

**CONSENT AGENDA
FOR THE MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX
HELD VIA THE INTERNET
MARCH 16, 2021**

ALL MATTERS LISTED BELOW ARE CONSIDERED ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

CORRESPONDENCE (ACCEPTANCE, FOR FILING ONLY, OF THE FOLLOWING):

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Clerk's Report for the month of February 2021.
2. Construction Department Report for the month of February 2021.
3. Grant Writer Report for the month of February 2021.
4. Property Maintenance Department Report for the month of February 2021.
5. Tax Collector's Report for the month of February 2021.
6. Water Sewer Collector Report for the month of February 2021.
7. Zoning Department Report February 2021.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Fire Fighter Application for Eric A. Stahl
2. Application for Use of Borough Facilities for Sussex Wantage Little League

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 16, 2021.

OFFICE OF CONSTRUCTION OFFICIAL**Construction Permit Activity Report**

RANGE: 02/01/2021 To 02/28/2021

March 01, 2021 9:40:36AM

SUMMARY**CONSTRUCTION COSTS**

Cost Of Construction: \$0.00
 Cost Of Alteration: \$8,020.00
 Cost Of Demolition: \$0.00
 Total Cost: \$8,020.00

Cubic Footage: 0 Cu.ft
 Square Footage: 0 Sq.ft

Permit Issued: 3
 Updates Issued: 0
 All Fees Waived: 0
 Municipal Fees Waived: 0

COUNT**PERMIT FEES**

Building: \$65.00
 Electrical: \$360.00
 Fire : \$0.00
 Plumbing: \$0.00
 Elevator: \$0.00
 Mechanical: \$75.00

ADMIN FEES

Building: \$0.00
 Electrical: \$0.00
 Fire : \$0.00
 Plumbing: \$0.00
 Elevator: \$0.00
 Mechanical: \$0.00

WAIVED FEES

Building: \$0.00
 Electrical: \$0.00
 Fire : \$0.00
 Plumbing: \$0.00
 Elevator: \$0.00
 Mechanical: \$0.00

* Total Waived:

\$0.00

TOTAL FEES

Building Fees: \$65.00
 Electrical Fees: \$360.00
 Fire Fees: \$0.00
 Plumbing Fees: \$0.00
 Elevator Fees: \$0.00
 Mechanical Fees: \$75.00

Technical Fees: \$500.00

DCA

Volume Training Fee:
 Alteration Training Fee:
 DCA Minimum Fee:
 Sub total Training Fee:

Calculated Fees

\$0.00
 \$15.00
 0.00
 \$15.00

Waived Fees

\$0.00
 \$0.00
 0.00
 \$0.00

Collected Fees

\$0.00
 \$15.00
 0.00
 \$15.00

TECHNICAL ISSUES

Building Technical: 1
 Electrical Technical: 3
 Fire Protection Technical:
 Plumbing Technical:
 Elevator Technical:
 Mechanical Technical: 1

Certificate of Occupancy Fee: \$0.00
 Waived Certificate Fees: \$0.00
 Sub Total Certificate Fees: \$0.00

CERTIFICATE ISSUES

Certificate of Occupancy: 0
 Certificate of Approval: 2
 Certificate of Continued Occupancy: 0

PERMIT FEES: \$500.00
 DCA FEES: \$15.00
 CERTIFICATE FEES: \$0.00
 NET TOTAL FEES: \$515.00
 PENALTIES COLLECTED: \$0.00
 CCO FEES: \$0.00
 OTHER FEES: \$0.00
 GRAND TOTAL FEES: \$515.00

Completed Inspections For All Subcodes

Range From 02/01/2021 To 02/28/2021

March 01, 2021 9:42:20AM

Permit Number	Block	Lot	Qual	Owner Name	Address	Type1	R1	Type2	R2	Type3	R3
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Call Date	Request Date	Inspected Date
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Inspection Summary

	Totals	Percentage	Key:
Inspections Scheduled:	4		P - Pass
Inspections Passed:	2	50.00	F - Fail
Inspections Failed:			C - Cancel
Inspections Cancelled:	1	25.00	X - Not Ready
Inspections Not Done:			N - Not Done
Inspections Not Ready:	1	25.00	

OFFICE OF THE CONSTRUCTION OFFICIAL

Activity Trend

March 01, 2021 9:41:51AM

The following figures compare the construction activity for the selected time period with two previous totals. They are:
 Monthly : Previous month and same month, previous year.
 Quarterly : Previous quarter and same quarter, previous year
 Yearly : Previous year and two years prior, i.e. 1997: 1996/1995

FIGURES

	February, 2021	January, 2021	February, 2020
Building:	65.00	3,390.00	290.00
Electric:	360.00	360.00	220.00
Fire Protection:	0.00	130.00	0.00
Plumbing:	0.00	475.00	350.00
Elevator:	0.00	0.00	0.00
Mechanical:	75.00	0.00	0.00
Admn Fee:	0.00	0.00	0.00
DCA Vol Fee:	0.00	0.00	0.00
DCA Alt Fee:	15.00	287.00	48.00
DCA Min Fee:	0.00	1.00	0.00
C of O Fee:	0.00	0.00	0.00
Total Fees:	515.00	4,643.00	908.00
Waived Fees:	0.00	0.00	0.00
Total Costs:	8,020.00	150,510.00	25,685.00
Permit Count:	3.00	4.00	7.00
Update Count:	0.00	0.00	2.00

PERCENTAGES

	Last Month	Last Year
Percent costs [Up/Down]:	-94.67 %	68.78 %
Percent Fees[Up/Down]:	-801.55 %	43.28 %



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Borough of Sussex
February 2021 Grant Report
Prepared by: Bruno Associates, Inc.

Grant Work:

Miscellaneous Grant Activity

Inquired if Sussex is interested in the Local Efficiency Achievement Program (LEAP). Grants are available to assist towns with shared agreement start-up costs.

Sent an alert to Sussex concerning the electric vehicle and charging station grant programs. \$4,000 is available for a vehicle with \$1,500 for a charging station, or \$4,000 is available towards a level two charging station.

Fire Prevention and Safety (FP&S)

Sent a grant alert to Sussex for Fire Prevention and Safety. Reviewed the guidance and on February 4th, attended the FP&S Webinar on behalf of Sussex Borough. Since the Fire Department is not interested in the Fire Protection and Safety grant because they don't do smoke detector inspections, I reached out to Toni Smith to see if the Borough has an interest. No interest was received. The deadline was February 26th.

Public Assistance for Tropical Storm Isaias

Attended a webinar put on by FEMA concerning applying for Public Assistance for Tropical Storm Isaias expenses. Details of the Sussex Borough expenses are needed to proceed. Followed up with Sussex on the information needed to apply for Isaias Public Assistance funding. Reviewed the documentation sent regarding Tropical Storm Isaias. Contacted Sussex regarding the need to reset the passwords for FEMA and NJEMGRANTS. Received password resets and logged into both the FEMA and NJEMGRANTS portals. Applied for permission to submit an application. It was accepted. The project is pending assignment of a Program Delivery Manager (PDMG). Compiled a list of expenses and requested additional backup information. Received additional backup data for Tropical Storm Isaias. Researched the forms needed for FEMA. Contacted FEMA and the State OEM and found that Isaias costs are not due yet because of the delay in approving the ability to apply. Prepared the Material Summary Record data sheets for Tropical Storm Isaias.

