

TOWNSHIP COMMITTEE WORKSHOP MEETING – FEBRUARY 8, 2021 – 6:00 P.M.

This is a remote meeting via Zoom. Link for access can be found on the Township web site at www.neptunetownship.org

Mayor Brantley calls the workshop meeting to order at 6:00 p.m. and asks the Clerk to call the roll:

ROLL CALL

PRESENT/ABSENT

Keith Cafferty	_____
Robert Lane, Jr.	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present: Vito D. Gadaleta, Business Administrator; Gene Anthony, Township Attorney; and Richard J. Cuttrell, Municipal Clerk.

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 28, 2021, which provided instructions on accessing and participating in the meeting virtually via Zoom. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

ITEMS FOR DISCUSSION IN OPEN SESSION

1. Discussion – Issuance of solicitor permits during public health emergency. (PW)
2. Discussion – Community garden on Township owned lot on Seaview Island.
3. Discussion – Ordinance regarding small wireless facilities.
4. Review Committee calendars.

Res. # 21-89 – Authorize an Executive Session as authorized by the Open Public Meetings Act.

Offered by: _____ Seconded by: _____

Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

RESOLUTION #21-89 – 2/8/21

AUTHORIZE AN EXECUTIVE SESSION AS AUTHORIZED BY
THE OPEN PUBLIC MEETINGS ACT

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and,

WHEREAS, this public body is of the opinion that such circumstances presently exist,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, as follows:

1. The Public shall be excluded from discussion of and action upon the hereinafter specified subject matters.

2. The general nature of the subject matter to be discussed is as follows:

Personnel – Appointment to Rent Leveling Board

Personnel – Appointment to Police Committee

3. It is anticipated at this time that the above stated subject matters will be made public when matters are resolved.

4. This Resolution shall take effect immediately.

TOWNSHIP COMMITTEE MEETING – FEBRUARY 8, 2021 – 7:00 P.M.

This is a remote meeting via Zoom. Link for access can be found on the Township web site at www.neptunetownship.org

Mayor Brantley calls the meeting to order and asks the Clerk to call the roll:

<u>ROLL CALL</u>	<u>PRESENT/ABSENT</u>
Keith Cafferty	_____
Robert Lane, Jr.	_____
Carol Rizzo	_____
Nicholas Williams	_____
Dr. Michael Brantley	_____

Also present at the dais: Gene Anthony, Township Attorney; Vito D. Gadaleta, Business Administrator; and Richard J. Cuttrel, Municipal Clerk.

Silent Prayer and Flag Salute

Mayor Brantley announces that the notice requirements of R.S. 10:4-18 have been satisfied by the publication of the required advertisement in The Coaster and the Asbury Park Press on January 28, 2021, which provided instructions on accessing and participating in the meeting virtually via Zoom. The Notice was filed with the Municipal Clerk and posted on the Township web site (www.neptunetownship.org), along with the meeting agenda, ordinances and resolutions.

APPROVAL OF MINUTES – Motion offered by _____, seconded by _____, to approve the minutes of the meeting held on January 25th.

COMMENTS FROM THE DAIS - Comments from the Dais regarding business on this agenda or any reports on recent events in their respective departments.

PUBLIC COMMENTS ON RESOLUTIONS - Public comments regarding resolutions presented on this agenda only. Each member of the public will have one opportunity to speak and will be limited to five minutes.

ORDINANCES - For each ordinance with a public hearing, the public will have one opportunity to speak and will be limited to five minutes.

ORDINANCE NO. 21-02 – An ordinance to exceed the municipal budget appropriation limits and establish a cap bank for purpose of introducing the 2021 municipal budget - Final Reading

Explanatory Statement: This ordinance permits the introduction of the annual municipal budget with a maximum increase in total appropriations of 3.5%. This ordinance does not change or negate the 2% tax levy cap.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 21-03 – An ordinance to amend Volume I, Chapter II, Section 2-21 of the Code of the Township of Neptune entitled "Township Attorney" by providing a new Section 2-21.6, entitled, "Attorney Recommendations for Assignment of Legal Counsel" - Final Reading

Explanatory Statement: This ordinance establishes the procedure for the Township Attorney to recommend assignment on legal matters to Special Counsel, Labor Attorney, or other designated attorney.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 21-04 – An ordinance to amend Volume I, Chapter II, Section 2-37 of the Code of the Township of Neptune entitled "Neptune Sewerage Authority", by amending the maximum compensation amount permitted for Township of Neptune Sewerage Authority Members - Final Reading

Explanatory Statement: This ordinance amends the maximum annual compensation permitted for members of the Township of Neptune Sewerage Authority to \$5,000.00 for regular members and \$5,500.00 for Chairperson.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 21-05 – An ordinance to amend Volume I, Chapter VII of the Code of the Township of Neptune by adding resident only handicapped parking zones on Ocean Pathway and Seaview Avenue and removing a resident only handicapped parking zone on Broadway - Final Reading

Explanatory Statement: This ordinance authorizes resident only handicapped parking zones in front of 30 Ocean Pathway and 19 Seaview Avenue and the removal on an existing resident only handicapped parking zone on Broadway

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 21-06 – An ordinance to amend, revise and supplement Volume I, Chapter II, Section 2-10 of the Code of the Township of Neptune entitled "Police Department" - Final Reading

Explanatory Statement: This ordinance further amends the Police Department ordinance by amending the composition, terms, and responsibilities of the Police Committee.

Public Hearing:

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

ORDINANCE NO. 21-07 – An ordinance to amend the Land Development Ordinance of the Township of Neptune by amending Section 528 entitled "Stormwater Management" in its entirety to incorporate requirements by the NJDEP updated stormwater management rules (N.J.A.C. 7:8). - First Reading

Explanatory Statement: This ordinance fully amends and updates the Stormwater Management section of the Land Development Ordinance to fully comply with requirements promulgated by the New Jersey Department of Environmental Protection.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

The Public Hearing on Ordinance 21-07 will be held at the Township Committee meeting on Monday, March 8th.

ORDINANCE NO. 21-08 – An ordinance to amend Volume I, Chapter VII, Section 7-7.3 of the Code of the Township of Neptune by clarifying the temporary parking prohibition for snow plowing and removal - First Reading

Explanatory Statement: This ordinance clarifies the existing language in the explanation of which side of the street is designated as no parking in a snow emergency. This makes no changes to the current designation of snow emergency side of streets, it only clarifies somewhat confusing language that currently exists.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

The Public Hearing on Ordinance 21-08 will be held at the next Township Committee meeting on Monday, February 22nd.

CONSENT AGENDA

Res. #21-90 – Appoint member to the Rent Leveling Board.

Res. #21-91 – Authorize the closing of streets and temporary no parking in connection with the Ocean Grove Chamber of Commerce festivals and events.

Res. #21-92 – Authorize Ocean Grove Camp Meeting Association's annual Independence Day parade.

