CALL TO ORDER
The Regular Meeting of the Mayor and Council of the Borough of Madison was held on the 11th day of January, 2021. Mayor Conley called the meeting to order at 7:00 p.m. via Teleconference in the Council Chamber of the Hartley Dodge Memorial, Kings Road, in the Borough of Madison.

STATEMENT IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT
The Borough Clerk read the statement pursuant to the Open Public Meetings Act:

“In compliance with the Open Public Meetings Act, adequate notice of this meeting of the Council was provided by transmitting a copy of the meeting notice to the Madison Eagle and Morris County Daily Record, posting a copy on the bulletin board at the main entrance of the Hartley Dodge Memorial, and filing a copy in the office of the Clerk, all on January 7, 2021. This Notice was made available to members of the general public.”

ROLL CALL
The Borough Clerk called the roll and the following acknowledged their presence:

Mayor Robert H. Conley

Council Members:
Astri J. Baillie
Maureen Byrne
John F. Hoover
Debra J. Coen
Rachael Ehrlich
Robert Landrigan

Also Present:
Raymond M. Codey, Borough Administrator
James E. Burnet, Assistant Borough Administrator
Elizabeth Osborne, Borough Clerk
John Napolitano for Matthew J. Giacobbe, Esq. Borough Attorney

AGENDA REVIEW
There was approval of the Regular and Executive Agenda.

READING OF CLOSED SESSION RESOLUTION
Ms. Byrne moved:

RESOLVED, that the meeting be adjourned to an Executive Session to consider the following matters:

MINUTES FOR APPROVAL (1)
November 23, 2020
December 14, 2020
Date of public disclosure 60 days after conclusion, if disclosure required.

LITIGATION MATTERS (1)
AFFORDABLE HOUSING UPDATE – S. Blickstein
Date of public disclosure 60 days after conclusion, if disclosure required.
Regular Meeting Minutes – January 11, 2021

CONTRACT MATTERS (6)
IT SERVICES – CITY OF SUMMIT, BOROUGH OF CHATHAM
BOROUGH CODE ARTICLE 195-11
HISTORICAL SOCIETY
INTERCONNECTION AGREEMENT
HEALTH DEPARTMENT
JOINT MUNICIPAL COURT
Date of public disclosure 60 days after conclusion, if disclosure required.

PERSONNEL MATTERS (1)
OFFICE MANAGER – POLICE DEPT.
Date of public disclosure 90 days after conclusion, if disclosure required.

Seconded: Ms. Baillie
Vote: Approved by voice vote

RECONVENE VIA TELECONFERENCE
Mayor Conley reconvened the Regular Meeting at 7 p.m. via teleconference with all members present. The Pledge of Allegiance was recited by all.

Mayor Conley asked that a moment of silence be observed for the following:
Peter Cuva
Paul DeSena
Rocco Piana
Capital Police Officer Brian Sicknick

APPROVAL OF MINUTES
Ms. Baillie moved approval of the Executive Minutes of November 23, 2020. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the Regular Meeting Minutes of November 23, 2020. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the Executive Minutes of December 14, 2020. Mr. Hoover seconded the motion, which passed with a unanimous voice call vote recorded.

Ms. Baillie moved approval of the Regular Meeting Minutes of December 14, 2020. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

GREETINGS TO PUBLIC
Mayor Conley made the following comments:
Mayor Conley welcomed all to the beginning of the new year including returning Council Members Robert Landrigan and John Hoover, and thanked Michael Pellessier for his work on the virtual Reorganization meeting held January 2, 2021.

EMPLOYEES OF THE MONTH FOR JANUARY:
Michael Clancy and Jonathan Finocchiaro from the Police Department, have been selected as the Employees of the Month for January. The officers quickly responded to help a pedestrian who was struck by a car at Main Street and Waverly
Regular Meeting Minutes – January 11, 2021

Place on Dec 24th. Aside from helping stabilize the Madison resident, they thoughtfully informed his family of the accident and transported his daughter (and her puppy) back home.

ANNIVERSARIES:

Hattie Evans, Deputy Tax Collector – 25-year anniversary on January 2nd.

Stacey Dooley, Purchasing Department Administrative Assistant – 20-year anniversary on January 9th.

Proclamation – January 2021 Radon Action Month

Proclamation
of the
Borough of Madison
Proclaiming
Radon Action Month

January 2021

WHEREAS, environmental health conditions in a home can play a significant role in the well-being of its occupants, especially in vulnerable populations; and

WHEREAS, many environmental factors can contribute to the health of a home and should be addressed; and

WHEREAS, elevated radon gas within homes has been identified as a significant Public Health concern; and

WHEREAS, radon is a naturally occurring radioactive gas that is the second leading cause of lung cancer, causing as many as 500 lung cancer deaths annually in New Jersey; and

WHEREAS, elevated radon levels are found in 1 in 15 homes across the US, and pose a serious health threat to families residing in these homes; and

WHEREAS, any home may have high levels of radon, even if neighboring homes do not; and

WHEREAS, radon testing is easy and inexpensive and elevated levels of radon can be effectively reduced at the cost of a typical home repair; and

WHEREAS, a measurable number of homes in Madison Borough are likely to have elevated levels of radon; and

WHEREAS, if all New Jersey homes with radon concentrations at or above 4 pCi/L were mitigated, approximately 83 lives could be saved this year;

WHEREAS, it is a good public policy to guide residents towards a healthy home environment.

NOW, THEREFORE, I, Robert H. Conley, Mayor of the Borough of Madison, on behalf of the governing body, do hereby proclaim the month of January 2021, as Radon Action
Month. We call on all residents who have not yet tested their homes to test for radon and to reduce radon levels if necessary to protect their families from this serious health risk. To assist residents, free radon kits are available at the Health Department located at 28 Walnut Street until March 15, 2021.