Public Assistance for Winter Storm Orlena

Reviewed the requirements for the recent Snowstorm expenses. Two Preliminary Damage Assessments (PDA) needed to be submitted by Thursday, February 11th to the Sussex County OEM. Requested total expenses for personnel and equipment in order to submit the forms. Completed the Sussex Borough Preliminary Damage Assessment (PDA) and forwarded it to Sussex County OEM. The preliminary request is for \$69,383. Advised Sussex that the Preliminary Damage Assessment (PDA) asking for \$69,382.60 has to be reworked to provide for expenses during the most expensive 48 hour period to submit an



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interim PDA as soon as possible. Compiled the expenses by day from Winter Storm Orlena in preparation of submitting an Interim Preliminary Damage Assessment (PDA). Figured out the cost of Winter Storm Orlena by day from January 31st through February 12. Created an Interim PDA using costs from February 1st and 2nd and submitted it to Sussex County FEMA Coordinator, Steven Sugar on February 27th.

2020 Assistance to Firefighters Grant (AFG)

Completed the AFG application through the narrative section. Re-requested the call volumes from Marc Leech. Worked on the AFG application. Completed the equipment and budget sections. Received the call volume stats for 2020. Requested 2 figures that were missing. Processed a second request for two call volume statistics for the AFG application. Completed the AFG application for air pacs and air cylinders and submitted it on February 11th. The FEMA GO system suffered a glitch that day and the status read "in process" Forwarded a copy of the proof of submission to FEMA to investigate it and they revised the status to submitted. Requested \$259,558.29. The Sussex contribution is \$12,977.91. The total value of the equipment is \$272,536.20.

2020 Staffing For Adequate Fire And Emergency Response (SAFER)

Initiated a SAFER application. Completed a draft of the application and sent it to Sussex for review and requested feedback on the SAFER grant. Approval of the content was received from Marc Leech and Floyd Southard. Submitted the SAFER application requesting \$33,560 for recruiting 5 new firefighters over 4 years with turnout gear and initial physicals on February 27th. It was due by March 12th.

USDA Community Facility Loan and Grant Program

Responded to Mayor Meyer's request to report on what the USDA Community Facilities grant can be used for. Sussex had received this grant previously for an ambulance chassis. They are considering a dump truck purchase now. The application for a dump truck is pending a quote from Sussex to proceed. The application period opened on October 1st and has a rolling deadline.

Certified Local Government

I had researched requirements for becoming a Certified Local Government. No decision made on whether to pursue certification.

FEMA Non-Disaster Mitigation

Planning, design, and cost estimating should be taking place with an August 2021 timeframe to submit a project to NJ FEMA.

Applications Pending Award:

2021 Small Cities CDBG

The request is \$400,000 for the water lines under Main Street. Inquired the status of the Small Cities 2021 application and found that they are still under review. Announcement of the award is pending.



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AFG-S 2

Completed the AFG-S Round 2 application for PPE and submitted it. The total value is \$2,536.20. FEMA will pay \$2,415.43 and Sussex will cover \$120.77. The award was made and was accepted on behalf of Sussex Borough on March 1, 2021.

Transportation Alternatives Program (TAP)

Submitted the TAP application requesting \$225,700 for the Main Street Streetlight Replacement project. Announcement of the award is pending.

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Firehouse Subs

The application to Firehouse Subs was made for the breathing apparatus costing \$16,581. Announcement of the award is pending.

Gary Sinise Foundation

Submitted an application for PPE equipment for \$1,598.70. Announcement of the award is pending.

Firefighters Charitable Foundation

The application to the Firefighters Charitable Foundation to obtain 30 pagers valued at \$10,800 was made. Announcement of award is pending.

Awards Made; Work in Progress:

Municipal Aid FY 2021

The FY21 Municipal Aid awards were announced. Sussex had applied for \$192,380.50 for paving the remainder of Main Street, Spring Street and a portion of Newton Avenue. The award was \$166,200.

Local Aid Infrastructure Fund (LAIF)

An award was announced granting Sussex \$275,000 towards the project to replace the sidewalks on Main Street. The request was for \$314,400.

AFG-S

Submitted a request for payment to AFG-S for \$1,440 for PPE equipment. Sussex is responsible for \$72 making the total value of the PPE \$1,512.



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Green Acres – Brookside Road Park

A \$100,000 loan was awarded to Sussex from Green Acres for Brookside Road park. A decision will be made by Sussex whether to decline or accept the loan.

USDA Community Facility Project

Sussex was awarded \$49,000 towards the ambulance chassis replacement through USDA Community Facilities. \$129,958 had been requested. The grant award has been modified at the request of Sussex to pursue purchasing used ambulances from Hamburg. The ambulance purchase grant for \$26,390 can be held for up to 2 years. Sussex has decided to repair the existing ambulances. You may still decide to go for purchasing used ambulances if the repairs don't work out.

USDA Loans/Grants

Sussex was awarded \$1,018,400 for the installation of the water line from Lake Rutherford to the water treatment plant. A loan for \$346,400 was also granted. The grant/loan award plus \$400,000 from Small Cities CDBG and \$200,000 as a contribution from Sussex makes the total cost \$1,964,800. Sussex may need more grant money to complete the water line project and will qualify to apply for additional grant/loan money from USDA after the bids for the project are received in January 2021 and the money need can be established.

Municipal Aid 2020

The Municipal Aid award of \$175,000 was announced on 11/27 for Main Street paving. The funding request was \$286,727.

Small Cities CDBG-2019

Sussex was awarded \$400,000 from Small Cities CDBG to replace 1,900 feet of water lines on Willow Street and Ley Place as well as to reconstruct sewer manholes.

Small Cities CDBG-2017

Advised Bruce Benton of the project schedule for the Lake Rutherford water line project and sent him the schedule. He responded that he was glad to receive the project schedule and that Sussex has been extended to a deadline of December 31, 2020 to utilize the \$400,000 2017 CDBG award. In September the Borough should logon to SAGE and submit a grant revision for another time extension to December 31, 2021. He also advised that the Borough requested and received additional funds to cover easement costs, which are currently available for drawdown. Prepared a summary of the Small Cities CDBG Performance Hearings at the request of Toni Smith.



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USDA

The USDA had previously awarded Sussex a grant of \$360,000, a loan of \$240,000 and a required contribution from Sussex of \$200,000. Replacing a sewer line along Route 23 remains. The bids received exceed the project estimate. A decision must be made by Sussex how to proceed.

March 5, 2021
03:36 PM

Borough of Sussex
Cash Receipts Totals from 02/01/21 to 02/28/21

Tax

Page No: 1

Range: Block: First to Last Range of Util Accounts: First to Last
Lot:
Qual:
Range of Codes: First to Last Range of Years: First to 2022 Range of Periods: 1 to 12
Range of Batch Ids: First to Last Range of Dates: 02/01/21 to 02/28/21
Range of Sections: First to Last Name to Print: Bill To
Range of Spec Tax Codes: First to Last Print Ref Num: N Print Utility w/Block/Lot/Qual: N
Payment Type Includes: Tax: Y Sp Charges: N Lien: Y Sp Assmnt: N Water: N Sewer: N
Voucher Agency: N Other: N Misc: N
Payment Method Includes: Cash: Y Check: Y Credit: Y Voucher: N
Print Miscellaneous w/Block/Lot/Qual: N Print Only Miscellaneous w/Block/Lot/Qual: N