Res. #21-93 – Authorize execution of contracts with various organizations to provide recreation programs and services.

Res. #21-94 – Authorize Shared Service Agreement with the Borough of Neptune City for emergency medical services.

Res. #21-95 – Authorize temporary no parking and street closures in connection with Ocean Grove Camp Meeting Association festivals and events.

Res. #21-96 – Appoint member to the Wesley Lake Commission.

Res. #21-97 – Release road opening bond for 348 Woodmere Avenue.

Res. #21-98 – Award bid for removal of brush.

Res. #21-99 – Authorize participation in an electronic tax sale.

Res. #21-100 – Authorize charge for notice of tax sale.

Res. #21-101 – Confirm the sale of Township owned property sold at auction to adjoining property owner.

Res. #21-102 – Authorize refund of taxes as a result of an overpayment.

Res. #21-103 – Support Solar Landscape community solar project at 3403 Route 33 (Storage King).

Res. #21-104 – Approve the transfer of Taxi Medallion License No. 023.

CONSENT AGENDA Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res. #21-105 – Authorize assignment of legal cases pursuant to Section 2-21 of the Township Code entitled "Township Attorney".

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res. #21-106 – Appoint members to the Police Committee.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

Res. #21-107 – Authorize the payment of bills.

Offered by: _____ Seconded by: _____
Vote: Cafferty, _____; Lane, _____; Rizzo, _____; Williams, _____; Brantley, _____.

PRIVILEGE OF THE FLOOR/PUBLIC COMMENTS

Members of the public may address any concern relating to the Township. The public will have one opportunity to speak and will be limited to five minutes.

ADJOURNMENT

ORDINANCE NO. 21-02

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND ESTABLISH A CAP BANK FOR
PURPOSES OF INTRODUCING THE 2021 MUNICIPAL
BUDGET

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Neptune in the County of Monmouth finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5% increase in the budget for said year, amounting to \$895,961.55 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years,

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Neptune, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Neptune shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$1,254,206.17, and that the CY 2021 municipal budget for the Township of Neptune be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Vote on Adoption:

Cafferty:

Lane:

Rizzo

Williams:

Brantley:

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrel,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-03

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-21 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "TOWNSHIP ATTORNEY" BY PROVIDING A NEW SECTION 2-21.6, ENTITLED, "ATTORNEY RECOMMENDATIONS FOR ASSIGNMENT OF LEGAL COUNSEL"

BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that Volume I, Chapter II, Section 2-21 entitled "Township Attorney" shall be amended to add Section 2-21.6, entitled "Township Attorney Recommendations for Assignment of Legal Counsel:"

§2-21-6 Township Attorney Recommendations for Assignment of Legal Counsel.

All legal cases in need of legal counsel and all legal matters shall be forwarded to the Township Attorney for review prior to assignment, and the Township Attorney shall make such assignments on legal matters with the advice and consent of the Township Committee where the Township has the power to do so through an appropriate Special Counsel, Labor Attorney or other designated attorney; including attorneys on JIF or insurance carrier lists, where said JIF or insurance carrier allows the Township to recommend an attorney on said list, and upon assignment, said attorney assigned for said legal matter must provide periodic status reports of their case to the Township Attorney or Township Committee Designee, so as to allow the Township Attorney or Township Committee Designee to report to the governing body on such matters.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-04

AN ORDINANCE TO AMEND VOLUME I, CHAPTER II, SECTION 2-37 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "NEPTUNE SEWERAGE AUTHORITY", BY AMENDING THE MAXIMUM COMPENSATION AMOUNT PERMITTED FOR TOWNSHIP OF NEPTUNE SEWERAGE AUTHORITY MEMBERS

BE IT ORDAINED by the Township of Neptune of the County of Monmouth in the State of New Jersey that Volume I, Chapter II, Section 2-37.3 entitled "Appointment of Members" shall be amended as follows:

§2-37.3 Appointment of members

The members of the Township of Neptune Sewerage Authority shall be hereafter appointed by resolution of the Township Committee in the manner provided in Chapter 138 of the Laws of New Jersey of 1946, as amended, and each member shall receive such compensation not in excess of five thousand (\$5,000.00) dollars, and the Chairperson not in excess of five thousand five hundred (\$5,500.00) dollars in any one (1) year as shall hereafter be determined by the Township of Neptune Sewerage Authority.

Paragraphs 2 and 3 of Section 2-37.3 shall remain in full force and effect.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-05

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY ADDING RESIDENT ONLY HANDICAPPED PARKING ZONES ON OCEAN PATHWAY AND ON SEAVIEW AVENUE AND REMOVING A RESIDENT ONLY HANDICAPPED PARKING ZONE ON BROADWAY

BE IT ORDAINED, by the Township Committee of the Township of Neptune that the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by adding the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Ocean Pathway	1	South side of Ocean Pathway beginning 100 feet west of the southwest intersection of Ocean Pathway and Beach Avenue
Seaview Avenue	1	North side of Seaview Avenue beginning 104 feet west of the northwest intersection of Seaview Avenue and Beach Avenue

SECTION 2

Volume I, Chapter VII, Section 7-21.7 – Resident Handicapped On-Street Parking, is hereby amended by *removing* the following:

<u>Name of Street</u>	<u>No. of Spaces</u>	<u>Location</u>
Broadway	1	North side of Broadway beginning 49 feet east of the northeast intersection of Broadway and New Jersey Avenue

SECTION 3

This ordinance shall take effect upon publication in accordance with law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-06

*****TABLED – NOT ADOPTED*****

AN ORDINANCE TO AMEND, REVISE AND SUPPLEMENT VOLUME I, CHAPTER II, SECTION 2-10 OF THE CODE OF THE TOWNSHIP OF NEPTUNE ENTITLED "POLICE DEPARTMENT"

BE IT ORDAINED by the Township Committee of the Township of Neptune of the County of Monmouth in the State of New Jersey that the general ordinances of the Neptune Township, and in particular, Chapter II, Article II, Section 2-10.1, entitled, "Police Department," "Department Established" shall be amended as follows:

§2-10.1 Department Established.

There is hereby created in and for the Township of Neptune Police Department, which shall consist of such employees and officers as shall be deemed necessary by the Township Committee and may include a Police Chief in accordance with N.J.S.A. 40A:14-118. The Township Committee shall, from time to time determine the number of employees and officers of the Police Department together with their compensation. The structure of the Police Department will include at a maximum one (1) Police Chief; one (1) Deputy Police Chief; three (3) Captains, seven (7) Lieutenants, fourteen (14) Sergeants and fifty-two (52) Police Officers. The Township Committee shall also appoint, from amongst its members, a Police Committee composed of up to five (5) members, but at a minimum, two (2) Township Committeepersons and the Township Administrator shall be members. The remaining two (2) possible members shall be non-employee residents of the Township of Neptune, appointed at the discretion of the Township Committee, subject to the language below. One (1) of the Township Committeepersons shall be designated as the Chairperson of the Police Committee by the Police Committee members. The Township Administrator shall be a non-voting, but participating member. In the event of a tie amongst the Police Committee as to any action of members of the Police Committee, the matter shall be referred to the entire Township Committee for their review and consideration. The Township Committee will endeavor, within six (6) months of the adoption of the Ordinance, to fill one (1) or more of the remaining Police Committee membership, other than the two (2) Committeepersons and the Township Administrator.

