>	<u>80</u>	<u>Yes</u>	<u>Yes</u>	<u>2</u>
<u>Standard Constructed Wetland</u>	<u>90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>
<u>Wet Pond^(d)</u>	<u>50-90</u>	<u>Yes</u>	<u>No</u>	<u>N/A</u>

H. (Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)

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

I. (Notes corresponding to annotations ^(b) through ^(d) are found on Page D-14)

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.
- J. 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 §57-6.B. Alternative stormwater management measures may be used to satisfy the requirements at §57-4.O only if the measures meet the definition of green infrastructure at §57-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at §57-4.O.2 are subject to the contributory drainage area limitation specified at §57-4.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 §57-4.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 §57-4.D is granted from §57-4.O.
- K. 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.

- L. 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 §57-8.C;
 - 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
 - 4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section 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.

- M. 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 §57-2 may be used only under the circumstances described at §57-4.O.4.

- N. Any application for a new agricultural development that meets the definition of major development at §57-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §57-4.O, P, Q and R and any applicable Soil

Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

- O. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §57-4.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- P. 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 Warren County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §57-4.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 57-10 .B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.
- Q. 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 §57-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded in the Office of the Warren County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

R. 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 §57-4.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at §57-4.F. and/or an alternative stormwater management measure approved in accordance with §57-4.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

3. To satisfy the stormwater runoff quantity standards at §57-4.R, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with §57-4.G.
4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with §57-4.D is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with §57-4.G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §57-4.P, Q and R.
5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §57-4.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with §57-4.D.

S. 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 §57-5, either:

- i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
 - iii. For Non-Exempt Projects located in the Preservation Area and in a Current Deficit Area as identified in the Borough's Environmental Resource Inventory, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
 - iv. For Non-Exempt Projects located in the Preservation Area and in a Prime Ground Water Recharge Area as identified in the Borough's Environmental Resource Inventory, the following standards shall apply:
 - a. Where disturbance is permitted in accordance with this subsection, it shall be limited to no greater than 15% of the Prime Ground Water Recharge Area on the site and shall preferentially be sited on that portion of the Prime Ground Water Recharge Area that has the lowest groundwater recharge rates.
 - b. Where disturbance to the Prime Ground Water Recharge Area is permitted, the project shall demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures provide for enhanced recharge standards set forth in (5.) below.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
- i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

- ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.
 - iii. Carbonate rock areas in the Preservation Area where surficial or subsurface karst features have been identified and recharge facilities cannot be designed in a manner that would eliminate the concentrated subsurface release of stormwater (*Note: The mere presence of carbonate bedrock does not constitute a karst feature*).
5. Non-Exempt Projects that are subject to the enhanced recharge requirements by P.2.iii. or P.2.iv above, shall apply the following standards, either:
- i. Recharge 125 percent of the percentage of the average annual preconstruction groundwater recharge volume for the site; or
 - ii. In addition to complying with the recharge requirements of section IV.P, retain on-site with no discharge, the Stormwater Quality Design Volume (SWQDv), defined as the runoff from the 1.25-inch, 2-hour rainfall event. Where meeting the recharge requirement will not result in retention of the full SWQDv, the major development shall retain any additional volume to meet the requirements of this section through additional infiltration, or through evapotranspiration or capture and on-site re-use of rainfall.

T. 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 §57-4.P, Q and R.
7. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.
8. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.
9. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.
10. This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

U. 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.

§57-5 Calculation of Stormwater Runoff and Groundwater Recharge.

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

1. The design engineer shall calculate runoff using the following 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 runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above at §57-5.A.1.i and the Rational and Modified Rational Methods at §57-5.A.1.ii. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).
3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.
4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.
5. If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

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

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

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

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

- C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:
1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service’s Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

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

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

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Atlantic	1.01	1.02	1.03
Bergen	1.01	1.03	1.06
Burlington	0.99	1.01	1.04
Camden	1.03	1.04	1.05
Cape May	1.03	1.03	1.04
Cumberland	1.03	1.03	1.01
Essex	1.01	1.03	1.06
Gloucester	1.05	1.06	1.06
Hudson	1.03	1.05	1.09
Hunterdon	1.02	1.05	1.13
Mercer	1.01	1.02	1.04

D. Table 6:

Middlesex	1.00	1.01	1.03
Monmouth	1.00	1.01	1.02
Morris	1.01	1.03	1.06
Ocean	1.00	1.01	1.03
Passaic	1.00	1.02	1.05
Salem	1.02	1.03	1.03
Somerset	1.00	1.03	1.09
Sussex	1.03	1.04	1.07
Union	1.01	1.03	1.06
Warren	1.02	1.07	1.15

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
Atlantic	1.22	1.24	1.39
Bergen	1.20	1.23	1.37
Burlington	1.17	1.18	1.32
Camden	1.18	1.22	1.39
Cape May	1.21	1.24	1.32
Cumberland	1.20	1.21	1.39
Essex	1.19	1.22	1.33
Gloucester	1.19	1.23	1.41
Hudson	1.19	1.19	1.23
Hunterdon	1.19	1.23	1.42

Mercer	1.16	1.17	1.36
Middlesex	1.19	1.21	1.33
Monmouth	1.19	1.19	1.26
Morris	1.23	1.28	1.46
Ocean	1.18	1.19	1.24
Passaic	1.21	1.27	1.50
Salem	1.20	1.23	1.32
Somerset	1.19	1.24	1.48
Sussex	1.24	1.29	1.50
Union	1.20	1.23	1.35
Warren	1.20	1.25	1.37

§57-6 Sources for Technical Guidance.