______________________________________________________________
Robert H. Conley, Mayor
January 11, 2021

REPORTS OF COMMITTEES

Public Safety
Ms. Byrne, Chair of the Committee, made the following comments:
During the month of December, the Fire Department responded to fourteen general alarms, thirteen still alarms, nine investigations and forty-two medical calls for a total of 88 calls. For the calendar year 2020 the Fire Department responded to a total of 1,093 calls. All firefighters that are EMTS (1a category) have been given the 1st shot of the Covid vaccine All Firefighters (1b category) have signed up and a few have already received the 1st shot of the Covid vaccine. The Madison Police Department announces a partnership with the Ring Camera and Neighbors Portal which allows video sharing capabilities and a platform for data sharing as it relates to criminal activity and community alerts. This agreement grants potential access to video footage to law enforcement if a citizen agrees. Chief Dachisen feels this is a contemporary evolution to the age old Neighborhood Watch Program. This agreement will assist the police with follow-up investigations and helps protect residents. The Madison Police want to reinforce the fact that they will not have access to live video feeds or are told which homes use Ring cameras or how a homeowner responds unless the user’s consent. This is just another tool to aid in keeping our community safe. Ms. Byrne reminded residents to lock their vehicles and to remove all valuables and key fobs.

Finance and Borough Clerk
Ms. Baillie, Chair of the Committee, made the following comments:
Ms. Baillie noted that property taxes are due February 1st. The 2020 property tax collection rate was 99.6%. There will be no voucher register this Council meeting as the Finance Department prepares for the new year. Work continues on the 2021 municipal budget with a presentation this evening on 2021 road projects. The January 25th Council meeting will have presentations from the Department heads and utilities presented on February 8th. Introduction of the budget is scheduled for April 12th with a hearing and adoption scheduled for April 26, 2021.

Public Works and Engineering
Mr. Hoover, Chair of the Committee, made the following comments:
The Mechanics Department continued repair of municipal vehicles and the Parks Department cleaned parks and prepped the skating pond for the season. The Engineering Department reports that the Five Year Capital budget projections were submitted and distributed for review December 14th and proposed road improvement budgets will be reviewed again tonight. The 2021 road improvement budget is conservative due to pandemic impacts on the municipal budget. Plans and specifications for the 2021 Road Improvements in particular, Anthony Drive and Wayne Boulevard, will be available on the municipal website for public review within 30 days. Dodge Field Restroom Building requires a final settlement of incomplete items and claims under the contract. A legal notice was sent to the general contractor AB Construction to begin that process. Survey of Dodge Field Playground was completed last week and site plans are in progress for bidding in
Regular Meeting Minutes – January 11, 2021

2021. An updated Stormwater Management Ordinance, mandated by the State of New Jersey, is being introduced tonight to allow the Borough of Madison to meet compliance deadlines associated with its current Tier A Municipal Stormwater General Permit issued by the Department of Environmental Protection.

Community Affairs
Ms. Coen, Chair of the Committee, made the following comments:
Ms. Coen noted successful programs held downtown through the holiday season including ‘Home for the Holidays’ with holiday caroling, and a Secret Santa to 15 recipients. The Downtown Development Commission will hold their reorganization meeting on January 21st. Parking permit renewals for 2021 are ongoing. A second drive-in concert is planned to be held at the MRC. The Senior Citizen Advisory Committee is in process of reevaluation programs and will meet in February, as they will work with the Chatham Borough Senior Citizen Committee.

Utilities
Ms. Ehrlich, Chair of the Committee, made the following comments:
The Electric Department reports that on Monday, December 21st, the Stand-by Crew was called out to a car accident involving a utility pole on Woodland Road. The Crew performed a temporary repair on the pole and it was replaced a few days later. Tuesday, December 22nd, the Electric Department responded to a motor vehicle accident at Park Avenue and Madison Avenue, which involved two traffic signals and a fire hydrant. The Electric Department disconnected the traffic signals at the time of the accident. On Friday, December 25th, the Stand-by Crew was called out for a broken temporary service caused by a tree branch. The Water Department reports that as mentioned, the motor vehicle accident on December 22, 2020, involved a Fire Hydrant, which released water when struck. This is a rare occurrence in cold weather climates according to the Water Department. Approximately 400,000 gallons of water were lost. The Water Department, with the assistance of the Department of Public Works, was dispatched to the scene to stop the flow of water and replace the broken Fire Hydrant.

Health
Mr. Landrigan, Chair of the Committee, made the following comments:
The Health Department reminds residents that Pet Licenses renewals have been sent and are do before the end of the month. There have been 433 confirmed cases of COVID-19 in the Borough of Madison, with 50 cases still being monitored. Non-essential travel is discouraged at this time and residents are reminded to pre-register for the COVID-19 vaccine through the NJ State Portal.

COMMUNICATIONS AND PETITIONS
The Borough Clerk announced receipt of the following communications:

Email received December 21, 2020, from resident Linda Connors of Highview Terrace regarding tree removal at 14 Highview Terrace.

Email received January 10, 2021, from resident David Steketee of Ferndale Road regarding national Law Enforcement Appreciation day.

INVITATION FOR DISCUSSION (1 of 2)
Mayor Conley opened the meeting to the public for their opportunity to ask questions and make comments on those items listed on the Agenda only. Mayor
asked that, upon recognition by the Meeting Moderator, each person give his/her name and address in an audible tone of voice, for the record. **He/she shall limit his/her statement to three (3) minutes or less.**

Since no member of the public wished to be heard, the invitation for discussion was closed.

**AGENDA DISCUSSIONS**

**01/11/2021-1 COMMUNITY PLACE REDEVELOPMENT PLAN**

Dr. Susan Blickstein, Borough Planner, provided information regarding the proposed redevelopment plan at Community Place noting the Planning Board has discussed the plan and all statutory components of development, design and zoning parameters are included. Dr. Blickstein explained that the plan allows for flexibility by the developer. Ms. Blickstein noted various images in the redevelopment plan and stated that there is no connection to the Walnut Street site. The next step, after adoption of the plan, will be to issue a Request for Qualifications (RFQ) to get a list of Affordable Housing developers. Mayor Conley noted the tight timeframe for issuing the RFQ.

Ordinance 1-2021 is listed for Introduction.

**01/11/2021-2 BUDGET DISCUSSION: OPEN SPACE AND ROAD RECONSTRUCTION & OVERLAY PROJECTS**

Mr. Burnet explained the annual budget process and provided information on the Open Space budget, noting an available balance of $397,092. Borough Engineer Robert Vogel joined the meeting at 9:06 p.m. to present a proposed 5-year capital plan and road projects for 2021. Mr. Vogel listed the Cook Avenue Parking Lot, Anthony Drive, Wayne Blvd and Green Avenue bump outs as projects to be completed in 2021. There will be continued discussion at the January 25th Council meeting, with proposed ordinances introduced.