§2-10.2 Designation of Appropriate Authority.

In accordance with the provisions of N.J.S.A. 40A:14-118 and all rules, regulations and Court decisions as to same, the Police Committee is hereby designated as the Appropriate Authority, subject to the ultimate and final approval of its actions/recommendations by the Township Committee.

§2-10.3 Responsibilities of Police Department, Police Committee and Chief of Police.

- a. Police Department: The Police Department shall preserve the public peace;

protect life and property; detect, arrest and prosecute offenders of the laws of New Jersey and the ordinances of the Township of Neptune; direct and control traffic; provide attendance and protection during emergencies; provide appearances in court; cooperate with all other law enforcement agencies; provide training for the efficiency of its members and officers.

b. Police Committee:

1. To ensure increased public trust in the Neptune Township Police Department, the Police Committee shall seek greater transparency and oversight so as to meet the needs of both the Police Department and the citizens of the Township of Neptune, subject to limitations placed upon the Police Committee by statute and law. The Police Committee shall report to the Township Committee and shall be responsible to review the performance of the Police Department and report such to the Township Committee. It shall serve as the administrative and oversight body of the Police Department. It shall review and recommend to the Township Committee for its approval all proposed and promulgated rules and regulations for the government of the Police Department and for the discipline of its employees. The Police Committee's duties include, but are not limited to:
 - (a) Establishing the procedures to be followed by the Chief of Police and other subordinate officers for the purchase of equipment and supplies. Such procedures may include the requirement that the Police Committee review all expenditures with regard to the equipment and supplies and recommend actions as to same by the Township Committee.
 - (b) The Police Department and Chief financial Officer shall keep a record of all business transacted by the Police Department and recommend approval of all bills for the expenses of the Police Department to the Township Committee after review and approval of the Police Committee.
 - (c) The Police Department shall keep and maintain accurate records and submit an annual report to the Township Committee, on or before January 31, which shall assess the operations of the Police Department, and its personnel, equipment and property.
 - (d) The Police Department shall keep and maintain all records, reports, documents and other data required to be kept and maintained by the Federal and/or State government, with the Police Committee's right of review to the extent allowed by law, after a decision of the majority of the Police Committee at a meeting of same to conduct such review.
 - (e) The Police Department shall keep and maintain a record of all appointments, dismissals, removals, resignations and deaths of officers and other department employees as they take place, with such other information as may be necessary, with the Police

Committee's right of review to the extent allowed by law, after a decision of the majority of the Police Committee at a meeting of same to conduct such review.

- (f) The Police Department and Chief Financial officer shall develop the annual budget for the Police Department, in conjunction with the Police Committee. The budget approval shall be done by the Township Committee. Review of all expenditures prior to same occurring shall be reviewed by the Police Committee and Chief Financial Officer with final approval by the Township Committee.
 - (g) The Police Chief shall analyze crime trends and statistics to ensure that the Police Department makes the best use of available funds, personnel, equipment and supplies, with the Police Committee's right of review to the extent allowed by law after a decision of the majority of the Police Committee at a meeting of same to conduct such review.
 - (h) The Police Committee and the Police Chief shall jointly evaluate the effectiveness of work program and procedures of all organizational components within the Police Department and developing effective work methods for subordinates.
 - (i) The Police Committee, in conjunction with the Police Chief or designee, shall undertake special studies pertaining to police functions and promoting close coordination of planning efforts.
 - (j) The Police Committee, in conjunction with the Police Chief or designee, shall establish and maintain helpful and cooperative relations with civic and business organizations, schools, and court offices, and with other groups and public authorities and other jurisdictions, and with others interested in the maintenance of law and order.
 - (k) The Police Committee shall prepare written minutes of their meetings to the same extent as the Township Committee does at its meetings and said minutes shall be distributed to the Township Committee within ten (10) days of each Police Committee Meeting.
2. The Chief of Police or highest ranking sworn law enforcement officer in the absence of the Chief shall report directly to the Police Committee and the Police Committee shall receive weekly or other periodic reports, as designated by the Police Committee, from the Chief of Police or highest ranking sworn law enforcement officer in the absence of the Chief.
 3. The Police Committee shall also be responsible for ensuring that all Police Officers and employees are compensated in accordance with State and Federal Wage and Hour requirements.
 4. (a) The Police Committee shall be appointed by the Township

Committee. The members of the Police Committee shall serve on the Police Committee from the date of their appointment through and including December 31st of appointed calendar year, except as set forth herein. At all times one (1) of the two (2) Township Committee persons appointed shall be the Mayor or the Mayor's Designee. The Township Administrator shall serve for the time he/she serves as Township Administrator and only the Township Administrator can replace the Township Administrator on the Police Committee.

- (b) Any member of the Police Committee, other than the Township Administrator the Mayor or the Mayor's Designee, can be removed by the Township Committee, if the member fails to attend three (3) consecutive meetings of the Police Committee without being excused by a majority of the members of the Police Committee and when the absence is not due to a legitimate documented illness.
- (c) Any member of the Police Committee, other than the Township Administrator, the Mayor or the Mayor's Designee, may be removed by the Township Committee for cause, after a public hearing if the member being removed request such or after a private hearing if no such public hearing is requested. A vote of three (3) Township Committee members to remove is required.
- (d) The Mayor's Designee serves at the pleasure of the Mayor and may be removed or replaced by the Mayor at any time.

5. In addition to the two (2) members of the Township Committee appointed to the Police Committee, the Township Administrator and the other members of the Police Committee, the Township Committee may also authorize on its own, or after the Police Committee requests same, any professional needed to accomplish its duties, including the Township Labor Counsel, the Township Attorney, the Township Chief Financial Officer or any other consultant or professional necessary to assist the Police Committee in its functions.

c. Chief of Police:

- 1. If a Police Chief is appointed, he/she shall exercise any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police pursuant to N.J.S.A. 40A:14-118.
- 2. If a Police Chief is not appointed, any and all of the rights, authorities, powers and responsibilities reserved solely to the Chief of Police, pursuant to N.J.S.A. 40A:14-118 shall be delegated to a Chief Law Enforcement Officer, which shall be the highest ranking sworn law enforcement officer in the Police Department.