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

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

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

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

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

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

§57-7 Solids and Floatable Materials Control Standards.

- A. Site design features identified under §57-4.F above, or alternative designs in accordance with §57-4.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see §57-7.A.2 below.

- Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a

storm drain or surface water body under that grate:

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

§57-8 Safety Standards for Stormwater Management Basins.

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in §57-8.C.1, C.2 and 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

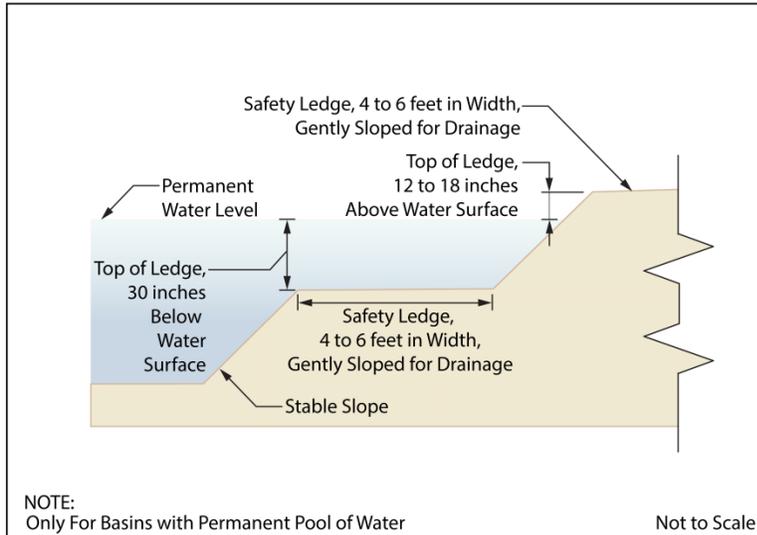
resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

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 less than two inches across the smallest dimension
 - iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.
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 §57-8.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
 - iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration
Elevation View – Basin Safety Ledge Configuration



§57-9 Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at §57-9.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit three (3) copies of the materials listed in the checklist for site development stormwater plans in accordance with §57-9.C of this ordinance.

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot

contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of §57-3 through §57-5 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-

development and post-development conditions for the design storms specified in §57-4 of this ordinance.

- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 57-10.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §57-9.C.1 through 9.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§57-10 Maintenance and Repair.

A. Applicability

Projects subject to review as in §57-1.C of this ordinance comply with the requirements of §57-10. B and C.

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
5. If the party responsible for maintenance identified under §57-10.B.3 above is not a public agency, the maintenance plan and any future revisions based on § 57-10.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.
7. The party responsible for maintenance identified under §57-10.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by §57-10s.B.6 and B.7 above.
8. The requirements of § 57-10 .B.3 and B.4 do not apply to stormwater management

facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

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

- 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

§ 57-11 Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance, or do any act or thing prohibited, or refuse or fail to do any act or thing required to be done, or refuse or fail to comply with any order of the Engineer or Land Use Board made pursuant hereto, shall, upon conviction thereof, be subject for each violation to a penalty of not more than \$500 or imprisonment for not more than 90 days, or both. Whenever such person shall have been officially notified in writing by the Engineer or by service of a summons in a prosecution, or in any other official manner, that he is committing a violation, each day's continuation of such violation shall be deemed a separate offense.

§ 57-12 Severability.

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

§ 57-13 Effective Date.

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

Motion made by Musick and seconded by Cox to open the public hearing for Ordinance 2024-14.
Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

Public Hearing:

Robin Klimko, stated that listening to discussions here tonight is a little upsetting. Asked Manager if there is an IT person. Manager Bond replied yes. Ms. Klimko asked if he had gone to the IT person for what is good for the borough? Manager replied yes. Ms. Klimko proceeded to comment and stated that if the borough has a computer expert if this is what our IT says to run the programs then that's what should be done and not be comparing something off of amazon.

Hearing no further public comments, motion made by Cox and seconded by Musick to close the public hearing, all were in favor.

Motion made by Infinito and seconded by Musick to adopt Ordinance 2024-14.
Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 4 Nays: 1 (Gorshkov) Abstain: 2 (Cox and Musick)
Motion passes.