**01/11/2021-3 CONDEMNING SIEGE IN WASHINGTON D.C. JANUARY 6, 2021**

Mayor Conley referred to Resolution 46-2021, written in response to the siege on the U.S. Capitol on January 6, 2021, noting that this has everything to do with local government and that it was a very sad day for our Nation. Council members shared their thoughts on the attack and the need for judicial action. Mayor Conley read the resolution in full. Ms. Baillie moved adoption of Resolution 46-2021. Ms. Coen seconded the motion. There was no further Council discussion and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None

R 46-2021 RESOLUTION OF THE BOROUGH OF MADISON CONDEMNING THE JANUARY 6TH SIEGE IN WASHINGTON, D.C.

** WHEREAS** as local elected officials, we have a civic responsibility to speak out and stand up in support of the basic principles of our nation’s democracy; and

** WHEREAS,** on Jan. 6, 2021, there was a horrific siege in Washington, D.C., of the U.S. Capitol building in which rioters broke in, some carrying confederate...
flags and wearing clothing with anti-semitic slogans, ransacked the building, and terrorized lawmakers and law enforcement, who were in fear for their lives; and

WHEREAS five people died in the violence, including Capitol Police Officer Brian Sicknick, a military veteran and New Jersey native; and

WHEREAS, the insurrection was an assault at the core values of our democracy and aimed at stopping the peaceful transition of power; and

WHEREAS, while voters may be disappointed in the outcome of an election, there is no justification for deadly violence.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that we condemn this unlawful insurrection and those who incited and took part in the rioting and other criminal activity. We are committed to upholding democratic principles and supporting the outcome of free and fair elections. We call on all elected officials, from local to federal, to join us in condemning the siege of the U.S. Capitol on January 6, 2021, and join us in supporting the peaceful transition of power and the legal system, traditions and institutions of our great country.

ADVERTISED HEARINGS – None

INVITATION FOR DISCUSSION (2 of 2)
Mayor opened the meeting to the public for their opportunity to ask questions and make comments on any subject. Mayor asked that, upon recognition by the Meeting Moderator, each person give his/her name and address in an audible tone of voice, for the record. He/she shall limit his/her statement to three (3) minutes or less.

Claire Whitcomb, Fairwood Road, thanked the Council of adopting Resolution 46-2021 and asked that the reconstruction of the Cook Ave parking lot and other projects consider green space and environmentally friendly construction methods.

Denise Katz; Parkside Avenue, thanked the Council for adopting Resolution 46-2021, but should be stronger, calling for governmental censor, removal and addressing the white response to the riot.

Maris Slabaugh; Stafford Drive, thanked the Council for adopting Resolution 46-2021, condemning the siege on the U.S. Capital, noting a public call to action is necessary.

Kathleen Caccavale; Central Avenue, asked for clarification of the trails and parking area noted on the 2021 Capital plan, basketball courts planned for the MRC and supported bump outs on Green Avenue.

Rachel Barry; Green Village Road, thanked the Council for adopting Resolution 46-2021, condemning the siege on the U.S. Capital, and would like to see stronger wording used.
Regular Meeting Minutes – January 11, 2021

Dennis Schrieber; Amelia Court, asked about the benefit of bump outs on Green Avenue and any problem with snow plowing from the bump outs. Mr. Schrieber also noted that Council has not condemned other incidents of rioting.

Bridget Dailey; Keep Street, thanked Council for passing a resolution condemning the siege on the U.S. capital, and would like to see stronger wording used.

Since no other member of the public wished to be heard, the invitation for discussion was closed.

INTRODUCTION OF ORDINANCES
The Clerk made the following statement:
Ordinances scheduled for introduction and first reading tonight will have a hearing during the meeting of January 25, 2021 in the 2nd Floor Council Chamber of the Hartley Dodge Memorial Building, Kings Road, in the Borough of Madison at 8 p.m., or as soon thereafter as practical, for further consideration and final adoption. Said ordinances will be published in the Madison Eagle, be posted at the main entrance to the Borough offices and be made available to members of the public requesting same, as required by law.

Mayor Conley called up Ordinances for first reading and asked the Clerk to read said ordinance by title:

ORDINANCE 1-2021 ORDINANCE OF THE BOROUGH OF MADISON ADOPTING A REDEVELOPMENT PLAN FOR LOT 1.01 IN BLOCK 1601 IN ACCORDANCE WITH N.J.S.A. 40A:12A-7

WHEREAS, on December 28, 2020, the Mayor and Council adopted Resolution No. 304-2020 which determined that the property designated as Lot 1.01 in Block 1601 was an area in need of redevelopment as defined in N.J.S.A. 40A:12A-3 (hereafter the “Community Place Redevelopment Area”); and

WHEREAS, pursuant to that same Resolution, the Mayor and Council authorized the finalization of a Redevelopment Plan for the Community Place Redevelopment Area; and

WHEREAS, the Borough Planner, Susan Blickstein, AICP/PP, PhD prepared a Redevelopment Plan dated January 6, 2021 (the “Community Place Redevelopment Plan”), attached to this Ordinance; and

WHEREAS, upon introduction of this Ordinance, the Ordinance and the Community Place Redevelopment Plan were referred to the Madison Planning Board for review; and

WHEREAS, on January 19, 2021, the Madison Planning Board voted to recommend to the Mayor and Council the adoption of the Community Place Redevelopment Plan, pursuant to N.J.S.A. 40A:12A-7; and

WHEREAS, the proposed Community Place Redevelopment Plan meets all of the requirements of N.J.S.A. 40A:12A-7; and
WHEREAS, the area governed by the Community Place Redevelopment Plan is the same area as described in Resolution No. 304-2020.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Madison, County of Morris, State of New Jersey, that the Community Place Redevelopment Plan prepared by Susan G. Blickstein, AICP/PP, PhD dated January 6, 2021 is hereby adopted.