The term of all persons serving of the Police Committee at the time this Amended Ordinance is adopted, except the Business Administrator, shall immediately terminate upon the effective date of this Amended Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

The amended Ordinance shall become effective immediately upon its final passage and publication as required by law.

APPROVED ON FIRST READING: January 25, 2021

APPROVED, PASSED, AND ADOPTED: **TABLED – NOT ADOPTED**

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-07

AN ORDINANCE TO AMEND THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF NEPTUNE BY AMENDING SECTION 528 ENTITLED "STORMWATER MANAGEMENT" IN ITS ENTIRETY TO INCORPORATE REQUIREMENTS BY THE NJDEP UPDATED STORMWATER MANAGEMENT RULES (N.J.A.C. 7:8)

Section I. Scope and Purpose:

A. Policy Statement

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

B. Purpose

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

C. Applicability

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

D. Compatibility with Other Permit and Ordinance Requirements

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

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

Section II. Definitions:

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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

"Department" means the Department of Environmental Protection.

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

"Design engineer" means a person professionally qualified and duly licensed in New Jersey to perform engineering services that may include, but not necessarily be limited to, development of

project requirements, creation and development of project design and preparation of drawings and specifications.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlarge-enlargement of any building or structure, any mining excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission is required under the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.* In the case of development of agricultural land, development means: any activity that requires a State permit, any activity reviewed by the County Agricultural Board (CAB) and the State Agricultural Development Committee (SADC), and municipal review of any activity not exempted by the Right to Farm Act , N.J.S.A 4:1C-1 *et seq.*

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

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

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

“Environmentally critical area” means an area or feature which is of significant environmental value, including but not limited to: stream corridors, natural heritage priority sites, habitats of endangered or threatened species, large areas of contiguous open space or upland forest, steep slopes, and well head protection and groundwater recharge areas. Habitats of endangered or threatened species are identified using the Department's Landscape Project as approved by the Department's Endangered and Nongame Species Program.

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

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

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

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

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

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

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

"Lead planning agency" means one or more public entities having stormwater management planning authority designated by the regional stormwater management planning committee pursuant to N.J.A.C. 7:8-3.2 that serves as the primary representative of the committee.

"Major development" means an individual "development," as well as multiple developments that individually or collectively result in:

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of "regulated impervious surface" since February 2, 2004;
3. The creation of one-quarter acre or more of "regulated motor vehicle surface" since March 2, 2021 *{or the effective date of this ordinance, whichever is earlier}*; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

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

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

"Municipality" means any city, borough, town, township, or village.

"New Jersey Stormwater Best Management Practices (BMP) Manual" or "BMP Manual" means the manual maintained by the Department providing, in part, design specifications, removal rates, calculation methods, and soil testing procedures approved by the Department as being capable of contributing to the achievement of the stormwater management standards specified in this chapter. The BMP Manual is periodically amended by the Department as necessary to provide design

specifications on additional best management practices and new information on already included practices reflecting the best available current information regarding the particular practice and the Department's determination as to the ability of that best management practice to contribute to compliance with the standards contained in this chapter. Alternative stormwater management measures, removal rates, or calculation methods may be utilized, subject to any limitations specified in this chapter, provided the design engineer demonstrates to the municipality, in accordance with Section IV.F. of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section III. Design and Performance Standards for Stormwater Management Measures

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

Section IV. Stormwater Management Requirements for Major Development

- A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with Section X.

- B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.P, Q and R:
1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of Section IV.O, P, Q and R may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of Section IV.O, P, Q and R to the maximum extent practicable;
 3. The applicant demonstrates that, in order to meet the requirements of Section IV.O, P, Q and R, existing structures currently in use, such as homes and buildings, would need to be condemned; and
 4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under IV.D.3 above within the upstream drainage area of the receiving stream that would provide additional opportunities to mitigate the requirements of Section IV.O, P, Q and R that were not achievable onsite.
- E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management

Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in Section IV.O, P, Q and R. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

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

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

(Notes corresponding to annotations ^(a) through ^(g) are found at the end of table 3)

Table 2 Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Bioretention System	80 or 90	Yes	Yes ^(b) No ^(c)	2 ^(b) 1 ^(c)
Infiltration Basin	80	Yes	Yes	2
Sand Filter ^(b)	80	Yes	Yes	2
Standard Constructed Wetland	90	Yes	No	N/A
Wet Pond ^(d)	50-90	Yes	No	N/A

(Notes corresponding to annotations ^(b) through ^(d) are found at the end of Table 3)

Table 3 BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3				
Best Management Practice	Stormwater Runoff Quality TSS Removal Rate (percent)	Stormwater Runoff Quantity	Groundwater Recharge	Minimum Separation from Seasonal High Water Table (feet)
Blue Roof	0	Yes	No	N/A
Extended Detention Basin	40-60	Yes	No	1
Manufactured Treatment Device ^(h)	50 or 80	No	No	Dependent upon the device
Sand Filter ^(c)	80	Yes	No	1
Subsurface Gravel Wetland	90	No	No	1
Wet Pond	50-90	Yes	No	N/A

Notes to Tables 1, 2, and 3:

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

- G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with Section VI.B. Alternative stormwater management measures may be used to satisfy the requirements at Section IV.O only if the measures meet the definition of green infrastructure at Section II. Alternative stormwater management measures that function in a similar manner to a BMP listed at Section O.2 are subject to the contributory drainage area limitation specified at Section O.2 for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at Section O.2 shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with Section IV.D is granted from Section IV.O.
- H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.
- I. Design standards for stormwater management measures are as follows:
1. Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
 2. Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of Section VIII.C;
 3. Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

4. Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at Section VIII; and
 5. The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.
- J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at Section II may be used only under the circumstances described at Section IV.O.4.
- K. Any application for a new agricultural development that meets the definition of major development at Section II shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections IV.O, P, Q and R and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.
- L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.P, Q and R shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.
- M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Clerk of the County of Monmouth.

A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at Section IV.O, P, Q and R and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to Section X.B.5. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

- N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to Section IV of this ordinance and provides the same level of stormwater

management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Clerk in the County of Monmouth and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
2. To satisfy the groundwater recharge and stormwater runoff quality standards at Section IV.P and Q, the design engineer shall utilize green infrastructure BMPs identified in Table 1 at Section IV.F. and/or an alternative stormwater management measure approved in accordance with Section IV.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

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

of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at Section IV.P, Q and R, unless the project is granted a waiver from strict compliance in accordance with Section IV.D.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:
2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at Section V, either:
 - i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
 - ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
3. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to 4 below.
4. The following types of stormwater shall not be recharged:
 - i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and
 - ii. Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

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

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

Table 4 - Water Quality Design Storm

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

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

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

Where

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

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

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

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

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at Section V, complete one of the following:
 - i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
 - ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site.