BOROUGH OF WASHINGTON
ORDINANCE 2024-14

AN ORDINANCE AUTHORIZING VARIOUS GENERAL
IMPROVEMENT FOR THE BOROUGH OF WASHINGTON AND APPROPRIATING \$20,000
THEREFOR FROM THE "CAPITAL IMPROVEMENT FUND" OF SAID BOROUGH

BE IT ORDAINED by the Borough Council of the Borough of Washington in Warren County,

New Jersey as follows:

Section 1. The Borough of Washington in Warren County (hereinafter referred to as "Municipality") is hereby authorized the following Capital Improvements for the Borough of Washington:

1. Purchase of Computer Equipment \$20,000.00

Section 2. The work and acquisitions, authorized by Section 1 of this Ordinance shall be undertaken as

a general improvement, the entire cost of which shall be contributed and borne by the municipality as a general

expense, and no part of said cost shall be specially assessed against any property. The estimated cost noted

of such project shall not exceed \$20,000.00 unless this Ordinance is amended.

Section 3. It is hereby determined and stated that the undertaking of the aforesaid projects (hereinafter

referred to as “purpose”) is not a current expense of the municipality; and that the total estimated cost of said

purpose is \$20,000.00, the estimated cost for the projects having been noted in Section 1 above.

Section 4. The sum of \$20,000.00 is hereby appropriated for said purpose from the “Capital Improvement Fund” of the municipality for said purpose as required by law and now available therefore under a

budget or budgets of the municipality previously adopted.

Section 5. The Capital budget of the municipality is hereby amended to conform with the provisions of

this Ordinance to the extent of any inconsistency herewith.

Section 6. This Ordinance shall take effect upon its passage and publication as provided by law.

Motion made by Cox and seconded by Gorshkov to open the public hearing for Ordinance 2024-15.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

Hearing no public comment, motion made by Cox and seconded by Infinito to close the public hearing, all were in favor.

Motion made by Infinito and seconded by Musick to adopt Ordinance 2024-15.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays:0

Motion passes.

**BOROUGH OF WASHINGTON
COUNTY OF WARREN
STATE OF NEW JERSEY**

ORDINANCE 2024-15

**ORDINANCE OF THE BOROUGH OF WASHINGTON, COUNTY OF WARREN,
STATE OF NEW JERSEY CREATING CHAPTER 52 ENTITLED “LEAD-BASED**

PAINT INSPECTIONS” TO REQUIRE LEAD-BASED PAINT INSPECTIONS IN CERTAIN RESIDENTIAL DWELLINGS, AS MANDATED BY P.L. 2021, C. 182.

WHEREAS, the State of New Jersey enacted P.L. 2021, c. 182, codified under N.J.S.A. 52:27D-437.1, et seq., establishing lead-based paint testing programs for certain residential rental properties; and

WHEREAS, pursuant to P.L. 2021, c.182, all municipalities are required to inspect every single-family, and two-family, and multiple rental dwelling located within the municipality on a recurring basis and at tenant turnover for lead-based paint hazards; and,

WHEREAS, the Borough Council of the Borough of Washington determined it is in the best interests of Township residents to amend the Borough Code at this time to require inspections for lead-based pain in certain residential rental dwellings to conform with State law.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, as follows:

SECTION I

Chapter 30 – Lead-Based Paint Inspections.

§ 30-1. Definitions.

Dust Wipe Sampling – A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

Lead Abatement – Measures designed to permanently eliminate lead-based paint hazards in accordance with standards established by the Commissioner of Community Affairs in compliance with standards promulgated by the appropriate federal agencies.

Lead-Based Paint Hazard – Any condition that causes exposure to lead from lead-contaminated dust or soil or lead-contaminated paint that is deteriorated or present in surfaces that would result in adverse human health effects.

Lead Evaluation Contractor – A person certified by the New Jersey Department of Community Affairs to perform lead inspection and risk assessment work pursuant to N.J.A.C. 5:171.1 et seq.

Tenant Turnover – The time at which all existing occupants vacate a dwelling unit(s) and all new tenants move into the dwelling unit.

Visual Assessment – A visual examination for deteriorated paint or visible surface dust, debris, or residue.

§ 30-2. Required Initial Inspection

The owner, landlord, and/or agent of every single-family, two-family, and/or multiple dwelling unit(s) offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards within two (2) years of the effective date of the law, July 2, 2022, or upon tenant turnover, whichever is earlier.

§ 30-3. Required Recurring Inspection.

After the initial inspection required by Section 30-2, the owner, landlord, and/or agent of such dwelling unit(s) offered for rental shall be required to obtain an inspection of the unit for lead-based paint hazards every three (3) years, or at tenant turnover, whichever is earlier, except that an inspection upon tenant turnover shall not be required if the owner, landlord, and/or agent has a valid lead-safe certification.

§ 30-4. Option to Hire Lead Evaluation Contractor.