Ms. Baillie moved that Ordinance 1-2021, which the Borough Clerk read by title, be adopted. Ms. Byrne seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yea\s: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nay\s: None

ORDINANCE 2-2021 ORDINANCE OF THE BOROUGH OF MADISON AMENDING ARTICLE VI OF THE MADISON LAND DEVELOPMENT ORDINANCE REGARDING STORMWATER MANAGEMENT

WHEREAS, the Madison Planning Board has recommended that the Borough amend Article VI of the Madison Land Development Ordinance entitled “Stormwater, Wetland Protection, Steep Slopes and Flood Control”; and

WHEREAS, the Madison Planning Board has duly considered revisions to the Madison Land Development Ordinance regarding stormwater management; and

WHEREAS, the Madison Planning Board has adopted a resolution recommending to the governing body of the Borough that an ordinance amending Article VI of the Madison Land Development Ordinance regarding stormwater management be enacted; and

WHEREAS, the Borough Council has determined to make such recommended amendments.

NOW THEREFORE BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, as follows:

SECTION 1. that Article VI of the Madison Land Development Ordinance, being Section 195-37 of the Borough Code, is amended as follows:

ARTICLE VI ENVIRONMENTAL PROTECTION

§ 195-37. Definitions:

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.

“Campus Redevelopment” means a redevelopment that involves multiple adjacent contiguous lots under common ownership of multiple structures on the same lot which already contains development or in
which the applicant proposes to phase redevelopment over a period of time.

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

“Compaction” means the increase in soil bulk density.

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

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

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

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

“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.

“Low Impact Development Techniques” means utilizing strategies and measures that manage stormwater runoff quantity and quality to supplement or replace structural stormwater measures. Examples include minimize site disturbance, preserve natural vegetation and drainage features, reduce and disconnect impervious cover, reduce ground slopes, reduce turf grass, enhance water absorption and filtration.

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

1. The disturbance of one or more acres of land since February 2, 2004;
2. The creation of one-quarter acre or more of “regulated impervious surface” since February 2, 2004;
3. The creation of one-quarter acre or more of “regulated motor vehicle surface” since March 2, 2021; or
4. A combination of 2 and 3 above that totals an area of one-quarter acre or more. The same surface shall not be counted twice when determining if the combination area equals one-quarter acre or more.

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

“Minor development” means any development that results in an increase in impervious surface of 5,000 square feet but does not meet the definition of Major Development. Minor development may include public projects as authorized by the governing body of the Borough of Madison.
“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 this ordinance and N.J.A.C. 7:8-5.2(g), that the proposed measure and its design will contribute to achievement of the design and performance standards established by this chapter.

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

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

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

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

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

“Redevelopment” means development activity that results in creation, addition or replacement of impervious surface area on an already improved lot such as expansion of building footprint, addition to building, and replacement of impervious surface area that is not part of routine maintenance activity.

“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.

“Routine maintenance” means periodic programmatic preservation activity such as driveway or parking lot sealing, milling and repaving work, roof, deck or patio repairs, but does not include replacement of roof framing of existing structures or complete re-construction of impervious surfaces.

“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.

“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.

“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.


“AREA OF SPECIAL FLOOD HAZARD” means the land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

“BASEMENT” means any area of a building having its floor subgrade (below ground level) on all sides.

“BREAKAWAY WALL” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

“ELEVATED BUILDING” means a non-basement building which is built, in the case of a building in an area of special flood hazard, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers) or sheer walls parallel to the flow of the water and which is adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In an area of special flood hazard, "elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.
“HIGHEST ADJACENT GRADE” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“HISTORIC STRUCTURE” means any structure that is:

A. Listed individually in the State or National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the State Historic Preservation Officer as meeting the eligibility requirements on the State or National Register;

B. Certified or preliminarily determined by the State Historic Preservation Officer as contributing to the historical significance of a registered historic district preliminarily determined by the State Historic Preservation Officer to qualify as a registered historic district;

C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

   (1) By an approved state program as determined by the State Historic Preservation Officer; or (2) Directly by the Secretary of the Interior.

“LOWEST FLOOR” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's "lowest floor," provided that such enclosure is not built so to render the structure in violation of other applicable requirements.

“MANUFACTURED HOME” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers and other similar vehicles.

“START OF CONSTRUCTION” includes substantial improvement and means the date that the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways;
nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“SUBSTANTIAL DAMAGE” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

§ 195-37.1. Scope and Purpose:

A. Policy Statement

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

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for “major or minor development,” as defined below.

C. Applicability

1. This ordinance shall be applicable to the following developments:

   a. Residential and Non-residential major developments; and
   b. Aspects of residential major developments that are not preempted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
   c. Residential and Non-residential minor developments;

2. This ordinance shall guide development undertaken by government entities in the Borough of Madison subject to applicable legal jurisdiction and approval.

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

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

E. General Requirement

1. Any application for a building permit shall include sufficient information to carry out the intent and purpose of this section, which shall be administered by the Borough Engineer, except that applications for additions or alterations of less than 400 square feet to one- and two-family residences are regulated under 195-37.11 Drywell Reqs.

2. Evaluation shall be made of the individual drainage structures proposed, the entire site runoff, the off-site subwatershed(s) of which the site is a part, down-gradient properties, and the receiving stream channel capacities. A point of confluence shall be maintained so that valid comparisons of time of concentration can be made between existing and proposed conditions.

3. Control of water quality in surface water, soil erosion, transport of sediment, and nonpoint source pollution related to development activities shall be demonstrated and promote natural and nonstructural management approaches and which maximize prevention of stormwater generation as well as mitigation of unavoidable stormwater impacts wherever possible.

§ 195-37.2. Design and Performance Standards for Stormwater Management

A. Stormwater management measures for major development shall be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:


2. The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply to new major or minor 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.

§ 195-37.3. Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department’s Landscape Project or Natural Heritage Database established under N.J.S.A. 13:18-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements:

1. The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
2. The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
3. The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

1. The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;
2. The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements to the maximum extent practicable;
3. The applicant demonstrates that, in order to meet the requirements, existing structures currently in use, such as homes and buildings, would need to be condemned; and
4. The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation.
lands not falling under D3 above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements that were not achievable onsite.

E. Tables 1 through 3 below summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices (BMP) Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified. When designed in accordance with the most current version of the New Jersey Stormwater BMP 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. Amendments may be published in the New Jersey Register with a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department’s website at: https://njstormwater.org/bmp_manual2.htm.