This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

- iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or
 - iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.
3. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

Section V. Calculation of Stormwater Runoff and Groundwater Recharge:

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

1. The design engineer shall calculate runoff using one of the following methods:

- i. The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 Part 630, Hydrology National Engineering Handbook, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1044171.pdf

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

- ii. The Rational Method for peak flow and the Modified Rational Method for hydrograph computations. The rational and modified rational methods are described in "Appendix A-9 Modified Rational Method" in the Standards for Soil Erosion and Sediment Control in New Jersey, January 2014. This document is available from the State Soil Conservation Committee or any of the Soil Conservation Districts listed at N.J.A.C. 2:90-1.3(a)3. The location, address, and telephone number for each Soil Conservation District is available from the State Soil Conservation Committee, PO Box 330, Trenton, New Jersey 08625. The document is also available at:

<http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsCompllete.pdf>

2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at Section V.A.1.i and the Rational and Modified Rational Methods at Section V.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.

Section VI. Sources for Technical Guidance:

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

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

1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided

on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

2. Additional maintenance guidance is available on the Department's website at:

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

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

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

Section VII. Solids and Floatable Materials Control Standards:

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

1. Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

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

- i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
- ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

- iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

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

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

Section VIII. Safety Standards for Stormwater Management Basins:

- A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management Basin.
- B. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management basins. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management basins to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.
- C. Requirements for Trash Racks, Overflow Grates and Escape Provisions
 1. A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management basin to ensure proper functioning of the basin outlets in accordance with the following:
 - i. The trash rack shall have parallel bars, with no greater than six(6)-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 (2) 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 basin shall include escape provisions as follows:
 - i. If a stormwater management basin 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 basin. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
 - ii. Safety ledges shall be constructed on the slopes of all new stormwater management basins having a permanent pool of water deeper than two and one-half (2.5) feet. Safety ledges shall be comprised of two steps. Each step shall be four (4) to six (6) 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 basins; and
 - iii. In new stormwater management basins, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three (3) horizontal to one (1) vertical.

D. Variance or Exemption from Safety Standard

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

E. Safety Ledge Illustration

Elevation View –Basin Safety Ledge

Configuration

Section IX. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

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

B. Site Development Stormwater Plan Approval

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

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

6. Calculations

- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in Section IV of this ordinance.
- ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a

soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of Section X.

8. Waiver from Submission Requirements

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

Section X. Maintenance and Repair:

A. Applicability

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

B. General Maintenance

1. The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
2. The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.
3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.
4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be

assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

5. If the party responsible for maintenance identified under Section X.B.3 above is not a public agency, the maintenance plan and any future revisions based on Section X.B.7 below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

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.

6. The party responsible for maintenance identified under Section X.B.3 above shall perform all of the following requirements:
 - i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;
 - ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.
 - iv. The maintenance plan and maintenance logs and any other required or requested documentation shall be sent annually by December 31 of subject year to the Neptune Township Department of Engineering and Department of Public Works.
7. The requirements of Section X.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.

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

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

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

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

Section XI. Penalties:

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this ordinance shall be subject to penalties as outlined in the Neptune Township General Code Section 1.5 General Penalties.

Section XII. Severability:

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

Section XIII. Effective Date:

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

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Dr. Michael Brantley,
Mayor

ORDINANCE NO. 21-08

AN ORDINANCE TO AMEND VOLUME I, CHAPTER VII, SECTION 7-7.3 OF THE CODE OF THE TOWNSHIP OF NEPTUNE BY CLARIFYING THE TEMPORARY PARKING PROHIBITION FOR SNOW PLOWING AND REMOVAL

WHEREAS, the current language in section 7-7.3 of the Township Code that establishes temporary prohibition for snow plowing and removal needs clarification; and,

WHEREAS, the language clarification will not change the side of the street that is currently designated as the snow emergency side,

THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Neptune that Volume I, Chapter VII, Section 7-7.3 of the Code of the Township of Neptune is hereby amended as follows:

SECTION 1

Volume I, Chapter VII, Section 7-7.3 – Temporary Parking Prohibition for Snow Plowing and Removal is hereby amended as follows:

a. Whenever snow has fallen and the accumulation is such that it covers the streets or highways, or whenever the Office of Emergency Management Coordinator, or designee, so declares an emergency in advance of an expected snowfall; a snow emergency shall exist and no vehicle, dumpster or roll-off canister shall be parked on any street or highway or portions thereof as follows:

1. In the Ocean Grove section of the Township, one side of every street or roadway located in Ocean Grove as designated and listed herein in subsection c.

2. For all other areas of the Township, with the exception of Ocean Grove, the side of any street or roadway with even numbered addresses.

3. Any street or highway posted as temporary no parking during a snow emergency event.

Subsections b. and c. of Section 7-7.3 remain in full force and effect, and without amendment, including the list of Ocean Grove streets indicating the designated snow emergency side of the street.

SECTION 2

This ordinance shall become effective immediately upon its adoption and publication according to law.

APPROVED ON FIRST READING:

APPROVED, PASSED, AND ADOPTED:

Richard J. Cuttrell,
Municipal Clerk

Michael Brantley,
Mayor

RESOLUTION #21-90 - 2/8/21

*****TABLED*****

APPOINT MEMBER TO THE RENT LEVELING BOARD

WHEREAS, due to the resignation of Ava Johnson, a vacancy exists on the Rent Leveling Board,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that Constance Holmes be and is hereby appointed as a member of the Rent Leveling Board for the year 2021; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Rent Leveling Board.

RESOLUTION #21-91 - 2/8/21

AUTHORIZE THE CLOSING OF STREETS AND TEMPORARY NO PARKING
IN CONNECTION WITH THE OCEAN GROVE CHAMBER OF COMMERCE
FESTIVALS AND EVENTS

WHEREAS, the Ocean Grove Chamber of Commerce has scheduled a slate of activities in Ocean Grove for the calendar year; and,

WHEREAS, it is necessary to designate temporary no parking and street closures for these events; and,

WHEREAS, the Police Department has reviewed and approved these closures; and,

WHEREAS, the events will be held to the extent permitted by public health emergency orders and executive orders in effect at the time of each event,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that temporary street closures and posting of temporary no parking be and are hereby in connection with the Ocean Grove Chamber of Commerce events in 2021 contingent upon the ability to hold such events in light of the on-going public health emergency:

A. Spring Fling – Saturday, May 1st - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

B. Vintage Car Show – Saturday, May 15th - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

C. Spring Flea Market – Saturday, June 5th

1) Both sides of west bound and east bound Ocean Pathway from 9:00 P.M. on Friday, June 4th until 6:00 P.M. on Saturday, June 5th.

2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, June 4th until 6:00 P.M. on Saturday, June 5th.

3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway from 9:00 P.M. on Friday, June 4th until 6:00 P.M. on Saturday, June 5th. Central Avenue between east bound Ocean Pathway and Bath Avenue will be closed to through traffic but accessible for parking.