The owner, landlord, and/or agent may directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the New Jersey Department of Community Affairs to satisfy the requirements of Section 30-2 instead of the municipal inspection contemplated by Section 30-2. In the event that a dwelling owner or landlord directly hires such a lead evaluation contractor, the term “Borough Code Enforcement Officer” shall also mean and include such lead evaluation contractor for purposes of this Chapter.

§ 30-5. Consultation with the Local Board of Health.

The Borough Code Enforcement Officer or such lead evaluation contractor with the duty to inspect single-family, two-family, and multiple rental dwellings pursuant to this Chapter, may consult with the local health board, the State of New Jersey Department of Health, or the State of New Jersey Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

§ 30-6. Standards.

Inspection for lead-based paint in rental dwelling units shall be governed by the standards set forth in N.J.S.A. 52:27D-437.1 et seq., and N.J.S.A. 55:13A-1 et seq., as may be amended from time to time.

§ 30-7. Exceptions.

A dwelling unit in a single family, two family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards, or for the fees for such inspection or evaluation, if the unit:

- a. has been certified to be free of lead-based paint.
- b. was constructed during or after 1978;
- c. is in a multiple dwelling that has been registered with the Department of Community Affairs as a multiple dwelling for at least ten (10) years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the "Hotel and Multiple Dwelling Law", N.J.S.A. 55:13A-1, et seq.;
- d. is a single-family or two-family seasonal rental dwelling which is rented for less than six (6) months-duration each year by tenants that do not have consecutive lease renewals; or
- e. has a valid lead-safe certification issued in accordance with N.J.S.A. 52:27D-437.16(d)(2).

§ 30-8. Remediation.

If lead-based paint hazards are identified, then the owner, landlord, and/or agent of the dwelling shall remediate the hazards through abatement or lead-based paint hazard control mechanisms in accordance with N.J.S.A. 52:27D-437.16(d). Upon the remediation of the lead-based paint hazard, the Borough Code Enforcement Officer or his/her designee, as may be applicable, or the owner's private lead inspector, shall conduct an additional inspection of the unit(s) to certify that the hazard no longer exists.

§ 30-9. Lead-Safe Certification.

If no lead-based paint hazards are identified, then the Borough Code Enforcement Officer or his/her designee, or the owner's private lead inspector shall certify the dwelling as lead safe on a form prescribed by the Department of Community Affairs (DCA), which shall be valid for two (2) years and shall be filed with the Township's Code Enforcement Officer. The Borough Code Enforcement Officer shall maintain up-to-date information on inspection schedules, inspection results, tenant turnover, and a record of all lead-free certifications issued pursuant to N.J.A.C. 5:17.

§ 30-10. Owner, Landlord, and/or Agent Responsibility.

In accordance with N.J.S.A. 52:27D-437.16(e), the owner, landlord, and/or agent shall:

- a. provide evidence of a valid lead-safe certification and the most recent tenant turnover to the Borough of Washington at the time of the cyclical inspection carried out under the “Hotel and Multiple Dwelling Law,” N.J.S.A. 55:13A-1, et seq., unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to § 30-7 hereof;
- b. provide evidence of a valid lead-safe certification to new tenants of the property at the time of tenant turnover, unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to § 30-7 hereof, and shall affix a copy of such certification as an exhibit to the tenant’s or tenants’ lease; and
- c. maintain a record of the lead-safe certification which shall include the name or names of the unit’s tenant or tenants if the inspection was conducted during a period of tenancy, unless not required to have had an inspection by a lead evaluation contractor or permanent local agency pursuant to § 30-7 hereof.

§ 30-11. Notification to the Commissioner of Community Affairs.

If the Borough Code Enforcement Officer finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this Chapter, then the Code Enforcement Officer shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with the “Lead Hazard Control Assistance Act,” N.J.S.A. 52:276D-437.8.

§ 30-12. Inspections as a Result of Testing of Children of Six Years of Age or Younger.

- a. If less than three percent (3%) of children tested in the Township, six (6) years of age or younger, have a blood lead level greater than or equal to five (5) ug/dL, according to the central lead screening database maintained by the State of New Jersey Department of Health pursuant to N.J.S.A. 26:2-137.6, or according to other data deemed appropriate by the commissioner (as such term is used in and for the purposes of N.J.S.A. 52:27D-437.16), then the Borough Code Enforcement Officer may inspect a dwelling located therein for lead-based paint hazards through visual assessment.
- b. If at least three percent (3%) of children tested, six (6) years of age or younger, have a blood lead level greater than or equal to five (5) ug/dL, according to the central lead screening database maintained by the State of new Jersey Department of Health pursuant to section 5 of P.L.1995, c.328 (N.J.S.A. 26:2-137.6), or according to other data deemed appropriate by the commissioner, then the Borough Code Enforcement Officer shall inspect a dwelling located therein through dust wipe sampling.
- c. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the Borough Code Enforcement Officer shall inspect the remainder of the building’s dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The

Borough Code Enforcement Officer may charge fees in accordance with this Chapter for such additional inspections.