Code Description	Count	Arrears/Other	Principal 2020	2021	2022	Interest	Total
001 TAX PAYMENTS	483	0.00	18,732.83	652,366.44	0.00	1,496.58	672,595.85
SBT SUBSEQUENT TAXES	9	0.00	0.00	16,083.96	0.00	123.42	16,207.38
Tax Payments	492	0.00	18,732.83	668,450.40	0.00	1,620.00	688,803.23
Payments Total:	492	0.00	18,732.83	668,450.40	0.00	1,620.00	688,803.23
Cash O/S Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
NSF Reversals Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
Total:	492	0.00	18,732.83	668,450.40	0.00	1,620.00	688,803.23

Total Cash: 3,288.00

Total Check: 682,268.97

Total Credit: 3,246.26

March 1, 2021
01:49 PM

Borough of Sussex
Cash Receipts Totals from 02/01/21 to 02/28/21

Utility

Page No: 1

Range: Block: First to Last Range of Util Accounts: First to Last
Lot:
Qual:
Range of Codes: First to Last Range of Years: First to 2022 Range of Periods: 1 to 12
Range of Batch Ids: First to Last Range of Dates: 02/01/21 to 02/28/21
Range of Sections: First to Last Name to Print: Bill To
Range of Spec Tax Codes: First to Last Print Ref Num: N Print Utility w/Block/Lot/Qual: N
Payment Type Includes: Tax: N Sp Charges: N Lien: N Sp Assmnt: N Water: Y Sewer: Y
Voucher Agency: N Other: Y Misc: N
Payment Method Includes: Cash: Y Check: Y Credit: Y Voucher: N
Print Miscellaneous w/Block/Lot/Qual: N Print Only Miscellaneous w/Block/Lot/Qual: N

Code Description	Count	Arrears/Other	Principal 2020	2021	2022	Interest	Total
WAT WATER PAYMENTS	469	969.71	5,767.65	185,851.29	0.00	0.00	192,588.65
Water Payments	469	969.71	5,767.65	185,851.29	0.00	0.00	192,588.65
SBS SUBSEQUENT SEWER	6	1.91	788.27	361.76	0.00	39.44	1,191.38
SEW SEWER PAYMENTS	404	0.00	4,799.44	131,833.18	0.00	430.77	137,063.39
Sewer Payments	410	1.91	5,587.71	132,194.94	0.00	470.21	138,254.77
HYD HYDRANT PAYMENTS	5	0.00	0.00	936.85	0.00	0.00	936.85
Other Payments	5	0.00	0.00	936.85	0.00	0.00	936.85
Payments Total:	884	971.62	11,355.36	318,983.08	0.00	470.21	331,780.27
Cash O/S Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
NSF Reversals Total:	0	0.00	0.00	0.00	0.00	0.00	0.00
Total:	884	971.62	11,355.36	318,983.08	0.00	470.21	331,780.27

Total Cash: 6,761.01

Total Check: 319,509.98

Total Credit: 5,509.28

Water Overpayments 969.71
Total Overpayments 969.71

List of Bills - CLEARING ACCOUNT - Sussex

Check#	Vendor	Description	Payment	Check Total
17630	1675 - Action Data Services	PO 14737 Account 0542	821.02	821.02
17631	1095 - Airgas UAS, LLC	PO 14750 Payer 2563803	31.55	31.55
17632	1096 - Bob & Bills Service	PO 14707 Towing to Tim's auto	100.00	100.00
17633	1797 - Brady & Correale, L.L.P.	PO 14732 Planning Board - General	791.25	791.25
17634	1793 - Bruno Associates, Inc	PO 14593 2021 Grant Writing Services	3,750.00	3,750.00
17635	1085 - CenturyLink	PO 14773 Acct 310363814	246.97	246.97
17636	2029 - Chelbus Cleaning Company, Inc	PO 14639 Cleaning Services - 2021	315.00	315.00
17637	1942 - Core & Main LP	PO 14731 Clamps	2,137.76	2,137.76
17638	1401 - County of Sussex	PO 14772 Fuel charges for Febuary 2021	69.01	69.01
17639	1959 - DeBlock Environmental Services, LLC	PO 14775 February 2021 services	26,938.45	26,938.45
17640	2047 - Dynamic Mechanical Service, LLC	PO 14702 Service Location: Boro Hall	349.75	349.75
17641	1061 - Elizabethtown Gas	PO 14748 Acct 6245572601	537.82	537.82
17642	2076 - Glasscar Auto Glass, LLC	PO 14728 2004 Ford F series F350 2 door standard	395.00	395.00
17643	1168 - Hamburg Plumbing Supply	PO 14716 Battery back up sump pump	681.58	681.58
17644	2079 - Havens Trucking	PO 14726 QP for parking lot	740.00	740.00
17645	1103 - Jersey Central Power & Light	PO 14751 Acct 100 132 792 167	5,992.19	5,992.19
17646	2050 - Jersey Elevator Co, Inc.	PO 14518 Account: 50510ANT-M	375.00	375.00
17647	2080 - Laddey, Clark & Ryan, LLP	PO 14743 Legal Services for 2021	3,500.00	3,500.00
17648	1974 - Marasiti Falcon, LLP	PO 14740 Acct 71.001	6,829.11	6,829.11
17649	2005 - Miracle Chemical Company	PO 14709 chemicals for the WTP	1,525.00	1,525.00
17650	1154 - Montague Tool & Supply	PO 14706 Cust SUSBO	130.00	130.00
17651	1999 - Montana Construction Corp, Inc	PO 14705 Emergency Force Main Repairs	134,927.64	134,927.64
17652	1481 - Nelson Consulting Group	PO 14733 Planning services - Ronetco	637.00	
		PO 14734 Planning Services - General Planning	468.00	
		PO 14735 Planning services - Great Gorge Holdings	221.00	1,326.00
17653	1940 - Nielsen Ford	PO 14721 Cust 41654	322.30	322.30
17654	1139 - NJ Dept. of Health & Senior Svcs	PO 14736 February Dog License Report	113.40	113.40
17655	1119 - NJ State League of Municipalities	PO 14689 Ads	230.00	230.00
17656	1076 - North East Parts Group, LLC	PO 14711 Acct 7498	433.58	433.58
17657	1588 - One Call Concepts, Inc.	PO 14729 Account 12-SUS	15.73	15.73
17658	1321 - Pitney Bowes	PO 14774 Acct 0011334353	103.90	
		PO 14774 Acct 0011334353	52.10	156.00
17659	2082 - Profesional Consulting Inc.	PO 14777 Engineering Services for February 2021	2,150.00	2,150.00
17660	2036 - S. C. Administrative Center	PO 14763 Salt for January 2021	7,018.69	
		PO 14778 Salt for February 2021	13,748.45	20,767.14
17661	1198 - Staples	PO 14685 Copy paper	36.92	
		PO 14685 Copy paper	60.84	97.76
17662	1068 - Statewide Insurance Fund	PO 14741 Fund Year 2021 Insurance Assessment	31,071.60	
		PO 14741 Fund Year 2021 Insurance Assessment	20,714.40	51,786.00
17663	1086 - Suburban Propane - 2232	PO 14749 Acct 2232-090324	1,338.21	1,338.21
17664	1089 - Sussex Wantage Regional	PO 14573 2021 School District Budget Statement	135,664.75	135,664.75
17665	2043 - Tim's Auto Truck Care Center, LLC	PO 14720 Parts and labor	378.82	378.82
17666	1092 - Tire King, Inc	PO 14712 Tire/Rim	830.00	830.00
17667	1207 - Wantage Township	PO 14742 Gas & Diesel fuel for Febuary 2021	1,611.14	1,611.14
17668	1087 - Waste Management of New Jersey, Inc	PO 14747 Customer ID: 7-25250-82002	448.98	448.98
17669	1075 - Wilcox Press	PO 14725 Vehicle log books	26.00	26.00
TOTAL				408,879.91