4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway from 9:00 P.M. on Friday, June 4th until 6:00 P.M. on Saturday, June 5th.

D. Fall Flea Market – Saturday, September 11th

1) Both sides of west bound and east bound Ocean Pathway and from 9:00 P.M. on Friday, September 10th until 6:00 P.M. on Saturday, September 11th.

2) Both sides of Beach Avenue between east bound and west bound Ocean Pathway from 9:00 P.M. on Friday, September 11, 2020 until 6:00 P.M. on Saturday, September 12, 2020.

3) Both sides of Central Avenue between McClintock Avenue and the west bound side of Ocean Pathway and from 9:00 P.M. on Friday, September 10th until 6:00 P.M. on Saturday, September 11th. Central Avenue between east bound Ocean Pathway and Bath Avenue will be closed to through traffic but accessible for parking.

4) South bound side of Ocean Avenue between west bound Ocean Pathway and east bound Ocean Pathway May 30, 2020 and from 9:00 P.M. on Friday, September 10th until 6:00 P.M. on Saturday, September 11th.

E. British Car Show – Saturday, September 18th - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

F. Fall Harvest Festival – Saturday, October 2nd - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue and Mt. Tabor Way from 7:00 A.M. to 6:00 P.M.

G. Holiday Festival – Saturday, December 4th - Main Avenue between New York Avenue and Central Avenue and Pilgrim Pathway between Heck Avenue to and Mt. Tabor Way from 8:00 A.M. to 4:00 P.M.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. MacConchie, Director of Public Works, Ocean Grove Fire Inspector, and Ocean Grove Chamber of Commerce.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

5

RESOLUTION #21-92 - 2/8/19

AUTHORIZE OCEAN GROVE CAMP MEETING ASSOCIATION'S
ANNUAL INDEPENDENCE DAY PARADE

WHEREAS, the Ocean Grove Camp Meeting Association coordinates and sponsors an annual Independence Day Parade through the streets of the Ocean Grove Historic District that attracts thousands of residents and visitors each year; and,

WHEREAS, the Township participates in the parade as well as providing traffic support and a contribution toward parade expenses,

WHEREAS, the parade will be contingent upon public health emergency orders and executive orders allowing the event,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune as follows:

1. Permission is hereby granted for Ocean Grove Camp Meeting Association to hold their annual Independence Day Parade on Saturday, July 3, 2021 contingent upon the ability to hold the event in light of the on-going public health emergency.

2. Temporary no parking will be designated from 7:00 A.M. to 1:00 P.M. on July 3, 2021 on the following streets:

Both sides of Whitefield Avenue from Stockton Avenue to Main Avenue
Both sides of westbound Ocean Pathway from Central Avenue to Ocean Avenue
West side of Central Avenue from westbound Ocean Pathway to McClintock Street

3. A contribution in the amount of \$1,000.00 toward expenses incurred in connection with the parade is hereby authorized and funds for this purpose will be available in the 2021 municipal budget in the appropriation entitled Celebration of Public Events and the Chief Financial Officer has so certified in writing.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Ocean Grove Camp Meeting Association, Director of Public Works, Chief of Police, and Sgt. MacConchie.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-93 - 2/8/21

AUTHORIZE EXECUTION OF CONTRACTS WITH VARIOUS ORGANIZATIONS TO
PROVIDE RECREATION PROGRAMS AND SERVICES

WHEREAS, the Neptune Township Recreation Department has relationships with various organizations to organize and provide various recreational activities and programs in the Township of Neptune; and,

WHEREAS, in some instances, the Township of Neptune provides either sponsorship or funding to said organizations to provide these programs; and,

WHEREAS, it is the desire of the Township to renew the annual contracts with these organizations,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the Mayor and Clerk be and are hereby authorized to execute contracts with various organizations and groups that are supported by the Township's Recreation Department and that provide recreational services and programs to Township residents for the year 2021; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Recreation Director, Chief Financial Officer, and Township Attorney.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-94 – 2/8/21

AUTHORIZE SHARED SERVICE AGREEMENT WITH THE
BOROUGH OF NEPTUNE CITY FOR EMERGENCY MEDICAL SERVICES

WHEREAS, the *Uniform Shared Services and Consolidation Act* (N.J.S.A. 40A:65-1 through 40A:65-35) authorizes local units of this State to enter into a contract with any other local unit or units for the joint provision within their several jurisdictions of any service which any party to the agreement is empowered to render within its own jurisdiction; and,

WHEREAS, the Borough of Neptune City ("Borough") and the Township of Neptune, through the Neptune Township Emergency Medical Services, ("Neptune Township Emergency Medical Services") have identified an area where working together through Shared Services will result in a positive outcome for both the Borough and the Neptune Township Emergency Medical Services; and

WHEREAS, the Borough and Neptune Township Emergency Medical Services have agreed that the Neptune Township Emergency Medical Services will serve as the primary 9-1-1 Emergency Medical Services for the Borough in accordance with the participation plan previously submitted by the Borough; and

WHEREAS, the Neptune Township Emergency Medical Services will provide primary 9-1-1 Emergency Medical Services to the Borough by providing a Basic Life Support Ambulance, when available, in accordance with the Borough's participation plan; and,

WHEREAS, the system will meet the technical requirements and operational standards set forth in *N.J.A.C. 8:40*; and,

WHEREAS, the Neptune Township Emergency Medical Services will provide direct emergency medical services ("EMS") for the Borough; and,

WHEREAS, the Borough shall authorize and permit the Neptune Township Emergency Medical Services to bill those requesting EMS services in a manner substantially similar to the manner in which system users pay for such services within Neptune Township, pursuant to a rate schedule adopted annually by the Township Committee of the Township of Neptune and in accordance with ordinances, regulations, and laws governing the billing of EMS services; and,

WHEREAS, the term of this agreement will be retroactive to January 1, 2021 and end at 6:00 p.m. on December 31, 2021, with the ability to extend the agreement for a period of five (5) years beyond the expiration date by resolution of each governing body,

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune, County of Monmouth, State of New Jersey that the Mayor and Clerk are hereby authorized and directed to enter into a Shared Services Agreement ("Agreement") with the Borough of Neptune City with respect to the provision of Emergency Medical Services pursuant to the terms and conditions set forth in the Agreement. A copy of the Agreement shall be open for public inspection at the Office of the Municipal Clerk; and,

BE IT FURTHER RESOLVED, that the terms of this Agreement shall take effect upon the adoption of appropriate Resolutions and execution of the Agreement by the parties thereto; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Business Administrator, Chief Financial Officer, Assistant C.F.O., and EMS Manager.

**CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021**



Richard J. Cuttrell, Municipal Clerk

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RESOLUTION #21-95 - 2/8/21

AUTHORIZE TEMPORARY NO PARKING AND STREET CLOSURES IN CONNECTION WITH OCEAN GROVE CAMP MEETING ASSOCIATION FESTIVALS AND EVENTS

WHEREAS, the Ocean Grove Camp Meeting Association has scheduled festivals and events in June and July; and,

WHEREAS, it is necessary to designate temporary no parking and street closures for these events; and,

WHEREAS, the Police Department has reviewed and approved these closures; and,

WHEREAS, the events will be held to the extent permitted by public health emergency orders and executive orders in effect at the time of each event,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune that temporary street closures and/or posting of temporary no parking be and are hereby authorized in connection with Ocean Grove Camp Meeting Association community events in 2021 contingent upon the ability to hold such events in light of the on-going public health emergency:

A. Community night – Friday, July 2nd – 5:00 P.M. to 9:00 P.M. - Pilgrim Pathway between Bath Avenue and McClintock Street (street closure and no parking)

B. Craft Fair – Saturday, June 19th – 5:00 A.M. to 6:00 P.M.

1) North side of eastbound Ocean Pathway from Central Avenue to Ocean Avenue (no parking only, street remains open)

2) South side of westbound Ocean Pathway from Central Avenue to Ocean Avenue (no parking only, street remains open)

3) East side of Central Avenue between eastbound Ocean Pathway and westbound Ocean Pathway (no parking only, street remains open)

4) Both sides of Beach Avenue between eastbound Ocean Pathway and westbound Ocean Pathway (street closure and no parking)

5) West side of Ocean Avenue between eastbound Ocean Pathway and westbound Ocean Pathway (no parking only, street remains open)

C. Ocean Grove Praisefest – Saturday, July 17th – 2:00 P.M. to 9:00 P.M. - West side of Ocean Avenue between the two Ocean Pathways (no parking only, street remains open)

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief of Police, Sgt. MacConchie, Director of Public Works, Fire Inspector, and Ocean Grove Camp Meeting Association.

CERTIFICATION

**HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021**



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-96 - 2/8/21

APPOINT MEMBER TO THE WESLEY LAKE COMMISSION

WHEREAS, Mayor Dr. Michael Brantley has resigned as the Township Committee member to the Wesley Lake Commission; and,

WHEREAS, the Township Committee desires to fill said vacancy,

THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Neptune that the resignation of Mayor Michael Brantley as a member of the Wesley Lake Commission be and is hereby accepted effective January 1, 2021; and,

BE IT FURTHER RESOLVED, that Keith Cafferty be and is hereby appointed as the Township Committee representative to the Wesley Lake Commission for an unexpired three year term expiring December 31, 2021; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Secretary to the Wesley Lake Commission.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-97 - 2/8/21

RELEASE ROAD OPENING BOND POSTED FOR 348 WOODMERE AVENUE

WHEREAS, GVF Construction, LLC posted a Road Opening Bond written by First Indemnity of American Insurance Company in the amount of \$4,000.00 guaranteeing roadway restoration at 348 Woodmere Avenue; and,

WHEREAS, the required five year maintenance period has passed and the road opening has been restored and maintained,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the release of the Road Opening Bond for 348 Woodmere Avenue as stated herein; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Township Engineer.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-98 - 2/8/21

AWARD BID FOR REMOVAL OF BRUSH

WHEREAS, on February 3, 2021, the Purchasing Agent received bids for the award of a contract for removal of brush; and,

WHEREAS, said bids were reviewed by the Purchasing Agent who has recommended that the bid be awarded to the lowest bid submitted by Mazza Mulch, Inc.; and,

WHEREAS, said bids were advertised, received and awarded in a "fair and open" competitive bidding process in accordance with the Open Public Contracts Law; and,

WHEREAS, funds will be provided for the first three months of 2021 in the 2021 Temporary Budget and funds for the balance of 2021 will be provided in the 2021 Municipal Budget in the appropriation entitled Solid Waste Disposal O.E., when finally adopted, and the Chief Financial Officer has so certified in writing,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that a contract be awarded to Mazza Mulch, Inc. for removal of brush from the Public Works Yard for two years based on their lowest responsible bid of \$4.73 per cubic yard for 2021 and 2022; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Chief Financial Officer, Assistant C.F.O., and Director of Public Works.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-99 – 2/8/21

AUTHORIZE PARTICIPATION IN AN ELECTRONIC TAX SALE

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 tax 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 Township of Neptune wishes to participate in an electronic tax sale,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune, New Jersey, that the Tax Collector is hereby authorized to participate in an electronic tax sale and submit same to the Director of the Division of Local Government Services if necessary; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector, Deputy Tax Collector and Auditor.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-100 – 2/8/21

AUTHORIZE CHARGE FOR NOTICE OF TAX SALE

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 rules and regulations require a municipality to send two (2) notices of tax sale to all properties included in said sale; and

WHEREAS, the rules and regulations allow said municipality to charge a fee of \$25.00 per notice for the creation, printing and mailing of said notice; and

WHEREAS, in an effort to more fairly assign greater fiscal responsibility to delinquent taxpayers, the Township of Neptune wishes to charge \$25.00 per notice mailed which will be assessed specifically to the delinquent accounts that are causing the need for a tax sale and not to the general tax base,

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Neptune that a fee of \$25.00 per notice be established and is hereby authorized and directed to be charged for each notice of tax sale that is sent in conjunction with the 2021 electronic tax sale; and,

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax Collector, Deputy Tax Collector and Auditor.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-102 - 2/8/21

AUTHORIZE THE REFUND OF TAXES
AS A RESULT OF AN OVERPAYMENT

WHEREAS, the properties listed below reflect overpayments; and,

WHEREAS, they have furnished the necessary documentation and have requested a refund;
and,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune,
County of Monmouth, State of New Jersey, that the Tax Collector be and is hereby authorized to
refund the taxes as stated herein; and,

BLOCK/LOT	ASSESSED TO	ADDRESS	YEAR	AMOUNT
1007/6	MERLO	230 NEPTUNE BLVD	2020	6,224.80
1108/17	PACHECO	1507 10TH AVE	2020	1,760.39
1815/6	WILLIAMS	100 WEST END AVE	2020	943.88
4501/22	NAVARRETE	724 OLD CORLIES AVE	2020	2,245.05
605/14	CUSA	215 MYRTLE AVE	2020	1,483.81
1506/7	STEVERSON	10 CHELSEA CT	2020	1,587.02
139/6	HELLER	103 MT. TABOR WAY	2020	1,862.53
4214/12	GUNNIS	22 PINE BROOK DR	2020	1,689.17

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Tax
Collector, Assistant C.F.O. and Auditor.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-101 - 2/8/21

CONFIRM THE SALE OF TOWNSHIP OWNED PROPERTY SOLD AT AUCTION
TO ADJOINING PROPERTY OWNER

WHEREAS, as authorized by Ordinance No. 20-32, the Township of Neptune conducted a public sale of non-conforming Township owned property to adjoining property owners only on February 3, 2021; and,