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

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cistern</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td>Dry Well[a]</td>
<td>0</td>
<td>No</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Grass Swale</td>
<td>50 or less</td>
<td>No</td>
<td>No</td>
<td>2(e)</td>
</tr>
<tr>
<td>Green Roof</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>--</td>
</tr>
<tr>
<td>Manufactured Treatment Device<a href="g">a</a></td>
<td>50 or 80</td>
<td>No</td>
<td>No</td>
<td>Dependent upon the device</td>
</tr>
<tr>
<td>Pervious Paving System[a]</td>
<td>80</td>
<td>Yes</td>
<td>Yes(b)</td>
<td>2(b)</td>
</tr>
</tbody>
</table>

---

[Table 1: Green Infrastructure BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity]
### Regular Meeting Minutes – January 11, 2021

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioretention System</td>
<td>80 or 90</td>
<td>Yes</td>
<td>Yes(^{(b)}) No(^{(c)})</td>
<td>2(^{(b)}) 1(^{(c)})</td>
</tr>
<tr>
<td>Infiltration Basin</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Sand Filter(^{(b)})</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Standard Constructed Wetland</td>
<td>90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Wet Pond(^{(d)})</td>
<td>50-90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

(Notes corresponding to annotations \(^{(a)}\) through \(^{(d)}\) are found below)

### Table 2
Green Infrastructure BMPs for Stormwater Runoff Quantity (or for Groundwater Recharge and/or Stormwater Runoff Quality with a Waiver or Variance from N.J.A.C. 7:8-5.3)

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bioretention System</td>
<td>80 or 90</td>
<td>Yes</td>
<td>Yes(^{(b)}) No(^{(c)})</td>
<td>2(^{(b)}) 1(^{(c)})</td>
</tr>
<tr>
<td>Infiltration Basin</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Sand Filter(^{(b)})</td>
<td>80</td>
<td>Yes</td>
<td>Yes</td>
<td>2</td>
</tr>
<tr>
<td>Standard Constructed Wetland</td>
<td>90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Wet Pond(^{(d)})</td>
<td>50-90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

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

### Table 3
BMPs for Groundwater Recharge, Stormwater Runoff Quality, and/or Stormwater Runoff Quantity only with a Waiver or Variance from N.J.A.C. 7:8-5.3
### Best Management Practice

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Stormwater Runoff Quality</th>
<th>Stormwater Runoff Quantity</th>
<th>Groundwater Recharge</th>
<th>Minimum Separation from Seasonal High Water Table (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blue Roof</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>Extended Detention Basin</td>
<td>40-60</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Manufactured Treatment Device(^{(h)})</td>
<td>50 or 80</td>
<td>No</td>
<td>No</td>
<td>Dependent upon the device</td>
</tr>
<tr>
<td>Sand Filter(^{(c)})</td>
<td>80</td>
<td>Yes</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Subsurface Gravel Wetland</td>
<td>90</td>
<td>No</td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>Wet Pond</td>
<td>50-90</td>
<td>Yes</td>
<td>No</td>
<td>N/A</td>
</tr>
</tbody>
</table>

### Notes to Tables 1, 2, and 3:

1. **(a)** subject to the applicable contributory drainage area limitation specified;
2. **(b)** designed to infiltrate into the subsoil;
3. **(c)** designed with underdrains;
4. **(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;
5. **(e)** designed with a slope of less than two percent;
6. **(f)** designed with a slope of equal to or greater than two percent;
7. **(g)** manufactured treatment devices that meet the definition of green infrastructure;
8. **(h)** manufactured treatment devices that do not meet the definition of green infrastructure.

### G. Alternative Stormwater Management Measures

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. Alternative stormwater management measures may be used to satisfy the requirements only if the measures meet the definition of green infrastructure. Alternative stormwater management measures that function in a similar manner to a BMP are subject to the contributory drainage area limitation specified 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 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 is granted.

H. Whenever the stormwater management design includes one or more
BMPs that will infiltrate stormwater into subsoil, the design engineer
shall assess the hydraulic impact on the groundwater table and design
the site, so as to avoid adverse hydraulic impacts. Potential adverse
hydraulic impacts include, but are not limited to, exacerbating a naturally
or seasonally high water table, so as to cause surficial ponding, flooding
of basements, or interference with the proper operation of subsurface
sewage disposal systems or other subsurface structures within the zone
of influence of the groundwater mound, or interference with the proper
functioning of the stormwater management measure itself.

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

1. Stormwater management measures shall be designed to take into
account the existing site conditions, including, but not limited to,
environmentally critical areas; wetlands; flood-prone areas; slopes;
depth to seasonal high water table; soil type, permeability, and
texture; drainage area and drainage patterns; and the presence of
solution-prone carbonate rocks (limestone);

2. Stormwater management measures shall be designed to minimize
maintenance, facilitate maintenance and repairs, and ensure proper
functioning. Trash racks shall be installed at the intake to the outlet
structure, as appropriate, and shall have
parallel bars with one-inch spacing between the bars to the elevation
of the water quality design storm. For elevations higher than the
water quality design storm, the parallel bars at the outlet structure
shall be spaced no greater than one-third the width of the diameter of
the orifice or one-third the width of the weir, with a minimum spacing
between bars of one inch and a maximum spacing between bars of six
inches. In addition, the design of trash racks must comply with the
requirements;

3. Stormwater management measures shall be designed, constructed,
and installed to be strong, durable, and corrosion resistant.
Measures that are consistent with the relevant portions of the
Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and
7.5 shall be deemed to meet this requirement;

4. Stormwater management BMPs shall be designed to meet the
minimum safety standards for stormwater management BMPs; and

5. The size of the orifice at the intake to the outlet from the stormwater
management BMP shall be a minimum of two and one-half inches in
diameter.
J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure may be used only under the circumstances specified.

K. Any application for a new agricultural development that meets the definition of Major Development shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Office of the Morris County Clerk. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards 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. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced
with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards of this ordinance and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded in the Office of the Morris County Clerk and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with M above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with M above.