§ 30-13. Fees.

- a. Notwithstanding any other fees due pursuant to this Chapter, a fee in the amount of three hundred and twenty dollars (\$320.00) shall be paid for the initial lead-based paint inspection performed by the Borough of Washington. If, after the initial inspection, a lead-based paint hazard is found, and a subsequent inspection is required to confirm that such hazard has been remediated, the fee of three hundred and fifty dollars (\$350.00) shall be assessed for any such subsequent inspection(s).
- b. Said fees shall be dedicated to meeting the costs of implementing and enforcing this subsection and shall not be used for any other purpose. Alternatively, a dwelling unit owner, landlord, and/or agent may directly hire a private lead evaluation contractor who is certified to provide lead paint inspection services by the Department of Community Affairs to satisfy the requirements of this Chapter, in which case no additional Lead-Based Paint inspection fee shall be paid.
- c. In addition to the fees permitted to be charged for inspection of rental housing pursuant to this Chapter, the Municipality shall assess an additional fee of twenty dollars (\$20.00) per unit inspected by a certified lead evaluation contractor or permanent local agency for the purposes of the “Lead Hazard Control Assistance Act,” P.L.2003, c.301 (N.J.S.A. 52:27D-437.1 et al.) concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs has already assessed an additional inspection fee of twenty dollars (\$20.00) pursuant to the provisions of section 10 of P.L.2003, c.301 (N.J.S.A. 52:27D-437.10).
- d. In a common interest community, any inspection fee charged pursuant to this subsection shall be the responsibility of the unit owner and not the homeowners’ association, unless the association is the owner of the unit. The fees collected pursuant to this subsection shall be deposited into the “Lead Hazard Control Assistance Fund” established pursuant to section 4 of P.L.2003, c.301 (N.J.S.A.52:27D-437.4).

§ 30-14. Violations and Penalties.

In accordance with N.J.S.A. 52:27D-437.19, the penalties for a violation of this Chapter shall be as follows:

- a. If a property owner has failed to conduct the required inspection or initiate any remediation efforts, the owner shall be given thirty (30) days to `cure the violation.
- b. If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed one thousand dollars (\$1,000.00) per week

until the required inspection has been conducted or remediation efforts have been initiated.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, inconsistent with the Code of the Borough of Washington, or is held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

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

RESOLUTIONS

Motion made by Musick and seconded by Gorshkov to adopt Resolution 2024-139

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

**RESOLUTION 2024-139
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year (2023) has been filed by a Registered Municipal Accountant with the *Borough Clerk* pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Governing Body* of the *Washington Borough* hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Motion made by Cox and seconded by Musick to adopt Resolution 2024-140

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 204-140

Resolution Authorizing Tax Collector To Hold An Electronic Tax Sale For Unpaid 2023 Taxes And Other Municipal Charges Through NJ Tax Lien Investors/RealAuction.com

WHEREAS, NJSA 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services; and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for electronic sales; and

WHEREAS, the Director of the Division of Local Government Services has approved NJ Tax Lien Investors/RealAuction.com to conduct electronic tax sales; and

WHEREAS, an electronic tax sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process; and

WHEREAS, the Borough of Washington wishes to hold an electronic tax sale for unpaid 2023 taxes and other municipal charges.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Washington, County of Warren, State of New Jersey authorizing the Tax Collector to hold an electronic tax sale for unpaid 2023 taxes and other municipal charges through NJ Tax Lien Investors/RealAuction.com on November 4, 2024.

Motion made by Cox and seconded by Musick to adopt Resolution 2024-141, 142 and 145.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2024-141
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 9, 2023 to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979, in the amount of \$255.19 for taxes or other municipal liens assessed for the year 2022 in the name of REGULSKI, LINDA & MARK as supposed owners, and in said assessment and sale were described as 42 SCHOOL ST, Block 25 Lot 3, which sale was evidenced by Certificate #23-00018 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 7/30/2024 and before the right to redeem was cut off, as provided by law, CORELOGIC claiming to have an interest in said lands, did redeem said lands claimed by BALA PARTNERS LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$1,527.31 which is the amount necessary to redeem Tax Sale Certificate #23-00018.

NOW THEREFORE BE IT RESOLVED, on this 20th day of August, 2024 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to BALA PARTNERS LLC, P.O. Box 303, Pottersville, NJ 07979 in the amount of **\$2,827.31** (This consists of \$1,527.31 Certificate Amount redeemed + \$1,300.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 25 Lot 3 from the tax office records.