WHEREAS, said property was sold to the highest bidder who has submitted the required deposit,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that the sale of the following property be and is hereby confirmed:

<u>BLOCK/LOT</u>	<u>ADDRESS</u>	<u>PURCHASER</u>	<u>AMOUNT</u>
506/2	1710 Heck Avenue	Louis Gustave	\$ 10,000.00

BE IT FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized to execute a Deed conveying each property and Affidavit of Title on behalf of the Township of Neptune, County of Monmouth, a municipal body corporate of the State of New Jersey.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney and Tax Assessor.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-103 – 2/8/21

SUPPORT SOLAR LANDSCAPE COMMUNITY SOLAR PROJECT
AT 3403 ROUTE 33 (STORAGE KING)

WHEREAS, for more than a decade, the State of New Jersey has promoted energy policies that have created a vibrant solar energy market; and,

WHEREAS, the State of New Jersey adopted the 2019 New Jersey Energy Master Plan, Pathway to 2050 (EMP); and,

WHEREAS, Strategy 6 of the EMP calls for support of community energy planning and action with an emphasis on encouraging and supporting participation by low and moderate income and environmental justice communities; and,

WHEREAS, Goal 6.2.1 of the EMP calls for the support of community-led development of community solar projects; and,

WHEREAS, this governing body is knowledgeable about the direct benefits of community solar projects as approved by the New Jersey Board of Public Utilities, including the following:

- Local, clean power generation
- Support for active participation in the program by low and moderate income families
- Reduction of energy bills for all participants
- Job training and support

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby supports the Solar Landscape community solar project proposed for 3403 Route 33 (Storage King); and,

BE IT FURTHER RESOLVED, that the Township of Neptune endorses for selection by the New Jersey Board of Public Utilities, the Solar Landscape community solar project listed above; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Business Administrator and Township Engineer.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-104 - 2/8/21

APPROVE THE TRANSFER OF TAXI MEDALLION LICENSE NO. 023

WHEREAS, Zafar Khan is the owner of Neptune Township Taxi Medallion No. 023; and,

WHEREAS, he has notified the Taxi License Coordinator of the intent to sell and transfer ownership of said medallion to Ibrahim Abdo-Abdelwahed of Royal Transit, LLC; and,

WHEREAS, the Taxi License Coordinator has certified that all requirements of transfer have been satisfied,

THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Neptune that approval is hereby granted for the transfer of Taxi Medallion License No. 023 to Ibrahim Abdo-Abdelwahed of Royal Transit, LLC; and,

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Taxi License Coordinator and Municipal Clerk.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-105 – 2/8/21

AUTHORIZE ASSIGNMENT OF LEGAL CASES PURSUANT TO SECTION 2-21 OF THE TOWNSHIP CODE ENTITLED, "TOWNSHIP ATTORNEY"

WHEREAS, Ordinance #21-03, adopted February 8, 2021 establishes the procedure for the Township Attorney to recommend or make assignments on legal matters to Special Counsel, Labor Attorney or other designated attorneys with the consent of the governing body,

THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Neptune hereby authorizes the following assignments and transfer of cases as follows:

- I. From Eric Bernstein, Esq., to present Labor Counsel, Law Firm of Shain Schaffer, 150 Moorestown Rd., Ste. 105, Bernardsville, NJ 07924:
 - a. Continued PBA Contract Negotiations
 - b. Final Draft of new Promotional Guidelines for Police Department
 - c. Captain Gualario PERC Arbitration
 - d. P.O. Rogers Disciplinary Charges and Hearing
 1. Eric Bernstein, Esq. shall retain FOP Contract Negotiations
- II. From Plosia Cohen Law Firm to present Labor Counsel, Law Firm of Shain Schaffer:
 - a. AFSCNE Blue Contract Negotiations
 - b. AFSCNE Blue PERC Hearing on Grievance
 - c. Brian Butch v. Neptune Township, et als. – GSMJIF (RC 201900372)
- III. New Cases Assigned:
 - a. Colicelli v. Neptune Township, et als. – Law Firm of Shain Schaffer
 - b. Hunt v. Neptune Township, James M. Hunt, Jr. v. Township of Neptune – Rainone, Coughlin, Minchello, LLC, 555 U.S. Highway 1 South, Ste. 440, Iselin, NJ 08830 – GSMJIF

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Township Attorney, Eric Bernstein, Esq., Plosia Cohen Law Firm, Shain Schaffer, Business Administrator, Human Resources Director, and Chief Financial Officer.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk

RESOLUTION #21-106 – 2/8/21

*****TABLED*****

APPOINT MEMBERS TO THE POLICE COMMITTEE

WHEREAS, on February 8, 2021, the Township Committee adopted Ordinance No. 21-06, amending, revising and supplementing Volume I, Chapter II, Section 2-10 of the Code of the Township of Neptune, entitled, "Police Department" which amended the composition, terms and responsibilities of the Police Committee; and

WHEREAS, the aforesaid amended Ordinance provided that the Mayor of Neptune Township be appointed to the Police Committee every year (whoever was appointed as Mayor) and that all terms be limited to one year; and

WHEREAS, the aforesaid amended Ordinance terminated prior two year appointments and requires new appointments or reappointments to the Police Committee.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Township Committee of the Township of Neptune hereby authorizes the following assignments to the Police Committee:

1. Mayor, Dr. Michael Brantley be appointed as Mayor for a term ending December 31, 2021;
2. _____ be appointed as the Township Committeeperson for a term ending December 31, 2021;
3. Vito Gadaleta be appointed as the Township Administrator for a term ending December 31, 2021;
4. Lisa Boyd and Reverend Nancy Jackson-Johnson be appointed as non-employee, resident members to the Police Committee for a one year term; expiring December 31, 2021.

BE IT FURTHER RESOLVED, that a certified copy of this resolution shall be forwarded to the Business Administrator, Township Attorney and Chief of Police.

RESOLUTION #21-107 – 2/8/21

AUTHORIZE THE PAYMENT OF BILLS

BE IT RESOLVED, by the Township Committee of the Township of Neptune that the following bills be paid if properly certified:

CURRENT FUND	430,701.73
GRANT FUND	20,037.00
TRUST FUND	44,445.28
GENERAL CAPITAL FUND	2,781,354.80
SEWER OPERATING FUND	25,194.54
SEWER CAPITAL FUND	3,379.71
MARINA OPERATING FUND	1,022.25
LIBRARY TRUST	1,716.69
BILL LIST TOTAL	\$3,307,852.00

BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to the Assistant C.F.O.

CERTIFICATION
HEREBY CERTIFY THE ABOVE TO BE A TRUE
COPY OF A RESOLUTION ADOPTED BY THE
TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
NEPTUNE ON FEBRUARY 8, 2021



Richard J. Cuttrell, Municipal Clerk