O. Green Infrastructure Standards

1. This subsection specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

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

<table>
<thead>
<tr>
<th>Best Management Practice</th>
<th>Maximum Contributory Drainage Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dry Well</td>
<td>1 acre</td>
</tr>
<tr>
<td>Manufactured Treatment Device</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>Pervious Pavement Systems</td>
<td>Three times the area occupied by the BMP</td>
</tr>
<tr>
<td>Small-scale Bioretention Systems</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>Small-scale Infiltration Basin</td>
<td>2.5 acres</td>
</tr>
<tr>
<td>Small-scale Sand Filter</td>
<td>2.5 acres</td>
</tr>
</tbody>
</table>

3. To satisfy the stormwater runoff quantity standards, the design engineer shall utilize BMPs from Table 1 or from Table 2 and/or an alternative stormwater management measure approved in accordance with the Section.

4. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance 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 the
Section may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

5. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards, unless the project is granted a waiver from strict compliance in accordance with the Section.

P. Groundwater Recharge Standards

1. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

2. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations, either:

   i. Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or

   ii. Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the 2-year storm is infiltrated.

3. This groundwater recharge requirement does not apply to projects within the “urban redevelopment area,” or to projects subject to 4 below.

4. The following types of stormwater shall not be recharged:

   i. Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than “reportable quantities” as defined by the United States Environmental Protection Agency (EPA) at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan or landfill closure plan and areas with high risks for spills of
toxic materials, such as gas stations and vehicle maintenance facilities; and

ii. Industrial stormwater exposed to “source material.” “Source material” means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

Q. Stormwater Runoff Quality Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

2. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:

   i. Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.

   ii. If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

   iii. If the runoff from the development is within a watershed having a regulated Total Maximum Daily Load (TMDL) the regulated pollutant level shall be removed to the target TMDL reduction or the maximum extent practicable.

3. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major
development is subject exempts the development from a numeric effluent limitation for TSS.

4. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 4, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

**Table 4 - Water Quality Design Storm Distribution**

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<th>Time (Minutes)</th>
<th>Cumulative Rainfall (Inches)</th>
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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.

5. 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.

6. 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.

7. 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.

8. 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.

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

R. Stormwater Runoff Quantity Standards

1. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

2. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations, complete one of the following:
   i. Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff
hydrographs for the 2-, 10-, and 100-year storm events do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

ii. Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the 2-, 10- and 100-year storm events and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

iii. Design stormwater management measures so that the post-construction peak runoff rates for the 2-, 10- and 100-year storm events are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

iv. For green infrastructure purposes, the site may also be designed to manage the 95th percentile storm through the utilization of one or more green infrastructure techniques in combination with runoff rate controls above.

3. The stormwater runoff quantity standards shall be applied at the site’s boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

5. Low Impact Development Techniques

1. The development design shall limit the creation of stormwater runoff through implementation of Low Impact Development Techniques to the extent technically practicable without increasing overall constraints on the development proposal.

§ 195-37.4. Calculation of Stormwater Runoff and Groundwater Recharge:

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

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

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

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


2. For the purpose of calculating runoff coefficients and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term “runoff coefficient” applies to both the NRCS methodology above and the Rational and Modified Rational Methods. A runoff coefficient or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover have existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or with good hydrologic condition and conservation treatment (if the land use type is cultivation).

3. In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

4. In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications
as described in the NRCS Technical Release 55 – Urban Hydrology for Small Watersheds or other methods may be employed.

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

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


Mail Code 29-01, Trenton, New Jersey 08625-0420.

§ 195-37.5. Solids and Floatable Materials Control Standards:

A. Site design features identified under the Section above, or alternative designs in accordance with the Section 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 the Section below.

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

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

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

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

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

2. The standard in A.1. above does not apply:
   i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
   ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets;
   iii. Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
      a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
      b. A bar screen having a bar spacing of 0.5 inches.

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

iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 195-37.6. Safety Standards for Stormwater Management Basins:

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

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

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

2. An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:
   i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.
   ii. The overflow grate spacing shall be no less than two inches across the smallest dimension
   iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

3. Stormwater management BMPs shall include escape provisions as follows:
   i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;
   ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be
comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and

iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

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

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

§ 195-37.7. Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan below as part of the submission of the application for approval.

2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

3. The applicant shall submit three copies of the materials listed in the checklist for site development stormwater plans in accordance with this ordinance.

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

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

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

2. Environmental Site Analysis

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

3. Project Description and Site Plans

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

4. Land Use Planning and Source Control Plan

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

5. Stormwater Management Facilities Map

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

i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

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

6. Calculations

i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance.

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

7. Maintenance and Repair Plan

The design and planning of the stormwater management facility shall meet the maintenance requirements of this ordinance.

8. Waiver from Submission Requirements

The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality’s review engineer, waive submission of any of the requirements 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.

§ 195-37.8. Maintenance and Repair:

A. Applicability

Projects subject to review in this ordinance shall comply with these requirements.
B. General Maintenance

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

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

3. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity’s agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

4. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

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

6. Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.) of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

7. The party responsible for maintenance above shall perform all of the following requirements:

   i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development,
including a record of all inspections and copies of all maintenance-related work orders;
ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and
iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by this ordinance.

8. The requirements do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department. Maintenance and inspection guidance can be found on the Department’s website at:


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

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

§ 195-37.9. Minor Development:

A. Control of water quantity, quality and recharge will be addressed as follows:
   1. For each square foot of new impervious surface one gallon of stormwater runoff shall be managed using one or more green infrastructure BMP including Grass Swale, Vegetative Filter Strip, Sand Filter, Cistern, Drywell, Green Roof, Pervious Paver, Bioretention Basin, or Infiltration Basin.
   2. Applicant shall confirm that all additional runoff created by development is controlled in accordance with best management practices and does not generate adverse impact to adjoiners.
   3. Mitigation of adverse impact may consider as a last resort the redirection of a concentrated discharge of stormwater to
a public or private storm sewer, gutter, swale or other conveyance avoiding direct impact to adjoiners.

4. If adverse impact to adjoiners cannot be avoided by development activity the rate of retention shall be increased to avoid impact or the additional impervious coverage of the development must be reduced.

B. Onsite Soil Testing to confirm soil permeability, depth of water table, and depth to seasonal high water table must be performed in conjunction with stormwater control measures.

C. Stormwater management measures shall be located and protected from encroachment by location on a recent property survey, specific references in the stormwater maintenance manual, or legal filing similar to that required for Major Development.