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	General Admin Other Expenses	4,218.91			
01-201-20-135-020	Legal Services	3,500.00			
01-201-20-165-020	Engineering Other Expenses	2,150.00			
01-201-21-180-020	Planning Board Other Expenses	1,311.20			
01-201-23-215-020	Insurance Workers Compensation Insurance	31,071.60			
01-201-26-290-020	Streets & Roads Other Expenses	3,522.71			
01-201-26-295-020	Snow Removal Other Expenses	21,372.82			
01-201-26-305-020	Garbage & Trash Removal Other Expenses	448.98			
01-201-26-310-020	Building & Grounds Other Expenses	4,361.28			
01-201-30-460-020	Gasoline and Fuel	69.01			
01-203-20-100-020	(2020) General Admin Other Expenses		687.95		
01-207-55-000-000	Regional School Taxes Payable			135,664.75	
01-260-05-100	Due To Clearing			0.00	208,379.21
TOTALS FOR	Current Fund	72,026.51	687.95	135,664.75	208,379.21

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
03-260-05-100	Due To Clearing			0.00	971.40
03-260-56-851-000	Reserve For Planning Escrow Deposits			858.00	
03-260-56-852-000	Reserve For Animal Expenditures			113.40	
TOTALS FOR	Trust Fund	0.00	0.00	971.40	971.40

09-201-55-502-020	Water Sewer Operat. OE Water	183,184.05			
09-201-55-503-020	Water Sewer Operat. OE Sewer	13,893.25			
09-201-55-504-002	W/Sr Operating S&W	2,335.00			
09-203-55-502-020	(2020) Water Sewer Operat. OE Water		58.50		
09-203-55-503-020	(2020) Water Sewer Operat. OE Sewer		58.50		
09-260-05-100	Due To Clearing			0.00	199,529.30
TOTALS FOR	Water Sewer Operating Fund	199,412.30	117.00	0.00	199,529.30

Total to be paid from Fund 01 Current Fund	208,379.21
Total to be paid from Fund 03 Trust Fund	971.40
Total to be paid from Fund 09 Water Sewer Operating Fund	199,529.30
	408,879.91

Checks Previously Disbursed

17629	Tractor Supply Credit Plan	PO# 14687	154.74	3/11/2021
17628	LCA Bank Corporation	PO# 14746 Account 150345-001	254.12	3/11/2021
17627	Bank of America	Multiple:	1,201.45	3/11/2021
32021	State of NJ Health Benefits	PO# 14761 Feb health/Mar dental 2021	4,322.22	3/11/2021
32021	State of NJ Health Benefits	PO# 14761 Feb health/Mar dental 2021	6,572.92	3/11/2021
32021	State of NJ Health Benefits	PO# 14762 March health benefits - retired	641.42	3/11/2021
32021	State of NJ Health Benefits	PO# 14762 March health benefits - retired	427.62	3/11/2021
30521	Borough of Sussex Payroll	WE 2/27/21	7,255.45	3/03/2021
30521	Borough of Sussex Payroll	WE 2/27/21	18,207.29	3/03/2021
			39,037.23	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 Current Fund	26,647.75	208,379.21	235,026.96
Fund 03 Trust Fund		971.40	971.40
Fund 09 Water Sewer Operating Fund	12,389.48	199,529.30	211,918.78
BILLS LIST TOTALS	39,037.23	408,879.91	447,917.14

REGULAR AGENDA
FOR THE MAYOR AND COUNCIL MEETING, BOROUGH
OF SUSSEX, HELD AT THE MUNICIPAL BUILDING, 2 MAIN STREET
SUSSEX, NEW JERSEY AT 7:00 P.M. ON
MARCH 16, 2021

- A. Mayor Meyer will call the meeting of March 16, 2021 to order.
- B. Mayor Meyer will invite all present to salute the flag and to remain standing for a moment of silence.
- C. Mayor Meyer will state that "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."
- D. Clerk will call the roll.
- E. APPROVAL OF AGENDA

A motion is in order to approve the agenda for March 16, 2021.

K. EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, P. L. 1975, Chapter 231 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;

Mayor Meyer will request a motion to adopt a resolution, which shall take effect immediately, to adjourn into Executive Session to discuss:

Personnel
Purchase of Real Property
Redevelopment Area
Contract Negotiations
Pending Litigation

F. PRESENTATIONS:

There are no presentations scheduled.

G. DISCUSSION:

There will be a budget update.

- H. CONSENT AGENDA: Mayor Meyer will request that the Governing Body review the consent agenda. If any member of the Council desires an item to be removed, the Municipal Clerk shall remove said item, which will then be considered separately. (Mayor Meyer will allow time for the Council to consider changes.)

After all persons have had an opportunity to review the consent agenda and offer requests for changes, Mayor Meyer will request a motion to approve the consent agenda.

I. OLD BUSINESS:

1. Adoption of Ordinance 2021-02 Purchase of DPW Equipment for the Borough of Sussex, in the County of Sussex, New Jersey, and Appropriating \$35,000 therefor from the General Capital Fund Reserve for Purchase of Equipment of the Borough

A motion is in order to adopt Ordinance 2021-02 Purchase of DPW Equipment for \$35,000 from the General Capital Fund.

BEFORE FINAL ROLL CALL MAYOR MEYER WILL OPEN THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-02.

2. Adoption of Ordinance 2021-03 AN ORDINANCE REVISING CHAPTER 25 STORMWATER MANAGEMENT REGULATIONS OF THE CODE OF THE BOROUGH OF SUSSEX

A motion is in order to adopt Ordinance 2021-03 an Ordinance revising Chapter 25 Storm water Management Regulations of the Code of the Borough of Sussex.

BEFORE FINAL ROLL CALL MAYOR MEYER WILL OPEN THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-03.

3. Parking Ordinance

4. Fireman's Parade

5. Brookside Park

6. Alexandra's Playground

J. NEW BUSINESS:

1. Approval of Meeting Minutes

A motion is in order to approve the meeting minutes of the Regular Meeting and Executive Session held on March 2, 2021. (Absent: none) (Motion requested by Clerk)

2. Approval of Meeting Minutes

A motion is in order to approve the meeting minutes of the Budget Workshop Meeting held on March 9, 2021. (Absent: Robert Holowach, Charles Fronheiser) (Motion requested by Clerk)

3. Mayor Meyer will request a motion to approve resolutions 2021-59R through 2021-61R.

Resolution 2021-59R – Resolutions for Redemption

Resolution 2021-60R – Resolution Proclaiming April as Child Abuse Prevention Month

Resolution 2021-61R – Resolution to Support 101st Annual Inspection Day Parade

Resolution 2021-62R – Transfer Resolution

L. OPEN PUBLIC SESSION: Mayor Meyer will request a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. All comments should be directed to the Mayor and are limited to 3 minutes.

After giving all persons present an opportunity to address the Governing Body, Mayor Meyer will request a motion to close the meeting to the public and return to the regular order of business.

M. COUNCIL COMMENTS

Mayor Meyer will allow each council member the opportunity to discuss their committees, propose legislation or make any comments for the good and welfare of Sussex Borough.