RESOLUTION 2024-142
A RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE

As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on December 7, 2022 to FIG 20, LLC FBO SEC PTY, PO BOX 12225, NEWARK, NJ 07101, in the amount of \$963.60 for taxes or other municipal liens assessed for the year 2021 in the name of JOYCE, PATRICK M & BETH ANN as supposed owners, and in said assessment and sale were described as 150 VAN BUREN ST, Block 59 Lot 6, which sale was evidenced by Certificate #22-00032, and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do

certify that on 7/30/24 and before the right to redeem was cut off, as provided by law, CORELOGIC claiming to have an interest in said lands, did redeem said lands claimed by FIG 20, LLC FBO SEC PTY by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$3,443.41 which is the amount necessary to redeem Tax Sale Certificate #22-00032.

NOW THEREFORE BE IT RESOLVED, on this 20th day of August, 2024 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to FIG 20, LLC FBO SEC PTY, PO BOX 12225, NEWARK, NJ 07101 in the amount of **\$5,943.41** (This consists of \$3,443.41 Certificate Amount redeemed + \$2,500.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 59 Lot 6 from the tax office records.

RESOLUTION 2024-145
RESOLUTION FOR REDEMPTION OF TAX CERTIFICATE
As per N.J.S.A.54:5

KNOW ALL PERSONS BY THESE PRESENTS THAT, WHEREAS, lands in the taxing district of Washington Borough, County of Warren, State of New Jersey, were sold on November 9, 2023 to NJSL 301, LLC, 650 E. PALISADES AVE STE 2, #258, ENGLEWOOD CLIFFS, NJ 07632, in the amount of \$76.67 for taxes or other municipal liens assessed for the year 2022 in the name of PENINA & CO LLC as supposed owners, and in said assessment and sale were described as 256 E WASHINGTON AVE, Block 70 Lot 4, which sale was evidenced by Certificate #23-00027 and

WHEREAS, the Collector of Taxes of said taxing district of the Borough of Washington, do certify that on 8/6/2024 and before the right to redeem was cut off, as provided by law, STEWART TITLE GUARANTY COMPANY claiming to have an interest in said lands, did redeem said lands claimed by NJSL 301, LLC by paying the Collector of Taxes of said taxing district of Washington Borough the amount of \$138.67 which is the amount necessary to redeem Tax Sale Certificate #23-00027.

NOW THEREFORE BE IT RESOLVED, on this 20th day of August, 2024 by the Mayor and Council of the Borough of Washington, County of Warren to authorize the Treasurer to issue a check payable to NJSL 301, LLC, 650 E. PALISADES AVE STE 2, #258, ENGLEWOOD CLIFFS, NJ 07632 in the amount of **\$238.67** (This consists of \$138.67 Certificate Amount redeemed + \$100.00 Premium).

BE IT FURTHER RESOLVED, that the Tax Collector is authorized to cancel this lien on Block 70 Lot 4 from the tax office records.

Motion made by Cox and seconded by Gorshkov to adopt Resolution 2024-143.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.
Ayes: 7 Nays: 0
Motion passes.

RESOLUTUION 2024-143

**AUTHORIZING THE CHIEF FINANCIAL OFFICER TO CANCEL TRUST FUND
RESERVES THAT ARE NO LONGER OPERATIONAL**

WHEREAS, the Borough of Washington previously created trust fund reserves due to the criminal case that involved K. Blanchard for various purposes, and

WHEREAS, the need for those Trust reserves no longer exist, and

WHEREAS, the CFO desires to cancel those reserves

NOW THEREFORE, the Borough Council of the Borough of Washington, County of Warren is authorized to cancel the following reserves:

RESERVE FOR Escrow KB \$53,170.00

RESERVE FOR Street Opening KB \$17,001.00

Motion made by Cox and seconded by Musick to adopt Resolution 2024-144.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2024-144

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Municipal Alliance Local Match \$1,123.00

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

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Washington hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of

the year 2024, in the amounts listed below, which item is now available as a revenue from the municipal local match, Mansfield Township

Municipal Alliance, Other Expenses \$1,123.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Motion made by Cox and seconded by Musick to adopt Resolution 2024-146.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 7 Nays: 0

Motion passes.

RESOLUTION 2024-146

PURSUANT TO N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948)

Assistance to Firefighters \$40,380.00

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

WHEREAS, Said Director may also approve the insertion of any item of appropriation for an equal amount; and

NOW, THEREFORE, BE IT RESOLVED That the Borough Council of the Borough of Washington hereby requests the director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2024, in the amounts listed below, which item is now available as a revenue from Federal government FEMA

Assistance to Firefighters, Other Expenses \$40,380.00

BE IT FURTHER RESOLVED that a like sum, be, and the same, hereby is appropriated under the above appropriation titles.

Motion made by Cox and seconded by Musick to adopt Resolution 2024-147.