D. Technical Waiver from strict compliance with the requirements above for Minor Development may be granted by the approving authority where there is public environmental detriment or the scope of compliance with this section clearly exceeds one quarter the scope of the development.

§ 195-37.10. Sources for Technical Guidance:

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


1. Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

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


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

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

Mr. Hoover moved that Ordinance 2-2021, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:
Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None

ORDINANCE 3-2021  ORDINANCE OF THE BOROUGH OF MADISON
RESCINDING CHAPTER 195-11, SECTION A THROUGH H OF THE BOROUGH
CODE ENTITLED “APPEAL TO GOVERNING BODY” PERMITTING REVIEW BY
BOROUGH COUNCIL OF BOARD OF ADJUSTMENT FINAL DECISIONS

WHEREAS, Chapter 195, Section 11, A through H of the Borough Code, adopted October 14, 1998, permits review of Board of Adjustment Final Decisions by the Borough Council; and

WHEREAS, the Borough Attorney has recommended that Chapter 195, Section 11, A through H be rescinded as the more appropriate forum for appeals of land use decisions is the judicial system.

NOW, THEREFORE BE IT RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey that Chapter 195, Section 11, A through H of the Borough Code be rescinded; and

BE IT FURTHER RESOLVED, by the Council of the Borough of Madison, in the County of Morris and the State of New Jersey, as follows:

SECTION 1: That Chapter 195, Section 11, A through H entitled “Appeal to Governing Body” of the Borough code be amended to remove Chapter 195, Section 11, A through H in its entirety.

SECTION 2: This Ordinance shall take effect as provided by law.

Mr. Hoover moved that Ordinance 3-2021, which the Borough Clerk read by title, be adopted. Ms. Coen seconded the motion. There was no Council discussion, and the motion passed with the following roll call vote recorded:

Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None

CONSENT AGENDA RESOLUTIONS
The Clerk made the following statement:
Consent Agenda Resolutions will be enacted with a single motion; any Resolution requiring expenditure is supported by a Certification of Availability of Funds; any Resolution requiring discussion will be removed from the Consent Agenda; all Resolutions will be reflected in full in the minutes.

Ms. Byre moved adoption of the Resolutions listed on the Consent Agenda. Ms. Baillie seconded the motion. There was no Council discussion and the motion passed with the following roll call vote recorded:
Yeas: Ms. Baillie, Ms. Byrne, Mr. Hoover, Ms. Coen, Ms. Ehrlich, Mr. Landrigan
Nays: None

R 38-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE AGREEMENT WITH THE BOROUGH OF CHATHAM AND THE CITY OF SUMMIT TO PROVIDE INFORMATION TECHNOLOGY SERVICES

WHEREAS, the Borough of Madison wishes to renew Shared Services agreements for the provision of Information Technology Support Services, wherein Madison provides IT Support Services, pursuant to the attached contracts with the Borough of Chatham and the City of Summit; and

WHEREAS, the Madison Borough Council has determined to renew said shared services agreements.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to enter into a Shared Services agreement with the Borough of Chatham and the City of Summit for the provision of Information Technology Support Services, such agreements to be in a form approved by the Madison Borough Attorney.

R 39-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING A SHARED SERVICE GRANT APPLICATION WITH CHATHAM BOROUGH, CHATHAM TOWNSHIP, MORRIS PLAINS, TOWNSHIP OF MORRIS AND MORRISTOWN FOR A LOCAL EFFICIENCY ACHIEVEMENT PROGRAM (LEAP) CHALLENGE GRANT

WHEREAS, the State of New Jersey has allocated $150,000 within each county for a state wide total of $3.15 million in Local Efficiency Achievement Program (LEAP) funds to promote innovation among peer local units across New Jersey; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) administers the LEAP grant program; and

WHEREAS, the LEAP Challenge Grant exists to challenge municipalities and counties to collaborate on more extensive partnerships and collaborations to produce efficiencies through shared services; and

WHEREAS, the Borough of Madison, Chatham Borough, Chatham Township, Morris Plains, Morris Township and Morristown have determined to apply for a LEAP Challenge Grant through the State of New Jersey Local Efficiency Achievement Program in an amount up to $150,000.00; and
WHEREAS, the Township of Morris has agreed to be the lead agency in this program; and

WHEREAS, the State of New Jersey has made LEAP grants available to assist local units to study, develop and implement new shared services initiatives; and

WHEREAS, the purpose of the project submitted in this grant application is intended to provide benefits to the participant local units’ residents through the sharing of the purchase and maintenance of heavy equipment and motor vehicles.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Borough of Madison does hereby join the Township of Morris in applying for a LEAP challenge grant to support undertaking this endeavor.

R 40-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING APPLICATION FOR AMUSEMENT DEVICE LICENSE AND PERMITS FOR YEAR 2016 FOR NJ ENTERTAINMENT, LLC D/B/A STRYXE

WHEREAS, in compliance with the provisions of Chapter 58 of the Borough Code, application for amusement device premise license and twenty-nine (29) amusement device permits has been made by NJ Entertainment LLC t/b/a Stryxe; and

WHEREAS, the above applicant has complied with all requirements of the State Law and the above-mentioned Ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey that the following Amusement Device Premise License be issued to:

NJ Entertainment LLC d/b/a Stryxe
53 Madison Plaza
306 Main Street, Unit 6
Madison, NJ 07940

BE IT FURTHER RESOLVED, that this License will permit the operation of twenty-nine amusement device machines at the above mentioned location.