N. ADJOURNMENT: Mayor Meyer will request a motion to adjourn the meeting.

ORDINANCE #2021-02

**ORDINANCE PROVIDING FOR THE PURCHASE OF DPW
EQUIPMENT FOR THE BOROUGH OF SUSSEX, IN THE
COUNTY OF SUSSEX, NEW JERSEY, AND APPROPRIATING
\$35,000 THEREFOR FROM THE GENERAL CAPITAL FUND
RESERVE FOR PURCHASE OF EQUIPMENT OF THE
BOROUGH.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH
OF SUSSEX, IN THE COUNTY OF SUSSEX, NEW JERSEY, AS FOLLOWS:**

Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as general improvements to be made or acquired by the Borough of Sussex, New Jersey. For the said improvements or purposes stated in said Section 2, there is hereby appropriated the sum of \$35,000 from moneys available in the General Capital Fund, Reserve for Purchase of Equipment of the Borough.

Section 2. The improvements hereby authorized and the several purposes for which said appropriation is made are as follows: the acquisition of new and additional equipment including, equipment for use by the Department of Public Works of the Borough.

Section 3. The capital budget or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Borough Clerk and are available for public inspection.

Section 4. This ordinance shall take effect after publication after final passage as provided by law.

NOTICE IS HEREBY GIVEN that the attached Ordinance 2021-02 was introduced at a meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on March 2, 2021 and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at a meeting of the Mayor and Council to be held on March 16, 2021 via the internet at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

Antoinette Smith, Clerk

Edward Meyer, Mayor

Introduced: March 2, 2021

Adopted:

ORDINANCE NO. 2021-03

AN ORDINANCE REVISING CHAPTER 25. STORMWATER MANAGEMENT REGULATIONS OF THE CODE OF THE BOROUGH OF SUSSEX

WHEREAS, the Borough of Sussex is desirous to revise Chapter 25, Stormwater Management Regulations, of the Borough Code to comply with the Stormwater Management Rules, N.J.A.C. 7:8-1.1, et seq.

NOW, THEREFORE, by the Borough Council of the Borough of Sussex, hereby deletes current Chapter 25, Stormwater Management Regulations, in its entirety, and adopts a new Chapter 25, as follows:

Article XXVIII. Stormwater Control

§ 25-1. Scope and Purpose:

- (1) Policy Statement. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.
- (2) Purpose. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major development,” as defined below in § 25-2.
- (3) Applicability.
 - (a) This Ordinance shall be applicable to the following major developments:
 - [1] Non-residential major developments; and
 - [2] Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
 - (b) This ordinance shall also be applicable to all major developments undertaken by the Borough of Sussex.
- (4) Compatibility with Other Permit and Ordinance Requirements. Development approvals issued pursuant to this Ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

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

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

§ 25-2. Definitions:

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

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

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

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

"Compaction" means the increase in soil bulk density.

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

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

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

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

"Department" means the Department of Environmental Protection.

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

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

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

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

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

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

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

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

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

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

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

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

"HUC 14" or "hydrologic unit code 14" means an area within which water drains to a particular receiving surface water body, also known as a 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 the disturbance of one or more acres of land since February 2, 2004. 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 result in the disturbance of one or more acres of land since February 2, 2004. 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 § 25-4(6) of this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

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

- (1) A net increase of impervious surface;
- (2) The total area of impervious surface collected by a new stormwater conveyance system (for the purpose of this definition, a “new stormwater conveyance system” is a stormwater conveyance system that is constructed

- where one did not exist immediately prior to its construction or an existing system for which a new discharge location is created);
- (3) The total area of impervious surface proposed to be newly collected by an existing stormwater conveyance system; and/or
 - (4) The total area of impervious surface collected by an existing stormwater conveyance system where the capacity of that conveyance system is increased.

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

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

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

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

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

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

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

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

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

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

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

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

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

“Tidal Flood Hazard Area” means a flood hazard area in which the flood elevation resulting from the two-, 10-, or 100-year storm, as applicable, is governed by tidal flooding from the Atlantic Ocean. Flooding in a tidal flood hazard area may be contributed to, or influenced

by, stormwater runoff from inland areas, but the depth of flooding generated by the tidal rise and fall of the Atlantic Ocean is greater than flooding from any fluvial sources. In some situations, depending upon the extent of the storm surge from a particular storm event, a flood hazard area may be tidal in the 100-year storm, but fluvial in more frequent storm events.

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

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

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

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

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

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

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

§ 25-3. Design and Performance Standards for Stormwater Management Measures:

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

§ 25-4. Stormwater Management Requirements for Major Development:

- (1) The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 25-10.

- (2) Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlenbergi* (bog turtle).
- (3) The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 25-4(16), (17) and (18).
- (a) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
 - (b) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
 - (c) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.
- (4) A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 25-4(15), (16), (17) and (18) may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:
- (a) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
 - (b) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 25-4(15) (16), (17) and (18) to the maximum extent practicable;
 - (c) The applicant demonstrates that, in order to meet the requirements of § 25-4(15) (16), (17) and (18), existing structures currently in use, such as homes and buildings, would need to be condemned; and
 - (d) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling under § 25-4(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 25-4(15) (16), (17) and (18) that were not achievable onsite.
- (5) Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified in § 25-4(15) (16), (17) and (18). When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3 and listed below in Tables 1, 2 and 3 are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at:

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

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

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

(Notes corresponding to annotations ^(a) through ^(g) are found on Page 14)

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

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

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

Notes to Tables 1, 2, and 3:

- (a) subject to the applicable contributory drainage area limitation specified at § 25-4(15)(b);
 - (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 § 25-2;
 - (h) manufactured treatment devices that do not meet the definition of green infrastructure at § 25-2.
- (7) An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the 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 § 25-4(6). Alternative stormwater management measures may be used to satisfy the requirements at § 25-4(15) only if the measures meet the definition of green infrastructure at § 25-2. Alternative stormwater management measures that function in a similar manner to a BMP listed at § 25-4(15)(b) are subject to the contributory drainage area limitation specified at § 25-4(15)(b) for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this subsection that do not function in a similar manner to any BMP listed at § 25-4(15)(b) shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 25-4(4) is granted from § 25-4(15).
- (8) Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess

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

(9) Design standards for stormwater management measures are as follows:

- (a) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);
- (b) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of § 25-8(3);
- (c) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;
- (d) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at § 25-8; and
- (e) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

(10) Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at § 25-2 may be used only under the circumstances described at § 25-4(15)(d).

(11) Any application for a new agricultural development that meets the definition of major development at § 25-2 shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at Sections D (15), (16), (17) and (18) and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

(12) If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 25-4 (16), (17) and (18) shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the

results achieved for that individual standard across the affected drainage areas.

- (13) Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Sussex County Clerk’s Office.

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 § 25-4 (15), (16), (17) and (18) and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US Feet or Latitude and Longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 25-4(13). 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.

- (14) 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 § 25-4 of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Office of the Sussex County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with § 25-4(13) 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.

(15) Green Infrastructure Standards

- (a) This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.
- (b) To satisfy the groundwater recharge and stormwater runoff quality standards at § 25-4(16) and (17), the design engineer shall utilize green infrastructure BMPs identified in Table 1 at § 25-4(6). and/or an alternative stormwater management measure approved in accordance with § 25-4(7). The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

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

<u>Small-scale Bioretention Systems</u>	<u>2.5 acres</u>
<u>Small-scale Infiltration Basin</u>	<u>2.5 acres</u>
<u>Small-scale Sand Filter</u>	<u>2.5 acres</u>

- (c) To satisfy the stormwater runoff quantity standards at § 25-4 (18), the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with § 25-4(7).
- (d) If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 25-4(4) is granted from the requirements of this subsection, then BMPs from Table 1, 2, or 3, and/or an alternative stormwater management measure approved in accordance with § 25-4(7) may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at § 25-4(16), (17) and (18).