Discussion: Cox reiterated that this is just for cultivation not to sell to public, it's a cultivation center that will sell to stores. Jessica Ree, owner, presented to council an explanation of the micro-cultivation business. It is limited to 2500 sq feet. There are 1000 adult plants. Limit of ten employees, no other traffic and there will be limited deliveries. There will be a water recirculation and filtration system that is contained with minimal discharge. All energy efficient LED lighting will be installed. There will be no retail or wholesale.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 6 Nays: 0 Abstain 1 (Gorshkov)

Motion passes.

RESOLUTION 2024-147

BOROUGH OF WASHINGTON

WARREN COUNTY, NEW JERSEY

RESOLUTION IN SUPPORT OF THE LOCATION AND OPERATION OF A CANNABIS CULTIVATION FACILITY BY WITHIN THE BOROUGH OF WASHINGTON

WHEREAS, in 2020, New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called "cannabis" for adults at least 21 years of age; and April 19, 2022

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the "New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act" ("CREAMMA"), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, Remedy HFA (the "Applicant") is registered to do business in the State of New Jersey, intends to apply to the Cannabis Regulatory Commission (CRC) for a Class 1 Cultivation License to operate an adult-use cannabis cultivation facility within the Borough of Washington (the "Borough"); and

WHEREAS, the Applicant has indicated a desire to open such cannabis cultivation location at property located at 39 Willow Street, #5 (Block 100, Lot 57) in the Borough (the "Property"); and

WHEREAS, pursuant to Ordinance 2021-07 adopted on August 9, 2021 (as amended by Ordinance 2022- 02 adopted on April 19, 2022) (collectively, the "Ordinance"), the Borough has

authorized the operation of cannabis cultivators in the I Zoning District subject to certain standards; and

WHEREAS, in accordance with the regulations established by the Act, N.J.A.C. 17:30-5.1, an applicant for an annual cannabis business license shall include proof of local support in their applications, which shall be submitted as a resolution adopted by the governing body; and

WHEREAS, Applicant appeared before the Borough Council at its regular meetings on August 20, 2024 to request the required proof of “local support;” and

WHEREAS, the Property is owned by 33-39 Willow Properties, LLC, Giuseppe Cicapozza, who provided consent to Applicant to request the proof of local support; and

WHEREAS, at such meeting, Applicant provided information concerning the proposed cannabis cultivation operations and the Property’s suitability for a cannabis retail in compliance with the Ordinance; and

WHEREAS, the proposed location is within the Borough’s I Zoning District; and

WHEREAS, pursuant to the Ordinance, cannabis cultivators are permitted as conditional uses in the I Zoning District; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, County of Warren, State of New Jersey as follows:

1. A representative of the Remedy HFA made a presentation before the Mayor and Council regarding its proposed cannabis retail business, including its intended location at 39 Willow Street, #5.
2. Ordinance 2021-07 (as amended by Ordinance 2022-02) permits the operation of a cannabis cultivation as a conditional use in the I Zoning District, subject to certain conditions, including site plan approval by the Borough Land Use Board.
3. This resolution may be used by Remedy HFA as proof of local support required by the Cannabis Regulatory Commission pursuant to applicable law and regulations.
4. This Resolution shall take effect immediately.

Motion made by Cox and seconded by Musick to adopt Resolution 2024-148.

Roll call: Brown, Cox, France, Gorshkov, Infinito, Musick and Conry.

Ayes: 6 Nays: 0 Abstain: 1 (Gorshkov)

Motion passes.

RESOLUTION 2024-148
AUTHORIZING THE ISSUANCE OF NOT EXCEEDING \$2,096,795 BOND
ANTICIPATION NOTES OF THE BOROUGH OF WASHINGTON, IN THE COUNTY
OF WARREN, NEW JERSEY.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (the “Borough”), entitled: “Bond ordinance providing for the improvement of various roads in and by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$1,210,000 therefor and authorizing the issuance of \$1,031,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on August 20, 2024 (#2019-18, formerly #2018-10), bond anticipation notes of the Borough in a principal amount not exceeding \$861,736.84 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new fire pumper truck by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$500,000 therefor and authorizing the issuance of \$465,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on August 20, 2024 (#2019-19, formerly #2018-11), bond anticipation notes of the Borough in a principal amount not exceeding \$390,526 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of a new street sweeper by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$250,000 therefor and authorizing the issuance of \$237,500 bonds or notes of the Borough for financing such appropriation”, finally adopted on June 18, 2019 (#2019-14), bond anticipation notes of the Borough in a principal amount not exceeding

\$53,532.16 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

Pursuant to a bond ordinance of the Borough, entitled: “Bond ordinance providing for the acquisition of new dump trucks by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$1,300,000 therefor and authorizing the issuance of \$1,238,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on October 1, 2019 (#2019-26), bond anticipation notes of the Borough in a principal amount not exceeding \$791,000 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any bond anticipation notes heretofore issued therefor.