R 41-2021 RESOLUTION OF THE BOROUGH OF MADISON APPROVING RENEWAL APPLICATION FOR A BOWLING ALLEY LICENSE FOR NJ ENTERTAINMENT, LLC TRADING AS STRYXE
WHEREAS, in compliance with the provisions of Chapter 70 of the Borough Code, application has been made by NJ Entertainment, LLC, trading as Stryxe, for annual bowling alley license; and

WHEREAS, the above applicant has complied with all requirements of the State Law and the above mentioned Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Madison, County of Morris, State of New Jersey, that the following Bowling Alley License be renewed for 2021:

Company Name: NJ Entertainment LLC
Name of Bowling Alley: Stryxe
Location of Bowling Alley: 53 Madison Plaza
306 Main Street, Unit 6
Madison, New Jersey

R 42-2021 RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR DIESEL FUEL THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for ultra low sulfur diesel fuel from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Griffith-Allied Trucking, LLC, dba Allied Oil, LLC of Hillsborough, New Jersey has been awarded Morris County Co-Operative Pricing Council contract #12 #2 Ultra Low Sulfur Diesel Fuel; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for ultra low sulfur diesel fuel in an amount not to exceed $60,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed $60,000.00 for this purpose, which funds will be available upon adoption of the 2021 Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. A contract for ultra low sulfur diesel fuel from Allied Oil, LLC of Hillsborough, New Jersey, at a total price not to exceed $60,000.00 is hereby
approved under the Morris County Co-Operative Pricing Council contract #12 #2 Ultra Low Sulfur Diesel Fuel.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Griffith –Allied Trucking, LLC dba Allied Oil, LLC of Hillsborough, New Jersey, for ultra low sulfur diesel fuel at a total price not to exceed $60,000.00, in a form acceptable to the Borough Attorney.

RESOLUTION OF THE BOROUGH OF MADISON AUTHORIZING CONTRACT FOR MOTOR GASOLINE THROUGH THE MORRIS COUNTY CO-OPERATIVE PRICING COUNCIL

WHEREAS, the Borough of Madison desires to enter into a contract for motor gasoline from an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by local contracting units is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Griffith –Allied Trucking, LLC dba Allied Oil, LLC, of Hillsborough, New Jersey has been awarded Morris County Co-Operative Pricing Council contract #1 Motor Gasoline; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for motor gasoline in an amount not to exceed $150,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds will be available in an amount not to exceed $150,000.00 for this purpose, which funds will be available upon adoption of the 2021 Operating Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. A contract for motor gasoline from Allied Oil, LLC, of Hillsborough, New Jersey, at a total price not to exceed $150,000.00 is hereby approved under the Morris County Co-Operative Pricing Council contract #1 Motor Gasoline.

2. The Mayor and Borough Clerk are hereby authorized and directed on behalf of the Borough to execute a purchase order and contract to Griffith –Allied Trucking, LLC dba Allied Oil, LLC, of Hillsborough, New Jersey, for motor gasoline at a total price not to exceed $150,000.00, in a form acceptable to the Borough Attorney.
R 44-2021  RESOLUTION OF THE BOROUGH OF MADISON RATIFYING THE AWARD OF A PURCHASE ORDER/CONTRACT FOR SALT TO ATLANTIC SALT OF LOWELL, MA, UNDER THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL PROGRAM

WHEREAS, the Borough of Madison desires to ratify an award of a purchase/order contract for rock salt to an authorized vendor under the Morris County Co-Operative Pricing Council program; and

WHEREAS, the purchase of goods and services by a local contracting unit is authorized by the Local Public Contracts Law, N.J.S.A. 40A:11-10, et seq.; and

WHEREAS, Atlantic Salt of Lowell, MA, has been awarded Morris County Co-Operative Pricing Council Contract #3 for the purchase of rock salt; and

WHEREAS, the Director of Public Works has recommended that the Borough Council utilize this contract for the purchase of rock salt in an amount not to exceed $120,000.00; and

WHEREAS, the Chief Financial Officer has attested that funds are available in an amount not to exceed $120,000.00 for this purpose, which funds will be available upon adoption of the 2021 Municipal Budget.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that a purchase order/contract be awarded to Atlantic Salt of Lowell, MA for the purchase of rock salt at a total price not to exceed $120,000.00 under the Morris County Co-Operative Pricing Council Contract #3 and same is hereby ratified and approved.

R 45-2021  RESOLUTION OF THE BOROUGH OF MADISON DESIGNATING AN EMPLOYER REPRESENTATIVE FOR CONTROLLED SUBSTANCES AND ALCOHOL USE AND TESTING POLICIES FOR COMMERCIAL DRIVERS LICENSES AS PER 49 CFR PART 382

WHEREAS, the United States Department of Transportation and the Federal Motor Carrier Safety Administration as mandated in 49 CFR Part 382, require every entity who employs employees with commercial driver’s licenses to appoint a Designated Employer Representative (D.E.R.) who will make formal decisions regarding the approved drug and alcohol testing policy; and

WHEREAS, the Morris County Municipal Joint Insurance Fund (JIF) and the Municipal Excess Liability Fund (MEL) require that the D.E.R. must be an employee of the municipality and must have a complete understanding of the commercial driver’s license drug and alcohol testing procedures outlined by federal law as well as the employer’s policies and procedures; and
WHEREAS, the D.E.R. must be authorized and empowered to take immediate action to remove employees from safety-sensitive duties if test results warrant such action; and

WHEREAS, the D.E.R. and secondary D.E.R. must be available 24 hours, 7 days a week in order to take immediate action.

NOW THEREFORE BE IT RESOLVED, by the Madison Mayor and Council that Director of Public Works Kenneth O'Brien and Personnel Director Sandra Emmerich have completed the required training as outlined by the JIF and MEL and prescribed by the USDOT, FMCSA, and federal law 49 CFR Part 382.

BE IT FURTHER RESOLVED, that Kenneth O'Brien will serve as the primary D.E.R. and Sandra Emmerich as the secondary D.E.R. as the Director of Public Works and Personnel Director respectively as part of their current job duties and responsibilities without additional compensation.

R 46-2021 RESOLUTION OF THE BOROUGH OF MADISON CONDEMNING THE JANUARY 6TH SIEGE IN WASHINGTON, D.C. – adopted earlier this meeting

UNFINISHED BUSINESS - None

APPROVAL OF VOUCHERS - None

NEW BUSINESS
Mayor Conley announces the following appointment and requests Council confirmation:

LOCAL EMERGENCY PLANNING COUNCIL
Richard Wall, Drew University, one-year term through December 31, 2021.

UTILITY ADVISORY COMMITTEE
Ross Snyder, 12 Pomeroy Road, three-year term through December 31, 2023.

Joseph Balweirczak; 5 Beech Avenue, three-year term through December 31, 2023

Ms. Baillie moved confirmation of the foregoing appointments. Ms. Byrne seconded the motion, which passed with a unanimous voice call vote recorded.

ADJOURN
There being no further business to come before the Council, the meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Elizabeth Osborne
Borough Clerk
Approved January 25, 2021 (EO)