(16) Groundwater Recharge Standards

- (a) This subsection contains the minimum design and performance standards for groundwater recharge as follows:
- (b) The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at § 25-5, either:
 - [1] 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
 - [2] Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.
- (c) This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.
- (d) The following types of stormwater shall not be recharged:
 - [1] 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
 - [2] Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

(17) Stormwater Runoff Quality Standards

- (a) This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.
- (b) Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
 - [1] 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.
 - [2] 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.
- (c) 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.
- (d) The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

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

- (e) 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.

- (f) 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 § 25-4 (16), (17) and (18).
- (g) 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.
- (h) 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.
- (i) 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.
- (j) This stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

(18) Stormwater Runoff Quantity Standards

- (a) This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.
- (b) In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at § 25-5, complete one of the following:

- [1] 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;

- [2] 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;
 - [3] 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.
- (c) The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 25-5. Calculation of Stormwater Runoff and Groundwater Recharge:

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

- (a) The design engineer shall calculate runoff using one of the following methods:
 - [1] 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
 - [2]. 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, P.O. Box 330, Trenton, New Jersey 08625. The document is also available at: <http://www.nj.gov/agriculture/divisions/anr/pdf/2014NJSoilErosionControlStandardsComplete.pdf>.
- (b) For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "runoff coefficient" applies to both the NRCS methodology above at section E(1)(a)[1] and the Rational and

Modified Rational Methods at section E(1)(a)[2]. 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 has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

- (c) 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.
- (d) 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.
- (e) 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.

- (2) 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/gsrreport/gsr32.pdf> or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 25-6. Sources for Technical Guidance:

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

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

- (a) 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.
- (b) Additional maintenance guidance is available on the Department's website at:
https://www.njstormwater.org/maintenance_guidance.htm.

- (2) Submissions required for review by the Department should be mailed to:

§ 25-7. Solids and Floatable Materials Control Standards:

(1) Site design features identified under § 25-4(6) above, or alternative designs in accordance with § 25-4(7) above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, “solid and floatable materials” means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 25-7(1)(b) below.

(a) 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:

- [1] 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
- [2] A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

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

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

(b) The standard in (1)(a) above does not apply:

- [1] 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;
- [2] 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;
- [3] 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).

- [2] 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
- [3] 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.

§ 25-8. Safety Standards for Stormwater Management Basins:

- (1) This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.
- (2) The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in § 25-8(3)(a), H(3)(b) and H(3)(c) for trash racks, overflow grates, and escape provisions at outlet structures.
- (3) Requirements for Trash Racks, Overflow Grates and Escape Provisions
 - (a) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:
 - [1] The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;
 - [2] The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;
 - [3] 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
 - [4] The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.
 - (b) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
 - [1] The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
 - [2] The overflow grate spacing shall be no less than two inches across the smallest dimension.
 - [3] The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to

withstand a perpendicular live loading of 300 pounds per square foot.

(c) Stormwater management BMPs shall include escape provisions as follows:

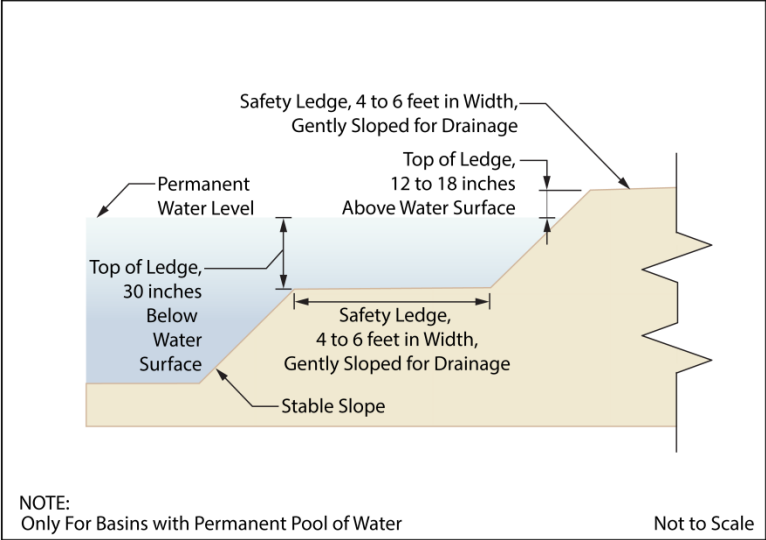
- [1] If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to § 25-8(3), a free-standing outlet structure may be exempted from this requirement;
- [2] Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and
- [3] In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontals to one vertical.

(4) Variance or Exemption from Safety Standard

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

Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 25-9. Requirements for a Site Development Stormwater Plan:

(1) Submission of Site Development Stormwater Plan

- (a) 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 § 25-28(3) below as part of the submission of the application for approval.
- (b) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
- (c) The applicant shall submit five (5) copies of the materials listed in the checklist for site development stormwater plans in accordance with § 25-28(3) of this ordinance.

(2) Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the 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.

(3) Submission of Site Development Stormwater Plan

The following information shall be required:

- (a) Topographic Base Map
The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 100 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.
- (b) Environmental Site Analysis
A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.
- (c) Project Description and Site Plans
A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.
- (d) Land Use Planning and Source Control Plan
This plan shall provide a demonstration of how the goals and standards of sections C through E are being met. The focus of this

plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(e) Stormwater Management Facilities Map

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

- [1] 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.
- [2] Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(f) Calculations

- [1] Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 25-4 of this ordinance.
- [2] When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(g) Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of § 25-10.

(h) 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 § 25-9(3)(a) through I(3)(f) of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 25-10. Maintenance and Repair:

(1) Applicability

Projects subject to review as in § 25-1(3) of this ordinance shall comply with the requirements of § 25-10(2) and J(3).

(2) General Maintenance

- (a) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.
- (b) 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.

- (c) 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.
- (d) 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.
- (e) If the party responsible for maintenance identified under § 25-10(2)(c) above is not a public agency, the maintenance plan and any future revisions based on § 25-10(2)(g) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.
- (f) 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.
- (g) The party responsible for maintenance identified under § 25-10(2)(c) above shall perform all of the following requirements:
 - [1] 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;
 - [2] evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
 - [3] 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 § 25-10(2)(f) and § 25-10(2)(g) above.
- (h) The requirements of § 25-10(2)(c) and § 25-10 (2)(d) 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.

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

- (i) 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.

- (j) 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

§ 25-11. Penalties:

Any responsible person who violates any portion or section of this chapter shall upon conviction thereof before a court of competent jurisdiction be subject to a fine not exceeding \$500 or imprisonment in the county jail for a period not exceeding 90 days or both.

§ 25-12. Severability and Repealer

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. All ordinances or parts of ordinances or resolutions that are inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

§ 25-13. Effective Date:

This Ordinance shall take effect immediately after final passage and publication.

NOTICE

TAKE NOTICE that the above Ordinance was introduced at a regular meeting of the Borough Council of the Borough of Sussex conducted on Tuesday, March 2, 2021. It will be considered for adoption, after final reading and public hearing thereon, at a regular meeting of the Sussex Borough Governing Body, to be conducted at 7:00pm on Tuesday, March 16, 2021 via Zoom connectivity information to be found on our website at www.sussexboro.com

Antoinette Smith
Municipal Clerk/Borough Administrator

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX
HELD VIA THE INTERNET AT 7:00 P.M. ON
MARCH 2, 2021**

Mayor Meyer led the assembly in the flag salute and requested a moment of silence.