All bond anticipation notes (the “notes”) issued hereunder shall mature at such times as may be determined by the treasurer, the chief financial officer or the acting chief financial officer of the Borough (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 and shall be signed and sealed by officials and officers of the Borough in any manner permitted by N.J.S.A. §40A:2-25. The Chief Financial Officer shall determine all matters in connection with the notes issued hereunder, 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 N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes at not less than par 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. The Chief Financial

Officer is directed to report in writing to the governing body of the Borough at the meeting next succeeding the date when any sale or delivery of the notes hereunder is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Any note issued pursuant to this resolution shall be a general obligation of the Borough, and the Borough's faith and credit are hereby pledged to the punctual payment of the principal of and interest on the notes and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The Chief Financial Officer is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of the notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to the notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to the notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to the notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the Borough, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on the notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

All action heretofore taken by Borough officials and professionals with regard to the sale and award of the notes is hereby ratified, confirmed, adopted and approved.

This resolution shall take effect immediately.

RECAP

Manager Bond and Fire Chief, Ron Hartrum discussed the issue of 47 sets of turnout gear that are past their expiration dates. NFPA 1851 states that all protective equipment has a ten-year retirement date of issue for equipment. Chief Hartrum explained that they only have 14 sets that are compliant and 33 that are not. Looking for ways to try and make sure they comply and is here to ask council to help the fire department. Manager Bond states that the total for all sets would be \$143,551.40. Hartrum added that they have an open grant through FEMA. A DCA grant for gear was received for ten sets. Manager Bond stated that they will come back with a written estimate for the 15 sets and will get with Natasha to get an order written up to purchase them.

Hartrum reported they are doing a joint drill with the township. For OEM, he submitted the borough's plan but the county kicked it back and had to redo it and is now waiting for Robbie (ACO) to sign. Manager Bond went on to thank everyone for coming and anyone with questions his office is always open to the residents and business owners.

Washington Emergency Squad-Megan Fox gave a report on the number and nature of calls received.

COUNCIL REMARKS

Councilman Infinito gave the following remarks:

- Thanked everyone for coming out. Added that he wanted to respond to specific comment regarding a moment of silence that along with our police fire and EMS there are far too many to name and thanks all active military veterans for our rights and safety they secure for us.

Councilwoman Gorshkov gave the following remarks:

- Thanked everyone for being here and watching and thanked all the fallen heroes, police, fire, EMT and first responders. Stated that she is glad the borough can help firefighters and added that it's important to keep their gear up to date.

Councilman France gave the following remarks:

- Thanked Engineer Kevin Smith for information regarding the ordinances tonight.
- Stated that there are volunteer opportunities, the Land Use Board needs alternates and members are needed for Recreation and the Shade tree Commission.
- Asked Ms. Thiel regarding the cancellation of the Vintage game. Mel responded and stated that the game was canceled because both varsity and vintage didn't have enough players. The Board voted to cancel the game.

Councilwoman Musick gave the following remarks:

- Thanked everyone for coming out and she did have a chance to talk to Brian about a donation box for Veterans. There will be a list of things needed for veterans and a container downstairs Feel free to bring what you can. It will be posted on Facebook as well.

Deputy Mayor Cox gave the following remarks:

- Thanked everyone for coming out. Stated that she is glad they can help the Fire Department.
- Stated that she is looking forward to the new garbage collection that will be starting September 2nd.
- Thanked Kevin and Chief Jones.
- If anyone needs anything to not hesitate to come to a meeting and ask or reach out to the Manager.

Councilman Infinito added the following remarks:

- Discussed the vintage baseball game and stated he was upset they couldn't have the game, he is the liaison for BID when the board voted on it. It's not a BID event and stated that going forward look into putting money in the budget so the borough can do it through recreation. It's a great event and stated he was upset it didn't happen. It's not expensive to run. It's under \$1000 to have it.

Mayor Conry gave the following remarks:

- Thanked everyone for coming tonight.

Motion

A motion made by Infinito and seconded by Cox to reopen the public comment portion, all were in favor.

Jeff Hackett- discussed the cannabis application with Suburban Greens opening a cannabis dispensary. They have been waiting for a year to get approved. Hackett discussed the comments made by co-owner of Dank Poet making a public comment to not approve any other applications. Mr. Hackett stated that next month they will be approaching Council for a request to pass a resolution for support for Garden of Eden. Discussion ensued regarding Suburban announcing they were approved. Mayor Conry stated that he was not approved and was told by his lawyer to take down on Instagram his comments. He is not an approve dispensary. Attorney Peterson stated that an applicant has to request a resolution for support.

Mary Ellen Hackett, stated for the record that when they got shot down because of Dank Poet, Councilwoman Gorshkov was seen smoking cigarettes with them after the meeting. Stated that people shouldn't be doing that-if you're in a council meeting you don't go out and have cigarettes with them.

ADJOURN

Hearing no further business to come before Council, motion made by Cox and seconded by Gorshkov to adjourn the meeting at 9:15 PM, all were in favor.

Laurie A. Courter, RMC
Borough Clerk