Mayor Meyer stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

Mayor Meyer called the meeting to order and requested the clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Walter Cleary, III, Mr. Frank Dykstra, Mr. Charles H. Fronheiser, Jr., Mr. Jake Little, Mr. Robert Holowach, Mr. Mario Poggi and Mayor Edward Meyer.

Absent: None

Also present: Borough Attorney Mr. Jonathan N. Frodella, Esq. of Laddy Clark & Ryan LLP, Mrs. Antoinette Smith, Clerk/Administrator and Mrs. Melissa Morales, Deputy Clerk

APPROVAL OF AGENDA

Mr. Poggi made a motion to approve the agenda for March 2, 2021. Motion seconded by Mr. Little.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions: None

Absent: None

EXECUTIVE SESSION

In accordance with the provisions of the Open Public Meetings Act, Mr. Little made a motion to adjourn into closed executive session to discuss **Contract Negotiations and Pending Litigation**. Motion seconded by Mr. Dykstra.

All were in favor.

After meeting in closed session, the Governing Body returned to their seats at 7:55 p.m. and Mr. Little made a motion to adjourn out of closed executive session and to be reconvened into open public session. Motion seconded by Mr. Dykstra.

All were in favor.

PRESENTATIONS:

There were no presentations scheduled.

DISCUSSION:

Michel Marceau, CFO, gave a brief overview in preparation of the 2021 Budget.

CONSENT AGENDA

Mayor Meyer requested that the Governing Body review the consent agenda. If any member of the Council desires an item to be removed, the Municipal Clerk shall remove said item, which will then be considered separately.

Mr. Poggi made a motion to approve the consent agenda of March 2, 2021. Motion seconded by Mr. Dykstra.

CORRESPONDENCE (ACCEPTANCE, FOR FILING ONLY, OF THE FOLLOWING):

1. Planning/Zoning Board Minutes from January 25, 2021.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

APPLICATIONS (APPROVAL OF THE FOLLOWING):

RESOLUTIONS: (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of March 2, 2021.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions: None

Absent: None

OLD BUSINESS:

Adoption of Ordinance 2021-01 Unfit Structures

Mr. Cleary made a motion to adopt Ordinance 2021-01 TO AMEND SUBSECTION 12-6, ENTITLED "RESERVED" TO "UNFIT BUILDINGS", OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX AND STATE OF NEW JERSEY. Motion seconded by Mr. Little.

BEFORE FINAL ROLL CALL MAYOR MEYER WILL OPEN THE MEETING TO THE PUBLIC FOR ANY QUESTIONS OR CONCERNS REGARDING ORDINANCE 2021-01.

Siobhan Carroll, 54 Hamburg Ave., requested clarification on the Ordinance. Attorney Jonathan Frodella gave a brief overview.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions: None

Absent: None

Parking Ordinance update

Mr. Fronheiser held a brief discussion on the parking ordinance update.

Fireman's Parade

Mr. Holowach gave a brief update.

Brookside Park

Mr. Little stated he and Mr. Fronheiser has a meeting on Thursday, March 4, 2021 at 4 pm with Steve Kosinski from Little League to discuss Brookside Park.

NEW BUSINESS:

Approval of Meeting Minutes

Mr. Fronheiser made a motion to approve the meeting minutes of the Regular Meeting and Executive Session held on February 16, 2021. (Absent: Walter Cleary, III, Jake Little) Motion seconded by Mr. Dykstra.

Upon roll call vote:

Ayes: Dykstra, Fronheiser, Holowach, Poggi

Nays: None

Abstentions: Cleary, Little

Absent: None

Introduction of Ordinance 2021-02 Purchase of DPW Equipment for the Borough of Sussex, In the County of Sussex, New Jersey, and Appropriating \$35,000 therefor from the General Capital Fund Reserve for Purchase of Equipment of the Borough

Mr. Fronheiser made a motion to introduce Ordinance 2021-02 Purchase of DPW Equipment for \$35,000 from the General Capital Fund. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Cleary, Fronheiser, Holowach, Little, Poggi

Nays: Dykstra

Abstentions: None

Absent: None

FINAL READING MARCH 16, 2021

Introduction of Ordinance 2021-03 AN ORDINANCE REVISING CHAPTER 25 STORMWATER MANAGEMENT REGULATIONS OF THE CODE OF THE BOROUGH OF SUSSEX

Mr. Poggi made a motion to introduce Ordinance 2021-03 an Ordinance revising Chapter 25 Storm water Management Regulations of the Code of the Borough of Sussex. Motion seconded by Mr. Little.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions: None

Absent: None

FINAL READING MARCH 16, 2021

Resolution 2021-57R – Rejection of All Bids Project #4-2020

Mr. Little made a motion is in order to approve Resolution 2021-57R Rejection of all bids project #4-2020. Motion seconded by Mr. Poggi.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions: None

Absent: None

OPEN PUBLIC SESSION:

Mr. Poggi made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. All comments should be directed to the Mayor and are limited to a total of 3 minutes for the Council to discuss. Motion seconded by Mr. Little.

All were in favor.

Nanette Fandino-Diaz, 47 Bank Street, held a brief discussion on Ordinance 2021-03.

Siobhan Carroll, 54 Hamburg Avenue, requested the Borough look into passing a resolution opposing construction of compression turbines on the Tennessee Gas Pipeline running through Northern New Jersey.

There being no one else from the public who wished to address the Governing Body at this time, Mr. Little made a motion to close the meeting to the public and return to the regular order of business. Motion seconded by Mr. Dykstra.

All were in favor.

NEW BUSINESS: (CONTINUED)

Resolution 2021-58R – Authorizing the Award of Contract for Conflict Counsel

Mr. Fronheiser made a motion to approve Resolution 2021-58R authorizing the award of contract for Conflict Counsel. Motion seconded by Mr. Holowach.

Upon roll call vote:

Ayes: Cleary, Dykstra, Fronheiser, Holowach, Little, Poggi

Nays: None

Abstentions: None

Absent: None

COUNCIL COMMENTS

Mayor Meyer allowed each council member the opportunity to discuss their committees, propose legislation or make any comments for the good and welfare of Sussex Borough.

Mr. Poggi stated the Recreation Committees first event is scheduled for March 20, 2021 with a rain date of March 27, 2021, at Boggs Field. A brief discussion was held regarding Boggs Field.

Mr. Dykstra gave an update on the Planning/Zoning Board meeting regarding the Shoprite.

Mr. Little gave a brief update on the monies received for PPE for the Fire Department.

Mr. Holowach gave an update on the current break at the SCUMA property.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, **Mr. Holowach** made a motion to adjourn the meeting. Motion seconded by **Mr. Little**.

All were in favor.

Edward Meyer, Mayor

Antoinette Smith, RMC

Approved:

**MINUTES OF THE BUDGET WORKSHOP MEETING OF THE
MAYOR AND COUNCIL OF THE BOROUGH OF SUSSEX
HELD VIA THE INTERNET AT 7:00 P.M. ON
MARCH 9, 2021**

Mayor Meyer led the assembly in the flag salute and requested a moment of silence.

Mayor Meyer stated "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. It has been properly advertised and certified by the Clerk."

Mayor Meyer called the meeting to order and requested the Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Walter Cleary, III, Mr. Frank Dykstra, Jr., Mr. Jake Little, Mr. Mario Poggi and Mayor Edward Meyer.

Absent: Mr. Charles H. Fronheiser, Mr. Robert Holowach

Also present: Borough Attorney Mr. Jonathan N. Frodella, Esq. of Laddy Clark & Ryan LLP, Mrs. Antoinette Smith, Clerk/Administrator and Mrs. Melissa Morales, Deputy Clerk

APPROVAL OF AGENDA

Mr. Poggi made a motion to approve the agenda for March 9, 2021. Motion seconded by Mr. Cleary.

Upon roll call vote:

Ayes: Cleary, Dykstra, Little, Poggi

Nays: None

Abstentions: None

Absent: Fronheiser, Holowach

BUDGET WORKSHOP:

Mr. Marceau, CFO, gave an over view of the budget. The Mayor and Council discussed the CY 2021 Municipal Budget.

OPEN PUBLIC SESSION:

Mr. Little made a motion to open the meeting to the public for any questions or comments concerning the good and welfare of the Borough. All comments should be directed to the Mayor and are limited to a total of 3 minutes for the Council to discuss. Motion seconded by Mr. Dykstra.

All were in favor.

There being no one from the public who wished to address the Governing Body at this time, Mr. Little made a motion to close the meeting to the public and return to the regular order of business. Motion seconded by Mr. Poggi.

All were in favor.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Little made a motion to adjourn the meeting. Motion seconded by Mr. Cleary.

All were in favor.

Edward Meyer, Mayor

Antoinette Smith, RMC

Approved:

**SUSSEX BOROUGH
RESOLUTION #2021-60R**

PROCLAMATION

APRIL as CHILD ABUSE PREVENTION MONTH

WHEREAS, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

WHEREAS, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse and neglect; and

WHEREAS, child abuse and neglect not only directly harms children, but also increases the likelihood of criminal behavior, substance abuse, health problems and risky behavior; and

WHEREAS, the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious, civic organizations, law enforcement agencies and the business community;

NOW, THEREFORE be it resolved that the Mayor & Council of Sussex Borough do hereby proclaim April as Child Abuse Prevention Month and calls upon all citizens, community agencies, faith groups, medical facilities and businesses to increase their participation in our efforts to support the families, thereby preventing child abuse and strengthening the communities in which we live.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on March 16, 2021.

Edward Meyer
Sussex Borough Mayor

Antoinette Smith,
Municipal Clerk



"Ginnie's House provides a child friendly environment where children are helped through coordinated efforts of child protection, law enforcement and prosecution, healthcare and mental health agencies when child abuse is suspected, disclosed or reported."

4 High Street
P.O. Box 3156
Newton, NJ 07860
Phone: (973)-579-0770
www.ginnieshouse.org

BOARD

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Alexandra Miller, Psy. D.

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Jason Hackelberg

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Benjamin Davey, LSW
Division of Child Protection and
Permanency

Jessica A. Jansyn, Esq.

Prosecutor Francis Koch
Sussex County Prosecutor's Office

Lauren Krol

Megan O'Grady

Michael Richards

Sarah Shave

Herb Yardley
SC Board of Chosen Freeholders

Rev. Nancy Young

EXECUTIVE DIRECTOR
Kristi Young

NATIONAL
CHILDREN'S ALLIANCE
ACCREDITED MEMBER



BY:

February 25, 2021

Edward Meyer, Mayor
Sussex Borough
2 Main Street
Sussex, NJ 07461

Dear Mayor Edward Meyer:

President Ronald Reagan first proclaimed April to be National Child Abuse Prevention month in 1983. Since then, April has been a time to acknowledge the importance of families and communities working together to prevent child abuse.

By rallying around our neighbors, businesses, schools, friends and families, we can make a difference in the lives of the children in our community. By promoting safety, awareness and dialogue, we can prevent abuse from happening in the first place and help keep our children safe.

In recognition of the collaborations needed to help prevent child abuse and neglect, please join us again this year by proclaiming April as **Child Abuse Prevention Month** in Sussex Borough. As always, we thank you for your continued support of Ginnie's House, not just in April, but throughout the year.

Sincerely,

Kristi Young
Executive Director/MDT Coordinator

Enclosure

April is National Child Abuse Prevention Month



Show your support at home and at your place of business by purchasing a "Pinwheels For Prevention Kit" to proudly display during the month of April

Kits can be purchased here:

www.bidpal.net/pinwheelkit

Or send a check (by March 19th) to Ginnie's House P.O. Box 3156 Newton, NJ 07860, and the form below.

Kits can be picked up or delivered. Kits can be purchased online, or by sending in form and check.

National Child Abuse Prevention Month recognizes the importance of communities working together to prevent child abuse and neglect and promotes the well-being of all children.

With your support, Ginnie's House Children's Advocacy Center will continue to be a haven for hope, healing, and justice for victims of child abuse and neglect in Sussex County.

We need YOU to be their voice.

Name: _____

Address: _____

Email Address: _____

Phone Number: _____

☐ I'll pick up between 3/29-3/31 9a-4p at Ginnie's House 4 High Street Newton

☐ I would like delivery (add \$5)

Number of kits _____ x \$50 each + \$5 for delivery, if desired

Total enclosed: _____

Send form and check to P.O. Box 3156 Newton, NJ 07860 or purchase at bidpal.net/pinwheelkit

**SUSSEX BOROUGH
SUSSEX COUNTY, NJ**

RESOLUTION #2021-61R

RESOLUTION TO SUPPORT 101st ANNUAL INSPECTION DAY PARADE

WHEREAS, the Sussex Fire Department will be hosting the Sussex County Fireman's Association 101st Annual Inspection Day Parade on Saturday October 2, 2021. (Rain date October 3, 2021); and

WHEREAS, the Sussex Fire Department will also be celebrating its 125th anniversary along with the First Aid Squad and Ladies Auxiliary who have 84 years of service to the community; and

WHEREAS, the scheduled route is as follows: line up to occur on Libertyville Road proceed down Route 23 south to Main Street. Turn right onto Route 23 and continue south on Loomis Avenue and finish at the firehouse.

NOW THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Sussex, County of Sussex, and State of New Jersey, approves and supports the Sussex Fire Department hosting the Sussex County Fireman's Association 101st Annual Inspection Day Parade on Saturday October 2, 2021. (Rain date October 3, 2021) along the parade route described above.

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on March 16, 2021.

Antoinette Smith, RMC
Borough of Sussex

**BOROUGH OF SUSSEX
SUSSEX COUNTY, NEW JERSEY**

RESOLUTION 2021-62R

TRANSFER RESOLUTION – 2020 BUDGET

WHEREAS, there is a need for adjustments to the 2020 municipal budget appropriations, and;

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year to meet specific claims, commitments or contracts incurred;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, that the following transfer of Appropriations (2020 Municipal Budget) in accordance with N.J.S.A. 40A:4-59 be and is hereby approved:

<u>Account Description</u>	<u>To</u>	<u>From</u>
Interlocal - CFO Services	\$ 2,215.00	
General Administration O/E		\$ 2,215.00
	<u>\$ 2,215.00</u>	<u>\$ 2,215.00</u>

CERTIFICATION: I hereby certify the foregoing to be a true and correct copy of a resolution duly adopted by the Governing Body of the Borough of Sussex, in the County of Sussex, New Jersey, at a meeting held on March 16, 2021.

Antoinette Smith, RMC
Sussex Borough